

1 Cara Jobson (CSB #218400)
cara@wileyjobson.com

2 Joye Wiley (CSB #191156)
3 jw@wileyjobson.com

4 Wiley & Jobson, LLP
5 P.O. Box 459
6 Berkeley, CA 94701
7 Tel.: (415) 627-9161

8 Attorneys for Petitioner

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 A.A.

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26)
Petitioner

v.

KRISTI NOEM, Secretary of
U.S. Department
of Homeland Security; PAMELA
BONDI, Attorney General of the
United States; TODD M. LYONS,
Acting Director, U.S. Immigration
and Customs Enforcement;
SERGIO ALBARRAN,
Field Office Director, U.S.
Immigration and Customs
Enforcement; CHRISTOPHER
CHESNUT, Warden, California
City Detention Facility,

Respondents.

) Case No.

) VERIFIED PETITION FOR
) WRIT OF HABEAS CORPUS

1 1. Petitioner, A.A., petitions this Court for a writ of habeas corpus under 28
2 U.S.C. § 2241 to remedy his unlawful detention by Respondents. Petitioner
3 states as follows:
4

5 **INTRODUCTION**

6 2. Petitioner, A.A.¹, by and through undersigned counsel, hereby files this petition
7 for writ of habeas corpus to compel his immediate release from the
8 immigration jail where he has been held by the U.S. Department of Homeland
9 Security (DHS) since being re-detained on December 23, 2025, without first
10 being provided a hearing to determine whether his incarceration is justified.
11

12 3. Petitioner entered the United States without inspection on August 2, 2024,
13 seeking asylum. Respondents issued a Notice to Appear (“NTA”) (Exhibit 1)
14 and released Petitioner on his own recognizance. Petitioner subsequently
15 applied for asylum, and Respondents granted him an Employment
16 Authorization Document (EAD or “work permit”) (Exhibit 2), valid for five
17 years. Petitioner has no criminal record and has complied with ICE check-ins
18 while awaiting his asylum hearing. There has been no change in his
19 circumstances and Petitioner was provided no notice and opportunity to
20 respond prior to being re-detained.
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26 ¹ A separate motion to proceed with pseudonym is filed concurrently with this petition.

- 1 4. Petitioner is unable to obtain review of his custody by an IJ, pursuant to the
2 Board's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
- 3 5. DHS has taken the position that any noncitizen who entered without a visa is
4 ineligible for a bond hearing. This is contrary to law and a drastic change from
5 decades of precedent and procedure. Because of the government's extreme
6 (and unlawful) position in violation of the Immigration and Nationality Act
7 ("INA") and the U.S. constitution, Petitioner has no remedy to assert his liberty
8 interest other than by means of this habeas petition.
9
10

JURISDICTION

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- 12
- 13 6. This action arises under the Constitution of the United States and the
14 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
- 15 7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
16 corpus), 28 U.S.C. § 1331 (federal question), the Administrative Procedures
17 Act, and Article I, § 9, cl. 2 of the United States Constitution (Suspension
18 Clause).
- 19
- 20 8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
21 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs
22 Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. §
23 1252(e)(2).
24
25
26

VENUE

1
2 9. Venue is proper because Petitioner is in Respondents' custody in an
3 immigration detention facility in California City, California, which is within
4 the jurisdiction of the Eastern District of California. Respondents are
5 employees or officers of the United States, acting in their official capacity.
6 There is no real property involved in this action. For these reasons, venue is
7 proper before this court. 28 U.S.C. § 1391(e).
8
9

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

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11 10. The court must grant the petition for writ of habeas corpus or issue an order to
12 show cause (OSC) to the Respondents "forthwith," unless the petitioner is not
13 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the court must require
14 Respondents to file a return "within three days unless for good cause additional
15 time, not exceeding twenty days, is allowed." *Id.*
16
17

18 11. Courts have long recognized the significance of the habeas statute in protecting
19 individuals from unlawful detention. The Great Writ has been referred to as
20 "perhaps the most important writ known to the constitutional law of England,
21 affording as it does a swift and imperative remedy in all cases of illegal
22 restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).
23

24 12. Petitioner is "in custody" for the purpose of § 2241 because Petitioner is an
25 immigration facility detained by Respondents.
26

PARTIES

1
2 13. Petitioner A.A. is currently detained at the California City Detention Center.

3 14. Respondent Kristi Noem is the Secretary of the Department of Homeland
4 Security (“DHS”) and is sued in her official capacity. The Secretary of
5 Homeland Security is charged with the administration and enforcement of
6 immigration laws. 8 U.S.C. § 1103(a).
7

8
9 15. Respondent Pamela Bondi is the Attorney General of the United States and is
10 sued in her official capacity as the head of the Department of Justice. The
11 Attorney General is responsible for the fair administration of the laws of the
12 United States.
13

14 16. Respondent Todd Lyons is the Acting Director of U.S. Immigration and
15 Customs Enforcement (ICE) and is sued in his official capacity. ICE is
16 responsible for the detention of Petitioner.
17

18 17. Respondent Sergio Albarran is the Field Office Director for U.S. Immigration
19 and Customs Enforcement (ICE) Enforcement and Removal Operations in San
20 Francisco, California, which covers the California City Detention Center, and
21 is sued in his official capacity. In his official capacity, he is a legal custodian of
22 Petitioner.
23

24 18. Respondent Christopher Chestnut is the Warden aka Facility Administrator of
25 the California City Detention Center where Petitioner is being held and is sued
26

1 in his official capacity. Respondent Chestnut oversees the day-to-day
2 operations of the California City Detention Facility and acts at the direction of
3 Respondents Noem, Bondi, and Lyons. Chestnut is the custodian of Petitioner.
4

5 **STATEMENT OF FACTS**

6 19. A.A. is a 23-year-old native and citizen of India. He entered the United States
7 without inspection on August 2, 2024. Shortly thereafter, U.S. Customs and
8 Border Protection (“CBP”) detained him, issued a Notion to Appear (“NTA”)
9 and released Petitioner on his own recognizance. (Exhibit 1). The NTA placed
10 Petitioner in regular removal proceedings and charged him as an alien without
11 admission or parole.
12


13
14 20. Petitioner filed a Form I-589, Application for Asylum and Withholding, with
15 the Executive Office for Immigration Review. Petitioner’s asylum claim is
16 based on his political activities in opposition to nationalistic government
17 policies in India that led to his mistreatment. That application remains pending.
18 Respondents issued Petitioner a work permit valid for five years.
19

20
21 21. The Immigration and Nationality Act provides a statutory right to apply for
22 asylum regardless of immigration status. 8 U.S.C. § 1158(a)(1).

23 22. Petitioner has no criminal record and complied with ICE check in
24 requirements.
25
26

1 23. On December 23, 2025, nearly a year and a half after Respondents released
2 Petitioner, after Petitioner's asylum application had been pending for over a
3 year, and while he was legally authorized to work by USCIS, Respondents
4 arrested Petitioner. He was arrested when he appeared for a scheduled check-in
5 appointment at the ICE office.
6

7 24. The Petitioner was provided no notice or opportunity to be heard regarding his
8 re-detention.
9

10 25. Despite the declaratory judgment in *Maldonado Bautista v. Santacruz, Jr. et*
11 *al.*, Case No. 5:25-CV-01873- SSS-BFM (C.D. Cal.), the EOIR continues to
12 decline scheduling bond hearings for noncitizens in  procedural posture.
13 The court in *Maldonado Bautista* certified a class of noncitizens in like
14 circumstances as Petitioner and found that the policy of denying class members
15 a bond hearing violates the INA and Due Process.
16
17

18 26. This Court is the only neutral arbiter for Petitioner. The Trump administration
19 is rebuilding the EOIR into a political body for implementation of his political
20 goals of mass deportations. There have been mass firings of immigration
21 judges based on their viewpoints.² The administration has reportedly instructed
22
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24

25 ² Ana Ley, *Trump Administration Fires 8 Immigration Judges in New York*, N.Y. TIMES,
26 December 1, 2025, <https://www.nytimes.com/2025/12/01/nyregion/immigration-judges-fired-trump.html>

1 immigration judges who remain on the bench to ignore the district court
2 decision in *Maldonado Bautista*.³ Recent ad campaigns by the Respondents
3 have referred to EOIR judges as “deportation judges” in a recruitment push to
4 hire more officials to carry out the administration’s deportation campaign.⁴
5

6 27. Petitioner cannot receive relief from a neutral arbiter without intervention of
7 this Court. He brings this action for judicial intervention to compel his release
8 from unlawful detention.
9

10 LEGAL FRAMEWORK

11 **RESPONDENTS’ DETENTION OF PETITIONER IS UNLAWFUL UNDER** 12 **THE STATUTE**

13 28. The Immigration and Nationality Act (INA) prescribes three basic forms of
14 detention for noncitizens in removal proceedings.
15

16 29. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-
17 expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C.
18 § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the
19 outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while
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24 ³ Practice Advisory, ACLU, Northwest Immigrant Rights Project, USC Gould, December 3,
2025, [2025.12.03 - Draft Bautista Practice Advisory_final.pdf](#)

25
26 ⁴ Christopher Cann, “*Trump administration is hiring ‘deportation judges,’ Noem Says*,” USA
Today, November 21, 2025. <https://www.usatoday.com/story/news/nation/2025/11/21/kristi-noem-deportation-judges/87392684007/>

1 noncitizens who have been arrested, charged with, or convicted of certain
2 crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

3 30. Second, the INA provides for mandatory detention of noncitizens subject to
4 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals
5 seeking admission referred to under § 1225(b)(2).
6

7 31. Lastly, the Act also provides for detention of noncitizens who have been
8 previously ordered removed, including individuals in withholding-only
9 proceedings, see 8 U.S.C. § 1231(a)–(b).
10

11 32. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
12

13 33. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of
14 the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of
15 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582
16 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier
17 this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).
18

19 34. Following enactment of the IIRIRA, EOIR drafted new regulations explaining
20 that, in general, people who entered the country without inspection were not
21 considered detained under § 1225 and that they were instead detained under §
22 1226(a). See Inspection and Expedited Removal of Aliens; Detention and
23 Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62
24 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
25
26

1 35. Thus, in the decades that followed, most people who entered without
2 inspection—unless they were subject to some other detention authority—
3 received bond hearings. That practice was consistent with many more decades
4 of prior practice, in which noncitizens who were not deemed “arriving” were
5 entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C.
6 § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting
7 that § 1226(a) simply “restates” the detention authority previously found at §
8 1252(a)).
9

10
11 36. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy
12 that rejected well-established understanding of the statutory framework and
13 reversed decades of practice. The new policy, entitled “Interim Guidance
14 Regarding Detention Authority for Applicants for Admission,” claims that all
15 persons who entered the United States without inspection shall now be subject
16 to mandatory detention provision under § 1225(b)(2)(A). The policy applies
17 regardless of when a person is apprehended and affects those who have resided
18 in the United States for months, years, and even decades.
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22 37. On September 5, 2025, the BIA adopted this same position in a published
23 decision, *Matter of Yajure Hurtado*, 29 I&N Dec 216 (BIA 2025). There, the
24 Board held that all noncitizens who entered the United States without
25
26

1 admission or parole are subject to detention under § 1225(b)(2)(A) and are
2 ineligible for IJ bond hearings.

3 38. Since Respondents adopted their new policies, hundreds of federal courts have
4 rejected their new interpretation of the INA's detention authorities. *See Barco*
5 *Mercado v. Francis*, 25-cv-6582 (LAK), 2025 WL 3295903 (S.D. NY, Nov.
6 26, 2025) (tallying cases and noting that challengers to the Respondents' policy
7 have prevailed in 350 of 362 cases decided by over 160 different judges sitting
8 in about fifty different courts spread across the United States.) Courts have
9 likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of
10 the statute as ICE.⁵
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16 ⁵ See also, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7,
17 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ---, 2025 WL 2084238
18 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL
19 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. CV-25-02157-PHX-
20 DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25
21 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-
22 cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*,
23 No. 5:25-cv-01789- ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v.*
24 *Hyde*, No. 25-11631- BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No.
25 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*,
26 No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v.*
Noem, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*,
No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v.*
Bondi, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ---, 2025 WL 2466670 (D. Minn. Aug. 27,
2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D.
Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431
(S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025
WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL
2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL
2607924 (D. Mass. Sept. 9, 2025); see also, e.g., *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL

1 39. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because
2 it defies the INA. The plain text of the statutory provisions demonstrates that §
3 1226(a), not § 1225(b), applies to people like Petitioner.
4

5 40. Section 1226(a) applies by default to all persons “pending a decision on
6 whether the [noncitizen] is to be removed from the United States.” These
7 removal hearings are held under § 1229a, which “decid[e] the inadmissibility
8 or deportability of a[] [noncitizen].”
9

10 41. The text of § 1226 also explicitly applies to people charged as being
11 inadmissible, including those who entered without inspection. See 8 U.S.C. §
12 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that,
13 by default, such people are afforded a bond hearing under subsection (a).
14 Section 1226 therefore leaves no doubt that it applies to people who face
15 charges of being inadmissible to the United States, including those who are
16 present without admission or parole.
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18

19 42. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
20 recently entered the United States. The statute’s entire framework is premised
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23 2531566, at *29 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a)
24 and not §1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025
25 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-
26 JFB- RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025); *Cortez-Hernandez v. Noem*, 3:25-
cv-03112-JES-DDL(S.D. Cal. November 21, 2025) (same).

1 on inspections at the border of people who are “seeking admission” to the
2 United States. 8 U.S.C. § 1225(b)(2)(A).

3 43. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply
4 to people like Petitioner who are alleged to have entered the United States
5 without admission or parole.
6

7
8 **RE-DETENTION WITHOUT CHANGE IN CIRCUMSTANCES**
9 **VIOLATES DUE PROCESS**

10 44. Immigration detention is a form of civil confinement that “constitutes a
11 significant deprivation of liberty that requires due process protection.”

12 *Addington v. Texas*, 441 U.S. 418, 4253 (1979).
13

14 45. Once a determination to release an individual from custody is made, the release
15 order may be revisited when the facts or circumstances warrant revocation or
16 reconsideration. 8 U.S.C. § 1226(b). Without any notice or process or any
17 change in facts of circumstances, ICE re-detained Petitioner at an ICE check-
18 in. Petitioner had been at liberty for nearly a year and a half, had filed for
19 asylum, been granted a five-year work permit, and committed no crimes when
20 he was re-detained.
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23 46. Individuals have a liberty interest under the Due Process Clause of the Fifth
24 Amendment in avoiding re-incarceration. *See Young v. Harper*, 520 U.S. 143,
25 146-152 (1997) (holding that individuals placed in a pre-parole program
26

1 created to reduce prison overcrowding have a protected liberty interest
2 requiring pre-deprivation process). It is a violation of Petitioner's right to due
3 process to re-detain him without any notice, process or change in
4 circumstances.

5
6
7 **RE-DETENTION VIOLATES THE APA AS ARBITRARY AND
CAPRICIOUS**

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9 47. Respondents' re-detention policy falls within the APA's definition of a "rule"
10 and is therefore "agency action." *Garro Pinchi v. Noem*, No. 25-cv-05632-
11 PCP, 2025 WL 3691938 (N.D. Cal. Dec. 19, 2025). The re-detention policy is
12 arbitrary and capricious because Respondents provided no explanation for it
13 when implementing it, any subsequent rationalizations they have provided rest
14 on legal error, their subsequent rationalizations ignore an "important aspect of
15 the problem" and violate noncitizens' reliance interests and liberty interests.
16 Indeed, the re-detention policy has been stayed in ICE's San Francisco area as
17 a likely violation of the APA. *Garro Pinchi v. Noem*, 2025 WL 3691938 at 67.
18
19
20

21 **CLAIMS FOR RELIEF**

22 **COUNT ONE**

23 **Violation of the INA**

24 48. Petitioner incorporates by reference the allegations of fact set forth in the
25 preceding paragraphs.
26

1 49. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to
2 all noncitizens residing in the United States who are subject to the grounds of
3 inadmissibility. As relevant here, it does not apply to those who previously
4 entered the country without inspection. Such noncitizens are detained under §
5 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

7 50. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
8 continued detention and violates the INA.
9

10 **COUNT TWO**

11 **Violation of Fifth Amendment Right to Due Process**

13 51. Petitioner incorporates by reference the allegations of fact set forth in the
14 preceding paragraphs.

15 52. The Due Process Clause of the Fifth Amendment to the U.S. Constitution
16 prohibits the federal government from depriving any person of “life, liberty, or
17 property, without due process of law.” Due process protects “all ‘persons’
18 within the United States, including [non-citizens], whether their presence here
19 is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693;
20 accord *Flores*, 507 U.S. at 306.

21 53. Due process requires that government action be rational and non-arbitrary. See
22 *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).
23
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1 54. While the government has discretion to detain individuals under 8 U.S.C. §
2 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this
3 discretion is not “unlimited” and must comport with constitutional due process.
4 See *Zadvydas*, 533 U.S. at 698.
5

6 55. Here, Respondents have chosen to revoke Petitioner’s release in an arbitrary
7 manner and not based on a rational and individualized determination of
8 whether he is a safety or flight risk, in violation of due process. Because no
9 individualized custody revocation has been made and no circumstances have
10 changed to make Petitioner a flight risk or a danger to the community,
11 Respondents’ revocation of Petitioner’s release violates his right to procedural
12 due process.
13
14

15
16 **COUNT THREE**

17 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**

18 56. Petitioner incorporates by reference the allegations of fact set forth in the
19 preceding paragraphs.
20

21 57. Under the APA, a court shall “hold unlawful and set aside agency action” that
22 is an abuse of discretion. 5 U.S.C. § 706(2)(A).
23

24 58. The “touchstone of ‘arbitrary and capricious’ review” is “reasoned decision
25 making.” *Altera Corp. & Subsidiaries v. Comm’r of Internal Revenue*, 926
26

1 F.3d 1061, 1080 (9th Cir. 2019)(quoting *Motor Vehicles Mfrs. Ass'n v. State*
2 *Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 52 (1983)).

3 59. To survive an APA challenge, the agency must articulate “a satisfactory
4 explanation” for its action, “including a rational connection between the facts
5 found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569
6 (2019) (citation omitted).

7
8 60. On information and belief, Respondents have revoked or are revoking
9 Petitioner’s prior custody determination as a result of a categorical policy
10 prepared by and implemented by unidentified government officials in
11 Washington, not through the individual exercise of discretion required by law
12 or the individuals enumerated by regulation to do so.

13
14
15 61. By detaining Petitioner categorically, Respondents have further abused their
16 discretion because there have been no changes to his facts or circumstances
17 since the agency made its initial custody determinations that support the re-
18 detention.
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COUNT FOUR

**Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista***

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4 62. Petitioner incorporates by reference the allegations of fact set forth in the
5 preceding paragraphs.

6
7 63. As a member of the Bond Eligible Class, Petitioner is entitled to consideration
8 for release on bond under 8 U.S.C. § 1226(a).

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

12
13 65. The order granting class certification in *Maldonado Bautista* further orders that
14 “[w]hen considering this determination with the MSJ Order, the Court extends
15 the same declaratory relief granted to Petitioners to the Bond Eligible Class as
16 a whole.”

17
18 66. 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.”
20 28 U.S.C. § 2201(a).

21
22 67. Respondents violate Petitioner’s statutory rights under the INA and the Court’s
23 judgment in *Maldonado Bautista* by refusing to issue bond hearings for
24 Petitioners such as A.A.
25
26

PRAYER FOR RELIEF

Petitioner requests that this court:

- (1) Accept jurisdiction over this action;
- (2) Issue the writ of habeas corpus and order Respondents to show cause, within three days of Petitioner filing this petition, why the relief he seeks should not be granted; and set a hearing on this matter within five days of Respondents' return on the order to show cause (see 28 U.S.C. § 2243);
- (3) Order Petitioner's immediate release;
- (4) Order Respondents not to re-detain Petitioner without at least 7 days' notice and a pre-deprivation hearing before a neutral arbiter where the Government shall bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight, and Petitioner shall have his counsel present;
- (5) Order Respondents not to transfer Petitioner outside of this jurisdiction;
- (6) Alternatively, order that Respondent hold a bond hearing before a neutral arbiter within 3 days of this order where the Petitioner shall be ordered released unless the Government establishes, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight, and Petitioner shall have his counsel present;

(7) Order that Respondents return to Petitioner the property he had in his possession on the date of re-detention, including his work permit

(8) Award reasonable attorney’s fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law;

(9) Grant any other relief that the court may deem just and proper.

Date: January 14, 2026

Respectfully submitted,

/s/ Cara Jobson

Cara Jobson
Wiley & Jobson
Attorney for Plaintiff

/s/ Joye Wiley

Joye Wiley
Wiley & Jobson
Attorney for Plaintiff

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner’s attorney. As the Petitioner’s attorney, I hereby verify that the factual statements made in the Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: January 14, 2026

/s/ Cara Jobson

Cara Jobson
Attorney for Petitioner