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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
CHARLTON COUNTY

EXEQUIEL AGUILAR ARGUETA
Petitioner,

Case No. 5:26 CV 100

v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

DIRECTOR TRACI MILLAS, Field Office
Director of Enforcement and Removal
Operations, SW Atlantic Field Office,
Immigration and Customs Enforcement; Kristi
NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; MICHAEL
BRECKON, Warden of Folkston D Ray Ice
processing Center.

Respondents.

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1 INTRODUCTION

2 1. Petitioner Exequiel Aguilar Argueta brings this petition for a writ of habeas
3 corpus to seek enforcement of their rights as members of the Bond Denial Class certified in
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the
5 physical custody of Respondents at the FolkstonD Ray Ice Processing Center. 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. On December 18, 2025, the court in *Maldonado Bautista* declared class members'
22 detention authority and rights and vacated the federal policy that was being used to deny bond
23 hearings nationwide. In essence, the court Declared the class is detained under INA § 236(a) (8
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1 U.S.C. § 1226(a)—not INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), meaning the class can be
2 considered for bond eligibility under § 1226(a) and is not subject to mandatory detention under §
3 1225(b)(2). It further Declared class members are entitled to bond consideration and—if not
4 released by ICE—a custody redetermination (bond) hearing before an immigration judge, and
5 vacated DHS’s July 8, 2025 “Interim Guidance Regarding Detention Authority for Applicants
6 for Admission” under the APA as unlawful.

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

11 6. Petitioner Eñeiquel Aguilar Argueta is a member of the Bond Eligible Class, as
12 he:

13 a. does not have lawful status in the United States and is currently detained at the
14 Folkston D Ray Ice Processing Center, Folkston, Georgia. He was detained by
15 immigration authorities on or about December 12, 2025.

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

17 7. After apprehending Petitioner on or about December 12, 2025, the DHS placed
18 him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
19 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
20 without inspection.

21 8. The Court should expeditiously grant this petition.

22 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
23 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
24 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful

1 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
2 Class member.

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

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

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

12 13. Noted here is that Petitioner has an approved Petition for Special Juvenile that
13 also granted him Deferred Action.

14 14. Deferred action under 8 CFR 236 (c) is a discretionary determination by the US
15 government to defer the deportation of an individual allowing them to remain in the United
16 States without granting legal status.

17 15. The Deferred Action was granted to Petitioner before June 25, 2025 rescission of
18 the Deferred Action upon the approval of the I-360.

19 16. On November 19, 2025, a district judge issued a stay of USCIS’s June rescission
20 of the policy to categorically consider deferred action for SIJs with an approved Form I-360,
21 Petition for Amerasian, Widow(er), or Special Immigrant, when an immigrant visa number is not
22 immediately available. See *A.C.R., et al., v. Noem, et al.*, 1:25-cv-03962-EK-TAM (E.D.N.Y.).

23 17. In view of these decisions, Petitioner should be released from detainment.
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JURISDICTION

18. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Folkston D Ray ICE Processing Center, Georgia.

19. 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).

20. 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

21. 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 Georgia, Charlton County, the judicial district in which Petitioner currently is detained.

22. 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 Georgia.

REQUIREMENTS OF 28 U.S.C. § 2243

23. 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*.

24. 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

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
2 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
3 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
4 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5 **PARTIES**

6 25. Petitioner Exequiel Aguilar Argueta is a citizen of Honduras who has been in
7 immigration detention since December 2025. After Petitioner was arrested in New Jersey, ICE
8 did not set bond, and Petitioner requested review of his custody by an IJ. The IJ refused to hear
9 the case, indicating that he had no jurisdiction to decide the issue.

10 26. Respondent TRACI LIMMAS is the Director of the SW Atlantic Field Office of
11 ICE’s Enforcement and Removal Operations division. As such, Traci Limmas is Petitioner’s
12 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in
13 her official capacity.

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

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

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

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

6 31. Respondent MICHAEL BRECKON is employed as Warden of the Folkston D
7 Ray Ice Processing Center, where Petitioner is detained. He has immediate physical custody of
8 Petitioner. He is sued in his official capacity.

9
10 **CLAIM FOR RELIEF**
11 **Violation of the INA:**
12 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

17 34. The order granting partial summary judgment in *Maldonado Bautista* holds that
18 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
19 members.

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

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

Exequiel Aguilar Argueta v Director Traci Millas, et al

TABLE OF EXHIBITS

EXHIBIT A.....	FINAL JUDGEMENT (12/18/2025) <i>Maldonado Bautista v Santacruz</i>
EXHIBIT B.....	PARTIAL SUMMARY JUDGEMENT (11/20/2025) <i>Maldonado Bautista v Santacruz</i>
EXHIBIT C.....	DEFERRED ACTION ORDER (11/19/2025) <i>A.C.R. et al v Noem et al</i>
EXHIBIT D.....	DEFERRED ACTION POLICY ALERT (06/02/2025)
EXHIBIT E.....	PETITIONER NOTICE TO APPEAR
EXHIBIT F.....	MOTION FOR BOND TO EOIR