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5
6 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

7 **ANASTACIO BURGOS HERNANDEZ,**

8 Petitioner,

9 v.

10 **Kristi NOEM**, Secretary, U.S. Department of
Homeland Security;

11
12 **Todd LYONS**, Acting Director, U.S.
Immigration and Customs Enforcement;

13 **Patrick DIVVER**, Field Office Director, San
14 Diego Field Office, U.S. Immigration and
Customs Enforcement.

15 **Jeremy CASEY**, Senior Warden, Imperial
16 Detention Center;

17 **Sirce OWEN**, Acting Director of the Executive
Office for Immigration Review (EOIR),
18 U.S. Department of Justice.

19 **Pamela BONDI**, Attorney General, U.S.
Department of Justice.

20 Does 1-2

21
22 Respondents.

Case No.: **'25CV3676 LL MSB**

Agency File No.:



**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Plaintiff-Petitioner Anastacio Burgos Hernandez, (Petitioner)(Plaintiff) is a
3 noncitizen and longtime resident of the United States who has been harmed by Defendants-
4 Respondents’ (Defendants) new, draconian policy reinterpreting the immigration detention
5 statutes to preclude Petitioner from eligibility for bond under the Immigration and Nationality
6 Act (INA), 8 U.S.C. § 1226(a), and for bond hearings under 8 C.F.R. §§ 1003.19(a), 1236.1(d).
7 Instead, pursuant to this new policy, Defendants now consider Plaintiff as subject to mandatory
8 detention under 8 U.S.C. § 1225(b)(2)(A), without the opportunity for release on bond during the
9 pendency of his lengthy removal proceedings.

10 2. Petitioner has lived in the United States continuously since 2005. Petitioner was
11 detained on July 11, 2025, pursuant to an unlawful arrest for a traffic citation, a charge which
12 remains “pending”. He was transferred to the Imperial Regional Detention Facility in Imperial
13 California, where he remains detained.

14 3. Petitioner is charged with, inter alia, having entered the United States without
15 inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

16 4. Based on this allegation in Plaintiffs’ removal proceedings, DHS denied Plaintiff
17 release from immigration custody. The denial was consistent with a new DHS policy issued on
18 July 8, 2025, instructing all ICE employees to consider anyone alleged to be inadmissible under
19 § 1182(a)(6)(A)(i) —i.e., those who entered the United States without inspection—to be subject
20 to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore eligible for release only on
21 parole.

22 5. Plaintiff sought a bond redetermination hearing before an immigration judge (IJ)
23 at the Imperial Immigration Court on August 21, 2025, and again on December 9, 2025, but the
24

1 IJs denied Plaintiff bond. The IJs reached this conclusion by reasoning that, notwithstanding the
2 decades Plaintiff has lived in the United States, Plaintiff is nevertheless an “applicant for
3 admission” who is “seeking admission” and subject to mandatory detention under §
4 1225(b)(2)(A).

5 6. Plaintiff’s detention on this basis violates the plain language of the INA and its
6 implementing regulations.

7 7. Subparagraph 1225(b)(2)(A) applies to individuals who are apprehended on
8 arrival in the United States. It states that an “applicant for admission” who is “seeking
9 admission” shall be detained for a removal proceeding. *Id.* It does not apply to individuals like
10 Plaintiff, who was arrested and detained by ICE after having entered and begun residing in the
11 United States. Instead, such individuals are subject to a different statute, 8 U.S.C. § 1226(a), that
12 allows for release on conditional parole or bond. That statute expressly applies to people like
13 Plaintiff, are charged as inadmissible for having entered the United States without inspection.

14 8. Defendants’ new legal interpretation is plainly contrary to the statutory
15 framework and its implementing regulations. Indeed, for decades, Defendants have applied §
16 1226(a) to people like Plaintiff. Defendants’ new policies are thus not only contrary to law, but
17 arbitrary and capricious in violation of the Administrative Procedure Act (APA). They were also
18 adopted without complying with the APA’s procedural requirements.

19 **JURISDICTION**

20 9. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
21 Imperial Regional Detention Center in Imperial, California.

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

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

6 VENUE

7 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
8 500 (1973), venue lies in the United States District Court for the Southern District, the judicial
9 district in which Petitioner currently is detained.

10 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
11 Respondents are employees, officers, and agencies of the United States, and because a
12 substantial part of the events or omissions giving rise to the claims occurred in the Southern
13 District of California.

14 REQUIREMENTS OF 28 U.S.C. § 2243

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

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

23 PARTIES

1 16. Petitioner Anastacio Burgos Hernandez is a citizen of Mexico who has been in
2 immigration detention since July 11, 2025. Petitioner was arrested in Kaufman, Texas during a
3 traffic stop in which officers falsely claimed he had a nonfunctioning taillight. Officers took
4 custody of Petitioner despite lacking probable cause or reasonable suspicion that he was
5 engaging in illegal activity or violating traffic laws. During this unlawful arrest, he was detained
6 by ICE based on his unlawful immigration status. He was subsequently transferred to the
7 Imperial Regional Detention Facility in Imperial, CA. ICE did not set bond, and Petitioner
8 requested review of his custody by an IJ. On August 21, 2025, Petitioner was denied bond by an
9 IJ at the Imperial Immigration Court because he was deemed an “applicant for admission.”
10 Petitioner has resided in the United States since 2005. Petitioner has zero criminal history.
11 Petitioner was denied bond again on December 9, 2025 because the Immigration court refused to
12 accept jurisdiction, remaining bound to the agency’s prior decision in *Matter of Yajure Hurtado*,
13 29 I. & N. Dec. 216 (BIA 2025).

14 17. Respondent, Patrick Divver, is the Director of the San Diego Field Office of
15 ICE’s Enforcement and Removal Operations division. As such, Patrick Divver is Petitioner’s
16 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in
17 his official capacity.

18 18. Respondent, Todd Lyons, is the Acting Director of US Immigration and customs
19 enforcement. As such, Todd Lyons is responsible for Petitioner’s detention and is named in his
20 official capacity.

21 19. Respondent Kristi Noem is the Secretary of the Department of Homeland
22 Security. She is responsible for the implementation and enforcement of the Immigration and
23
24

1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.

2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

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

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

13 23. Respondent Jeremy Casey is employed by CoreCivic as Warden of the Imperial
14 Detention Facility where Petitioner is detained. He has immediate physical custody of Petitioner.
15 He is sued in his official capacity.

16 **LEGAL FRAMEWORK**

17
18 24. Petitioner, Anastacio Burgos Hernandez, brings this petition for a writ of habeas
19 corpus to seek enforcement of his statutory right to a custody redetermination hearing pursuant to
20 Section 236(a) of the Immigration and Nationality Act (8 USC 1226(a) and his rights as a
21 members rights as members of the Bond Denial Class certified in *Maldonado Bautista v.*
22 *Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of
23 Respondents at the Imperial Regional Detention Center. He now faces unlawful detention
24 because the Department of Homeland Security (DHS) and the Executive Office for Immigration

1 Review (EOIR) have refused to abide by the statute and the declaratory judgment issued on
2 behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

12 26. The declaratory judgment held that the Bond Denial Class members are detained
13 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
14 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

15 27. Nonetheless, the Executive Office for Immigration Review and its subagency the
16 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
17 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
18 opportunity to be released on bond.

19 28. On August 21, 2025, Petitioner had a custody hearing in which the Immigration
20 court erroneously determined Petitioner was not statutorily eligible for a bond. The Court
21 asserted that Petitioner was an "applicant for admission", (despite his twenty plus years of
22 continuous crime-free residence in the United States), and therefore ineligible for any subsequent
23
24

1 release on bond under section 236(a) of the INA, 8 U.S.C. § 1226(a) pursuant to *Matter of Q. LI*,
2 29 I&N Dec. 66 (BIA 2025).

3 29. On December 9, 2025, Petitioner had a second custody hearing in which the
4 Immigration Court refused to assert proper jurisdiction. The Immigration Court continues its
5 improper jurisdictional deflection via *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 225 (BIA
6 2025).

7 30. Petitioner, Anastacio Burgos Hernandez, is a member of the Bond Eligible Class, as he:

- 8 a. does not have lawful status in the United States and is currently detained at the
9 Imperial Regional Detention Center. He was apprehended by immigration
10 authorities on July 11, 2025.
11 b. entered the United States without inspection over 20 years ago and was not
12 apprehended upon arrival, *cf. id.*; and
13 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

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

17 32. The Court should expeditiously grant this petition.

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

23 34. Immigration judges have informed class members in bond hearings that they have
24 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not

1 controlling, even with respect to class members, and that instead IJs remain bound to follow the
2 agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

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

6 36. Alternatively, the Court should order Respondents to provide a custody
7 redetermination hearing under 8 U.S.C. § 1226(a) within seven days.

8
9 **CLAIM FOR RELIEF**
10 **Violation of the INA:**
11 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

16 39. The order granting partial summary judgment in *Maldonado Bautista* holds that
17 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
18 members.

19 40. The order granting class certification in *Maldonado Bautista* further orders that
20 “[w]hen considering this determination with the MSJ Order, the Court extends the same
21 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

22 41. Respondents are parties to *Maldonado Bautista* and bound by the Court's
23 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
24 § 2201(a).

1 42. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
2 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory
3 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

4 **PRAYER FOR RELIEF**

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

6 Assume jurisdiction over this matter;

- 7 a. Issue a writ of habeas corpus ordering Respondents to provide him a custody
8 redetermination hearing within seven (7) days;
- 9 b. Issue a writ of habeas corpus requiring Respondents to release Petitioner if they
10 fail to provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- 11 c. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
12 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
13 law; and
- 14 d. Grant any other and further relief that this Court deems just and proper.

15 DATED this 19th of December, 2025.

16
17 _____ /S/ ANNA M HYSELL _____

18 *Attorney for Petitioner*

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California

Anastacio Burgos Hernandez

Petitioner

v.

Jeremy Casey, Warden Imperial Detention Center, et al.
(See Brief)


Respondent

(name of warden or authorized person having custody of petitioner)

Case No. '25CV3676 LL MSB
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Jeremy Casey
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Imperial Regional Detention Center
(b) Address: 1572 Gateway Rd
Calexico, CA 92231
(c) Your identification number: Alien Number 
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
Department of Homeland Security; Immigration and Customs Enforcement
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: Otay Mesa Immigration Court, 7488 Calzada De La Fuente, San Diego CA 92154
- (b) Docket number, case number, or opinion number: A [REDACTED]
- (c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):
Immigration Judge Order Denying Petitioner Bond for lack of jurisdiction
- (d) Date of the decision or action: 12/09/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: The Appeal to the Board of Immigration Appeals would be futile as they are the agency that issued the erroneous precedential decision stripping the Immigration Court of jurisdiction for a bond hearing for this Petitioner.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: Appeals to the BIA are futile, they continue to cite Matter of Yajure Hurtado, 29 I&N Dec. 216, 225 (BIA 2025) to deny Immigration courts from having proper authority and jurisdiction to hold bond hearings for immigration detainees

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Not Applicable

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 07/11/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____

- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review have refused to abide by the declaratory judgment issued on behalf of the certified class in Maldonado Bautista v. Santacruz

(a) Supporting facts (Be brief. Do not cite cases or law.):

On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: On December 9, 2025, Petitioner had a custody hearing in which the Immigration Court refused to assert proper jurisdiction.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Immigration Court is now claiming the class declaratory judgment in Maldonado Bautista v. Santacruz is not a "final order" and therefore can be ignored

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Petitioner is not subject to mandatory detention and therefore is entitled to have his bond eligibility determined by the immigration judge

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner entered the USA 20 years ago without inspection. He has US Citizen Brother and 4 US Citizen children No Criminal history. He was entitled to a bond hearing and appeals to the BIA are futile

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Assume Jurisdiction over this matter; Issue a writ of Habeas Corpus requiring that within one day, Respondent's release Petitioner; Alternatively, issue a writ of Habeas Corpus requiring Respondents release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days; Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under the law; and grant any other and further relief that this Court deems just and proper.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/18/2025

AB

Signature of Petitioner



Signature of Attorney or other authorized person, if any