

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

EVARISTA BLANCA GUZMAN-  
MARTINEZ,

Petitioner,

v.

Bret BRADFORD, Field Office Director of  
Enforcement and Removal Operations, Houston  
Field Office, Immigration and Customs  
Enforcement; Kristi NOEM, Secretary, U.S.  
Department of Homeland Security; Pamela  
BONDI, U.S. Attorney General; Executive  
Office for Immigration Review; Randy TATE,  
Facility Administrator of The GEO Group, Inc.,  
Montgomery Processing Center.

Respondents.

Case No 4:25-CV-06363 .

**VERIFIED PETITION FOR WRIT OF  
HABEAS CORPUS**

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1 INTRODUCTION

2 1. Petitioner EVARISTA BLANCA GUZMAN-MARTINEZ, [REDACTED]  
3 brings this petition for a writ of habeas corpus to seek enforcement of her rights to an  
4 immigration bond hearing under 8 U.S.C. § 1226(a). Petitioner is in the physical custody of  
5 Respondents at the MONTGOMERY PROCESSING CENTER. She now faces unlawful  
6 detention because the Department of Homeland Security (DHS) and the Executive Office for  
7 Immigration Review (EOIR) have refused to exercise jurisdiction over her case and deem her  
8 subject to mandatory detention by incorrectly classifying her as an applicant for admission  
9 pursuant to 8 U.S.C. § 1225(b)(2).

10 2. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court described §  
11 1226 as the “default rule” governing “an alien present in the country” pending their removal. 583  
12 U.S. at 288. *Jennings* plainly states: “§ 1226 applies to aliens already in the United States,”  
13 which is the Petitioner in this case. The Petitioner has resided in the United States since 2004 and  
14 would be at a loss to be characterized as an “applicant for admission” both when she entered and  
15 now.

16 3. Furthermore and in the alternative, Petitioner seeks enforcement of her rights as  
17 member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-  
18 01873-SSS-BFM (C.D. Cal.)

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

5 5. The declaratory judgment held that the Bond Denial Class members are detained  
6 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §  
7 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

8 6. Nonetheless, the Executive Office for Immigration Review and its subagency the  
9 Immigration Court and the Department of Homeland Security (DHS) have refused to abide by  
10 the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be  
11 released on bond.

12 7. Petitioner EVARISTA BLANCA GUZMAN-MARTINEZ, is a member of the  
13 Bond Eligible Class, as she:

- 14 a. does not have lawful status in the United States and is currently detained at the  
15 MONTGOMERY PROCESSING CENTER. She was apprehended by  
16 immigration authorities on November 12, 2025;  
17 b. entered the United States without inspection over twenty-five (21) years ago and  
18 was not apprehended upon arrival, *cf. id.*; and  
19 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

20 8. After apprehending Petitioner on November 12, 2025, the DHS placed her in  
21 removal proceedings pursuant to 8 U.S.C. § 1229(a). DHS has charged Petitioner as being  
22 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States  
23 without inspection.

24 9. The Court should expeditiously grant this petition.

1 10. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full  
2 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue  
3 to defy the judgment in that case and continue to subject Petitioner to unlawful detention despite  
4 her clear entitlement to consideration for release on bond as a Bond Eligible Class member.

5 11. Immigration judges have informed class members in bond hearings that they have  
6 “no jurisdiction” and that IJs remain bound to follow the agency’s prior decision in *Matter of*  
7 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

8 12. Because Respondents are detaining Petitioner in violation of *Jennings* and the  
9 declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that  
10 within one day, Respondent DHS must release Petitioner.

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

13 **JURISDICTION**

14 14. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
15 MONTGOMERY PROCESSING CENTER in Conroe, Texas.

16 15. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
17 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
18 Constitution (the Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241,  
19 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

20 **VENUE**

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

1 17. 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 Southern  
4 District.

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

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

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

15 **PARTIES**

16 20. Petitioner EVARISTA BLANCA GUZMAN-MARTINEZ is a citizen of  
17 MEXICO, who has been in immigration detention since November 12, 2025. After Petitioner  
18 was arrested, ICE did not set bond, and Petitioner requested review of her custody by an IJ. On  
19 December 30, 2025, Petitioner was denied bond by an IJ at the Conroe Immigration Court  
20 because she was found subject to mandatory detention pursuant to *Matter of Yajure Hurtado*, 29  
21 I&N Dec. 216 (BIA 2025) and was deemed an “applicant for admission.” Petitioner has resided  
22 in the United States since 2004 and has no previous immigration history or encounters.



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

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

5 29. 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 30. The order granting class certification in *Maldonado Bautista* further orders that  
9 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
10 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

11 31. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
12 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
13 § 2201(a).

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

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  
23 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within  
24 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 \_\_\_ of December, 2025.

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**VERIFICATION**

I, **Evarista Blanca Guzman-Martinez**, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 30th day of December 2025, at Conroe, Texas.

**EVARISTA BLANCA GUZMAN-MARTINEZ**

A-Number:   
Petitioner