

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

JOSE JOAQUIN BONILLA MENDOZA,

Petitioner,

v.

MARY DE ANDA, Field Office Director of
Enforcement and Removal Operations, El Paso
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; WARDEN OF
ERO EL PASO CAMP EAST MONTANA

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Jose Joaquin Bonilla Mendoza, brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the ERO El Paso Camp East Montana. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

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

4. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to

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, Jose Joaquin Bonilla Mendoza ,is a member of the Bond Eligible
4 Class, as he:

- 5 a. is a noncitizen without lawful status detained at the Port Isabel Detention Center;
- 6 b. entered without inspection and was not apprehended upon entry; and
- 7 c. is not detained under §§ 1226(c), 1225(b)(1), or 1231.

8 6. After apprehending Petitioner on July 15, 2025, the DHS placed him in removal
9 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible
10 under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

11 7. The Court should expeditiously grant this petition.

12 8. 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 9. 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 10. 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.

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

3 **JURISDICTION**

4 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
5 ERO El Paso Camp East Montana in El Paso, Texas.

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

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

11 **VENUE**

12 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
13 500 (1973), venue lies in the United States District Court for the Western District of Texas, the
14 judicial district in which Petitioner currently is detained.

15 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
16 Respondents are employees, officers, and agencies of the United States, and because a
17 substantial part of the events or omissions giving rise to the claims occurred in the Western
18 District of Texas

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

20 17. The Court should grant the petition for writ of habeas corpus "forthwith," as the
21 legal issues have already been resolved for class members in *Maldonado Bautista*.

22 18. Habeas corpus is "perhaps the most important writ known to the constitutional
23 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
24

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 **IRREPARABLE HARM AND NEED FOR EXPEDITED RELIEF**

6 19. Petitioner continues to suffer irreparable harm each day he remains unlawfully
7 detained, including loss of liberty, separation from family, and the ongoing deprivation of a
8 statutorily guaranteed bond hearing. Monetary damages cannot remedy these injuries.

9 **PARTIES**

10 20. Petitioner, Jose Joaquin Bonilla Mendoza, is a citizen of El Salvador who has
11 been in immigration detention since July 15, 2025. After Petitioner was arrested in 3262
12 Highway 252, Folkston, GA 31537, ICE did not set bond, and Petitioner requested review of his
13 custody by an IJ. On December 30, 2025, Petitioner was denied bond by an IJ at the Atlanta,
14 Georgia Immigration Court because he was deemed an “applicant for admission.” Petitioner has
15 resided in the United States since January 24, 2023.

16 1. Respondent MARY DE ANDA is the Director of the El Paso Field Office of
17 ICE’s Enforcement and Removal Operations division. As such, MARY DE ANDA is
18 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. She is
19 named in her official capacity.

20 2. Respondent, KRISTI NOEM, is the Secretary of the Department of Homeland
21 Security. She is responsible for the implementation and enforcement of the Immigration and
22 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.
23 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

1 3. Respondent, DEPARTMENT OF HOMELAND SECURITY (DHS), is the
2 federal agency responsible for implementing and enforcing the INA, including the detention and
3 removal of noncitizens.

4 4. Respondent, PAMELA BONDI, is the Attorney General of the United States. She
5 is responsible for the Department of Justice, of which the Executive Office for Immigration
6 Review and the immigration court system it operates is a component agency. She is sued in her
7 official capacity.

8 5. Respondent, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR), is
9 the federal agency responsible for implementing and enforcing the INA in removal proceedings,
10 including for custody redeterminations in bond hearings.

11 6. Respondent, WARDEN of ERO EL PASO CAMP EAST MONTANA, has
12 immediate physical custody of Petitioner. He is sued in his official capacity.

13 **CLAIM FOR RELIEF**

14 **Violation of the INA:**

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

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

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

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

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

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

21. 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*.

22. Alternatively, Respondents' refusal to provide a bond hearing violates the Fifth Amendment's Due Process Clause. Prolonged civil detention without an individualized custody determination is constitutionally suspect and requires heightened procedural safeguards. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Demore v. Kim*, 538 U.S. 510 (2003).

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order Respondents to recognize Petitioner as a Bond Eligible Class member;
- c. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- d. 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;
- e. 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
- f. Grant any other and further relief that this Court deems just and proper.

DATED this 27th day of January 2026.

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