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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

Girish Pandharinath KHATKEKAR,

Petitioner,

v.

Kristi NOEM, Secretary, U.S. DEPARTMENT OF HOMELAND SECURITY, Robert CERNA, Dallas Director of ENFORCEMENT AND REMOVAL OPERATIONS, IMMIGRATION AND CUSTOMS ENFORCEMENT; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; and Phillip VALDEZ, Warden of EDEN DETENTION FACILITY,

Respondents.

Case No. 6:26-cv-18

**PETITION FOR WRIT OF
HABEAS CORPUS AND REQUEST
FOR RELEASE FROM DETENTION**

1 **INTRODUCTION**

2 1. Petitioner Girish Pandharinath KHATKEKAR brings this petition for a writ of
3 habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified
4 in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in
5 the physical custody of Respondents at the Eden Detention Facility in Concho County. He now
6 faces unlawful detention because the Department of Homeland Security (DHS) and the
7 Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory
8 judgment issued 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 a declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No.
12 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20,
13 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado*
14 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at
15 *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond
16 Eligible Class, incorporating and extending declaratory judgment from Order Granting
17 Petitioners' 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. See Exhibit A.

3 5. Petitioner Girish Pandharinath KHATKEKAR is a member of the Bond Eligible
4 Class, as he:

- 5 a. does not have lawful status in the United States and is currently detained at the
6 Eden Detention Facility. Immigration authorities apprehended him on November
7 26, 2026, while he was reporting to his routine ICE check-in;
- 8 b. entered the United States without inspection on September 14, 2024 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. After apprehending Petitioner on September 14, 2024, the DHS placed him in
12 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
14 without inspection.

15 7. The Court should expeditiously grant this petition.

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

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

1 10. The EOIR's refusal to establish bond is unjustified and contrary to law. But for
2 the EOIR's wrongful interpretation of 8 U.S.C. § 1225(b)(2), a bond amount would be
3 established, and Petitioner would be released from detention and allowed to rejoin his family.

4 11. Because Respondents are detaining Petitioner in violation of the declaratory
5 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
6 Respondent DHS must release Petitioner since they have already denied bond based on lack of
7 jurisdiction under the above-mentioned EOIR policy.

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

10 JURISDICTION

11 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
12 Eden Detention Center in Eden, Concho County, Texas.

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

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

18 VENUE

19 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
20 500 (1973), venue lies in the United States District Court for the Northern District of Texas, the
21 judicial district in which Petitioner currently is detained.

22 17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
23 Respondents are employees, officers, and agencies of the United States, and because a
24

1 substantial part of the events or omissions giving rise to the claims occurred in the Northern
2 District of Texas.

3 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

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

12 **PARTIES**

13 20. Petitioner Girish Pandharinath KHATKEKAR is a citizen of India who has been
14 in immigration detention since November 26, 2025. After Petitioner was arrested, ICE did not set
15 bond, and Petitioner requested a review of his custody by an Immigration Judge (IJ) at the
16 Executive Office for Immigration Review. On January 15, 2026, Petitioner was denied bond by
17 an IJ at the Conroe Immigration Court, claiming they lacked jurisdiction under BIA precedent
18 under *Matter of Yajure Hurtado*, because he was deemed an “applicant for admission.” This in
19 spite of the fact that Petitioner has resided in the United States since September 14, 2024.

20 21. Respondent Robert Cerna is the Director of the Dallas Field Office of ICE’s
21 Enforcement and Removal Operations division. As such, Robert Cerna is Petitioner’s immediate
22 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
23 capacity.

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

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

5 30. The order granting partial summary judgment in *Maldonado Bautista* holds that
6 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
7 members.

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

11 32. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
12 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
13 § 2201(a).

14 33. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
15 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory
16 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

17 34. Petitioner is suffering and will continue to suffer irreparable injury because of the
18 government’s actions. Every day he is held in custody, he suffers further injury, which is
19 irreparable.

20 PRAYER FOR RELIEF

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

- 22 a. Assume jurisdiction over this matter;
- 23 b. Issue a writ of habeas corpus requiring that, within one day, Respondents release
24 Petitioner;

- 1 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
2 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
3 seven days;
- 4 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
5 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
6 law; and
- 7 e. Grant any other and further relief that this Court deems just and proper.

8
9 DATED this 22 of January, 2025.

10 Respectfully submitted,

11
12 /s/ J Daniel Stewart

13
14 _____
15 J. Daniel Stewart

16 Texas Bar No. 24056382

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18 Carrollton, TX 75006

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21 daniel@danielstewartpllc.com

22 ATTORNEY FOR PETITIONER
23
24

VERIFICATION

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2
3 J Daniel Stewart, being duly sworn upon oath, hereby states: I represent the Petitioner in these
4 habeas corpus proceedings. The Petitioner, Girish Pandharinath KHATKEKAR, is currently
5 being held at the Eden Detention Facility, and he is not able to appear in my office to sign this
6 Verification. I have reviewed the record of removal proceedings and verified his location via the
7 online ICE detainee locator system. I verify that the information contained in the foregoing
8 Petition is true and correct to the best of my knowledge and belief.

9
10 /s/ J Daniel Stewart

11 _____
12 J. Daniel Stewart

13 Texas Bar No. 24056382

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