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

ONERCI UBIEL PÉREZ CARRILLO, )  
 )  
 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 Onerci Ubiel Pérez Carrillo brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in 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 a 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, the 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 Onerci Ubiel Pérez Carrillo 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 October 31, 2025;
- b. entered the United States at the age of fifteen, as an Unaccompanied Minor almost 5 years ago and was apprehended upon arrival, then released into his cousin’s custody, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7. After apprehending Petitioner in October of 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. Pérez Carrillo 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. Pérez Carrillo 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. Perez Carrillo'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. Perez Carrillo. 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. Perez Carrillo. 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. Perez Carrillo. She is sued in his official capacity.

### **PROCEDURAL HISTORY**

26. Petitioner Onerci Ubiel Pérez Carrillo (“Mr. Perez-Carrillo” or “Mr. Pérez Carrillo”), originally from Guatemala, has been imprisoned in U.S. Immigration and Customs Enforcement (“ICE”) custody since October 31, 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 June 29, 2021 under Alien Number A216-981-525.
27. On April 26, 2023, Mr. Pérez Carrillo’s case was set down for a Master Calendar Hearing at the Charlotte Immigration Court. On that date Mr. Pérez Carrillo did not appear as he was 17 years old and in custody of his cousin. Accordingly, Mr. Pérez Carrillo was ordered removed *in absentia*.
28. On March 6, 2025, Mrs. Brenda Castro, Petitioner’s U.S. citizen wife, filed Form I-130, Petition for Alien Relative, on his behalf, with the associated filing fee and supporting documentation. On March 16, 2025, they received a notice from USCIS stating that the case had been received and is being processed.
29. On June 1, 2025, Mr. Pérez Carrillo was arrested for traffic-related offenses in Beaufort County, and this law firm represents him on those charges. He is in the process of

completing the ADSAP program to comply with court determinations and will do so once released from ICE's custody.

30. On July 2, 2025, an Emergency Motion to Reopen Sua Sponte and Motion for Stay of Removal was filed by counsel with the Charlotte Immigration Court.
31. On July 21, 2025, the Motion to Reopen was granted. On the same day, the case was set down for a Master Calendar Hearing on September 10, 2025 at 8:30 a.m. before the Charlotte Immigration Court. On September 10, 2025, the case was reset for a Master Calendar Hearing on March 4, 2026 at 1:00 p.m. before the Charlotte Immigration Court.
32. On November 21, 2025, counsel filed a Motion to Change Venue to the Lumpkin Immigration Court and Form E-33/IC.
33. On November 26, 2025, DHS filed ICE Form I-830E with the Charlotte Immigration Court.
34. On December 10, 2025, the case was set down for a Master Calendar Hearing at the Lumpkin Immigration Court on January 6, 2026. On January 6, 2026, the case was reset for a Master Calendar Hearing on January 20, 2026 at 8:30 a.m. at the Lumpkin Immigration Court. On January 20, 2026, the case was reset for a Master Calendar Hearing on February 24, 2026 at 8:30 a.m.
35. On December 5, 2025, a Motion for Custody Redetermination Hearing was filed on Mr. Pérez Carrillo's behalf, and the case was set down for a hearing on December 16, 2025 at 10:00 a.m. before the Lumpkin Immigration Court. However, counsel withdrew the request on December 15, 2025, after receiving notice of decisions from the same court, citing a lack of jurisdiction.

36. On December 18, 2025, counsel filed a subsequent Motion for Custody Redetermination Hearing and the matter was set down for a hearing on December 29, 2025 at 10:30 a.m. before the Lumpkin Immigration Court. On December 29, 2025, the Immigration Judge denied Mr. Pérez Carrillo's 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.”

37. Mr. Mr. Pérez Carrillo poses no danger to the community and no risk of flight. His only criminal charges are traffic-related offenses, which are pending, and he has hired this firm to represent him. Additionally, he has *significant* ties in the United States. First, he is married to U.S. Citizen Brenda Castro. They formalized their relationship on January 11, 2025, and subsequently filed Form I-130 on March 6, 2025.

38. Additionally, he is notably involved in the community and has worked assiduously since arriving in this country. His employer describes him as “incredibly responsible” and “very mature and humble for his age”. As evidence of his hardworking personality, he has simultaneously worked for Las Palmas Landscaping, LLC, since 2023 and is “integral” to the business.


39. Furthermore, Mr. Pérez Carrillo's good relationships in the community extend to his participation in church as well. He has made several friends, who speak highly of him and of how he “leads with strength and a grounded, hardworking spirit” and that “Onerci has always put the needs of others before his own”.

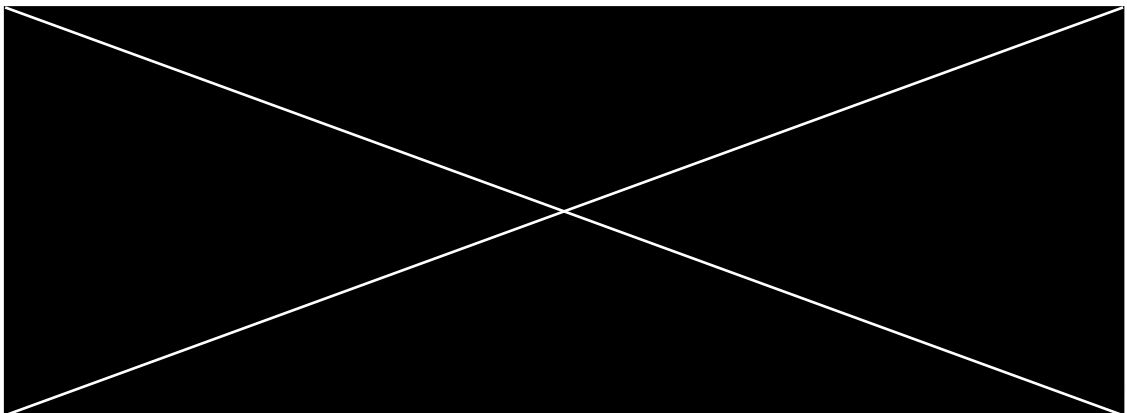
40. All of this has to do with the fact that Mr. Pérez Carrillo came to the United States alone at only fifteen (15) years old, to support his mother and siblings who remained in Guatemala,

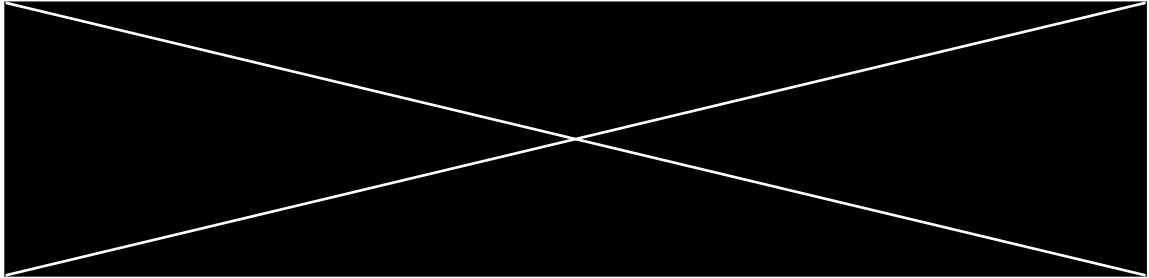
after their father abandoned them. Because of that, he assumed the responsibility of providing for his family, which is only possible with his work and income acquired in the U.S. He also supported his grandfather who is extremely ill and in the hospital.

41. 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.
42. Mr. Pérez Carrillo's 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

43. Mr. Pérez Carrillo is a twenty (20) year old native and citizen of Guatemala, who entered the United States in 2021, when he was fifteen (15). Mr. Pérez Carrillo fled Guatemala after life-changing events. In 2018, 





44. After arriving in the United States alone as a teenager, Mr. Pérez Carrillo has lived a quiet, hardworking, and peaceful life. He has consistently demonstrated himself to be a selfless and responsible family man who is also very committed to 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. Pérez Carrillo has been an active and committed member of his local church, where he regularly attends services and participates in faith-based activities.
45. As already mentioned above, Mr. Pérez Carrillo has been married to Brenda Castro for over a year and has been the provider for her. She has an anxiety disorder, diagnosed since 2023, and his absence has had an immense impact on her life, stability, and emotional well-being.
46. Another result of Mr. Perez Carrillo's detention is that his wife was left solely responsible for providing financially for the household while also attempting to manage the escalating emotional, psychological, and her medical needs. Despite her efforts, she has been struggling with his detention and the burden of maintaining employment, caring for his family, who lives in Guatemala, addressing her health needs, and navigating her husband's legal proceedings has placed her under significant strain.
47. Mr. Perez Carrillo's continued detention has therefore resulted in concrete and ongoing harm to his family, particularly his United States citizen wife, whose psychological,

physical, and emotional conditions have demonstrably worsened in his absence. These circumstances continue to intensify with each additional month Mr. Pérez Carrillo remains detained.

48. Mr. Perez Carrillo's Form I-130, filed by his wife, is pending with USCIS. In the meantime, his bond hearing was denied due to "lack of jurisdiction."
49. Consequently, Mr. Pérez Carrillo is still detained in Folkston Detention Center, where he has been locked up for the past 4 (four) 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 family, and the realistic high probability that he will be able to adjust his status through marriage. 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.
50. Moreover, Mr. Pérez Carrillo presents no danger to the community and poses no flight risk. He has lived in the United States for almost 5 (five) years, with no criminal record besides traffic-related offenses, maintained continuous lawful employment, and has deep family and community ties. His family depends on him for financial stability, medical care, and emotional support, plus he would suffer severe hardship if returned to Guatemala. These ties strongly incentivize compliance with all future immigration proceedings and weigh heavily in favor of release.
51. 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.

52. The Petitioner has a pending I-130 Form, Petition for Alien Relative, and a Master Hearing scheduled for February 24, 2026, at 8:30 am.

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. Perez Carrillo's United States citizen wife.

**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 4, 2026

Respectfully submitted,

*/s/ Ashley Beard*

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**INDEX**

1. Copy of EROP.