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UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

MARGARITA GUERERRO 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 Margarita Guerro Munoz brings this petition for a writ of habeas corpus
3 to seek enforcement of her 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. She 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
24

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 Margarita Guerro Munoz is a member of the Bond Eligible Class, as she:

4 a. does not have lawful status in the United States and is currently detained at the GEO
5 Detention Facility. She was apprehended by immigration authorities on December
6 12, 2025;

6 b. entered the United States without inspection over 20 years ago and was not
7 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 December 12, 2025, the DHS placed her in
9 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
10 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without
11 inspection. *See Exhibit 1.*

12 7. At the time of Petitioner's arrest, no administrative warrant was issued.

13 8. In fact, it has been demonstrated that Petitioner's Warrant for Arrest of Alien had a
14 fabricated date on the document, therefore, at the time of apprehension, Respondents were not in
15 fact in possession of a warrant. *See Exhibit 2.*

16 9. Even though Petitioner has been detained since December 12, 2025, the previously
17 issued Notice to Appear was voided and Petitioner was held without a valid basis until a *new*
18 Notice to Appear was issued on January 26, 2026. *See Exhibit 3.*

19 10. The Petitioner has a child, born in the United States, and has a fear of return to
20 Mexico, therefore not a flight risk.

21 11. Petitioner is the sole financial provider for her immediate family in the United
22 States.

1 12. Petitioner has no known criminal history, therefore is not a danger to the
2 community as evidenced in Respondents own documents. *See* Exhibit 4.

3 13. Based upon the lack of criminal history, strong ties to the community, there is no
4 reason to justify her detention.

5 14. The Court should expeditiously grant this petition.

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

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

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

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

20 19. The Respondents have demonstrated a clear intention of not following the
21 *Maldonado Bautisa* decision in any capacity as demonstrated in the Custody Determination Order.
22 *See* Exhibit 5.

1 20. The fact that Petitioner has been held in custody since December 12, 2025, under
2 the auspicious that she is subject to mandatory detention, is a grave miscarriage of justice.

3 21. Furthermore, for a period of nearly two weeks, Respondents had no legal basis to
4 detain Petitioner in violation of her Fourth Amendment Rights, which subjected her to further cruel
5 and unusual punishment, warranting her immediate release from custody.

6 22. The facts in Petitioner's case mimic the facts in case *Garcia Abanil v. Baltazar*, ---
7 F. Supp. 3d--. 2026 WL 100587, at *4 (D. Colo. Jan. 14, 2026).

8 **JURISDICTION**

9 23. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
10 GEO Detention Center, located in Aurora, Colorado.

11 24. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.
12 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the
13 Suspension Clause).

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

16 **VENUE**

17 26. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
18 500 (1973), venue lies in the United States District Court for the Colorado, the judicial district in
19 which Petitioner currently is detained.

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

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

1 28. 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 29. 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 30. Petitioner Margarita Guerro Munoz is a citizen of Mexico who has been in
11 immigration detention since December 12, 2025. After Petitioner was arrested during a pretextual
12 traffic stop in Denver, Colorado. *See* Exhibit 4.

13 31. ICE did not set bond, and Petitioner requested review of her custody by an IJ.

14 32. On February 12, 2026, Petitioner was denied bond by an IJ at the Aurora
15 Immigration Court because she was deemed an “applicant for admission.”

16 33. The IJ found that Petitioner is a class member of *Maldonado Bautista*. *See* Exhibit
17 5.

18 34. Petitioner has resided in the United States since at least 2005.

19 35. Respondent Robert Hagan is the Director of the Denver Field Office of ICE’s
20 Enforcement and Removal Operations division. As such, Robert Hagan is Petitioner’s immediate
21 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
22 capacity.

1 36. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.
2 She is responsible for the implementation and enforcement of the Immigration and Nationality Act
3 (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate
4 custodial authority over Petitioner and is sued in her official capacity.

5 37. Respondent Department of Homeland Security (DHS) is the federal agency
6 responsible for implementing and enforcing the INA, including the detention and removal of
7 noncitizens.

8 38. Respondent Pamela Bondi is the Attorney General of the United States. She is
9 responsible for the Department of Justice, of which the Executive Office for Immigration Review
10 and the immigration court system it operates is a component agency. She is sued in her official
11 capacity.

12 39. Respondent Executive Office for Immigration Review (EOIR) is the federal agency
13 responsible for implementing and enforcing the INA in removal proceedings, including for custody
14 redeterminations in bond hearings.

15 40. Respondent Juan Baltasar is employed by GEO Group, as Warden of the Denver
16 Contract Detention Facility, where Petitioner is detained. He has immediate physical custody of
17 Petitioner. He is sued in his official capacity.

18 **CLAIM FOR RELIEF**

19 **Violation of the INA:**

20 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

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

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

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

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

12 **PRAYER FOR RELIEF**

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

- 14 a. Assume jurisdiction over this matter;
- 15 b. Issue a writ of habeas corpus similar to that issued in *Abanil v. Baltazar*, --- F. Supp.
16 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).
- 17 c. Issue a writ of habeas corpus requiring that within one day, Respondents release
18 Petitioner;
- 19 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
20 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;
and
- 21 e. Grant any other and further relief that this Court deems just and proper.

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23 DATED this 17th of February 2026.

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/s/ William J. O'Donnell
Counsel for Petitioner

Certificate of AI

The undersigned counsel certifies that generative artificial intelligence was not used to draft this filing.

/s/ William J. O'Donnell