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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ERICK ALEXANDER QUIJADA MELARA



-Petitioner,

v.

U.S. Immigration and Customs Enforcement;
Kristi NOEM, Secretary, U.S. Department of
Homeland Security; 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**

1
2 **INTRODUCTION**

3 1. Petitioner ERICK ALEXANDER QUIJADA MELARA brings this petition for a
4 writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial
5 Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D.
6 Cal.) Petitioner is in the physical custody of Respondents at the Delaney Hall Detention
7 Facility in Newark, New Jersey. He now faces unlawful detention because the
8 Department of Homeland Security (DHS) and the Executive Office for Immigration
9 Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the
10 certified class in *Maldonado Bautista v. Santacruz*.

11 2. On November 20, 2025, the district court granted partial summary judgment on
12 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class
13 and extended declaratory judgment to the certified class. *Maldonado Bautista v.*
14 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11
15 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-
16 Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.
17 Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying
18 Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and
19 extending declaratory judgment from Order Granting Petitioners' Motion for Partial
20 Summary Judgment).

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

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

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

- 7 a. does not have lawful status in the United States and is currently detained at the
8 Delaney Hall Detention Facility. He was apprehended by immigration authorities
9 on December 8, 2025;
- 10 b. entered the United States without inspection over 3 years ago and was not
11 apprehended upon arrival, *cf. id.*; and
- 12 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

13 6. Subsequent to Petitioner's arrest on December 4, 2025, the DHS placed him in
14 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
15 inadmissible under 8 USC § 1182(a)(6)(A), as someone who entered the United States
16 without inspection.

17 7. The Court should expeditiously grant this petition.

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

23 9. Immigration judges have informed class members in bond hearings that they have
24 been instructed by "leadership" that the declaratory judgment in *Maldonado Bautista* is
not controlling, even with respect to class members, and that instead Immigration Judges

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2 remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. &
3 N. Dec. 216 (BIA 2025) (hereafter "*Matter of Hurtado*")

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

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

9 **JURISDICTION**

10 12. Petitioner is in the physical custody of Respondents. Petitioner resides at 17
11 Chestnut Street Central Islip, New York and was arrested in Central Islip, New York by
12 respondents.

13 13. Upon information and belief, Petitioner was held in the Central Islip Holding
14 Room **for almost 4 days**. He was later transferred to Nasau County Detention Facility.
15 Then transferred back to the Central Islip Holding Room for a period of time.

16 14. Finally, he was transferred to Delaney Hall Detention Facility in Newark, New
17 Jersey, where he is now detained.

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

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

17. 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 Eastern District of New York, the judicial district in which Petitioner has resided since 2022.

18. 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 Eastern District of New York.

REQUIREMENTS OF 28 U.S.C. § 2243

19. 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*.

20. 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

21. Petitioner is a citizen of Guatemala who has been in immigration detention since December 4, 2025. After Petitioner was arrested in or near Central Islip, New York, ICE did not set bond, and which Executive Office for Immigration Review (EOIR) will not accept for lack of jurisdiction based on *Matter of Hurtado* since Petitioner is deemed an

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2 “applicant for admission.” This, even though Petitioner has resided in the United States
3 since 2022.

4 22. As stated prior, upon information and belief, Petitioner was held in the Central
5 Islip Holding Room for almost 4 days. He was later transferred to Nasau County
6 Detention Facility. Then transferred back to the Central Islip Holding Room for a period
7 of time.

8 23. Finally, he was transferred to Delaney Hall Detention Facility in Newark, New
9 Jersey, where he is now detained.

10 24. At the Central Islip Holding Room, Petitioner was forced to sleep on the floor and
11 the lights were on continuously, and Petitioner was not provided with a shower nor
12 personal hygiene products.

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

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

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

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2 28. Respondent Executive Office for Immigration Review (EOIR) is the federal
3 agency responsible for implementing and enforcing the INA in removal proceedings,
4 including for custody redeterminations in bond hearings.

5 **CLAIM FOR RELIEF**

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

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

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

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

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

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

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

23 **GROUND TWO Violation of Due Process:
24 Indefinite Detention & Deprivation**

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

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36. By denying the Petitioner even the opportunity to seek bail, Respondents have effectively guaranteed that Petitioner will remain detained indefinitely.

37. That, compounded by depriving Petitioner of access to even the most basic human rights to hygiene have created “extraordinary circumstances” that make the grant of bail necessary to make the habeas remedy, as delineated in *Mapp v. Remo* 241 F.3d 221 (2nd Cir. 2001)

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;
- c. 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;
- d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED this December 25, 2025.

/s/ Lorne J Kelman
LORNE J. KELMAN, *Attorney for Petitioner*