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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

RAJAN BABBU

Petitioner,

v.

Warden of the Port Isabel Service Detention Center;
TODD LYONS, Acting Director of Immigration
and Customs Enforcement; KRISTI NOEM,
Secretary of the U.S. Department of Homeland
Security; PAMELA BONDI, Attorney General of
the United States

Respondents.

Civil Action No.

**VERIFIED PETITION FOR
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1. Petitioner Rajan Babbu brings this Petition for a Writ of Habeas Corpus to enforce his adjudicated rights as a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is currently in the physical custody of Respondents at the Port Isabel Service Processing Center in Cameron County, Texas. He faces unlawful detention because the Department of Homeland Security (“DHS”) and the Executive Office for Immigration Review (“EOIR”) have refused to comply with a final declaratory judgment issued on behalf of the certified class.
2. On November 20, 2025, the district court granted partial summary judgment in favor of the named petitioners, holding that DHS’s application of 8 U.S.C. § 1225(b)(2) to class members is

1 unlawful. On November 25, 2025, the court certified a nationwide class and extended that
2 declaratory relief to all class members. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-
3 SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025); 2025 WL 3288403, at *9 (C.D.
4 Cal. Nov. 25, 2025).

- 5 3. On December 18, 2025, the court entered Final Judgment, confirming that the declaratory relief
6 applies to the certified class and has the full force and effect of a final judgment under 28 U.S.C.
7 § 2201(a). The court expressly rejected the Government's argument that the class certification
8 and relief were merely interlocutory.
- 9 4. The Final Judgment holds that members of the Bond Eligible Class are detained under 8 U.S.C. §
10 1226(a) and may not be denied consideration for release on bond under § 1225(b)(2)(A).
11 *Maldonado Bautista*, 2025 WL 3289861, at *11.
- 12 5. Notwithstanding this binding judgment, DHS and EOIR have blatantly refused to comply, and
13 have unlawfully denied Petitioner any opportunity to be considered for release on bond.
- 14 6. Petitioner Rajan Babbu is a member of the Bond Eligible Class, because he:
 - 15 a. lacks lawful immigration status and is currently detained at Port Isabel Service Processing
16 Center following apprehension on November 18, 2025;
 - 17 b. entered the United States without inspection more than four years ago and was not
18 apprehended at or near the border; and
 - 19 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
- 20 7. After apprehending Petitioner on November 18, 2025, DHS placed him in removal proceedings
21 pursuant to 8 U.S.C. § 1229a, charging him as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i).
- 22 8. Respondents are parties bound by the Final Judgment in *Maldonado Bautista*, yet continue to
23 defy the Court's order by subjecting Petitioner to unlawful mandatory detention.
- 24 9. Immigration Judges have informed class members that they have been instructed by agency
25 "leadership" that *Maldonado Bautista* is not controlling—even for class members—and that IJs
26 must continue to follow *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025),
27 notwithstanding the federal court's judgment.
- 28 10. Because Respondents are detaining Petitioner in direct violation of a final declaratory judgment,
this Court should order that within one day, Respondents release Petitioner from custody.
11. In the alternative, the Court should order Petitioner's release unless Respondents provide a bond
hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Port Isabel Detention Center.

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

14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, 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 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 Southern District of Texas.

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

1 within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation
2 omitted).

3 PARTIES

4 19. Petitioner Rajan Babbu is a citizen of India who has been in immigration detention since
5 November 18, 2025. After Petitioner was arrested in Texas, ICE did not set bond, and Petitioner
6 requested review of his custody by an IJ. On December 1, 2025, Petitioner withdrew his bond request
7 from IJ at the because Port Isabelle Immigration Court were deemed an “applicant for admission.”
8 Petitioner has resided in the United States since December 30, 2021.
9

10 20. Respondent is the warden of the Port Isabelle Detention Center. As such, Warden of Port
11 Isabelle Detention Center is Petitioner’s immediate custodian and is responsible for Petitioner’s
12 detention and removal. He is named in his official capacity.
13

14 21. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United
15 States and the senior official of the U.S. Department of Justice. In that capacity, she has the
16 authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review
17 (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal
18 custodian of Petitioner.

19 22. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement,
20 the federal agency responsible for implementing and enforcing the INA, including the detention
21 and removal of noncitizens, and a component agency of the Department of Homeland Security.
22 He is sued in his official capacity.

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

27 CLAIM FOR RELIEF

28 Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

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

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

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

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

17 **PRAYER FOR RELIEF**

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

- 19 a. Assume jurisdiction over this matter;
- 20 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
21 Petitioner;
- 22 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner
23 unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- 24 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (EAJA),
25 as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- 26 e. Grant any other and further relief that this Court deems just and proper.
27

28 Respectfully,

1 
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12 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

13 I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained
14 at the Port Isabel Service Detention and immediate relief is sought, counsel verifies this petition on his
15 behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the
16 foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.
17

18
19 Dated this 31th December, 2025.

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21 Gurpreet Kaur, Esq.
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