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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

YUDELKYS RIVERO-RODRIGUEZ,

Petitioner,

v.

KRISTEN SULLIVAN, Field Office Director
of Enforcement and Removal Operations,
Atlanta 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; KEVIN
STREEVAL, Warden of Stewart Detention
Center,

Respondents.

Case No. 4:26-CV-205

**PETITION FOR WRIT OF
HABEAS CORPUS**

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INTRODUCTION

1. Petitioner YUDELKYS RIVERO-RODRIGUEZ 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 Stewart Detention Center. She 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 YUDELKYS RIVERO-RODRIGUEZ is a member of the Bond
4 Eligible Class, as he:

- 5
- 6 a. does not have lawful status in the United States and is currently detained at the
Stewart Detention Center. She was apprehended by immigration authorities on
December 8, 2025;
 - 7 b. entered the United States without inspection over three years ago and was not
apprehended upon arrival, *cf. id.*; and
 - 8 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

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

12 7. The Court should expeditiously grant this petition.

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

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

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

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

6 **JURISDICTION**

7 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
8 Stewart Detention Center, Lumpkin, GA.

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

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

14 **VENUE**

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

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

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

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

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

9 **PARTIES**

10 19. Petitioner YUDELKYS RIVERO-RODRIGUEZ is a citizen of Cuba who has
11 been in immigration detention since December 8, 2025. After Petitioner was arrested in Atlanta,
12 ICE did not set bond, and Petitioner requested review of his custody by an IJ. On 01/28/26,
13 Petitioner was denied bond by an IJ at the Stewart Immigration Court because she was deemed
14 an “applicant for admission.” Petitioner has resided in the United States since 2022.

15 20. Respondent Kristen Sullivan is the Director of the Atlanta Field Office of ICE’s
16 Enforcement and Removal Operations division. As such, Kristen Sullivan is Petitioner’s
17 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in
18 her official capacity.

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

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

4 30. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
5 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
6 § 2201(a).

7 31. By denying Petitioner a bond hearing under § 1226(a) and asserting that she is
8 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory
9 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

10 **PRAYER FOR RELIEF**

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

- 12 a. Assume jurisdiction over this matter;
- 13 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
14 Petitioner;
- 15 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
16 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
17 seven days;
- 18 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
19 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
20 law; and
- 21 e. Grant any other and further relief that this Court deems just and proper.

22 DATED this 4th of February, 2025.

23 /s/ Ashley Deadwyler-Heuman
24 ASHLEY DEADWYLER-HEUMAN
GEORGIA BAR NO. 179099

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