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7 **UNITED STATES DISTRICT COURT**
8 **MIDDLE DISTRICT OF FLORIDA**
9 **JACKSONVILLE DIVISION**

10 **CARLOS ENRIQUE LOPEZ**
11 **ALVARADO,**

12 **Petitioner,**

13 **v.**

14 **WARDEN for Baker Correctional**
15 **Institution; U.S. Immigration and**
16 **Customs Enforcement; FIELD OFFICE**
17 **DIRECTOR, Jacksonville Sub Field**
18 **Office, U.S. Immigration and Customs**
19 **Enforcement; FIELD OFFICE**
20 **DIRECTOR, Miami Field Office, U.S.**
Immigration and Customs Enforcement;
Kristi NOEM, Secretary, U.S.
Department of Homeland Security;
Pamela BONDI, U.S. Attorney General,
Executive Office for Immigration Review.

21 **Respondents.**

Case No.

PETITION FOR WRIT OF
HABEAS CORPUS

INTRODUCTION

1
2 1. Petitioner Carlos Enrique Lopez Alvarado (A ) brings this
3 petition for a writ of habeas corpus to seek enforcement of his rights as members of
4 the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-
5 01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at
6 the Baker Correctional Institution, Sanderson, Florida. *See* Exhibit 1 ICE Detainee
7 Locator.

8
9 2. He now faces unlawful detention because the Department of Homeland
10 Security (DHS) and the Executive Office for Immigration Review (EOIR) have
11 refused to abide by the declaratory judgment issued on behalf of the certified class in
12 *Maldonado Bautista v. Santacruz*.

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

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

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

9 6. On December 18, 2025, a Final Judgment was entered on *Maldonado*
10 *Bautista* declaring that Bond Eligible Class members are detained under 8. U.S.C
11 §1226(a) and not subject to mandatory detention; declaring that Bond Eligible Class
12 members are entitle to consideration for release on bond by immigration officers or
13 entitle for a bond hearing before an immigration judge; vacating DHS policy
14 “Interim Guidance regarding Detention Authority for Applicants for Admission”
15 from July 8, 2025; and granting final judgment to Claims I, II, and III of the
16 Amended Class Complaint. *Maldonado Bautista*, 2025 WL 3289861.

17 7. Petitioner Carlos Enrique Lopez Alvarado is a member of the Bond
18 Eligible Class, as he:
19

- 20
- 21 a. does not have lawful status in the United States and is currently
22 detained at the Baker Correctional Institution, Sanderson, Florida. He
23 was apprehended by immigration authorities on or about October 26,
24 2025;
 - b. entered the United States without inspection 22 years ago and was not
 apprehended upon arrival, *cf. id.*; and

1 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

2 8. After apprehending Petitioner on or about October 26, 2025, the DHS
3 placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged
4 Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who
5 entered the United States without inspection. *See* Exhibit 2 NTA.

6 9. The Court should expeditiously grant this petition.

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

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

17 12. Because Respondents are detaining Petitioner in violation of the
18 declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly
19 order that within one day, Respondent DHS must release Petitioner.
20

21 13. Alternatively, the Court should order Petitioner’s release unless
22 Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.
23
24

JURISDICTION

14. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Baker Correctional Institution, Sanderson, Florida.

15. 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).

16. 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

17. 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 Middle District of Florida, the judicial district in which Petitioner currently is detained.

18. 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 Middle District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

19. 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*.

EXHAUSTION

PARTIES

23. Respondent WARDEN, Baker Correctional Institution, U.S. Immigration and Customs Enforcement, is sued in his or her official capacity as the official responsible for overseeing Baker Correctional Institution, the facility where Petitioner is currently detained. The individual who occupies this position is not publicly disclosed. This Respondent is a legal custodian of Petitioner and is sued in his or her official capacity

1 24. Respondent FIELD OFFICE DIRECTOR, Jacksonville Sub Field
2 Office, U.S. Immigration and Customs Enforcement, is sued in his or her official
3 capacity. The Jacksonville Field Office is the Field Office that oversees the Baker
4 Correctional Institution in Sanderson, Florida, where Petitioner is currently
5 detained.

6 25. Respondent FIELD OFFICE DIRECTOR, Miami Field Office, U.S.
7 Immigration and Customs Enforcement, is sued in his or her official capacity. The
8 Miami Field Office is the Field Office that oversees the Jacksonville Sub Field Office
9

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

15 27. Respondent Pamela Bondi is the Attorney General of the United States.
16 She is responsible for the Department of Justice, of which the Executive Office for
17 Immigration Review and the immigration court system it operates is a component
18 agency responsible for implementing and enforcing the INA in removal proceedings,
19 including for custody redeterminations in bond hearings. She is sued in her official
20 capacity.
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22 FACTS

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35. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment and the final judgment entered on December 18, 2025, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

PRAYER FOR 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.

1 /s/ Vanessa McCarthy
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7 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

8 I represent Petitioner and submit this verification on his behalf. I hereby verify
9 that the factual statements made in the foregoing Petition for Writ of Habeas
10 Corpus true and correct to the best of my knowledge and belief.
11

12 Dated this 22 day of January 2026.

13 /s/ Vanessa McCarthy
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