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9 **UNITED STATES DISTRICT COURT**
10 **MIDDLE DISTRICT OF FLORIDA**
11 **JACKSONVILLE DIVISION**

12 MIGUEL ANGEL HERNANDEZ
13 RIVERA,

14 Petitioner,

15 v.

16 WARDEN for Baker Correctional
17 Institution; U.S. Immigration and
18 Customs Enforcement; FIELD OFFICE
19 DIRECTOR, Jacksonville Sub Field
20 Office, U.S. Immigration and Customs
21 Enforcement; FIELD OFFICE
22 DIRECTOR, Miami Field Office, U.S.
23 Immigration and Customs Enforcement;
24 Kristi NOEM, Secretary, U.S.
Department of Homeland Security;
Pamela BONDI, U.S. Attorney General,
Executive Office for Immigration Review.

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1
2 1. Petitioner Miguel Angel Hernandez Rivera brings this petition for a
3 writ of habeas corpus to seek enforcement of his rights as members of the Bond
4 Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-
5 BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Baker
6 Correctional Institution, Sanderson, Florida. He now faces unlawful detention
7 because the Department of Homeland Security (DHS) and the Executive Office for
8 Immigration Review (EOIR) have refused to abide by the declaratory judgment
9 issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.
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11 2. On November 20, 2025, the district court granted partial summary
12 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a
13 nationwide class and extended declaratory judgment to the certified class. *Maldonado*
14 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL
15 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment
16 to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-
17 SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025)
18 (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class,
19 incorporating and extending declaratory judgment from Order Granting Petitioners'
20 Motion for Partial Summary Judgment).
21

22 3. The declaratory judgment held that the Bond Denial Class members are
23 detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for
24

1 release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at
2 *11.

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

7 5. On December 18, 2025, a Final Judgment was entered on *Maldonado*
8 *Bautista* declaring that Bond Eligible Class members are detained under 8. U.S.C
9 §1226(a) and not subject to mandatory detention; declaring that Bond Eligible Class
10 members are entitle to consideration for release on bond by immigration officers or
11 entitle for a bond hearing before an immigration judge; vacating DHS policy
12 “Interim Guidance regarding Detention Authority for Applicants for Admission”
13 from July 8, 2025; and granting final judgment to Claims I, II, and III of the
14 Amended Class Complaint. *Maldonado Bautista*, 2025 WL 3289861.

15 6. Petitioner Miguel Angel Hernandez Rivera is a member of the Bond
16 Eligible Class, as he:

- 17
- 18
- 19 a. does not have lawful status in the United States and is currently
20 detained at the Baker Correctional Institution, Sanderson, Florida. He
21 was apprehended by immigration authorities on or about November 12,
22 2025;
- 23 b. entered the United States without inspection over 20 years ago and was
24 not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

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

5 8. The Court should expeditiously grant this petition.

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

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

16 11. On December 3, 2025 the IJ denied Petitioner’s custody
17 redetermination request providing the following reasoning:
18

19 “In *Maldonado Bautista v. Santacruz, Jr., et al.* (Case No. 5:25-cv-01873), a
20 federal district court held that immigrants who are already living in the U.S.
21 and were not detained at the border (at a port of entry or by Border Patrol at
22 the time of crossing) have the right to a bond hearing to determine if they can
23 be released from detention while their removal proceedings are pending.
24 However, federal district court decisions are not binding on Immigration
Judges or the Board. See *Matter of K-S-*, 20 I&N Dec. 715, 719-20 (BIA 1993)
(explaining that while the Board is bound by the published decisions of the

1 U.S. Courts of Appeals within the relevant circuit, it is not bound by the
2 decisions of federal district courts).”

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

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

8 JURISDICTION

9 14. Petitioner is in the physical custody of Respondents. Petitioner is
10 detained at the Baker Correctional Institution, Sanderson, Florida.

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

14 16. This Court may grant relief pursuant to 28 U.S.C. § 2241, the
15 Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.
16 § 1651.

18 VENUE

19 17. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,
20 493- 500 (1973), venue lies in the United States District Court for the Middle District
21 of Florida, the judicial district in which Petitioner currently is detained.

22 18. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
23 because Respondents are employees, officers, and agencies of the United States, and
24

1 because a substantial part of the events or omissions giving rise to the claims
2 occurred in the Middle District of Florida.

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

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

7 20. Habeas corpus is “perhaps the most important writ known to the
8 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases
9 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis
10 added).

11 **PARTIES**

12 21. Petitioner Miguel Angel Hernandez Rivera is a citizen of Mexico who
13 has been in immigration detention since on or about November 12, 2025. After
14 Petitioner was arrested in Ocala, FL, ICE did not set bond, and Petitioner requested
15 review of his custody by an IJ. On December 3, 2025, Petitioner was denied bond by
16 an IJ at the Orlando Immigration Court because he was deemed an “applicant for
17 admission.” Petitioner has resided in the United States since February 24, 2004 from
18 age 4.
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20 22. Respondent WARDEN, Baker Correctional Institution, U.S.
21 Immigration and Customs Enforcement, is sued in his or her official capacity as the
22 official responsible for overseeing Baker Correctional Institution, the facility where
23 Petitioner is currently detained. The individual who occupies this position is not
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1 publicly disclosed. This Respondent is a legal custodian of Petitioner and is sued in
2 his or her official capacity

3 23. Respondent FIELD OFFICE DIRECTOR, Jacksonville Sub Field
4 Office, U.S. Immigration and Customs Enforcement, is sued in his or her official
5 capacity. The Jacksonville Field Office is the Field Office that oversees the Baker
6 Correctional Institution in Sanderson, Florida, where Petitioner is currently
7 detained.

8 24. Respondent FIELD OFFICE DIRECTOR, Miami Field Office, U.S.
9 Immigration and Customs Enforcement, is sued in his or her official capacity. The
10 Miami Field Office is the Field Office that oversees the Jacksonville Sub Field Office

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

16 26. Respondent Pamela Bondi is the Attorney General of the United States.
17 She is responsible for the Department of Justice, of which the Executive Office for
18 Immigration Review and the immigration court system it operates is a component
19 agency responsible for implementing and enforcing the INA in removal proceedings,
20 including for custody redeterminations in bond hearings. She is sued in her official
21 capacity.
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CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

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

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

31. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment and the final judgment entered on December 18, 2025, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

32. 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*.

PRAYER FOR RELIEF

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

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

- 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.
3 § 1226(a) within seven days;
- 4 d. Award Petitioner attorney's fees and costs under the Equal Access to
5 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other
6 basis justified under law; and
- 7 e. Grant any other and further relief that this Court deems just and proper.

8 DATED this 26 of December, 2025.

9
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21 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

22 I represent Petitioner and submit this verification on his behalf. I hereby verify
23 that the factual statements made in the foregoing Petition for Writ of Habeas
24 Corpus true and correct to the best of my knowledge and belief.

Dated this 26 day of December 2025.

/s/ Vanessa McCarthy
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