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6
7 UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

8
9 EUDOR ROBERTO MORALES DIAZ,
10
Petitioner,

Case No.

11 v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

12 JOHN CANTU of Enforcement and
Removal Operations, Phoenix Field Office,
13 Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S.
14 Department of Homeland Security;
PAMELA BONDI, U.S. Attorney General;
15 TODD LYONS, Acting Director of
Immigration and Customs Enforcement,;
16 WARDEN, Florence Service and
17 Processing Center. Respondents.
Respondents.

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INTRODUCTION

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2 1. Petitioner EUDOR ROBERTO MORALES DIAZ, brings this petition for a
3 writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial
4 Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D.
5 Cal.) Petitioner is in the physical custody of Respondents at the FLORENCE Detention
6 Center. He now faces unlawful detention because the Department of Homeland Security
7 (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide
8 by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista*
9 *v. Santacruz*.

10
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 to
16 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) (order
18 certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating
19 and extending declaratory judgment from Order Granting Petitioners' Motion for Partial
20 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 release
24 on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

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

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

- 7
- 8 a. does not have lawful status in the United States and is currently detained at
9 the Florence Service and processing center at 3250 N. Pinal Parkway
10 Florence, AZ 85132. He was apprehended by immigration authorities on
11 12/01/2025;
 - 12 b. entered the United States without inspection over 27 years ago and was not
13 apprehended upon arrival, *cf. id.*; and
 - 14 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

15 6. After apprehending Petitioner on 12/01/2025 , the DHS placed him in
16 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
17 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United
18 States without inspection. See Exhibit A (Notice to Appear)

19 7. The Court should expeditiously grant this petition.

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

9. Immigration judges have informed class members in bond hearings that
they have been instructed by “leadership” that the declaratory judgment in *Maldonado*

1 *Bautista* is not controlling, even with respect to class members, and that instead IJs
2 remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. &
3 N. Dec. 216 (BIA 2025).

4 10. In this case Judge Bruce Taylor in Florence denied bond citing a lack of
5 jurisdiction under *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) on
6 12/12/2025. See Exhibit B (BOND DECISION). The IJ Stated "the decisions of
7 the District Court for the Central District of California to certify a class and enter
8 Partial Summary Judgment, but not a final order of Judgment, are not binding on
9 this Court or in this Court's Federal District of Arizona without an order of
10 injunction or extraordinary writ to authorize or require this Court-IJ to conduct a
11 bond hearing without applying currently controlling precedent over this Court." Id.
12

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

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

18 JURISDICTION

19 13. Petitioner is in the physical custody of Respondents. Petitioner is detained
20 at the Florence Service and Processing Center in Florence Arizona.

21 14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus),
22 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
23 Constitution (the Suspension Clause).
24

1 20. Petitioner EUDOR ROBERTO MORALES DIAZ, is a citizen of
2 Guatemala who has been in immigration detention since 12/01/2025. After Petitioner was
3 arrested in San Tan Valley in Pinal County Arizona , ICE did not set bond, and Petitioner
4 requested review of his custody by an IJ. On 12/12/2025, Petitioner was denied bond by
5 IJ Bruce Taylor at the Florence immigration court because He were deemed an “applicant
6 for admission.” Petitioner has resided in the United States since 1998.

7 21. Respondent JOHN CANTU is the Director of the Phoenix Field Office of
8 ICE’s Enforcement and Removal Operations division. As such, JOHN CANTU is
9 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and
10 removal. He is named in his official capacity.

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

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

19 24. Respondent Pamela Bondi is the Attorney General of the United States. She
20 is responsible for the Department of Justice, of which the Executive Office for
21 Immigration Review and the immigration court system it operates is a component
22 agency. She is sued in her official capacity.
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1 25. Respondent Executive Office for Immigration Review (EOIR) is the federal
2 agency responsible for implementing and enforcing the INA in removal proceedings,
3 including for custody redeterminations in bond hearings.

4 26. Respondent WARDEN is Warden of the Florence Service and Processing
5 Center where Petitioner is detained. HE has immediate physical custody of Petitioner. HE
6 is sued in HIS official capacity.

7
8 **CLAIM FOR RELIEF**

9 **Violation of the INA:**

10 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

15 29. The order granting partial summary judgment in *Maldonado Bautista* holds
16 that Respondents violate the INA in applying the mandatory detention statute at
17 § 1225(b)(2) to class members.

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

21 31. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
22 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
23 § 2201(a).

24 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

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

- 2 a. Assume jurisdiction over this matter;
- 3 b. Issue a writ of habeas corpus requiring that within one day, Respondents
- 4 release Petitioner;
- 5 c. Alternatively, issue a writ of habeas corpus requiring Respondents to
- 6 release Petitioner unless they provide a bond hearing under 8 U.S.C.
- 7 § 1226(a) within seven days;
- 8 d. Award Petitioner attorney's fees and costs under the Equal Access to
- 9 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis
- 10 justified under law; and
- 11 e. Grant any other and further relief that this Court deems just and proper.

12 DATED this 29th of December , 2025.

13 /S Michael Neufeld

14 Michael Neufeld

15 *Attorneys for Petitioner*

16 VERIFICATION PURSUANT TO 28 U.S.C. 2242

17 I am submitting this verification on behalf of EUDOR ROBERTO MORALES DIAZ

18 because I am oof his attorneys. I have discussed with EUDOR ROBERTO MORALES

19 DIAZ the events described in the Petition and Complaint. Based on those discussions, I

20 hereby verify that the factual statements made in the attached Petition for Writ of Habeas

21 Corpus and Complaint for Declaratory and Injunctive Relief are true and correct to the

22 best of my knowledge.

23 Executed on this December 29th, 2025,

24 in Phoenix, Arizona

 /S Michael Neufeld

Michael Neufeld

Attorneys for Petitioner EUDOR ROBERTO MORALES DIAZ