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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Marlon Isaias, MOLINA SANTOS

Petitioner,

v.


**Nikita BAKER, Field Office Director of
Enforcement and Removal Operations,
Baltimore 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;
Vernon LIGGINS, Deputy Field Office
Director of the ICE Baltimore Field Office,**

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1
2
3 1. Petitioner Marlon Isaias Molina Santos (A# ) brings this petition for a
4 writ of habeas corpus to seek enforcement of his rights as member of the Bond Denial Class
5 certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)
6 Petitioner is in ICE custody in Baltimore.

7 2. The Petitioner faces unlawful detention because the Department of Homeland
8 Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide
9 by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v.*
10 *Santacruz*.

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

20 4. The declaratory judgment held that the Bond Denial Class members are detained
21 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
22 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

1 5. Subsequently, on February 18, 2026, the District Court Judge Sunshine Suzanne
2 Sykes of the Central District of California granted Plaintiffs' motion to enforce and issued an order
3 vacating the Board's decision in *Matter of Yajure Hurtado*.

4 6. After apprehending Petitioner on February 20, 2026, the DHS placed him in
5 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
6 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without
7 inspection.

8 7. Respondents are bound by the Final Judgment entered in *Maldonado Bautista v.*
9 *Santacruz*, which carries the full “force and effect of a final judgment” pursuant to 28 U.S.C. §
10 2201(a). In addition to certifying a nationwide Bond Eligible Class and declaring DHS’s
11 mandatory detention policy unlawful, the Court expressly held that the reasoning
12 underlying *Matter of Yajure-Hurtado* could not be reconciled with its Order, and on February 18,
13 2026, formally vacated that decision. Accordingly, there is no remaining administrative or
14 precedential basis for applying the mandatory detention theory to Petitioner.

15 8. Nevertheless, Respondents will continue to flagrantly defy the binding judgment
16 and vacatur by subjecting Petitioner to unlawful detention, despite his clear entitlement, as a Bond
17 Eligible Class member, to consideration for release through an individualized bond determination
18 under INA § 1226(a).

19 9. Respondents will continue to subject Petitioner to detention under a mandatory
20 detention theory that has been declared unlawful and whose underlying administrative precedent
21 has been vacated, thereby effectively nullifying the class-wide declaratory relief and depriving
22 Petitioner of his entitlement to an individualized bond determination under INA § 1226(a).

1 10. Despite the Final Judgment and vacatur of *Yajure-Hurtado*, EOIR leadership has
2 issued internal guidance directing immigration judges in Fifth Circuit jurisdictions (Texas,
3 Mississippi, and Louisiana) to continue following Fifth Circuit precedent upholding the mandatory
4 detention theory.

5 11. Public reporting confirms that Chief Immigration Judge Teresa Riley has now
6 issued guidance to immigration judges advising that the Central District of California's ruling
7 in *Maldonado Bautista v. Santacruz* does not supersede binding Fifth Circuit precedent in cases
8 arising within that circuit, specifically referencing *Buenrostro-Mendez v. Bondi*, No. 25-20496,
9 2026 WL 323330 (5th Cir. Feb. 6, 2026).¹

10 12. According to that reporting, immigration judges in Texas, Mississippi, and
11 Louisiana are instructed to continue applying Fifth Circuit precedent notwithstanding the
12 nationwide class certification, Final Judgment, and subsequent vacatur of *Matter of Yajure-*
13 *Hurtado*, thereby directing continued adherence to the mandatory detention theory within the Fifth
14 Circuit in *Buenrostro-Mendez v. Bondi*.²

15 13. This would not be the first instance in which Chief Immigration Judge Teresa L.
16 Riley has instructed immigration judges to disregard or minimize the binding effect of
17 the *Maldonado Bautista* judgment. The *Maldonado Bautista* District Court itself formally
18 documented the existence and content of Chief Immigration Judge Teresa L. Riley's nationwide
19 email guidance. In recounting the procedural history, the Court explained that it became aware of
20 "an article containing an email containing nationwide guidance from Chief Immigration Judge
21 Teresa L. Riley that questioned the Court's final judgment, encouraged IJs across the country to
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23
24 ¹ *Immigration Judges' Guidance Sets Up Race to Avoid Fifth Circuit*, *Bloomberg Law* (Feb. 9,
2026), <https://news.bloomberglaw.com/litigation/immigration-judges-guidance-sets-up-fifth-circuit>

² *Id.*

1 stay the course of violating the rights of Bond Eligible Class Members, and noted that immigration
2 judges had continued denying bond hearings consistent with that directive” .³

3 14. The contrary statutory interpretation adopted by the United States Court of Appeals
4 for the Fifth Circuit in *Buenrostro-Mendez v. Bondi*, was expressly considered by the court
5 in *Maldonado Bautista v. Santacruz*. In addressing that decision, the court recognized the Fifth
6 Circuit’s differing interpretation but distinguished it on critical grounds, including that the
7 petitioners in *Buenrostro-Mendez* conceded they were “applicants for admission” under 8 U.S.C.
8 § 1225(a)(1)—a concession not applicable to the Bond Eligible Class members in *Maldonado*
9 *Bautista*. The *Maldonado Bautista* court further made clear that the existence of contrary circuit
10 authority did not alter its statutory analysis, nor did it diminish the binding effect of its Final
11 Judgment as to the certified nationwide class.

12 15. Accordingly, Respondents should not rely on *Buenrostro-Mendez* to evade
13 compliance with the class-wide declaratory relief or to justify continued application of a mandatory
14 detention framework that has been declared unlawful and whose supporting administrative
15 precedent has been vacated.

16 16. This internal guidance has created a “race to the courthouse,” as attorneys must file
17 habeas petitions before detainees are transferred to Fifth Circuit detention centers where bond
18 hearings may categorically be denied. Even though the Central District of California’s declaratory
19 judgment applies nationwide based on the certified class, immigration judges in certain
20 jurisdictions have declined to conduct bond hearings or have continued applying the now-vacated
21 mandatory detention rationale.⁴

22
23 ³ *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, slip op. at [p.10] (C.D. Cal. Feb. 18, 2026)
(Order Granting Plaintiffs’ Motion to Enforce Judgment)

24 ⁴ *Immigration Judges’ Guidance Sets Up Race to Avoid Fifth Circuit*, *Bloomberg Law* (Feb. 9,
2026), <https://news.bloomberglaw.com/litigation/immigration-judges-guidance-sets-up-fifth-circuit>

1 17. Absent immediate habeas intervention, DHS may transfer Petitioner to a Fifth
2 Circuit detention facility, or to any different circuit where EOIR leadership determines that circuit
3 precedent controls over the district court's judgment, for the purpose or effect of subjecting him
4 to a jurisdiction where immigration judges are instructed to deny bond hearings notwithstanding
5 the class-wide declaratory relief. Such a transfer would effectively nullify the Final Judgment as
6 applied to Petitioner and undermine the authority of the federal judiciary and where jurisdictional
7 timing determines whether detainees receive the benefit of a federal judgment.

8 18. The Court should expeditiously grant this petition. The existence of conflicting
9 administrative guidance and circuit-based application creates an imminent and irreparable risk that
10 Petitioner will be denied the benefit of the binding federal judgment to which he is entitled as a
11 class member.

12 19. The writ of habeas corpus exists precisely to prevent unlawful executive detention
13 and to ensure compliance with controlling federal court judgments. Petitioner has no adequate
14 remedy at law. Immigration judges have, in numerous instances, declined to conduct bond hearings
15 even after the Central District's ruling, thereby necessitating federal habeas review.

16 20. The need for immediate relief is heightened to avoid Petitioner's detention
17 classification to turn on the timing of a transfer between circuits would produce arbitrary and
18 constitutionally suspect results incompatible with due process and the uniform application of
19 federal law. Habeas relief is necessary to preserve the integrity of the Central District of
20 California's Final Judgment, to prevent circumvention through transfer, and to ensure that
21 Petitioner receives the individualized bond determination required under INA § 1226(a).
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1 21. Continued detention under a mandatory detention theory that has been declared
2 unlawful and whose supporting BIA precedent has been vacated constitutes unlawful custody in
3 violation of the Immigration and Nationality Act and the Due Process Clause.

4 22. Because Respondents are detaining Petitioner in violation of the declaratory
5 judgment issued in *Maldonado Bautista* and the subsequent vacatur of *Matter of Yajure Hurtado*
6 on February 18, 2026, the Court should accordingly order Respondents to immediately release the
7 Petitioner.

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

10
11 **JURISDICTION**

12 24. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
13 Baltimore ICE Holding Cell in Maryland.

14 25. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.
15 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the
16 Suspension Clause).

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

19
20 **VENUE**

21 27. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
22 500 (1973), venue lies in the United States District Court for the Maryland the judicial district in
23 which Petitioner currently is detained.

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

4 **PARTIES**

5 29. Mr. Molina Santos is detained at the ICE Baltimore Holding Cell which is within the
6 District of Maryland. Petitioner has resided in the United States since 2021. After Petitioner was
7 arrested by ICE in Dundalk, Maryland, after driving out of the parking lot of a Home Depot, ICE
8 declined to set bond. He was taken into ICE custody and transported to the Baltimore ICE
9 Processing Facility. He remains detained there.

10 30. Respondent Kristi Noem is the Secretary of Homeland Security and all sub-cabinet
11 agencies of DHS, including and USCIS. She is sued in her official capacity.

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

16 32. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs
17 Enforcement, responsible for ICE detention and removal operations among all its functions. He is
18 sued in his official capacity.

19 33. Respondent Nikita Baker is the Field Office Director of the ICE Baltimore Filed
20 Office, and she is responsible for ICE's operations in Maryland. Upon information and belief, she
21 is the immediate custodian of the Petitioner who is held at the Baltimore Processing Facility. She
22 is sued in her official capacity.
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1 41. As noted above, Mr. Molina Santos has lived in the United States for
2 approximately 5 years. However, upon information and belief, Respondents are or will be
3 detaining Mr. Molina Santos as an applicant for admission not eligible for bond and not processed
4 through removal proceedings under 8 U.S.C. § 1229a.

5 42. Through this Petition, Mr. Molina Santos seeks an order from this Court directing
6 Respondents to provide him with an individualized bond hearing pursuant to the Immigration and
7 Nationality Act. Although the United States District Court has vacated *Matter of Yajure-*
8 *Hurtado* and entered Final Judgment granting class-wide declaratory relief in *Maldonado Bautista*
9 *v. Santacruz*, immigration judges in Fifth Circuit jurisdictions have nevertheless been directed, as
10 instructed by Chief Immigration Judge Teresa L. Riley, to continue applying contrary circuit
11 precedent and to adhere to the agency's prior mandatory detention interpretation.

12 43. Critically, this guidance reflects an institutional position of EOIR leadership that
13 immigration judges remain bound to follow circuit precedent or prior agency interpretations
14 notwithstanding the class-wide declaratory judgment and vacatur. As such, the risk of
15 noncompliance is not confined to the Fifth Circuit; the same reasoning could be applied in any
16 circuit where EOIR leadership determines that circuit precedent controls over the district court's
17 judgment. Absent intervention from this Court, Petitioner therefore faces a substantial and ongoing
18 risk of being denied the bond consideration to which he is statutorily entitled under 8 U.S.C. §
19 1226(a), whether through transfer or through the uniform application of this referred guidance.

20 44. Petitioner is currently detained at the Baltimore ICE Holding Cell, a temporary
21 intake facility where detainees are held only briefly before being transferred to longer-term
22 detention centers. Upon information and belief, detainees held at the Baltimore Holding Cell are
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1 routinely transferred out of the District of Maryland, and in the vast majority of cases are
2 transported to facilities located within the Fifth Circuit.

3 45. Accordingly, there exists a substantial and imminent likelihood that Petitioner will
4 be transferred to a detention facility in another circuit, most likely within the Fifth Circuit, where
5 immigration judges have been instructed to adhere to contrary circuit precedent notwithstanding
6 the Final Judgment in *Maldonado Bautista* and the vacatur of *Matter of Yajure-Hurtado*. Such a
7 transfer would effectively deprive Petitioner of the benefit of the binding class-wide relief and
8 subject him to the very mandatory detention framework that has been declared unlawful.

9 46. Under these circumstances, requiring Petitioner to seek bond review before the
10 Immigration Court would be futile and would not constitute an adequate or effective remedy for
11 his ongoing unlawful detention.

12 47. Therefore, a habeas order issued by this Court is necessary to ensure that any circuit
13 to which Petitioner may be transferred is legally obligated to adhere to the terms of this Court's
14 judgment. Without such an order, Petitioner remains at substantial risk that immigration judges in
15 another circuit will disregard the relief granted in *Matter of Maldonado Bautista*, nullifying the
16 protective effect of the Final Judgment and the vacatur and rendering Petitioner's statutory rights
17 under 8 U.S.C. § 1226(a) unenforceable.

18
19 **REQUIREMENTS OF 28 U.S.C. § 2243**

20 48. The Court should grant the petition for writ of habeas corpus "forthwith," as the
21 legal issues have already been resolved for class members in *Maldonado Bautista*.

22 49. Habeas corpus is "perhaps the most important writ known to the constitutional
23 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
24

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
2 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
3 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
4 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5
6 **CLAIM FOR RELIEF**
7 **Violation of the INA:**
8 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

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

16 53. The Court further concluded that the reasoning underlying *Matter of Yajure-*
17 *Hurtado* could not be reconciled with its statutory interpretation, and on February 18, 2026,
18 formally vacated that decision, thereby eliminating any remaining administrative precedent
19 supporting the mandatory detention framework.

20 54. Subsequently, on February 18, 2026, the District Court of the Central District of
21 California granted Plaintiffs' motion to enforce and issued an order vacating the Board's decision
22 in *Matter of Yajure Hurtado*.

23 55. Accordingly, Respondents lack any lawful basis to continue detaining Petitioner
24 under § 1225(b)(2) and must instead afford him the bond consideration required under § 1226(a).
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.”

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

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

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

11 **PRAYER FOR RELIEF**

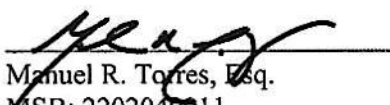
12 **WHEREFORE**, Petitioner prays for judgment against Respondents and respectfully
13 requests that the Court enters an order:

- 14 a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of
15 Petitioner’s detention in fact and in law, forthwith;
- 16 b) Enjoin Respondents from holding Petitioner is subject to detention under 8 U.S.C. §
17 1225(b)(2) and denying them a bond hearing on that basis;
- 18 c) Enjoin Respondents from re-arresting Petitioner subject to § 1225(b)(2);
- 19 d) Order Petitioner’s immediate release from custody;
- 20 e) Order, in the alternative, Petitioner’s immediate release with all his personal property,
21 and that Respondents conduct a bond hearing for Petitioner pursuant to 8 U.S.C. §
22 1226(a) within 7 days of a bond petition;
- 23 f) Retain jurisdiction over this matter to ensure Respondents’ compliance with the Court’s
24 orders;

- 1
- 2 g) Grant the writ of habeas corpus and order Respondents to release Petitioner under
- 3 reasonable conditions, if a bond is granted by the Immigration Judge;
- 4 h) Enjoin Respondent from invoking the automatic stay provision at 8 C.F.R. §
- 5 1003.19(i)(2) if bond is granted;
- 6 i) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
- 7 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- 8 j) Grant any other and further relief that this Court deems just and proper.

9 DATED this 24th of February 2026.

10 Respectfully submitted,

11 
12 Manuel R. Torres, Esq.
13 MSB: 2202040011
14 Bar ID: 31980
15 Attorney for Petitioner
16 Torres-Velez Law Firm, LLC
17 8115 Maple Lawn Blvd, Ste. 350
18 Fulton, MD 20759
19 Telephone: (301) 802-4039
20 rtorres@torres-velez.com

1 **VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT**
2 **TO 28 U.S.C. § 2242**

3 I am submitting this verification on behalf of the Petitioner because I am Petitioner's
4 attorney. I, or my co-counsel, have discussed with the Petitioner the events described in this
5 Petition. Based on those discussions, I hereby verify that the statements made in the attached
6 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

6 **Dated: February 24, 2026**

7 Respectfully submitted,

8 
9 Manuel R. Torres, Esq.

10 **CERTIFICATE OF SERVICE**

11 I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas
12 Corpus and all attachments using the CM/ECF system, which will send a notice of electronic filing
13 to all counsel of record. To all the parties below:

14 Nikita Baker, Field Office Director
15 U.S. Immigration and Customs Enforcement, Baltimore Field Office
16 31 Hopkins Plaza, 7th Floor
17 Baltimore, MD 21201

18 Vernon Liggins, Deputy Field Office Director
19 U.S. Immigration and Customs Enforcement, Baltimore Field Office
20 31 Hopkins Plaza, 7th Floor
21 Baltimore, MD 21201

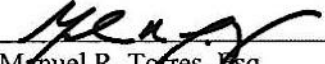
22 Kristi Noem, Secretary
23 U.S. Department of Homeland Security
24 Office of the General Counsel
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528-0485

25 Pamela Bondi, Attorney General of the United States
26 U.S. Department of Justice
27 950 Pennsylvania Avenue NW
28 Washington, DC 20530-0001

29 **Dated: February 24, 2026**

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Respectfully submitted,



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