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UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

EDWIN HERNANDEZ-MUNOZ

Petitioner,

v.

ROBERT HAGAN, Field Office Director of Enforcement and Removal Operations, Denver 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, **JUAN BALTASAR**, Warden of Denver Contract Facility, in their official capacities

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner Edwin Hernandez-Munoz brings this petition for a writ of habeas corpus
3 to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado*
4 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical
5 custody of Respondents at the Denver Contract Detention Facility, otherwise known as GEO
6 Detention Facility. He now faces unlawful detention because the Department of Homeland
7 Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide
8 by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v.*
9 *Santacruz*.

10 2. On November 20, 2025, the district court granted partial summary judgment on
11 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
12 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
13 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
14 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*
15 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
16 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
17 Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion
18 for Partial Summary Judgment).

19 3. The declaratory judgment held that the Bond Denial Class members are detained
20 under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under §
21 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

22 4. Nonetheless, the Executive Office for Immigration Review and its subagency the
23 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
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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 Edwin Hernandez-Munoz is a member of the Bond Eligible Class, as he:

4 a. does not have lawful status in the United States and is currently detained at the GEO
5 Detention Facility. He was apprehended by immigration authorities on January 13,
2026;

6 b. entered the United States without inspection over 22 years ago and was not
apprehended upon arrival, *cf. id.*; and

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

8 6. After apprehending Petitioner on January 13, 2026, the DHS placed him in removal
9 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under
10 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

11 7. At the time of Petitioner's arrest, no administrative warrant was issued and none
12 has been produced as of the filing.

13 8. The Petitioner is married to a U.S. citizen and has children, born in the United States,
14 all of which live in the surrounding area, therefore not a flight risk.

15 9. Petitioner's wife suffers from medical issues and is currently unable to work.

16 10. Petitioner is the sole financial provider for his immediate family in the United States.

17 11. Petitioner has no known criminal history, therefore is not a danger to the
18 community.

19 12. Based upon the lack of criminal history, strong ties to the community, there is no
20 reason to justify his detention.

21 13. The Court should expeditiously grant this petition.

22 14. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
23 "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
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1 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention
2 despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

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

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

10 17. While there could be an alternative path, such as this Court ordering Respondent
11 Petitioner’s to be provided a bond hearing under 8 U.S.C. § 1226(a) within seven days, this
12 endeavor would be fruitless.

13 18. The Respondents have demonstrated a clear intention of not following the
14 *Maldonado Bautisa* decision in any capacity as demonstrated in the Custody Determination Order.
15 *See* Exhibit 1.

16 19. The facts in Petitioner’s case mimic the facts in case *Garcia Abanil v. Baltazar*, ---
17 F. Supp. 3d---. 2026 WL 100587, at *4 (D. Colo. Jan. 14, 2026).

18 JURISDICTION

19 20. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
20 GEO Detention Center, located in Aurora, Colorado.

21 21. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.
22 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the
23 Suspension Clause).

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

3 **VENUE**

4 23. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
5 500 (1973), venue lies in the United States District Court for the Colorado, the judicial district in
6 which Petitioner currently is detained.

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

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

11 25. 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 26. 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 **PARTIES**

20 27. Petitioner Edwin Hernandez Munoz is a citizen of Mexico who has been in
21 immigration detention since January 13, 2026. After Petitioner was arrested in Parker, Colorado,
22 ICE did not set bond, and Petitioner requested review of his custody by an IJ. On February 10,
23 2026, Petitioner was denied bond by an IJ at the Aurora Immigration Court because he was deemed
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1 an “applicant for admission.” Petitioner has resided in the United States since at least February 18,
2 2003.

3 28. Respondent Robert Hagan is the Director of the Denver Field Office of ICE’s
4 Enforcement and Removal Operations division. As such, Robert Hagan is Petitioner’s immediate
5 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
6 capacity.

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

11 30. Respondent Department of Homeland Security (DHS) is the federal agency
12 responsible for implementing and enforcing the INA, including the detention and removal of
13 noncitizens.

14 31. Respondent Pamela Bondi is the Attorney General of the United States. She is
15 responsible for the Department of Justice, of which the Executive Office for Immigration Review
16 and the immigration court system it operates is a component agency. She is sued in her official
17 capacity.

18 32. Respondent Executive Office for Immigration Review (EOIR) is the federal agency
19 responsible for implementing and enforcing the INA in removal proceedings, including for custody
20 redeterminations in bond hearings.

21 33. Respondent Juan Baltasar is employed by GEO Group, as Warden of the Denver
22 Contract Detention Facility, where Petitioner is detained. He has immediate physical custody of
23 Petitioner. He is sued in his official capacity.

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CLAIM FOR RELIEF

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

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

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

36. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

37. 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.”

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

39. 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 similar to that issued in *Abanil v. Baltazar*, --- F. Supp. 3d ---, 2026 WL 100587, at *4 (D. Colo. Jan. 14, 2026); *Martinez-Orellana v. Hagan*, No. 26-cv-0355-WJM (Order dated Feb 13, 2026).
- c. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

- 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 law;
3 and
4 e. Grant any other and further relief that this Court deems just and proper.
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6 DATED this 16th of February 2026.
7

8 /s/ William J. O’Donnell
9 *Counsel for Petitioner*
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11
12 **Certificate of AI**
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14 The undersigned counsel certifies that generative artificial intelligence was not used to draft this
15 filing.
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18 /s/ William J. O’Donnell
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