

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

JUAN CHAVARIN MORALES,
Petitioner,

Case No. 2:26-cv-11

v.

KRISTI NOEM, Secretary for the
Department of Homeland Security; TODD
LYONS, Acting Director, Immigration and
Customs Enforcement; LAURA
HERMOSILLA, Field Office Director,
Immigration and Customs Enforcement
Seattle Field Office; BRUCE SCOTT,
Warden, Northwest ICE Processing Center,
Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS UNDER 28 U.S.C. §
2241**

INTRODUCTION

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

2. On December 18, 2025, the district court entered a final order under Rule 54(b) on the certified class, holding "[a]lthough the MSJ Order does not grant vacatur of *Yajure Hurtado* under the APA, *Yajure Hurtado* is no longer controlling; the legal conclusion underlying the decision is no longer tenable." This is because it is inconsistent with the declaratory judgment determining that class members are detained under 236(a), not 235(b)(2)(A). On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

1 3. The declaratory judgment and the subsequent final order held that the Bond
2 Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied
3 consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL
4 3289861, at *11.

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

9 5. Petitioner Juan Chavarin Morales is a member of the Bond Eligible Class, as he:

- 10 a. does not have lawful status in the United States and is currently detained at the
11 Northwest Detention Center. He was apprehended by immigration authorities on
12 November 21, 2025;
13 b. entered the United States without inspection over 23 years ago and was not
14 apprehended upon arrival, *cf. id.*; and
15 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

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

20 7. The Court should expeditiously grant this petition.

21 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
22 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
23 to flagrantly defy the judgment 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 substantial part of the events or omissions giving rise to the claims occurred in the Western
2 District of Washington.

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

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

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

12 **PARTIES**

13 19. Petitioner Juan Chavarez Morales is a citizen of MEXICO who has been in
14 immigration detention since November 21, 2025. After Petitioner was arrested in McMinnville
15 OR, ICE did not set bond, and Petitioner requested review of his custody by an IJ. Petitioner will
16 be denied a bond by Tacoma EOIR due to the policy of continuing to rely on *Yajure-Hurtado*
17 and ignoring class membership in *Maldonado- Bautista*. Petitioner has resided in the United
18 States since summer of 2002.

19 20. Respondent Laura Hermosilla is the Director of the Seattle Field Office of ICE’s
20 Enforcement and Removal Operations division. As such, Laura Hermosilla is Petitioner’s
21 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in
22 his official capacity.
23
24

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

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

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

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

25. Respondent Bruce Scott is employed by GEO in a contract with the Department of Homeland Security as Warden of the Northwest Detention Center where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

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

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

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

9 31. The EOIR will deny Petitioner a bond hearing under § 1226(a) and assert that he
10 is subject to mandatory detention under § 1225(b)(2), and thus the Respondents violate
11 Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

12 **PRAYER FOR RELIEF**

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

- 14 a. Assume jurisdiction over this matter;
- 15 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
16 Petitioner;
- 17 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
18 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
19 seven days;
- 20 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
21 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
22 law; and
- 23 e. Grant any other and further relief that this Court deems just and proper.

24 DATED this 2nd of January 2026.

/s/ Courtney A. Carter

Courtney A. Carter

Attorney for Petitioner