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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

Misael Garcia-Lopez

Petitioner,

Case No. 2:25-cv-2613

v.

KRISTI NOEM, Secretary for the  
Department of Homeland Security; TODD  
LYONS, Acting Director, Immigration and  
Customs Enforcement; LAURA  
HERMOSILLA, Field Office Director,  
Immigration and Customs Enforcement  
Seattle Field Office; BRUCE SCOTT,  
Warden, Northwest ICE Processing Center,  
Respondents.

**PETITION FOR WRIT OF  
HABEAS CORPUS UNDER 28 U.S.C. §  
2241**

**INTRODUCTION**

1  
2 1. Petitioner Misael Garcia Lopez brings this petition for a writ of habeas corpus to  
3 seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado*  
4 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical  
5 custody of Respondents at the Northwest Detention Center [NWDC]. He now faces unlawful  
6 detention because the Department of Homeland Security (DHS) and the Executive Office for  
7 Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf  
8 of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on  
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and  
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-  
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025)  
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*  
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D.  
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible  
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'  
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained  
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §  
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the  
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to  
23  
24

1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the  
2 opportunity to be released on bond.

3 5. Petitioner Misael Garcia Lopez is a member of the Bond Eligible Class, as he:

- 4 a. does not have lawful status in the United States and is currently detained at the  
5 Northwest Detention Center. He was apprehended by immigration authorities on  
6 November 19, 2025;
- 7 b. entered the United States without inspection over 18 years ago and was not  
8 apprehended upon arrival, *cf. id.*; and
- 9 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 6. After apprehending Petitioner on November 19, 2025, the DHS placed him in  
11 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being  
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States  
13 without inspection.

14 7. The Court should expeditiously grant this petition.

15 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full  
16 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue  
17 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful  
18 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible  
19 Class member.

20 9. Immigration judges have informed class members in bond hearings that they have  
21 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not  
22 controlling, even with respect to class members, and that instead IJs remain bound to follow the  
23 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).  
24

1 10. Because Respondents are detaining Petitioner in violation of the declaratory  
2 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,  
3 Respondent DHS must release Petitioner.

4 11. Alternatively, the Court should order Petitioner's release unless Respondents  
5 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

6 **JURISDICTION**

7 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
8 Northwest Detention Center, Tacoma, Washington.

9 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
10 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
11 Constitution (the Suspension Clause).

12 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
13 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

14 **VENUE**

15 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
16 500 (1973), venue lies in the United States District Court for the Western District of Washington,  
17 the judicial district in which Petitioner currently is detained.

18 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
19 Respondents are employees, officers, and agencies of the United States, and because a  
20 substantial part of the events or omissions giving rise to the claims occurred in the Western  
21 District of Washington.

22 **REQUIREMENTS OF 28 U.S.C. § 2243**

1 17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the  
2 legal issues have already been resolved for class members in *Maldonado Bautista*.

3 18. Habeas corpus is “perhaps the most important writ known to the constitutional  
4 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
5 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
6 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
7 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
8 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

9 **PARTIES**

10 19. Petitioner Misael Garcia Lopez is a citizen of MEXICO who has been in  
11 immigration detention since November 19, 2025. After Petitioner was arrested in Portland OR,  
12 ICE did not set bond, and Petitioner requested review of his custody by an IJ. Petitioner will be  
13 denied a bond by Tacoma EOIR due to the policy of continuing to rely on *Yajure-Hurtado* and  
14 ignoring class membership in *Maldonado- Bautista*. Petitioner has resided in the United States  
15 since November 2007.

16 20. Respondent Laura Hermosilla is the Director of the Seattle Field Office of ICE’s  
17 Enforcement and Removal Operations division. As such, Laura Hermosilla is Petitioner’s  
18 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in  
19 his official capacity.

20 21. Respondent Kristi Noem is the Secretary of the Department of Homeland  
21 Security. She is responsible for the implementation and enforcement of the Immigration and  
22 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.  
23 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.  
24

1 22. Respondent Department of Homeland Security (DHS) is the federal agency  
2 responsible for implementing and enforcing the INA, including the detention and removal of  
3 noncitizens.

4 23. Respondent Pamela Bondi is the Attorney General of the United States. She is  
5 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
6 and the immigration court system it operates is a component agency. She is sued in her official  
7 capacity.

8 24. Respondent Executive Office for Immigration Review (EOIR) is the federal  
9 agency responsible for implementing and enforcing the INA in removal proceedings, including  
10 for custody redeterminations in bond hearings.

11 25. Respondent Bruce Scott is employed by GEO in a contract with the Department  
12 of Homeland Security as Warden of the Northwest Detention Center where Petitioner is  
13 detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

14 **CLAIM FOR RELIEF**

15 **Violation of the INA:**

16 **Request for Relief Pursuant to *Maldonado Bautista***

17 26. Petitioner repeats, re-alleges, and incorporates by reference each and every  
18 allegation in the preceding paragraphs as if fully set forth herein.

19 27. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
20 release on bond under 8 U.S.C. § 1226(a).

21 28. The order granting partial summary judgment in *Maldonado Bautista* holds that  
22 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class  
23 members.  
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1 29. The order granting class certification in *Maldonado Bautista* further orders that  
2 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
3 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

4 30. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
5 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
6 § 2201(a).

7 31. The EOIR will deny Petitioner a bond hearing under § 1226(a) and assert that he  
8 is subject to mandatory detention under § 1225(b)(2), and thus the Respondents violate  
9 Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 12 a. Assume jurisdiction over this matter;
- 13 b. Issue a writ of habeas corpus requiring that within one day, Respondents release  
14 Petitioner;
- 15 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
16 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within  
17 seven days;
- 18 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
19 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
20 law; and
- 21 e. Grant any other and further relief that this Court deems just and proper.

22 DATED this 18th of December 2025.

23 /s/ Courtney A. Carter  
24 Courtney A. Carter

*Attorney for Petitioner*

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