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9 UNITED STATES DISTRICT COURT
10 SOUTHER DISTRICT OF CALIFORNIA

11 ROMAN AMADOR URBIETA NIETO,


12 Petitioner,

13 v.

14 JEREMY CASEY, Senior Warden,
15 Imperial Detention Center, DANIEL A.
16 BRIGHTMAN, San Diego Field Office
17 Director, U.S. Immigration & Customs
18 Enforcement (ICE); TODD LYONS,
19 Acting Director, U.S. ICE; KRISTI
20 NOEM, U.S. Secretary of Homeland
21 Security; PAMELA BONDI, Attorney
22 General of the United States

23 Respondents.
24

Case No. '26CV0186 GPC AHG

Agency No. 

**PETITION FOR WRIT
OF HABEAS CORPUS
AND ORDER TO SHOW
CAUSE WITHIN
THREE DAYS**

INTRODUCTION

1
2 1. Petitioner, ROMAN AMADOR URBIETA NIETO, brings this
3 petition for a writ of habeas corpus to seek enforcement of his rights as a member
4 of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-
5 CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of
6 Respondents at the Imperial Regional Detention Center. He now faces unlawful
7 detention because the Department of Homeland Security (DHS) and the Executive
8 Office for Immigration Review (EOIR) have refused to abide by the judgment
9 issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.
10

11 2. On November 20, 2025, the district court granted partial summary
12 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a
13 nationwide class and extended declaratory judgment to the certified class.
14 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d -
15 ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial
16 summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*
17 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403,
18 at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed
19 nationwide Bond Eligible Class, incorporating and extending declaratory judgment
20 from Order Granting Petitioners' Motion for Partial Summary Judgment).
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1 3. On December 18, 2025, the *Bautista* court entered final judgment
2 declaring “the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a)
3 and are not subject to mandatory detention under § 1225(b)(2) and vacating “the
4 Department of Homeland Security’s policy of July 8, 2025, ‘Intermin Guidance
5 Regarding Detention Authority for Applicants for Admission’ under the
6 Administrative Procedure Act as not in accordance with law. 5 U.S.C. §
7 706(2)(A).” *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL
8 3678485, at *1 (C.D. Cal. Dec. 18, 2025)

9
10 4. Nonetheless, the Executive Office for Immigration Review and its
11 subagency the Immigration Court and the Department of Homeland Security
12 (DHS) have blatantly refused to abide by the *Bautista* judgement and have
13 unlawfully ordered that Petitioner be denied the opportunity to be released on
14 bond.
15

16 5. Petitioner, Roman Amador Urbieta Nieto, is a member of the Bond
17 Eligible Class, as he:

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

23 6. After apprehending Petitioner on September 8, 2025, the DHS placed
24 him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged

1 Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone
2 who entered the United States without inspection.

3 7. On January 7, 2026, the Immigration Judge (IJ) found that the Court
4 lacked jurisdiction, that Petitioner was subject to mandatory detention under *Yajure*
5 *Hurtado*, 29 I&N Dec. 216 (BIA 2025) but issued an alternative finding granting a
6 bond of \$2000 if the court had jurisdiction.
7

8 8. The Court should expeditiously grant this petition.

9 9. Respondents are bound by the final judgment in *Maldonado Bautista*.
10 Nevertheless, Respondents continue to flagrantly defy the judgment in that case
11 and continue to subject Petitioner to unlawful detention despite his clear
12 entitlement to consideration for release on bond as a Bond Eligible Class member.
13

14 10. Immigration judges have informed class members in bond hearings
15 that IJs remain bound to follow the agency's prior decision in *Matter of Yajure*
16 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

17 11. Because Respondents are detaining Petitioner in violation of the final
18 judgment issued in *Maldonado Bautista*, the Court should accordingly order that
19 Respondent DHS must release Petitioner immediately on the alternative bond of
20 \$2000.00
21

1 **JURISDICTION**

2 12. Petitioner is in the physical custody of Respondents. Petitioner is
3 detained at the Imperial Regional Detention Facility.

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

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

11 **VENUE**

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

17 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
18 because Respondents are employees, officers, and agencies of the United States,
19 and because a substantial part of the events or omissions giving rise to the claims
20 occurred in the District of Southern California.
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1 20. Respondent JEREMY CASEY is the warden of Imperial Detention Center.

2 Respondent Casey oversees the day-to-day operations of Imperial Regional
3 Detention Center and acts at the direction of Respondents FREDEN,
4 LYONS, NOEM, AND BONDI. He is a custodian of the Petitioner and is
5 named in this official capacity.
6

7 21. Respondent DANIEL A. BRIGHTMAN is the San Diego Field Office

8 Director of U.S. Immigration and Customs Enforcement (ICE). ICE is the
9 component of the Department of Homeland Security (DHS) which is
10 responsible for detaining and removing noncitizens according to
11 immigration law and oversees custody determinations. Mr. Brightman is
12 named in his official capacity. In his official capacity, he is a legal custodian
13 of the petitioner.
14

15 22. Respondent KRISTI NOEM is the Secretary of the Department of Homeland

16 Security. She is responsible for the implementation and enforcement of the
17 Immigration and Nationality Act (INA), and oversees ICE, which is
18 responsible for Petitioner's detention. Ms. Noem has ultimate custodial
19 authority over Petitioner and is sued in her official capacity.
20

21 23. Respondent Department of Homeland Security (DHS) is the federal agency

22 responsible for implementing and enforcing the INA, including the detention
23 and removal of noncitizens.
24

1 24. Respondent PAMELA BONDI is the Attorney General of the United
2 States. She is responsible for the Department of Justice, of which the Executive
3 Office for Immigration Review and the immigration court system it operates is a
4 component agency. She is sued in her official capacity.
5

6 25. Respondent Executive Office for Immigration Review (EOIR) is the
7 federal agency responsible for implementing and enforcing the INA in removal
8 proceedings, including for custody redeterminations in bond hearings.
9

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

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

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

17 28. The final judgment in *Maldonado Bautista* holds that Respondents
18 have violated the INA in applying the mandatory detention statute at § 1225(b)(2)
19 to class members.

20 29. Respondents are parties to *Maldonado Bautista* and bound by the
21 Court's judgment. 28 U.S.C. § 2201(a).
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CERTIFICATE OF SERVICE

I hereby certify the foregoing document was filed on January 12, 2026, through the ECF system, and that it will be sent electronically to the registered participants as identified on the Notice Of Electronic Filing.

DATED: January 12, 2026

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