

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HECTOR M. ARISTONDO-AYALA,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. _____
	)	
	)	PETITION FOR WRIT OF
	)	HABEAS CORPUS
Warden of Cimarron Detention Center;	)	
Secretary of the U.S. Dept of Homeland	)	
Security; and, Attorney General of the	)	
United States, in their official capacities,	)	
	)	
Respondents.	)	

PETITION FOR A WRIT OF HABEAS CORPUS

**AMIR M. FARZANEH
FARZANEH LAW FIRM, P.C.

COUNSEL FOR PETITIONER**

HECTOR M. ARISTONDO-AYALA,

v.

Case No. _____

**Warden of Cimarron Detention Center;
Secretary of the U.S. Dept of Homeland
Security; and, Attorney General of the
United States, in their official capacities,**

Respondents.

COMES NOW, Petitioner, Hector Mauricho Aristondo-Ayala, by and through his attorney of record, Amir M. Farzaneh, and hereby petitions this Court to issue a Writ of Habeas Corpus to review his unlawful detention by the U.S. Immigration and Customs Enforcement (ICE) and to enjoin his removal from the United States. No petition for a writ of habeas corpus, or any other request for judicial review, has previously been filed in any court to review the detention and pending removal proceedings complained of herein.

Petitioner files this action because the Immigration Court finds that under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) it does not have jurisdiction to consider the matter of a bond hearing. This is in stark contradiction to the *Bautista* court's final

judgment in the case holding that the immigration courts do have jurisdiction. *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C. D. Cal. Dec. 18, 2025). Therefore, Petitioner files this action to protect his rights under both the Due Process Clause of the Fifth Amendment to the Constitution and applicable federal law, 8 U.S.C. § 1225(b)(2)(A). In support of this petition, Petitioner alleges as follows:

JURISDICTION

1. This action arises under the Constitution, the Immigration and Nationality Act of 1952, as amended (the INA), 8 U.S.C. §1101 *et. seq.*, and the Administrative Procedure Act (the APA), 5 U.S.C. *et. seq.* This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 *et. seq.*; Art. I, §9, Cl. 2 of the United States Constitution (the Suspense Clause); and the common law. This Court may also exercise jurisdiction pursuant to 28 U.S.C. § 1331 and may grant relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, and the All Writs Act, 28 U.S.C. § 1651. Finally, this Court has mandamus jurisdiction pursuant to 28 U.S.C. § 1361.

VENUE

2. Venue is proper because Petitioner is currently detained at the Cimarron Detention Facility in Cushing, Oklahoma, which is within the jurisdiction of this Court. 28 U.S.C. § 2241 *et. seq.* and 28 U.S.C. §1391.
3. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States, and a substantial part of the events or omission giving rise to his claims occurred in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

4. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days is allowed.” *Id.* (emphasis added).
5. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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)

PARTIES

6. Hector Aristondo-Ayala is a native citizen of El Salvador. His last entry into the United States was in 2012. He has been detained by (ICE) since November 20th, 2025.
7. Warden of Cimarron Detention Center, and he/she has immediate physical custody of Petitioner pursuant to the facility’s contract with ICE to detain noncitizens and is legal custodian of Petitioner. The Warden is a legal custodian of Petitioner.
8. Respondent, Kristi Noem, is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and

Nationality Act, and oversees the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

9. Respondent, Pam Bondi, is sued in her official capacity as the Attorney General of the United States and senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration court and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

10. Hector Aristondo-Ayala is a citizen of El Salvador. He entered the United States in November 2012. At that time, he was not inspected or admitted. Petitioner has two (2) children who are U.S. citizens.
11. Petitioner qualifies for cancellation of removal pursuant to INA § 240A(b), because of the undue hardship that his children, who are U.S. citizens, would face if he were removed.
12. This Application has been filed on behalf of Petitioner.
13. Petitioner's individual hearing on the Application was set for February 6, 2026, but was cancelled on the same day. He is awaiting a new hearing date.
14. On November 20th, 2025, Petitioner was placed under ICE custody in Cimarron Detention Center.
15. On December 23, 2025, Petitioner had a hearing for bond redetermination. The immigration court ruled that under *Matter of Yajure Hurtado*, 29 I&N Dec. 216

(BIA 2025) it lacked the jurisdiction to determine whether a bond hearing could be granted.

16. The immigration court ruled it lacked jurisdiction in opposition to a federal district court ruling that the immigration courts do have jurisdiction in such cases. *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C. D. Cal. Dec. 18, 2025) and 8 U.S.C. § 1225(b)(2)(A).
17. In response, Petitioner filed a Motion to Reconsider on January 5, 2026. The motion was denied on January 29, 2026.
18. Petitioner exercised his right to appeal the denial of bond redetermination by initiating an appeal with the Board of Immigration Appeals on January 22, 2026.

AUTHORITY FOR ADJUSTMENT OF STATUS

19. An Application for Cancellation of Removal for Certain Nonpermanent Residents falls under INA § 240A(b); 8 U.S.C. § 1229(b).
20. It provides relief for certain non-citizens facing deportation by allowing adjustment to Lawful Permanent Resident status if they meet strict criteria for hardship and continuous presence in the United States.

RIGHT TO JUDICIAL INTERVENTION

21. The basis for this Court's habeas jurisdiction to review the Petitioner's claim is contained in 28 U.S.C. §2241, the general grant of habeas jurisdiction bestowed on the federal district courts, which neither the Antiterrorism and Effective Death

Penalty Act of 1996 (AEDPA), nor the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) eliminated or amended.

22. Petitioner is also entitled to have his detention reviewed under the common law and as a matter of constitutional right. The Writ of Habeas Corpus is guaranteed by the Constitution and cannot be suspended except where “in Cases of Rebellion or Invasion the Public Safety may require it.” U.S. Constitution, Art. I, §9, Cl. 2 (Suspension Clause).
23. In the present action, Petitioner asserts that his detention and removal by the Respondent is in violation of the Constitution, the INA, and the APA.

COUNT ONE

Violation of the Fifth Amendment to Due Process

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

24. Hector Aristondo-Ayala is protected by every clause of the United States Constitution that is not expressly reserved to citizens. The protection includes the Fifth Amendment.

25. Under the Fifth Amendment, Mr. Aristondo-Ayala has been denied his right to a bond determination hearing and remains detained.

26. Placing Petitioner in detention interferes with rights implicit in the concept of ordered liberty and shocks the conscience. Hence, the Respondents’ conduct is unconstitutional because it violates Hector Aristondo-Ayala’s substantive Due Process guaranteed by the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of 8 U.S.C. §§ 1255, 1229(b) and Implementing Regulations

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

28. Hector Aristondo-Ayala has been unlawfully denied having a meaningful bond hearing since the Immigration Judge claims not to have jurisdiction. Thereby, Petitioner has been denied statutory and regulatory relief.

29. For these reasons, Petitioner's detention violates 8 U.S.C. §§ 1255 and 1229(b).

IRREPARABLE HARM

30. The Respondent's conduct is depriving Hector Aristondo-Ayala of his liberty without providing him due process of law. The deprivation of his liberty is, in and of itself, irreparable harm. Furthermore, not allowing a bond hearing and his placement in removal proceedings from the United States is causing irreparable harm to his family.

31. The Immigration Judge and ICE are keeping Hector Aristondo-Ayala in mandatory detention based on INA §§ 235, 236, where he is not subject to the mandatory detention rule of the INA.

32. Petitioner's two children are United States citizens. Removal of Hector Aristondo-Ayala has already caused this family economic injury and inflicted upon the members of his family serious mental anguish. If Hector Aristondo-Ayala were to be removed from the United States, his family would be economically

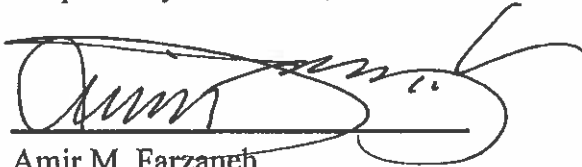
incapable of replacing his income and would therefore require government assistance, a condition that is contrary to current U.S. immigration policy.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. §§ 1225, 1255 and 1229(b);
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act and on any other basis justified under the law; and,
- (6) Grant any further relief this Court deems just and proper.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Amir M. Farzaneh', is written over a horizontal line. The signature is stylized with a large, sweeping 'A' and a circular flourish at the end.

Amir M. Farzaneh

OBA No. 16953

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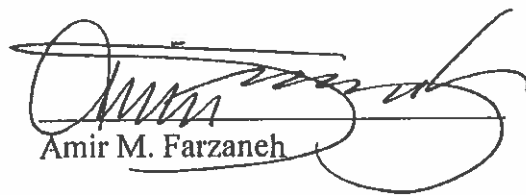
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Hector M. Aristondo-Ayala, 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 11th day of February, 2026.


Amir M. Farzaneh