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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

ERASMO ESCALANTE PEREZ,

Petitioner,

v.

Garret RIPA, Field Office Director of
Enforcement and Removal Operations, WEST
PALM BEACH Field Office, Immigration and
Customs Enforcement; Kristi NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; William
PAYNE, Warden of the GLADES COUNTY
DETENTION CENTER,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

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

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

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

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

3 5. Petitioner Erasmo Escalante is a member of the Bond Eligible Class, as he:

- 4 a. does not have lawful status in the United States and is currently detained at the
5 Glades County Detention Center. He was apprehended by immigration authorities
6 on November 2025;
7 b. entered the United States without inspection over 15 years ago and was not
8 apprehended upon arrival, *cf. id.*; and
9 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 6. After apprehending Petitioner on November 2025, the DHS placed him in
11 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as someone who
12 entered the United States without inspection.

13 7. The Court should expeditiously grant this petition.

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

19 9. Immigration judges have informed class members in bond hearings that they have
20 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
21 controlling, even with respect to class members, and that instead IJs remain bound to follow the
22 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

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

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

3 **JURISDICTION**

4 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
5 Glades Country Detention Center in Moore Haven, Florida.

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

9 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
10 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

11 **VENUE**

12 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
13 500 (1973), venue lies in the United States District Court for the Middle District of Florida, the
14 judicial district in which Petitioner currently is detained.

15 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
16 Respondents are employees, officers, and agencies of the United States, and because a
17 substantial part of the events or omissions giving rise to the claims occurred in the Middle
18 District of Florida.

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

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

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

5 **PARTIES**

6 19. Petitioner Erasmo Escalante is a citizen of Guatemala who has been in
7 immigration detention since October 2025 . After Petitioner was arrested in Florida, ICE did not
8 set bond. Petitioner was denied seeking bond by an IJ at the Immigration because he was deemed
9 an “applicant for admission.” Petitioner has resided in the United States since before 2009 when
10 his oldest US citizen daughter was born.

11 20. Respondent Garret Ripa is the Director of the Miami Field Office of ICE’s
12 Enforcement and Removal Operations division. As such, Garret Ripa is Petitioner’s immediate
13 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
14 capacity.

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

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

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

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

6 25. Respondent William Payne is employed by the GEO Group as Warden of the
7 Glades County Detention Center, where Petitioner is detained. He has immediate physical
8 custody of Petitioner. He is sued in his official capacity.

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

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

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

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

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

21 30. 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).
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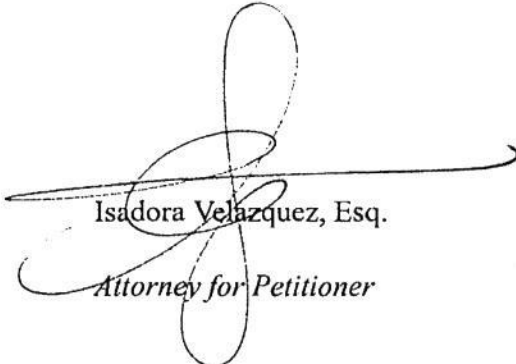
1 31. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
2 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory
rights under the INA and the Court's judgment in *Maldonado Bautista*.

3 **PRAYER FOR RELIEF**

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

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

1 DATED this 7th of January, 2026.

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Isadora Velazquez, Esq.

Attorney for Petitioner