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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11 MIGUEL GUZMAN 

12  
13 Petitioner,

14  
15 v.

16 Kristi NOEM, Secretary, Department of  
17 Homeland Security; Todd LYONS, in his  
18 official capacity as Acting Director of U.S.  
19 Immigration and Customs Enforcement;  
20 Pam BONDI, Attorney General of the  
21 United States; J. ARCHAMBEAULT,  
22 Director, San Diego Field Office,  
23 Immigration and Customs Enforcement,  
24 Enforcement and Removal Operations;  
25 Jeremy CASEY, Warden, Imperial  
26 Regional Detention Facility; &  
27 EXECUTIVE OFFICE FOR  
28 IMMIGRATION REVIEW

Respondents.

Civil Case No.:

**FIRST AMENDED PETITION FOR  
WRIT OF HABEAS CORPUS AND  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**INTRODUCTION**

1  
2  
3 1. This First Amended Petition is filed as a matter of course pursuant to Federal  
4 Rule of Civil Procedure 15(a)(1)(A). One of the two originally named petitioners, Antonio  
5 Rodriguez Orozco, has been released from immigration custody on independent grounds.  
6 Counsel for Petitioner has conferred with Counsel for Respondents and all parties agree  
7 that his individual habeas claims are therefore moot. This amendment removes that  
8 petitioner and the claims as to him only and does not alter the remaining Petitioner’s claims  
9 (Miguel Guzman) or the remaining Petitioner’s requested relief.

10 2. Counsel for Petitioner alerted Counsel for Respondents, Attorney Janet  
11 Cabral, on January 5, 2025 and she stated her Office does not oppose this amended Petition.

12 3. This amendment also removes the Respondent Warden of Otay Mesa.  
13 Petitioner Antonio Rodriguez Orozco was detained at that facility and is no longer in  
14 custody. The remaining Petitioner, Miguel Guzman, is held at the Imperial Detention  
15 Facility.

16 4. Petitioner is a noncitizen in pending removal proceedings and is charged with  
17 having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i).

18 5. He brings this petition for a writ of habeas corpus to seek enforcement of his  
19 rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*,  
20 No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).

21 6. On November 20, 2025, this Court granted partial summary judgment on  
22 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and  
23 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No.  
24 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov.  
25 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioner);  
26 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----,  
27 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioner’  
28

1 proposed nationwide Bond Eligible Class, incorporating and extending declaratory  
2 judgment from Order Granting Petitioner’ Motion for Partial Summary Judgment).

3 7. On December 18, 2025, the Central District of California issued an amended  
4 order on a nationwide class action in *Lazaro Maldonado Bautista v. Santacruz* in which it  
5 the court rejected the argument that noncitizens who entered the United States without  
6 inspection are ineligible for bond based on INA § 235(b)(2), and found that they were  
7 eligible for bond hearings before immigration judges under INA § 236(a). The court  
8 expressly found that those who entered the United States without inspection were not  
9 applicants for admission under INA § 235(b)(2). This is a final judgement.

10 8. The Court stated: “In response, Respondents argue Petitioner are “applicants  
11 for admission” because § 1225(b)(2) is a “catchall provision” that applies to all applicants  
12 for admission not covered by § 1225(b)(1). [Opp. at 21, (citing Jennings, 583 U.S. at 287)].  
13 According to Respondents, “applicants for admission” “fall into one of two categories,  
14 those covered by § 1225(b)(1) and those covered by § 1225(b)(2).” [Opp. at 21 (citing  
15 Jennings, 583 U.S. at 297)]. Such an argument relies on the assumption that “applicants for  
16 admission” encompasses all noncitizens coming into and already in the United States. If  
17 this assumption is true, then Respondents are correct. But this cannot be correct.  
18 Respondents’ argument is at odds with the plain language of the INA. Neither party  
19 contends with the definition section of the INA, which readily resolves this dispute over  
20 statutory interpretation.”

21 9. This is a rejection of the Board’s decision in *Matter of Yajure Hurtado*, 29  
22 I&N Dec. 216, 229 (BIA 2025). In fact, the decision in *Maldonado Bautista* expressly states  
23 that “the interpretation in *Yajure-Hurtado*, 29 I. & N. Dec. 216, which contradicts the  
24 Court’s reasoning is no longer controlling.” *Id.* at 20. As such, the legal ruling that a  
25 noncitizen who entered without inspection is subject to INA § 235(b)(2) was rejected in  
26 *Maldonado Bautista*.







1 Pub. L. No. 104--208, Div. C, §§ 302--03, 110 Stat. 3009-546, 3009--582 to 3009--583,  
2 3009--585. Section 1226(a) was most recently amended earlier this year by the Laken Riley  
3 Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

4 29. Following enactment of the IIRIRA, EOIR drafted new regulations explaining  
5 that, in general, people who entered the country without inspection were not considered  
6 detained under § 1225 and that they were instead detained under § 1226(a). See Inspection  
7 and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal  
8 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

9 30. Thus, in the decades that followed, most people who entered without  
10 inspection—unless they were subject to some other detention authority—received bond  
11 hearings. That practice was consistent with many more decades of prior practice, in which  
12 noncitizens who were not deemed “arriving” were entitled to a custody hearing before an  
13 IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469,  
14 pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority  
15 previously found at § 1252(a)).

16 31. On September 5, 2025, the Board of Immigration Appeals issued a precedent  
17 decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), finding that  
18 noncitizens who entered the United States without inspection were ineligible for bond  
19 redetermination hearings because they were seeking admission, and fell within 8 U.S.C. §  
20 1225(b)(2)(A).

21 32. This legal theory that noncitizens who entered the United States without  
22 admission or parole are ineligible for bond hearings has been universally rejected by the  
23 district courts. *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at \*9  
24 (W.D. Wash. Sept. 30, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025  
25 WL 2591530, at \*3 (C.D. Cal. Sept. 8, 2025); *Guzman v. Andrews*, No. 1:25-CV-01015-  
26 KES-SKO (HC), 2025 WL 2617256, at \*9 (E.D. Cal. Sept. 9, 2025); *Vasquez Garcia v.*  
27 *Noem*, 3:25-cv-02180-DMS-MMP (SD. Cal. Sept. 3, 2025); *Benitez v. Noem*, No. 5:25-cv-  
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1 02190-RGK-AS) C.D. Cal. Aug. 26, 2025); *Arrazola Gonzalez v. Noem*, 5:25-cv-01789-  
2 ODW-DFM (C.D. Cal. Aug. 15, 2025); *Maldonado Bautista v. Santacruz*, 5:25-cv-01873-  
3 SSS-BFM (C.D. Cal. July 28, 2025); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025  
4 WL 2531521, at \*2 (D. Neb. Sept. 3, 2025); *Perez v. Berg*, No. 8:25CV494, 2025 WL  
5 2531566, at \*2 (D. Neb. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486,  
6 2025 WL 2496379, at \*8 (E.D. Mich. Aug. 29, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-  
7 3051 (ECT/DJF), 2025 WL 2466670, at \*6 (D. Minn. Aug. 27, 2025); *Kostak v. Trump*,  
8 No. CV 3:25-1093, 2025 WL 2472136, at \*3 (W.D. La. Aug. 27, 2025) *Rodriguez v.*  
9 *Bostock*, 2025 WL 1193850 (W.D. Wa. Apr. 24, 2025).

10 33. The Board’s interpretation defies the INA. The plain text of the statutory  
11 provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

12 34. Section 1226(a) applies by default to all persons “pending a decision on  
13 whether the [noncitizen] is to be removed from the United States.” These removal hearings  
14 are held under § 1229a, which “decid[e] the inadmissibility or deportability of a[]  
15 [noncitizen].”

16 35. The text of §1226 also explicitly applies to people charged as being  
17 inadmissible, including those who entered without inspection. See 8 U.S.C. §  
18 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default,  
19 such people are afforded a bond hearing under subsection (a). Section 1226 therefore leaves  
20 no doubt that it applies to people who face charges of being inadmissible to the United  
21 States, including those who are present without admission or parole.

22 36. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
23 recently entered the United States. The statute’s entire framework is premised on  
24 inspections at the border of people who are “seeking admission” to the United States. 8  
25 U.S.C. § 1225(b)(2)(A).

1 37. Accordingly, the mandatory detention provision of § 1225(b)(2) does not  
2 apply to people like Petitioner who are alleged to have entered the United States without  
3 admission or parole.

4  
5 **MALDONADO BAUTISTA v. NOEM CLASS ACTION**

6 38. Petitioner incorporates by reference the allegations set forth in the preceding  
7 paragraphs.

8 39. On November 20, 2025, this Court issued an order on a pending nationwide  
9 class action in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.),  
10 Dkt # 82. In that order, the Court rejected the argument that noncitizens who entered the  
11 United States without inspection are ineligible for bond based on 8 U.S.C. § 1225(b)(2),  
12 and found that they were eligible for bond hearings before immigration judges under 8  
13 U.S.C. § 1226 (a). The Court expressly found that those who entered the United States  
14 without inspection were not applicants for admission under 8 U.S.C. § 1225(b)(2). The  
15 court stated:

16 In response, Respondents argue Petitioner are “applicants for admission”  
17 because § 1225(b)(2) is a “catchall provision” that applies to all applicants for  
18 admission not covered by § 1225(b)(1). [Opp. at 21, (citing *Jennings*, 583 U.S. at  
19 287)]. According to Respondents, “applicants for admission” “fall into one of two  
20 categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).”  
21 [Opp. at 21 (citing *Jennings*, 583 U.S. at 297)]. Such an argument relies on the  
22 assumption that “applicants for admission” encompasses *all* noncitizens coming  
23 into and already in the United States. If this assumption is true, then Respondents  
24 are correct. But this cannot be correct.

25 Respondents’ argument is at odds with the plain language of the INA.  
26 Neither party contends with the definition section of the INA, which readily  
27 resolves this dispute over statutory interpretation.

28 *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt # 81 at 12.  
This is a rejection of the Board’s decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216,  
229 (BIA 2025) (“The Immigration Judge properly held that he lacked authority to hear

1 the respondent's request for a bond as the respondent is an applicant for admission and is  
2 subject to mandatory detention under section 235(b)(2)(A) of the INA, 8 U.S.C. §  
3 1225(b)(2)(A)...”). As such, the legal ruling that a noncitizen who entered without  
4 inspection is subject to 8 U.S.C. § 1225(b)(2) was rejected in *Maldonado Bautista*.

5 40. That legal ruling now applies nationwide to all noncitizens who entered  
6 without inspection and meet the class definition which was certified on November 25,  
7 2025 in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt  
8 # 82. The class is defined as:

9 All noncitizens in the United States without lawful status who (1) have entered or  
10 will enter the United States without inspection; (2) were not or will not be  
11 apprehended upon arrival; and (3) are not or will not be subject to detention under  
12 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of  
Homeland Security makes an initial custody determination.

13 Dkt # 82 at 2.

14 41. Further, the November 25, 2025, Order confirms that the District Court’s  
15 prior November 20, 2025, order on partial summary judgment applies to the  
16 nationwide class. The court stated explicitly “[w]hen considering this determination  
17 with the MSJ Order, the Court extends the same declaratory relief granted to Petitioner  
18 to the Bond Eligible Class as a whole.” Dkt # 82 at 14. As such, the Court’s  
19 November 20, 2025, ruling on partial summary judgment that noncitizens who entered  
20 without inspection are eligible for bond hearings before the immigration judge under 8  
21 U.S.C. § 1226(a) applies nationwide.

22 42. Recognizing that Respondents have continued to rely on *Yajure Hurtado*, the  
23 Central District of California issued a clarifying order/final judgement on December  
24 18, 2025, explicitly stating that the core holding of *Yajure Hurtado* “cannot be  
25 squared” with the court’s summary judgment ruling. The court explained that, although  
26 it had not vacated *Yajure Hurtado* under the APA, the legal conclusion underlying that  
27 decision was “no longer tenable,” and therefore no longer controlling. The court  
28 further emphasized that, under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 398–

1 99 (2024), courts must exercise independent judgment and may not defer to agency  
2 interpretations that conflict with statutory text.

3 43. Nevertheless, the immigration courts have refused to follow *Maldonado*  
4 *Bautista* and continue to declare they have no jurisdiction to hold bond hearings as  
5 *Yajure Hurtado* is good law.

6 44. Petitioner is a clear member of this class and seek this Court’s intervention  
7 to order compliance with *Maldonado Bautista*, or alternatively to order that a bond  
8 hearing is independently required under § 1226(a).

9  
10 **CAUSES OF ACTION**

11 **COUNT I**

12 **Violation of the INA:**

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

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

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

18 47. The order granting partial summary judgment in *Maldonado Bautista v.*  
19 *Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), holds that Respondents violate the  
20 INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

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

24 49. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
25 declaratory judgment, which has the full “force and effect of a final judgment.” 28  
26 U.S.C. § 2201(a).  
27  
28



1 parole. Such noncitizens are detained under § 1226(a), unless they are subject to another  
2 detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

3 57.The application of § 1225(b)(2) to bar Petitioner from receiving a bond  
4 redetermination hearing before an immigration judge is arbitrary, capricious, and not in  
5 accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).  
6

7  
8 **COUNT IV**

9 ***Violation of Procedural Due Process***

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

12 59.The government may not deprive a person of life, liberty, or property without  
13 due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from  
14 government custody, detention, or other forms of physical restraint—lies at the heart of  
15 the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct.  
16 2491, 150 L.Ed.2d 653 (2001).

17 60.Petitioner have a fundamental interest in liberty and being free from official  
18 restraint.

19 61.The government’s detention of Petitioner without a bond redetermination  
20 hearing to determine whether they are a flight risk or danger to others violates his right  
21 to due process.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Petitioner respectfully request that this Court:  
24

- 25 a. Assume jurisdiction over this matter;  
26 b. Declare that the refusal to allow Petitioner a full and fair bond redetermination  
27 hearing before an immigration judge violates the INA, APA, and Due Process;  
28

- 1 c. Issue a writ of habeas corpus requiring that Defendants release Petitioner or  
2 provide him with a full, fair and legally compliant bond hearing to which Petitioner  
3 is entitled within 7 days;  
4  
5 d. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice  
6 Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and  
7  
8 e. Order further relief as this Court deems just and appropriate.

9 Dated: January 6, 2025

Respectfully Submitted,

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