

Ashley Rachel Beard  
BAR No. 413747  
Attorney for Petitioner

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

JOSE ADALID MALDONADO-SANTOS, )  
)  
Petitioner, )  
)  
v. )  
)  
The Warden of the Folkston Detention Center; )  
DAN JONES, Assistant Field Office Director of )  
Atlanta Field Office, TODD LYONS, in his )  
Official capacity as Acting Director of )  
U.S. Immigration and Customs Enforcement; )  
KRISTI NOEM, Secretary of the U.S. Department )  
of Homeland Security; and PAM BONDI, )  
Attorney General of the United States, )  
in their official capacities, )  
)  
Respondents. )  
\_\_\_\_\_ )

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS AND  
REQUEST FOR  
DECLARATORY RELIEF**

**INTRODUCTION**

1. Petitioner Jose Adalid Maldonado-Santos 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 Folkston Processing Center. 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. On December 18, 2025, the U.S. District Court for the Central District of California entered a final judgment in *Maldonado Bautista*. The final judgment declared class members' detention authority and rights and vacated the federal policy that was being used to deny bond hearings nationwide. Specifically, final judgment accomplished four core things:

- i. Declared the class is detained under INA § 236(a) (8 U.S.C. § 1226(a))—not INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), meaning the class can be considered for bond eligibility under § 1226(a) and is not subject to mandatory detention under § 1225(b)(2).

- ii. Declared class members are entitled to bond consideration and—if not released by ICE—a custody redetermination (bond) hearing before an immigration judge.
- iii. Vacated DHS’s July 8, 2025 “Interim Guidance Regarding Detention Authority for Applicants for Admission” under the APA as unlawful.
- iv. Entered final judgment on key claims in the Amended Class Complaint and certified them for appeal under Rule 54(b). In other words, the government can appeal, and the litigation may continue—but this judgment is a final, appealable ruling on the central bond-eligibility issue for the class—and therefore binding unless overturned by a higher court.

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

6. Petitioner Jose Adalid Maldonado-Santos 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 Folkston Processing Center. He was apprehended by immigration authorities on September 25, 2025;
- b. entered the United States without inspection over 19 years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7. After apprehending Petitioner on September 25, 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) and (a)(7)(A)(i)(I) as someone who entered the United States without inspection.

8. The Court should expeditiously grant this petition.

9. 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). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

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

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

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

#### **JURISDICTION**

13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Folkston Processing Center.

14. 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).

15. 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

16. 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, the judicial district in which Petitioner currently is detained.

17. 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

18. 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*.

19. 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).

**PARTIES**

20. Mr. Maldonado Santos is currently detained by Respondents in the Folkston Detention Center.

21. The Warden of Folkston Detention Center is not disclosed online. The person responsible for said institution, where Mr. Maldonado Santos is currently detained under the authority of ICE has direct control over his physical custody. They are sued in their official capacity.

22. Respondent Dan Jones is the acting Director of ICE's Atlanta Field Office, which has jurisdiction over ICE detention facilities in Georgia, including Folkston Detention Center, and thus is Mr. Maldonado Santos's immediate custodian. He is sued in his official capacity.


23. Respondent Todd Lyons is the acting Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Mr. Maldonado Santos. He is sued in his official capacity.

24. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE, a subunit of DHS, and the implementation and enforcement of the immigration laws. As such, Mrs. Noem is the ultimate legal custodian of Mr. Maldonado Santos. She is sued in his official capacity.

25. Respondent Pam Bondi is the Attorney General of the United States and head of the Department of Justice, which encompasses the BIA and the Immigration Courts. Mrs. Bondi shares responsibility for the implementation and enforcement of the

immigration laws with Respondent Noem. Mrs. Bondi is a legal custodian of Mr. Maldonado Santos. She is sued in his official capacity.

### **PROCEDURAL HISTORY**

26. Petitioner Jose Adalid Maldonado Santos ("Mr. Maldonado Santos"), originally from Mexico, has been imprisoned in U.S. Immigration and Customs Enforcement ("ICE") custody since September 25, 2025. He was placed in removal proceedings after the U.S. Department of Homeland Security ("DHS") issued a Form I-862, Notice to Appear ("NTA") on September 25, 2025 under Alien Number .
27. On November 3, 2025, Mr. Maldonado Santos filed Form EOIR-42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents, with the associated filing fee. On November 4, 2025, Mr. Maldonado Santos filed the supporting documents for his Form EOIR-42B case.
28. On November 4, 2025, Mr. Maldonado Santos' case was set down for an Individual Hearing on December 2, 2025 at 1:00 p.m. at the Lumpkin Immigration Court, in Lumpkin, Georgia.
29. On December 2, 2025, the Immigration Court denied Mr. Maldonado Santos's application for cancellation of removal under INA § 240A(b) and granted post-conclusion voluntary departure. The denial was based on hardship alone.
30. On December 30, 2025, the decision was appealed to the BIA and is presently pending. Despite the substantial evidence of extreme hardship to his wife and his three daughters, including his two United States citizen daughters and his strong family, employment, and

community ties, he has remained detained at the Folkston Detention Center since September 2025.


31. On December 1, 2025, a Motion for Custody Redetermination Hearing was filed on Mr. Maldonado Santos' behalf and the case was set down for a hearing on December 18, 2025 at 10:00 a.m. before the Lumpkin Immigration Court. However, counsel withdrew the request on December 15, 2025 due to lack of jurisdiction.
32. On December 18, 2025, counsel filed a subsequent Motion for Custody Redetermination Hearing and the matter was set down for a hearing on December 30, 2025 at 9:30 a.m. before the Lumpkin Immigration Court. On December 30, 2025, the Immigration Judge denied Mr. Maldonado Santos' bond because:

“Lack of jurisdiction: See Matter of Garcia, 28 I&N Dec. 693, 695 (BIA 2023) (explaining that Immigration Judges and the Board are bound to follow the precedent of this Board, the Attorney General, and the circuit court of appeal with jurisdiction over the geographic region where a case occurs.”

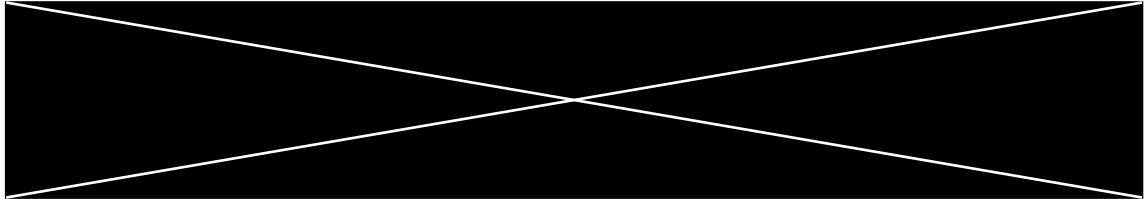
33. Mr. Maldonado Santos poses no danger to the community and no risk of flight. He has no criminal record anywhere in the world. His continued detention serves no legitimate governmental interest and instead inflicts extreme and unnecessary hardship on a United States citizen while undermining fundamental due process protections. Habeas relief is therefore warranted.
34. Mr. Maldonado Santos challenges his prolonged detention as a violation of the Immigration and Nationality Act and the Due Process Clause of the U.S. Constitution. He respectfully requests that this Court order Respondents to show cause why the writ should not be granted within three days and, if necessary, set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243, and grant him a Writ of Habeas Corpus,


ordering Respondents to release him or provide him with an individualized bond hearing before an Immigration Judge.

**STATEMENT OF FACTS**

35. Petitioner Jose Adalid Maldonado Santos is a forty-seven (47) year old native and citizen of Mexico, who entered the United States in 2006. Mr. Maldonado Santos fled Mexico after the rapid deterioration of public safety in the city of Acapulco, where 

 While employed as a school bus driver, he was



 Mr. Maldonado Santos fled Mexico to protect himself and to pursue a life free from violence and coercion.

36. After arriving in the United States without inspection, Mr. Maldonado Santos has lived a quiet and peaceful life and has consistently demonstrated that he is a hardworking and responsible member of his community. He has remained continuously employed for many years, supporting himself and his family through steady work and demonstrating reliability and a strong work ethic. In addition to his employment history, Mr. Maldonado Santos has been an active and committed member of his local church, where he regularly attends services and participates in faith-based activities.

37. Mr. Maldonado Santos has been married to Blanca Lizbeth Perez Barrera for over twenty (20) years, and throughout their marriage he has served as the primary financial provider

and a central source of emotional and practical support for the family. Together, they have three daughters, two of whom, C [REDACTED] and N [REDACTED] are United States citizens and minors who have been raised entirely in the United States. Prior to Mr. Maldonado Santos's detention, the family relied on his consistent presence, income, and daily involvement to maintain stability, structure, and emotional well-being within the household.

38. Since Mr. Maldonado Santos was detained by ICE in September 2025, his United States citizen daughters have experienced significant psychological and emotional deterioration, as documented in recent pediatric and mental health evaluations. Medical records reflect that both children have developed clinically significant symptoms of anxiety and depression, including persistent sadness, sleep disturbances, difficulty concentrating in school, heightened fear responses, particularly related to law enforcement, and observable emotional distress directly linked to their father's detention and absence from the home.
39. One of Mr. Maldonado Santos's U.S. citizen daughters has been formally assessed with depressive and anxiety disorders requiring ongoing monitoring and therapeutic intervention. The other has exhibited worsening emotional symptoms accompanied by physical manifestations of stress, including vomiting episodes, fatigue, and elevated anxiety levels. Medical providers have noted that the children's symptoms intensified following their father's detention and that their emotional well-being is closely tied to his presence, stability, and role as their primary source of reassurance and support.
40. In addition to the documented psychological harm, medical records further reflect that one of Mr. Maldonado Santos's U.S. citizen daughters has been diagnosed with pre-diabetes, a condition that requires continued medical supervision, routine monitoring, and consistent

family support. The prolonged detention of Mr. Maldonado Santos has disrupted the household's ability to maintain the structure, supervision, and emotional regulation necessary to support a child managing a chronic medical condition, thereby compounding the children's vulnerability.

41. As a result of Mr. Maldonado Santos's detention, his wife has been left solely responsible for providing financially for the household while also attempting to manage the escalating emotional, psychological, and medical needs of their children. Despite her efforts, she is unable to adequately replace the financial stability, caregiving support, and emotional presence that Mr. Maldonado Santos historically provided. The burden of maintaining employment, caring for the children, coordinating medical appointments, addressing their mental health needs, and navigating her husband's legal proceedings has placed her under significant strain.
42. The family's financial situation has deteriorated since Mr. Maldonado Santos's detention, as his absence eliminated the primary source of household income. Mrs. Perez Barrera now struggles to meet basic living expenses while simultaneously addressing the increasing needs of her children, who require heightened emotional attention, medical follow-up, and stability. The combined financial pressure and emotional stress have further limited her ability to serve as the sole provider and caregiver without Mr. Maldonado Santos's assistance.
43. Mr. Maldonado Santos's continued detention has therefore resulted in concrete and ongoing harm to his family, particularly his United States citizen daughters, whose psychological and emotional conditions have demonstrably worsened in his absence. His prolonged detention deprives his children of the consistent parental support they require

and leaves his wife to shoulder responsibilities that she cannot reasonably manage alone, despite her best efforts. These circumstances continue to intensify with each additional month Mr. Maldonado Santos remains detained.

44. On December 2, 2025, Mr. Maldonado Santos had individual merits hearings before the Immigration Judge at the Lumpkin Immigration Court, during which evidence was presented and testimonies were taken.
45. On the same date, the Immigration Court issued a decision denying Mr. Maldonado Santos's application for cancellation of removal under INA § 240A(b) (EOIR-42B), concluding that he was statutorily ineligible for such relief based on the Court's determination that his United States citizen children would not suffer the requisite level of extreme hardship. The Court, however, granted post-conclusion voluntary departure. The decision is now on appeal before the BIA.
46. After this, Mr. Maldonado Santos is still detained in Folkston Detention Center, where he has been locked up for the past 5 (five) months. His continued detention is neither necessary nor justified, particularly considering the substantial and well-documented hardship his detention is causing to his wife and three daughters, including his two United States citizen daughters, and the realistic possibility that relief under INA § 240A(b) would ultimately be granted upon proper consideration of the evidence.
47. Although the Immigration Court denied Mr. Maldonado Santos's application for cancellation of removal under INA § 240A(b), that denial was based on a finding that his children did not face the requisite level of extreme hardship. As demonstrated above, however, the record now clearly establishes that Mr. Maldonado Santos's continued detention has resulted in substantial and ongoing psychological and emotional harm to his

family, particularly his United States citizen daughters, who have experienced documented anxiety, depressive symptoms, and related functional impairments since his detention. The hardship caused by his detention is concrete, individualized, and far exceeds the ordinary consequences of removal or detention.

48. The substantial evidence of hardship underscores that Mr. Maldonado Santos' detention is unnecessary and disproportionate, particularly where there exists a meaningful possibility that relief may ultimately be granted through reopening, reconsideration, or other appropriate procedural avenues. Courts routinely recognize that continued detention is unjustified where a noncitizen presents a viable path to relief and detention no longer serves a legitimate governmental purpose.
49. Moreover, Mr. Maldonado Santos presents no danger to the community and poses no flight risk. He has lived in the United States for two decades, with no criminal record, maintained continuous lawful employment for nearly twenty years, complied with federal tax obligations since 2007, and has deep family and community ties. His United States children depend on him for financial stability, medical care, and emotional support. These ties strongly incentivize compliance with all future immigration proceedings and weigh heavily in favor of release.
50. The government's interest in detention is particularly weak in this case. Detention is intended to ensure appearance at proceedings or protect public safety, neither of which is implicated here. Continued detention instead serves only to exacerbate the severe hardship to a United States citizen and to undermine fundamental due process protections. Where detention no longer bears a reasonable relationship to its purported purposes, it becomes punitive and constitutionally impermissible.

51. The Petitioner has appealed the Court Order, regarding the denial of his application for cancellation of removal under INA § 240A(b). As a result, the case is currently pending before the Board of Immigration Appeals (BIA), which can cause additional months of delay in his release, while all his claims for relief are considered.
52. If the BIA does not rule in Mr. Maldonado Santos's favor, he may appeal to the Eleventh Circuit.
53. Under these circumstances, continued detention is arbitrary and excessive. Release under appropriate conditions would fully satisfy any legitimate governmental interest while preventing the ongoing and irreparable harm to Mr. Maldonado Santos's United States citizen children.

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

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

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

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

57. The order granting class certification in *Maldonado Bautista* further orders 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.”

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

59. 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*.

**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: February 2, 2026

Respectfully submitted,

*/s/ Ashley Beard*

Ashley Beard, Esq.  
The Beard Law Group.  
1 Maiden Lane  
Bluffton, SC 29910  
(843) 707-7272  
[ashley@beard-law.com](mailto:ashley@beard-law.com)

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