

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JOSE LUIS HERRADA
RUBALCAVA,

Petitioner,

v.

RONNIE WOODALL, Warden at Baker
County Detention Center; GARRETT J.
RIPA, Director of the ICE Miami Field
Office; TODD LYONS, Acting Director
of ICE; KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security;
in their official capacities.

Respondents.

Case No.

**PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the lawfulness and constitutionality of Petitioner's ongoing civil immigration detention without the opportunity for a bond hearing.

2. Petitioner, JOSE LUIS HERRADA RUBALCAVA, is detained at the Baker County Detention Center in Sanderson, Florida, within the jurisdiction of this Court and is currently being held without bond.

3. An Immigration Judge denied petitioner's prior request for bond on the grounds that the Immigration Court lacked jurisdiction pursuant to *Matter of Yajure Hurtado*, 29 I&N. Dec. 216, 220 (BIA 2025).

4. As a result, Petitioner remains detained indefinitely and without any individualized determination of whether his continued detention is necessary to serve a legitimate governmental purpose.

5. Petitioner's detention violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, a certified class action lawsuit, and controlling precedent requiring meaningful limits on civil detention.

JURISDICTION

6. Petitioner is in the physical custody of Respondents.

7. 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).

8. 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

9. 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.

10. 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

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

12. The Court should grant the petition for writ of habeas corpus “forthwith,” as the relevant legal issue has already been resolved in numerous cases cited herein.

PARTIES

13. Petitioner JOSE LUIS HERRADA RUBALCAVA is a citizen of Mexico who is currently detained at the Baker County Detention Center.

14. RONNIE WOODALL is the Warden at Baker County Detention Center where Petitioner is detained. RONNIE WOODALL has immediate physical custody of Petitioner and is sued in his official capacity

15. Respondent GARRETT J. RIPA is the Director of ICE's Miami Field Office. As such, GARRETT J. RIPA is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

16. Respondent TODD LYONS is the Acting Director of ICE, which is responsible for Petitioner's detention. He is named in his official capacity.

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

FACTS

18. Petitioner JOSE LUIS HERRADA RUBALCAVA is a citizen of Mexico who has resided in the United States for nearly 20 years, since June

25, 2006. He has deep ties to his community and is both the father and brother of a U.S. Citizen.

19. On October 9, 2025, Petitioner was detained as the result of an ICE traffic stop conducted on Florida's turnpike. Prior to this encounter, Petitioner did not have a criminal record.

20. ICE did not set a bond and Petitioner has been detained since October 9, 2025.

21. Petitioner, through counsel, filed a Motion for Bond on December 3, 2025. (A copy of the Motion is attached hereto as Exhibit 1 and hereby incorporated by reference.)

22. Petitioner's bond request was denied on December 12, 2025 based upon the Immigration Judge's determination of a lack of jurisdiction, citing *Matter of Yahure Hurtado*, 29 I&N Dec. 216 (BIA 2025). (A copy of the order is attached hereto as Exhibit 2 and hereby incorporated by reference.)

LEGAL FRAMEWORK

23. *Matter of Yahure Hurtado* marked a dramatic shift in the government's interpretation of the INA with regards to bonds. The longstanding practice generally differentiated between undocumented immigrants detained within the United States and "arriving aliens." The

former came under section 236(a) of the INA, 8 U.S.C.A. § 1226(a), and therefore were eligible for a bond determination, while the latter came under the mandatory detention provisions of section 235 of the INA, 8 U.S.C.A. § 1225. *Hurtado* held that aliens who entered without inspection, regardless of how long they resided within the United States before apprehension, could be classified as “arriving aliens” and subject to mandatory detention.

24. On November 20, 2025, the Central District of California certified a nationwide class and extended declaratory judgment to the certified class for persons like the Petitioner, long-time residents who have been denied an individualized bond hearing subject to *Hurtado*. See *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) (Attached here as Exhibit 3).

25. The *Maldonado Bautista* class applies to “All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

26. 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.

27. Following the declaratory judgment, the Executive Office for Immigration Review and its subagency the Immigration Court, and the Department of Homeland Security (DHS), continued to follow *Hurtado*, arguing that *Maldonado Bautista* only granted partial summary judgment and was not a final judgment.

28. Since that time, on December 18, 2025, the Central District of California entered a Final Judgment declaring:

- a. that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2);
- b. that pursuant to Defendants' regulations, *see* 8 C.F.R. §§ 236.1, 1236.1, and 1003.19, the Bond Eligible Class members are detained under § 1225(b)(2), and are entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination before an immigration judge.

(A copy of the Final Judgment is attached here as Exhibit 4)

29. Petitioner JOSE LUIS HERRADA RUBALCAVA is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at the Baker County Detention Center;
- b. entered the United States without inspection over 19 years ago and was not apprehended upon arrival; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

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

31. The Court should expeditiously grant this petition.

32. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

33. In addition, the ruling in *Maldonado Bautista* is in accord with numerous other district court decisions nationwide holding that the “arriving aliens” bond statute, 8 USCS § 1225 (b)(2)(A) either does not or likely does not broadly apply to aliens already present within the United States. *See, e.g., Luna Quispe*, 2025 U.S. Dist. LEXIS 194070, 2025 WL 2783799, at *5; *Guerrero Orellana v. Moniz*, 25-cv-12664, 2025 U.S. Dist. LEXIS 196282, 2025 WL 2809996, at *6 (D. Mass. Oct. 3, 2025); *Chanaguano Caiza v. Scott*, 25-cv-00500, 2025 U.S. Dist. LEXIS 195270, 2025 WL 2806416, at *3 (D. Me. Oct. 2, 2025); *D.S. v. Bondi*, 25-cv-3682, 2025 U.S. Dist. LEXIS 194262, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025); *Rodriguez Vazquez v. Bostock*, No. 25-cv-05240, 2025 U.S. Dist. LEXIS 193611, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025); *J.U. v. Maldonado*, 25-CV-04836, 2025 U.S. Dist. LEXIS 191630, 2025 WL 2772765, at *5 (E.D.N.Y.

Sept. 29, 2025); *Rivera Zumba v. Bondi*, No. 25-cv-14626, 2025 U.S. Dist. LEXIS 190052, 2025 WL 2753496, at *7 (D.N.J. Sept. 26, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 U.S. Dist. LEXIS 188368, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Lepe v. Andrews*, No. 25-cv-01163, 2025 U.S. Dist. LEXIS 187233, 2025 WL 2716910, at *9 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048, 2025 U.S. Dist. LEXIS 188085, 2025 WL 2712427, at *5 (N.D. Iowa Sept. 23, 2025); *Singh v. Lewis*, No. 25-cv-96, 2025 U.S. Dist. LEXIS 185696, 2025 WL 2699219, at *3 (W.D. Ky. Sept. 22, 2025); *Pablo Sequen v. Kaiser*, No. 25-cv-06487, 2025 U.S. Dist. LEXIS 181837, 2025 WL 2650637, at *7-8 (N.D. Cal. Sept. 16, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326, 2025 U.S. Dist. LEXIS 176165, 2025 WL 2639390, at *10 (D.N.H. Sept. 8, 2025); *Lopez-Campos v. Raycraft*, No. 25-cv-12486, 2025 U.S. Dist. LEXIS 169423, 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025); *Arrazola-Gonzalez v. Noem*, No. 25-cv-01789, 2025 U.S. Dist. LEXIS 158808, 2025 WL 2379285, at *2 (C.D. Cal. Aug. 15, 2025); *Anicasio v. Kramer*, 25CV3158, 2025 U.S. Dist. LEXIS 157236, 2025 WL 2374224, at *2 (D. Neb. Aug. 14, 2025); *Lopez Benitez v. Francis*, No. Civ. 5937, 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at *3 (S.D.N.Y. Aug. 13, 2025); *Rosado v. Figueroa*, No. CV 25-02157, 2025

U.S. Dist. LEXIS 156344, 2025 WL 2337099, at *10 (D. Ariz. Aug. 11, 2025).

34. This Middle District of Florida recently reached the same conclusions in *Patel v. Hardin*, 2025 U.S. Dist. LEXIS 233409 (M.D. Fla Dec. 1, 2025) in which it held: “Since DHS’s change in policy, courts in this District and around the country have rejected its new interpretation of the INA. This Court now joins the consensus, concluding that the interpretation is flawed for several reasons.”

CLAIMS FOR RELIEF

COUNT 1

Request for Relief Pursuant to *Maldonado Bautista* Class Action

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

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

37. *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

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

39. Respondents or their privies are parties to *Maldonado Bautista* and bound by the declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

40. 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 final judgment in *Maldonado Bautista*.

COUNT TWO
Unlawful Detention Under the INA

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

42. Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

43. 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.

COUNT THREE
Violation of Fifth Amendment Right to Due Process

44. The allegations in the above paragraphs are re-alleged and incorporated herein.

45. Petitioner is subject to mandatory detention without any opportunity for an individualized bond hearing.

46. The Immigration Judge's reliance on *Hurtado* forecloses any bond hearing whatsoever, resulting in categorical detention.

47. The Fifth Amendment requires, at a minimum, an individualized hearing before a neutral decision-maker at which the government bears the burden of justifying continued detention.

48. Petitioner's continued detention without such a hearing violates substantive and procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following 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.

DATED this 28th of January, 2026

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

I represent Petitioner, JOSE LUIS HERRADA RUBALCAVA, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 28th day of January, 2026.

/s/ Russell W. Johnson
Russell W. Johnson
(Pro Hac Vice Admission Pending)

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IN CUSTODY BOND

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
ORLANDO, FL.**

In the Matter of)

HERRADA RUBALCAVA, Jose Luis)

Respondent)
_____))

File No.: A 

In removal proceedings

MOTION FOR BOND AND CUSTODY REDETERMINATION