

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

RUBEN DUARTE-FERNANDEZ,

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security Garrett J. Ripa, Miami Field
Office Director of Enforcement and Removal
Operations, Miami Field Office, Immigration
and Customs Enforcement; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Warden of Florida
Soft Side South also known as Alligator
Alcatraz Detention Facility,

Respondents.

Case No.

A#

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1
2 1. Petitioner Ruben Duarte-Fernandez, A [REDACTED] brings this petition for a
3 writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class
4 certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)
5 Petitioner is in the physical custody of Respondents at the Florida Soft Side South. He now faces
6 unlawful detention because the Department of Homeland Security (DHS) and the Executive
7 Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued
8 on behalf of the 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
23
24

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 Ruben Duarte-Fernandez is a member of the Bond Eligible Class, as
4 he:

- 5 a. does not have lawful status in the United States and is currently detained at the
6 Florida Soft Side South. He was apprehended by immigration authorities on
7 December 17, 2025;
8 b. entered the United States without inspection over 2 years ago and was not
9 apprehended upon arrival, *cf. id.*; and
10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 6. The Court should expeditiously grant this petition.

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

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

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

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

JURISDICTION

11. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Florida Soft Side South Detention Facility in Ochopee, Florida.

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

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

VENUE

14. 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 Southern District of Florida, the judicial district in which Petitioner currently is detained.

15. 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 Southern District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

16. 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*.

17. 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

1 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
2 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

3 PARTIES

4 18. Petitioner Ruben Duarte Fernandez is a citizen of Venezuelan who has been in
5 immigration detention since December 17, 2025. After Petitioner was arrested in Dade City, ICE
6 did not set bond, and Petitioner requested review of his custody by an IJ. On January 12, 2026,
7 Petitioner was denied bond by an IJ at the Miami Immigration Court because he was deemed an
8 “applicant for admission.” Petitioner has resided in the United States since May 29, 2022.

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

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

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

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

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

4 24. Respondent Warden of Soft Side South also known as Alligator Alcatraz
5 Detention Facility is employed by a private corporation as Warden of Alligator Alcatraz
6 Detention Facility, where Petitioner is detained. He has immediate physical custody of
7 Petitioner. He is sued in his official capacity.

8 **CLAIM FOR RELIEF**

9 **Violation of the INA:**

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

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

13 26. 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 27. 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 28. 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 29. 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).

24 30. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
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*.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- 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 21st of January, 2026.

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