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10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE DISTRICT OF ARIZONA**

12 Raymundo Contreras Rodriguez



13 Petitioner,

14 v.

15 Kristi Noem, Secretary, Department of
 16 Homeland Security;
 17 Department of Homeland Security
 18 (DHS);
 19 Pam Bondi, U.S. Attorney General;
 20 Executive Office For Immigration
 21 Review (EOIR); Sirce Owen, Acting
 22 Director of EOIR; Florence
 23 Immigration Court; Todd Lyons,
 24 Senior Official Performing the Duties
 25 of Director of Immigration and
 26 Customs Enforcement; Immigration
 and Customs Enforcement (ICE);
 John Doe, Phoenix Field Office
 Director Immigration and Customs
 Enforcement, Luis Rosa Jr., Warden of
 Florence Service Processing Center,

Respondents.

Case No.:

**VERIFIED PETITION FOR
 WRIT OF HABEAS CORPUS**

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**PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28
U.S.C. § 2241**

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner’s unlawful detention pursuant to the erroneous interpretation and application of the immigration laws by Respondents, as follows:

INTRODUCTION

1. Petitioner, Raymundo Contreras-Rodriguez, brings this petition for a writ of habeas corpus to seek enforcement of his 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 Florence, Arizona Detention Center. 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 declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025,

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

12 3. The declaratory judgment held that the Bond Denial Class members are
13 detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration
14 for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL
15 3289861, at *11.

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

24 5. Petitioner, Raymundo Contreras-Rodriguez, is a member of the Bond
25 Eligible Class, as he:
26

1 a. does not have lawful status in the United States and is currently
2 detained at the Florence, Arizona Detention Center. He was apprehended by
3 immigration authorities on October 8, 2025.

4
5 b. entered the United States without inspection over 22 years ago and was
6 not apprehended upon arrival, *cf. id.*; and

7 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

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

13
14 7. The Court should expeditiously grant this petition.

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

22
23 9. Immigration judges have informed class members in bond hearings that
24 they have been instructed by “leadership” that the declaratory judgment in
25 *Maldonado Bautista* is not controlling, even with respect to class members,
26

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

3 10. Because Respondents are detaining Petitioner in violation of the
4 declaratory judgment issued in *Maldonado Bautista*, the Court should
5 accordingly order that within one day, Respondent DHS must release
6 Petitioner.
7

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

12 JURISDICTION

13 12. Petitioner is in the physical custody of Respondents. Petitioner is
14 detained at the Florence, Arizona Detention Center.
15

16 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas
17 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause
18 2 of the United States Constitution (the Suspension Clause).
19

20 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the
21 Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act,
22 28 U.S.C. § 1651.
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VENUE

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

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

REQUIREMENTS OF 28 U.S.C. § 2243

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

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

PARTIES

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19. Petitioner Raymundo Contreras-Rodriguez is a citizen of Mexico who has been in immigration detention since October 8, 2025. After Petitioner was arrested, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On December 16, 2025, Petitioner was denied bond by an IJ at the Immigration Court in Florence, Arizona because he was deemed an “applicant for admission.” Petitioner has resided in the United States since March 2003.

20. Respondent John Doe is the Director of the Phoenix Field Office of ICE’s Enforcement and Removal Operations division. John Cantu was the previous field office director for Phoenix, but he has since been reassigned and no replacement has been named. As such, John Doe is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

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

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

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

9 24. Respondent Executive Office for Immigration Review (EOIR) is the
10 federal agency responsible for implementing and enforcing the INA in
11 removal proceedings, including for custody redeterminations in bond
12 hearings.
13

14 25. Respondent Luis Rosa Jr. is employed by the Florence Processing
15 Center as Warden of the facility, where Petitioner is detained. He has
16 immediate physical custody of Petitioner. He is sued in his official capacity.
17

18
19 **CLAIM FOR RELIEF**
20 **Violation of the INA:**
21 **Request for Relief Pursuant to Maldonado Bautista**

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

24 27. As a member of the Bond Eligible Class, Petitioner is entitled to
25 consideration for release on bond under 8 U.S.C. § 1226(a).
26

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

4
5 29. The order granting class certification in *Maldonado Bautista* further
6 orders that “[w]hen considering this determination with the MSJ Order, the
7 Court extends the same declaratory relief granted to Petitioners to the Bond
8 Eligible Class as a whole.”

9
10 30. Respondents are parties to *Maldonado Bautista* and bound by the
11 Court’s declaratory judgment, which has the full “force and effect of a final
12 judgment.” 28 U.S.C. § 2201(a).

13
14 31. By denying Petitioner a bond hearing under § 1226(a) and asserting that
15 he is subject to mandatory detention under § 1225(b)(2), Respondents violate
16 Petitioner’s statutory rights under the INA and the Court’s judgment in
17 *Maldonado Bautista*.

18
19 **PRAYER FOR RELIEF**

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

- 21
22 a. Assume jurisdiction over this matter;
23 b. Issue a writ of habeas corpus requiring that within one day,
24 Respondents release Petitioner;

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1 c. Alternatively, issue a writ of habeas corpus requiring Respondents to
2 release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a)
3 within seven days;

4
5 d. Award Petitioner attorney's fees and costs under the Equal Access to
6 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis
7 justified under law; and

8
9 e. Grant any other and further relief that this Court deems just and proper.

10

11 Dated: December 23, 2025

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Respectfully submitted,

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/s/ Lewis R. Gilbreath

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Lewis R. Gilbreath

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Attorney for Petitioner

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Raymundo Contreras-Rodriguez

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VERIFICATION

I, Lewis R. Gilbreath, hereby declare under penalty of perjury of the laws of the State of Arizona and the United States that the facts alleged in the foregoing Verified Petition for a Writ of Habeas Corpus are to the best of my knowledge true and correct.

Executed on this 23 day of December, 2025 in Phoenix,
Arizona.

/s/ Lewis R. Gilbreath
Lewis R. Gilbreath
Attorney for Petitioner
Raymundo Contreras-Rodriguez

1 CERTIFICATE OF SERVICE

2
3 I hereby certify that on the 23 of December 2025 I caused to be
4 delivered by electronic delivery, a copy of the foregoing PETITION FOR A
5 WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 to:

6 Timothy Courchaine, U.S. Attorney

7
8 United States Attorney's Office for the District of Arizona
9 Two Renaissance Square 40 N. Central Avenue,
10 Suite 1800
11 Phoenix, AZ 85004-4408

12 /s/ Lewis R. Gilbreath
13 Lewis R. Gilbreath
14 Attorney for Petitioner

15 CC:
16 Kriti Noem, Secretary of Homeland Security
17 U.S. Department of Homeland Security
18 Washington, D.C. 20528

19 Pamela Bondi, Attorney General
20 U.S. Department of Justice
21 950 Pennsylvania Avenue, NW
22 Washington, D.C. 20530-0001

23 Sirce Owen, Acting Director of EOIR
24 U.S. Department of Justice
25 950 Pennsylvania Avenue, NW
26 Washington, D.C. 20530-0001

Todd Lyons, Senior Official
Performing Duties of Director of ICE
U.S. Department of Homeland Security/ICE
Washington, D.C. 20528

1 John Doe, Field Office Director
2 Department of Homeland Security
3 Immigration & Customs Enforcement
4 Office of Detention and Removal
5 2035 N Central Ave
6 Phoenix, Arizona 85004

7 Luis Rosa Jr., Warden of Florence Service Processing Center
8 Core Civic
9 Florence Service Processing Center
10 3250 N Pinak Pkwy
11 Florence, AZ 85132

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