

the certified class in *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), a nationwide class action issued on December 18, 2025, by the U.S District Court for the Central District of California.

2. On December 18, 2025, the district court issued a final judgment on behalf of the nationwide class, declaring the rights of class members and setting aside the Department of Homeland Security's unlawful policy.

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.

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

5. Petitioner is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at the Joe Corley Processing Center in Conroe, Texas. He was apprehended by immigration authorities on October 9, 2025;
- b. entered the United States without inspection over 33 years ago 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.

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

7. The Court should expeditiously grant this petition.

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

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

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

JURISDICTION

11. Petitioner is in the physical custody of Respondent Bret A, Bradford, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (US ICE), the Department of Homeland Security (DHS), and Respondent Raymond Thompson, Warden of Joe Corley Processing Center in Conroe, Texas. At the time of filing this petition, Petitioner is detained at Joe Corley Processing Center in Conroe, Texas. Joe Corley Processing Center contracts with DHS to detain aliens such as Petitioner. Mr. Nieto Ramirez is under the direct control of Respondents and their agents.

12. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570.

13. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in

custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States.

14. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

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 Southern District of Texas, the judicial district in which Respondents, Bret A. Bradford and Raymond Thompson reside and where Petitioner is detained. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

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

17. 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

18. Petitioner Mr. Jose Luis Nieto Ramirez is a national and citizen of Mexico who entered the United States without inspection in 1992. On or about October 9, 2025, Petitioner was detained by Respondents and placed in removal proceedings pursuant to 8 U.S.C. § 1229a.

19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Respondent Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

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

22. Respondent Immigration and Customs Enforcement (ICE) is the agency within DHS responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

23. Respondent Bret A. Bradford is the Field Office Director for Detention and Removal, US ICE, DHS. Respondent Bradford is a custodial official acting within the boundaries of the judicial district of the United States Court for the Southern District of Texas, Houston Division. Pursuant Respondent Bradford's orders, Petitioner remains detained.

24. Respondent Raymond Thompson is the warden of Joe Corley Processing Center in Conroe, Texas. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Southern District of Texas, Houston Division.

LEGAL STANDARDS

25. A district court may grant a writ of habeas corpus if a petitioner is in federal custody in violation of the Constitution or federal law. 28 U.S.C. § 2241. If a district court entertains a habeas petition, then it must either award the writ or order the respondent to show cause as to why the writ should not be granted, unless it is apparent from the application that the petitioner is not entitled to the requested relief. § 2243.

26. Courts may review immigration detention apart from final removal orders. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

27. Petitioner asks the Court to waive any exhaustion requirements because an appeal to the BIA would cause an “intolerable delay” and be ultimately futile.

28. Unlike 8 U.S.C. § 1252(d)(1), which imposes exhaustion for petitions for review of final orders of removal in the courts of appeals, there is no statutory exhaustion mandate for habeas petitions challenging immigration detention under § 2241.

29. The Fifth Circuit has consistently recognized that exhaustion in this context is prudential, not jurisdictional. *Galvez v. Jaddou*, 52 F.4th 821, 825 (5th Cir. 2022); *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994).

30. Even if prudential exhaustion were generally required, it should be excused in this case for several reasons:

31. Futility: The BIA is bound by its own precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which strips Immigration Judges of bond jurisdiction over noncitizens deemed “arriving aliens” under § 235(b)(2)(A). Any further waiting on a Petitioner

appeal to the BIA would be futile. See *Galvez*, 52 F.4th at 825 (courts may waive exhaustion when resort to administrative remedies would be futile).

32. Pure Questions of Law: Petitioner raises statutory and constitutional challenges concerning the proper interpretation of INA §§ 235 and 236, and the Fifth Amendment right to due process. These are purely legal issues well within this Court’s competence, and no factual record needs further development. See *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992) (exhaustion not required where claim involves purely legal question).

33. Irreparable Harm: Requiring Petitioner to wait on futile administrative steps would cause prolonged unlawful detention without any prospect of bond review, inflicting ongoing irreparable harm on Petitioner’s liberty interest.

34. Because exhaustion of remedies is prudential only, and because further resort to administrative processes would be futile, unnecessary, and harmful, this Court should reach the merits of Petitioner’s habeas petition without requiring exhaustion.

LEGAL FRAMEWORK

35. A. This Honorable Court is not bound by the BIA’s interpretation of the law *In the Matter of Yajure Hurtado*, 29 I&N Dec. 216 (2025), *Loper Bright*, 603 U.S. at 413. The BIA’s construction of § 1225(b)(2) is not owed deference after *Loper Bright*.

36. B. Membership in the *Maldonado Bautista* Class

37. On December 18, 2025, the U.S. District Court for the Central District of California certified a nationwide class in *Maldonado Bautista v. Santacruz*.

38. The court defined the “Bond Eligible Class” to include noncitizens who:

- a. entered the United States without inspection;
- b. were not apprehended upon arrival; and

c. are not subject to mandatory detention under INA §§ 235(b)(1), 236(c), or 241.

39. Petitioner satisfies each element of the Bond Eligible Class definition.

40. The *Bautista* court held that class members are detained under INA § 236(a) and are therefore entitled to Immigration Judge bond hearings.

41. Respondents' continued refusal to provide Petitioner a bond hearing violates the nationwide declaratory relief issued in *Maldonado Bautista*.

42. Mr. Nieto Ramirez contends that § 1225(b)(2) does not apply to him as a member of the certified nationwide class in *Maldonado Bautista v. Santacruz*.

43. His continued detention under § 1225(b)(2) is therefore unlawful.

44. The statutory text, the statute's history, Congressional intent, and § 1226(a)'s application for the past three decades, support that Petitioner falls within the confines of § 1226(a), and not § 1225(b)(2)(A). As a result, Nieto Ramirez is entitled to a bond hearing under § 1226(a).

FACTS

45. Petitioner Jose Luis Nieto Rmairez is a 50-year-old national and citizen of Mexico who entered the United States without inspection in 1992.

46. Petitioner has resided in Texas for over 30 years and has strong family ties in the United States, as he has five (5) US citizen children. Mr. Nieto Ramirez also has significant ties to the community that he has developed throughout the years while working as an active member of the community.

47. On or about October 9, 2025, DHS arrested Mr. Nieto Ramirez and placed him under custody at the Joe Corley Processing Center in Conroe, TX.

48. On October 9, 2025, a Notice to Appear was filed with EOIR, and the Department of Homeland Security determined that Petitioner should remain detained throughout the removal proceedings.

49. On November 12, 2025, at a Master calendar hearing, the Immigration Judge took pleadings. The Petitioner admitted the factual allegations and conceded the charges of removability under sections 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the INA.

50. The Immigration Judge found the Petitioner removable as charged and inquired on what relief the Petitioner would be seeking with the Court. Petitioner informed that he would be seeking relief in the form of Cancellation of Removal for Certain Non-Permanent Residents, Form EOIR 42B.

51. On December 22, 2025, Petitioner requested a custody redetermination hearing pursuant to 8 C.F.R. § 1236 before the Immigration Judge; however, the Court determined that it lacked jurisdiction to consider bond in Petitioner's case under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

CLAIMS FOR RELIEF

COUNT ONE

Request for Relief Pursuant to *Maldonado Bautista*

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

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

54. The final judgment affirming that all class members are eligible for bond and vacating the DHS memo *in Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

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

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

COUNT TWO

Constitutional Claim

57. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

58. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT THREE

Statutory Claim

59. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

60. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

PRAYER FOR RELIEF

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

- a) Assume jurisdiction over this matter;
- b) Issue an order directing Respondents to show cause why the writ should not be granted;
- c) Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- d) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.
- e) Award Petitioner reasonable costs and attorney's fees; and,
- f) Grant any other relief which this Court deems just and proper.

Respectfully submitted,

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VERIFICATION OF COUNSEL

I, Octavio M. Rivera Bugesa, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ Octavio M. Rivera Bugesa
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