

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

LOPEZ DE LEON, JAVIER DOMINGO,

Petitioner,

v.

1. KRISTI NOEM, Secretary, U.S. Department of Homeland Security
2. U.S. DEPARTMENT OF HOMELAND SECURITY;
3. PAMELA BONDI, U.S. Attorney General;
4. JOSHUA JOHNSON, Enforcement and Removal Operations, Immigration and Customs Enforcement, Dallas Field Office Director;
5. DAREN MARGOLIN, Director of EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, in his official capacity;
6. SCARLETT GRANT, Warden of Cimmaron Correctional Facility, in her official capacity

Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

EMERGENCY PETITION OF WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. 2241 AND INJUNCTIVE RELIEF

INTRODUCTION

1. Petitioner Javier Domingo Lopez De Leon brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Cimarron Correctional Facility at 3200 S Kings Hwy, Cushing, OK 74023. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the final judgment issued in the nationwide class action *Maldonado Bautista v. Santacruz*.
2. On November 20, 2025, the U.S. District Court for the Central District of California granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).
3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

- 1 4. Nonetheless, the Executive Office for Immigration Review and its subagency the  
2 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused  
3 to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the  
4 opportunity to be released on bond.
- 5 5. Petitioner Javier Domingo Lopez De Leon is a member of the Bond Eligible Class, as he:
  - 6 a. does not have lawful status in the United States and is currently detained at the  
7 Cimarron Detention Facility. He was apprehended by immigration authorities on  
8 12/2/2025.
  - 9 b. entered the United States without inspection over 20 years ago, around 2019, and  
was not apprehended upon arrival, *cf. id.*; and
  - c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
- 10 6. After apprehending Petitioner on 12/2/2025, the DHS placed him in removal proceedings  
11 pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8  
12 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.
- 13 7. The Court should expeditiously grant this petition.
- 14 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and  
15 effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to  
16 flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful  
17 detention despite his clear entitlement to consideration for release on bond as a Bond  
18 Eligible Class member.
- 19 9. Immigration judges have informed class members in bond hearings that they have been  
20 instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not  
21 controlling, even with respect to class members, and that instead IJs remain bound to follow  
22 the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

1 10. On December 18, 2025, the District Court entered Final Judgment in the nationwide class  
2 action. This Final Judgment is critical to the instant Petition for three reasons:

3 a. Finality & Preclusion: The Court rejected the Government's argument that the  
4 class certification was merely interlocutory. It entered Final Judgment on Counts  
5 I-III, certifying the class and declaring the policy unlawful. As a class member,  
6 Petitioner's rights are now adjudicated, and the Government is collaterally  
7 estopped from relitigating their detention status.

8 b. Futility of Exhaustion: The Court entered Final Judgment specifically because it  
9 found "troubling" evidence that the Department of Justice issued a memorandum  
10 instructing Immigration Judges to disregard the federal court's prior orders and  
11 "hold the position that Yajure-Hurtado remains good law." This judicial finding  
12 confirms that administrative exhaustion is futile, as the agency has prejudged the  
13 issue in bad faith.

14 c. Yajure-Hurtado is "No Longer Tenable": The Court explicitly held that "the core  
15 holding of Yajure-Hurtado cannot be squared with the [Court's] Order... Yajure-  
16 Hurtado is no longer controlling; the legal conclusion underlying the decision is  
17 no longer tenable."

18 11. Because Respondents are detaining Petitioner in violation of the declaratory judgment  
19 issued in *Maldonado Bautista*, the Court should accordingly order that within one day,  
20 Respondents must release Petitioner.

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

**JURISDICTION**

1  
2 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Cimarron  
3 Correctional Facility.

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

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

9 **VENUE**

10 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500  
11 (1973), venue lies in the United States District Court for the Northern District of Oklahoma,  
12 the judicial district in which Petitioner currently is detained.

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

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

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

**PARTIES**

1  
2 19. Petitioner Javier Domingo Lopez De Leon is a citizen of Guatemala who has been in  
3 immigration detention since 12/2/2025, after the Petitioner was arrested in Oklahoma City,  
4 Oklahoma.

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

9 21. Respondent Department of Homeland Security (DHS) is the federal agency responsible for  
10 implementing and enforcing the INA, including the detention and removal of noncitizens.

11 22. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible  
12 for the Department of Justice, of which the Executive Office for Immigration Review and  
13 the immigration court system it operates is a component agency. She is sued in her official  
14 capacity.

15 23. Respondent Joshua Johnson is the Director of the Dallas Field Office of ICE's Enforcement  
16 and Removal Operations division. As such, Joshua Johnson is Petitioner's immediate  
17 custodian and is responsible for Petitioner's detention and removal. He is named in his  
18 official capacity.

19 24. Respondent Daren Margolin is the Director of the Executive Office for Immigration  
20 Review, he is sued in his official capacity.

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

1 26. Respondent Scarlett Grant is the Warden of the Cimmaron Correction Facility, where  
2 Petitioner is detained. She has immediate physical custody of Petitioner. She is sued in her  
3 official capacity.

4 **CLAIM FOR RELIEF**

5 **COUNT 1**

6 **Violation of the INA:**  
7 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

12 29. The order granting partial summary judgment in *Maldonado Bautista* holds that  
13 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to  
14 class members.

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

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

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

23 **COUNT III**

24 **Violation of Due Process**

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

- 1 2. The government may not deprive a person of life, liberty, or property without due process  
2 of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,  
3 detention, or other forms of physical restraint—lies at the heart of the liberty that the  
4 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
- 5 3. Petitioner has a fundamental interest in liberty and being free from official restraint.
- 6 4. The government’s detention of Petitioner without a bond redetermination hearing to  
7 determine whether he is a flight risk or danger to others violates his right to due process.

8  
9 **PRAYER FOR RELIEF**

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

- 11 a. Assume jurisdiction over this matter;
- 12 b. Order that Petitioner shall not be transferred outside the Western District while  
13 this habeas petition is pending;
- 14 c. Declare Petitioner’s detention is unlawful;
- 15 d. Issue a writ of habeas corpus requiring that within one day, Respondents release  
16 Petitioner;
- 17 e. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
18 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within  
19 seven days;
- 20 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
21 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
22 law; and
- 23 g. Grant any other and further relief that this Court deems just and proper.
- 24

1 DATED this 22 of December, 2025.

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*s/ Sam Wargin*  
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