

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF ARIZONA

3 TAKANG JOHN, EGBE TAKOR,  
4 Petitioner,

Case No.

5 v.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

6 Christopher MCGREGOR, Acting Field Office  
7 Director, Phoenix Field Office, Enforcement  
and Removal Operations

8 Jason CILIBERTI, Deputy Field Office  
9 Director, Enforcement and Removal  
Operations, Florence Service Processing Center

10 Kristi NOEM, Secretary, U.S. Department of  
Homeland Security

11 Todd LYONS, Director US Immigration and  
12 Customs Enforcement

13 Pamela BONDI, U.S. Attorney General

14 Daren MARGOLIN, Director Executive Office  
for Immigration Review

15 Luis ROSA, Jr., Warden of Central Arizona  
16 Florence Correctional Complex, Florence,  
Arizona,

17 Respondents.  
18  
19  
20  
21  
22  
23  
24

1 INTRODUCTION

2 1. Petitioner brings this petition for a writ of habeas corpus to seek enforcement of his  
3 rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No.  
4 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of Respondents at  
5 the Central Arizona Florence Correctional Complex (CAFCC) in Florence, Arizona. He is  
6 experiencing unlawful detention because the Department of Homeland Security (DHS) and the  
7 Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory  
8 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

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

22 4. Despite the District Court's November 2, 2025, judgement, EOIR, its subagency (the  
23 Immigration Court), and DHS have blatantly refused to abide by the declaratory relief.  
24

1 5. Following *Maldonado Bautista*'s issuance, Petitioner requested a custody  
2 redetermination hearing before the Immigration Court in Florence, Arizona.

3 6. On or about December 2, 2025, the Immigration Court vacated Petitioner's scheduled  
4 custody redetermination hearing request and unlawfully ordered he be denied the opportunity to  
5 be released on bond. The Immigration Judge ruled the declaratory judgment in *Maldonado*  
6 *Bautista* is not controlling, even with respect to class members, and added immigration judges  
7 remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec.  
8 216 (BIA 2025).

9 7. On December 18, 2025, the District Court issued a final judgement in favor of  
10 plaintiffs and members of the Bond Eligible Class, and declared: (i) the Bond Eligible Class  
11 members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under  
12 § 1225(b)(2); and (ii) pursuant to Defendant's regulations, *see* 8 C.F.R. §§ 236.1, 1236.1, and  
13 1003.19, the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a), are not subject  
14 to mandatory detention under § 1225(b)(2), and are entitled to consideration for release on bond  
15 by immigration officers and, if not released, a custody redetermination hearing before an  
16 immigration judge. *Maldonado Bautista v. Santaacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.  
17 Supp. 3d ----, 2025 WL 3289861, at \*2 (C.D. Cal. Dec. 18, 2025).

18 8. The District Court's December 18, 2025, final judgment also vacated DHS' policy  
19 described in the July 8, 2025, "Interim Guidance Regarding Detention Authority for Applicants  
20 for Admission" under the Administrative Procedure Act as not in accordance with law, *see* 5  
21 U.S.C. § 706(2)(A); granted final judgment as to Claims I, II, and III of the Amended Class  
22 Complaint; and certified those complaints for appeal pursuant to Federal Rule of Civil Procedure  
23 54(b). *Id.*

1 9. Based on the Immigration Courts’ refusal to abide by the District Court’s November  
2 20, 2025, declaratory judgment and nationwide class certification, Petitioner has not made a  
3 subsequent attempt to seek release on bond. The Immigration Courts’ and DHS’ stance on the  
4 subject render such an effort fruitless. “Futility is a traditional exception to judicially created  
5 exhaustion requirements because ‘[i]t makes little sense to require litigants to present claims to  
6 adjudicators who are powerless to grant the relief requested.’” *Vasquez-Rodriguez*  
7 *v. Garland*, 7 F.4th 888, 895 (9th Cir. 2021) (quoting *Carr v. Saul*, 141 S. Ct. 1352, 1361  
8 (2021)); *see also Perez-Guzman v. Lynch*, 835 F.3d 1066, 1073 (9<sup>th</sup> Cir. 2016) (exhaustion is not  
9 required where it would be futile to raise a particular issue before the agency).

10 10. Petitioner Takang John is a member of the Bond Eligible Class, as he:

- 11 a. does not have lawful status in the United States and is currently detained at  
12 CAFFC in Florence, Arizona (as of November 7, 2025). Immigration authorities  
13 apprehended him on or about April 7, 2024, and placed him in removal  
14 proceedings;
- 15 b. entered the United States without admission or parole more than 20 months ago  
and was apprehended shortly after arrival, *cf. id.*; and
- 16 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

17 11. After apprehending Petitioner on or about April 7, 2024, DHS placed him in removal  
18 proceedings pursuant to 8 U.S.C. § 1229a and charged him with inadmissibility pursuant to 8  
19 U.S.C. § 1182(a)(6)(A)(i), alien who entered the United States without admission or parole.

20 12. The Court should expeditiously grant this petition.

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

1 14. Because Respondents are detaining Petitioner in violation of the declaratory and final  
2 judgments issued in *Maldonado Bautista*, the Court should accordingly order that within one  
3 day, Respondent DHS must release Petitioner.

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

### 6 LEGAL FRAMEWORK

7 16. Immigration proceedings, including detention and removal, are guided by multiple  
8 statutes working in tandem. Removal proceedings are carried out under 8 U.S.C. § 1229(a).  
9 There are different ways to arrive at 1229(a).

10 17. In one route, 8 U.S.C. § 1226(a) permits the Attorney General to detain noncitizens in  
11 anticipation of and while removal proceedings are ongoing. "Federal regulations provide that  
12 aliens detained under § 1226(a) receive bond hearings at the outset of detention." *Jennings v.*  
13 *Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8 CFR § 236.1(d)(1)). The purpose of a bond  
14 hearing is to determine a respondent's flight risk or potential for danger to the community.

15 18. In certain instances, noncitizens are not afforded a bond hearing. § 1226(c) authorizes  
16 mandatory detention for criminal behavior. 8 U.S.C. § 1225(b)(1)(A)(i) authorizes mandatory  
17 detention as part of the "expedited removal" process. 8 U.S.C. § 1225(b)(2)(A) also requires  
18 detention, though only if the noncitizen is an "applicant for admission," and is "seeking  
19 admission."

20 19. An applicant for admission is defined as "an alien present in the United States who  
21 has not been admitted or who arrives in the United States (whether or not at a designated port of  
22 arrival and including an alien who is brought to the United States after having been interdicted in  
23 international or United States waters)". 8 U.S.C. § 1225(a)(1).

1 20. “In sum, U.S. immigration law authorizes the Government to detain certain aliens  
2 seeking admission into the country under §§ 1225(b)(1) and (b)(2). It also authorizes the  
3 Government to detain certain aliens already in the country pending the outcome of removal  
4 proceedings under §§ 1226(a) and (c).” *Jennings*, 583 U.S. at 289.

5 21. Under 8 U.S.C. § 1226(a), a noncitizen “*may* be arrested and detained pending a  
6 decision on whether the alien is to be removed from the United States.” (emphasis added).  
7 Pending such decision, the Attorney General “may release the alien on a bond of at least \$1,500  
8 with security approved by, and containing conditions prescribed by, the Attorney General, or  
9 conditional parole...” 8 U.S.C. § 1226(a)(1)-(2).

10 22. In other words, section 1226(a) contemplates that a noncitizen who is arrested and  
11 detained pending a removal decision is “generally” entitled to a bond hearing. *Nielsen v. Preap*,  
12 586 U.S. 392, 395-98 (2019) (“Aliens who are arrested because they are believed to be  
13 deportable may generally apply for release by proving to the satisfaction of a Department of  
14 Homeland Security officer or an immigration judge that they would not endanger others and  
15 would not flee is released from custody... 8 U.S.C. § 1226(a) generally permits an alien to seek  
16 release in this way...”). This is the “default rule.” *Jennings*, 583 U.S. at 288 (“Section 1226  
17 generally governs the process of arresting and detaining that group of aliens pending their  
18 removal... Section 1226(a) sets out the default rule...”). *See also Rodriguez Diaz v. Garland*, 53  
19 F.4<sup>th</sup> 1189, 1196-97 (9th Cir. 2022) (“The provision at issue in this case, 8 U.S.C. § 1226,  
20 provides the general process for arresting and detaining aliens who are present in the United  
21 States and eligible for removal... Under § 1226(a) and its implementing regulations, a detainee  
22 may request a bond hearing before an IJ at any time before a removal order becomes final...

1 Additional provisions supplement § 1226’s detention scheme. Section 1225(b) applies to an  
2 ‘applicant for admission’...” (citations omitted).

3 23. For decades, people in this situation – who have been residing in the United States,  
4 often for years – were entitled to consideration for release on bond, and if not released by DHS,  
5 to bond hearings before an IJ. *See Rodriguez Vazquez v. Bostock*, 779 F.Supp.1239 (W.D. Wash.  
6 2025).

7 24. On July 8, 2025, ICE issued a memo entitled “Interim Guidance Regarding Detention  
8 Authority for Applicants for Admission,” announcing that “[e]ffective immediately, it is the  
9 position of DHS” that anyone “who has not been admitted” is “subject to detention under [8  
10 U.S.C. § 1225(b)] and may not be released from ICE custody except by [8 U.S.C. § 1182(d)(5)  
11 parole.”

12 25. On September 5, 2025, the BIA issued a published decision in *Matter of Yajure*  
13 *Hurtado*, 29 I&N Dec. 216 (BIA 2025). *Matter of Yajure Hurtado* adopts the same interpretation  
14 of the INA’s detention authorities as DHS, reasoning that all noncitizens who entered without  
15 admission or parole are subject to detention under § 1225(b)(2)(A).

16 26. The government has incorrectly applied section 1225(b)(2)(A) to Petitioner. The  
17 application of 1225(b)(2)(A), instead of the appropriate 1226(a), violates statutory authority and  
18 violates Petitioner’s due process rights.

19 27. The Due Process Clause of the Fifth Amendment provides Petitioner with important  
20 protections regarding his detention. As the Supreme Court has explained, “[f]reedom from  
21 imprisonment – from government custody, detention, or other forms of physical restraint – lies at  
22 the heart of liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690.

1 28. Since the Supreme Court’s decision in *Jennings v. Rodriguez*, the Ninth Circuit has  
2 express “grave doubt” that “any statute that allows for arbitrary prolonged detention without any  
3 process is constitutional or that those who founded our democracy precisely to protect against the  
4 government’s arbitrary deprivation of liberty would have thought so.” *Rodriguez v. Marin*, 990  
5 F.3d 252, 256 (9th Cir. 2018).

6 29. To guarantee against such arbitrary detention and to guarantee the right to liberty, due  
7 process requires “adequate procedural protections” that ensure the government’s asserted  
8 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally  
9 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (internal quotation  
10 marks omitted).

#### 11 JURISDICTION

12 30. Petitioner is in the physical custody of Respondents. He is detained at the CAFCC in  
13 Florence, Arizona as part of an Intergovernmental Service Agreement (IGSA) with DHS.

14 31. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. §  
15 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the  
16 Suspension Clause). *See also Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (concluding habeas  
17 jurisdiction lie “in only one district: the district of confinement”).

18 32. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment  
19 Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

#### 20 VENUE

21 33. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
22 500 (1973), venue lies in the U.S. District Court for the District of Arizona, the judicial district in  
23 which Petitioner currently is detained.

1 34. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
2 Respondents are employees, officers, and agencies of the United States, and because a  
3 substantial part of the events or omissions giving rise to the claims occurred in the District of  
4 Arizona.

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

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

8 36. Habeas corpus is “perhaps the most important writ known to the constitutional  
9 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
10 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
11 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
12 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
13 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

14 **PARTIES**

15 37. Petitioner is a native and citizen of Cameroon. He has been in immigration custody  
16 since November 7, 2025, when DHS officers conducting a targeted surveillance unrelated to him  
17 at a Chandler, Arizona gas station encountered and arrested him. At that time, Petitioner had a  
18 pending Immigration Court hearing scheduled for February 23, 2028, in Phoenix, Arizona. DHS  
19 did not set a bond in the Petitioner’s case following his arrest. As a result, Petitioner requested a  
20 review of his custody by an IJ. However, on December 2, 2025, an IJ at the Florence, Arizona  
21 Immigration Court vacated the Petitioner’s bond request, deeming him “applicant for  
22 admission.” Petitioner has resided in the United States since approximately April 7, 2024.

1 38. Respondent Christopher McGregor is the acting Director of the Phoenix Field Office  
2 of ICE's Enforcement and Removal Operations division. As such, he leads and manages all  
3 Enforcement and Removal operations within the geographic region encompassing Arizona and is  
4 responsible for Petitioner's detention and removal. He is named in his official capacity.

5 39. Respondent Jason Ciliberti is the Deputy Field Office Director (DFOD) of the  
6 Florence Service Processing Center in Florence, Arizona. As such, DFOD Ciliberti is  
7 Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is  
8 named in his official capacity.

9 40. Respondent Kristi Noem is DHS Secretary. She is responsible for the implementation  
10 and enforcement of the Immigration and Nationality Act (INA), and oversees Immigration and  
11 Customs Enforcement (ICE), which is responsible for Petitioner's detention. Ms. Noem has  
12 ultimate custodial authority over Petitioner and is sued in her official capacity.

13 41. Respondent Todd Lyons is the Director of US Immigration and Customs  
14 Enforcement. Respondent DHS is the federal agency responsible for implementing and  
15 enforcing the INA, including the detention and removal of noncitizens.

16 42. Respondent Pamela Bondi is the Attorney General of the United States. She is  
17 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
18 and the Immigration Court system it operates is a component agency. She is being sued in her  
19 official capacity.

20 43. Respondent Daren Margolin is the Director of the Executive Office for Immigration  
21 Review and is being sued in his official capacity. Respondent EOIR is the federal agency  
22 responsible for implementing and enforcing the INA in removal proceedings, as well as  
23 conducting custody redetermination hearings.

1 44. Respondent Daren Margolin is the Director of the Executive Office for Immigration  
2 Review and is being sued in his official capacity.

3 45. Respondent Luis Rosa, Jr. is employed by Core Civic (a major private prison  
4 company) as Warden of CAFCC, where Petitioner is detained as part of an IGSA with DHS. He  
5 has immediate physical custody of Petitioner and is being sued in his official capacity.

6 **CLAIM FOR RELIEF**  
7 **Violation of the INA:**  
8 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

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

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

19 50. The order granting final judgment in *Maldonado Bautista* clarifies the government’s  
20 obligation after government attorneys and Immigration Judges continued to argue and/or to deny  
21 bond hearings to class members.

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

24 52. 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*.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**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 30th of December 2025.

\_\_\_\_\_  
Monika Sud-Devaraj  
*Attorney for Petitioner*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 30th day of December 2025 in Phoenix, Arizona.

/s/ Monika Sud-Devaraj  
Counsel for Petitioner

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**CERTIFICATE OF SERVICE**

On the 30th day of December 2025, I, Monika Sud-Devaraj, the undersigned, served via certified U.S. Mail, return receipt requested, the attached Complaint, on each person/entity listed below addressed as follows:

Pamela Bondi  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Kristi Noem,  
Secretary, U.S. Department of Homeland Security  
U.S. Department of Homeland Security  
2801 Nebraska Avenue NW  
Washington, DC 20582

Todd M. Lyons  
Acting Director, U.S. Immigration and Customs Enforcement  
500 12th Street SW  
Washington, DC 20536

Daren Margolin  
Director Executive Office of Immigration Review  
5107 Leesburg Pike  
Falls Church, VA 22041

Christopher D. McGregor  
Acting Field Office Director  
U.S. Immigration and Customs Enforcement  
2035 N. Central Ave.  
Phoenix, AZ 85004

Jason Ciliberti  
Deputy Field Office Director, ICE  
2035 N Central Ave,  
Phoenix, AZ 85004

Luis ROSA, Jr.

1 Warden of Central Arizona Florence Correctional Complex  
1100 Bowling Road  
2 Florence, Arizona 85132

3 Served via ECF the attached Petition:  
Civil Clerk  
4 United States Attorney's Office  
District of Arizona  
5 Two Renaissance Square  
40 N. Central Avenue, Suite 1200  
6 Phoenix, AZ 85004-4408

7 I declare under penalty of perjury that the foregoing is true and correct. Executed on 30th  
day of December 2025, at Phoenix, Arizona.

8  
9 s/ Monika Sud-Devaraj  
Counsel for Petitioner

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24