

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

Honorio de Jesus Martinez

Petitioner,

Case No. 2:26-cv-00089

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.

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

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INTRODUCTION

1. Petitioner filed an original Writ 2:26-cv-00089 on Jan 9, 2026 arguing that his November 25, 2025 re-detention was unlawful without an assessment or changed circumstances.

2. However, this Court needs to be aware that the Petitioner also 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*. It is expected that instead of IJ Fitting's bond from 2012 being re-instated, as there were no changed circumstances, he will be held to be ineligible for a bond under *Yajure-Hurtado*, despite him being a class member of both *Rodriguez-Vasquez* and *Maldonado-Bautista*. Thus, Petitioner amends this Petition for Writ of Habeas Corpus.

3. 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

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1 Class, incorporating and extending declaratory judgment from Order Granting Petitioners’
2 Motion for Partial Summary Judgment).

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

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

11 6. In addition to being unlawfully re-detained, Petitioner Honorio de Jesus Martinez
12 is a member of the Bond Eligible Class, as he:

- 14
- 15 a. does not have lawful status in the United States and is currently detained at the
 - 16 Northwest Detention Center. He was apprehended by immigration authorities on
 - 17 November 25, 2025;
 - 18 b. entered the United States without inspection over 18 years ago and was not
 - 19 apprehended upon arrival, *cf. id.*; and
 - 20 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

21 7. After apprehending Petitioner on November 25, 2025, the DHS placed him in
22 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
23 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
24 without inspection- the same set of facts alleged in February 2012.

25 8. The Court should expeditiously grant this petition.

26 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
27 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue

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1 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
2 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
3 Class member.

4
5 10. Immigration judges have informed class members in bond hearings that they have
6 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
7 controlling, even with respect to class members, and that instead IJs remain bound to follow the
8 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

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

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

16 **JURISDICTION**

17
18 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
19 Northwest Detention Center, Tacoma, Washington.

20
21 14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
22 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
23 Constitution (the Suspension Clause).

24
25 15. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
26 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

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VENUE

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

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

REQUIREMENTS OF 28 U.S.C. § 2243

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

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

PARTIES

20. Petitioner Honorio de Jesus Martinez is a citizen of MEXICO who has been in immigration detention since November 25, 2025. After Petitioner was re-arrested in Portland OR, ICE did not set bond, and Petitioner requested review of his custody by an IJ. Petitioner will be denied a bond by Tacoma EOIR due to the policy of continuing to rely on *Yajure-Hurtado*

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1 and ignoring class membership in *Maldonado- Bautista*. Petitioner has resided in the United
2 States since November 2001. He was set a bond in 2012, but this Petitioner believes that the
3 bond will not be simply re-instated, due to the *Yajure-Hurtado* decision.

4
5 21. Respondent Laura Hermosilla is the Director of the Seattle Field Office of ICE's
6 Enforcement and Removal Operations division. As such, Laura Hermosilla is Petitioner's
7 immediate custodian and is responsible for Petitioner's detention and removal. She is named in
8 his official capacity.

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

14
15 23. Respondent Department of Homeland Security (DHS) is the federal agency
16 responsible for implementing and enforcing the INA, including the detention and removal of
17 noncitizens.

18
19 24. Respondent Pamela Bondi is the Attorney General of the United States. She is
20 responsible for the Department of Justice, of which the Executive Office for Immigration Review
21 and the immigration court system it operates is a component agency. She is sued in her official
22 capacity.

23
24 25. Respondent Executive Office for Immigration Review (EOIR) is the federal
25 agency responsible for implementing and enforcing the INA in removal proceedings, including
26 for custody redeterminations in bond hearings.

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1 26. Respondent Bruce Scott is employed by GEO in a contract with the Department
2 of Homeland Security as Warden of the Northwest Detention Center where Petitioner is
3 detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.
4

5 **CLAIM FOR RELIEF**

6 **Violation of the INA:**

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

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

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

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

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

18 31. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
19 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
20 § 2201(a).

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

24 **PRAYER FOR RELIEF**

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

26 a. Assume jurisdiction over this matter;

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- 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 12 of January 2026.

/s/ Courtney A. Carter

Courtney A. Carter

Attorney for Petitioner

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