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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

RUBEN JIMENEZ ROJAS,

Petitioner,

v.

**Warden of Folkston ICE Processing Center
(Annex) in their official capacity; KRISTEN
SULLIVAN, Field Office Director of
Enforcement and Removal Operations,
Atlanta Field Office, Immigration and
Customs Enforcement; TODD M. LYONS,
Acting Director, U.S. Immigrations &
Customs Enforcement; KRISTI NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. Department of Homeland
Security; PAMELA BONDI, U.S. Attorney
General; and DAREN K. MARGOLIN,
Director, Executive Office for Immigration
Review,**

Respondents.

Case No.:

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS
UNDER 28 U.S.C. § 2241**

1 INTRODUCTION

2 1. Petitioner, Ruben Jimenez Rojas, brings this petition for a writ of habeas corpus
3 to seek enforcement of their rights as members of the Bond Eligible 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 Folkston ICE Processing Center (Annex) in Folkston,
6 Georgia. Petitioner now faces unlawful detention because the Department of Homeland Security
7 (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the
8 declaratory 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 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 Eligible 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.

3 5. Petitioner is a member of the Bond Eligible Class, as Petitioner:

4 a. does not have lawful status in the United States and is currently detained
5 at the Folkston ICE Processing Center (Annex) in Folkston, Georgia;

6 b. was apprehended by immigration authorities on or about December 15,
7 2025;

8 c. entered the United States without inspection approximately 26 years ago
9 and was not apprehended upon arrival, *cf. id.*; and

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

11
12 6. After apprehending Petitioner on or about December 15, 2025, the DHS placed
13 Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as
14 being inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I), as someone who
15 entered the United States without inspection.

16 7. The Court should expeditiously grant this petition.

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

22 9. Immigration judges have informed class members in bond hearings that they have
23 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
24

1 controlling, even with respect to class members, and that instead immigration judges remain
2 bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216
3 (BIA 2025).

4 10. On January 22, 2026, Petitioner submitted a Motion for Bond and Custody
5 Redetermination to the Atlanta Immigration Court –Ted Turner Drive. The Atlanta Immigration
6 Court –Ted Turner Drive scheduled Petitioner for a custody redetermination and bond hearing on
7 January 27, 2026. On January 27, 2026, the immigration judge denied Petitioner's Motion for
8 Bond and Custody Redetermination based on the immigration judge finding that the immigration
9 judge lacked jurisdiction pursuant to the *Matter of Yajure Hurtado*. ***See Exhibit I.***

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

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

15
16 **JURISDICTION**

17 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
18 Folkston ICE Processing Center (Annex) in Folkston, Georgia.

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

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

1 **VENUE**

2 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
3 500 (1973), venue lies in the United States District Court for the Southern District of Georgia,
4 the judicial district in which Petitioner currently is detained.

5 17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
6 Respondents are employees, officers, and agencies of the United States, and because a
7 substantial part of the events or omissions giving rise to the claims occurred in the Southern
8 District of Georgia.

9
10 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

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

19
20 **PARTIES**

21 20. Petitioner is a citizen of Mexico who has been in immigration detention since on
22 or about December 15, 2025. After Petitioner was detained by ICE, ICE did not set bond, and
23 Petitioner requested review of his custody by an immigration judge. On January 27, 2026,
24

1 Petitioner was denied bond by an immigration judge at the Atlanta Immigration Court –Ted
2 Turner Drive because Petitioner is not eligible for release on bond under *Matter of Yajure*
3 *Hurtado*, 29 I&N Dec. 216 (BIA 2025). Petitioner has resided in the United States since 2000.

4 21. Respondent Warden of the Folkston ICE Processing Center (Annex), where
5 Petitioner is detained. The Warden of the Folkston ICE Processing Center (Annex) has
6 immediate physical custody of Petitioner. The Warden of the Folkston ICE Processing Center
7 (Annex) is sued in the Warden’s official capacity.

8 22. Respondent Kristen Sullivan is the Acting Director of the Atlanta Field Office of
9 ICE’s Enforcement and Removal Operations division. As such, Acting Director Sullivan is
10 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. She is
11 named in his official capacity.

12 23. Respondent Todd Lyons is the acting Director of U.S. Immigration & Customs
13 Enforcement (ICE). He is responsible for the administration of ICE and the implementation and
14 enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a
15 legal custodian of Petitioner. He is sued in his official capacity.

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

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

- 1 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
2 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law; and
4 e. Grant any other and further relief that this Court deems just and proper.
5

6 DATED this 30th of January 2026.

7 *//s// Elizabeth Hildebrand Matherne*

8 _____
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1 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

2 I represent Petitioner, Ruben Jimenez Rojas, and submit this verification on Petitioner's
3 behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas
4 Corpus are true and correct to the best of my knowledge.

5 Dated this 30th day of January 2026.

6
7 Respectfully submitted,

8 *//s// Elizabeth Hildebrand Matherne*

9
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