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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PLEITEZ CALDERON, KARINA
ESTEFANY

Petitioner,

v.

Garrett J. RIPA, Field Office Director of
Enforcement and Removal Operations,
Miami Field Office, Immigration and
Customs Enforcement; Charles PARRA,
Assistant Field Office Director of
Enforcement and Removal Operations,
Miami 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
Attorney General; WARDEN, Broward
Transitional Center

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Karina Estefany Pleitez Calderon brings this petition for a writ
3 of habeas corpus to seek enforcement of her rights as a member of the Bond
4 Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-
5 SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at
6 the Broward Transitional Center. She now faces unlawful detention
7 because the Department of Homeland Security (DHS) and the Executive
8 Office for Immigration Review (EOIR) have refused to abide by the
9 declaratory judgment issued on behalf of the certified class in *Maldonado*
10 *Bautista v. Santacruz*.

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

3 3. The declaratory judgment held that the Bond Denial Class members are
4 detained under 8 U.S.C. § 1226(a), and thus may not be denied
5 consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*,
6 2025 WL 3289861, at *11.

7
8 4. Nonetheless, the Executive Office for Immigration Review and its
9 subagency the Immigration Court and the Department of Homeland
10 Security (DHS) have blatantly refused to abide by the declaratory relief and
11 have unlawfully ordered that Petitioner be denied the opportunity to be
12 released on bond.

13
14 5. Petitioner Karina Estefany Pleitez Calderon is a member of the Bond
15 Eligible Class, as she:

16 a. does not have lawful status in the United States, is currently
17 detained at the Broward Transitional Center, and was apprehended
18 by immigration authorities on January 22, 2026;

19
20 b. entered the United States without inspection nearly ten years ago
21 and was not apprehended upon arrival, *cf.id.*; and

22
23 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
24

- 1 6. After apprehending Petitioner on January 22, 2026, the DHS placed her in
2 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged
3 Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as
4 someone who entered the United States without inspection.
5
- 6 7. The Court should expeditiously grant this petition.
- 7 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the
8 full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless,
9 Respondents continue to flagrantly defy the judgment in that case and
10 continue to subject Petitioner to unlawful detention despite her clear
11 entitlement to consideration for release on bond as a Bond Eligible Class
12 member.
13
- 14 9. Immigration judges have informed class members in bond hearings that
15 they have been instructed by “leadership” that the declaratory judgment in
16 *Maldonado Bautista* is not controlling, even with respect to class members,
17 and that instead IJs remain bound to follow the agency’s prior decision in
18 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
19
- 20 10. Because Respondents are detaining Petitioner in violation of the
21 declaratory judgment issued in *Maldonado Bautista*, the Court should
22 accordingly order that within one day, Respondent DHS must release
23 Petitioner.
24

1 11. Alternatively, the Court should order Petitioner's release unless
2 Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven
3 days.
4

5 JURISDICTION

6 12. Petitioner is in the physical custody of Respondents. Petitioner is detained
7 at the BROWARD TRANSITIONAL CENTER in Pompano Beach, Florida.

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

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

16 VENUE

17 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,
18 493- 500 (1973), venue lies in the United States District Court for the
19 Southern District of Florida, the judicial district in which Petitioner
20 currently is detained.
21

22 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
23 Respondents are employees, officers, and agencies of the United States, and
24

1 because a substantial part of the events or omissions giving rise to the
2 claims occurred in the Southern District of Florida.

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

4 17. The Court should grant the petition for writ of habeas corpus “forthwith,”
5 as the legal issues have already been resolved for class members in
6 *Maldonado Bautista*.

7 18. Habeas corpus is “perhaps the most important writ known to the
8 constitutional law . . . affording as it does a *swift* and imperative remedy
9 in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,
10 400 (1963) (emphasis added). “The application for the writ usurps the
11 attention and displaces the calendar of the judge or justice who entertains
12 it and receives prompt action from him within the four corners of the
13 application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation
14 omitted).

15 **PARTIES**

16 19. Petitioner Karina Estefany Pleitez Calderon is a citizen of El Salvador who
17 has been in immigration detention since January 22, 2026. After the
18 Petitioner was arrested in Miami-Dade County, ICE did not set bond, and
19 Petitioner requested review of her custody by an IJ. On February 09,2026
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1 Petitioner, through undersigned counsel, withdrew her bond request,
2 considering it futile.

3 20. Respondents Garrett J. Ripa, Charles Parra are the Director and Assistant
4 Directors, respectively, of the Miami Field Office of ICE's Enforcement and
5 Removal Operations division. As such, Garrett J. Ripa and Charles Parra
6 are Petitioner's immediate custodians and are responsible for Petitioner's
7 detention and removal. They are named in their official capacity.
8

9 21. Respondent Kristi Noem is the Secretary of the Department of Homeland
10 Security. She is responsible for the implementation and enforcement of
11 the Immigration and Nationality Act (INA), and oversees ICE, which is
12 responsible for Petitioner's detention. Ms. Noem has ultimate custodial
13 authority over Petitioner and is sued in her official capacity.
14

15 22. Respondent Department of Homeland Security (DHS) is the federal
16 agency responsible for implementing and enforcing the INA, including
17 the detention and removal of noncitizens.
18

19 23. Respondent Pamela Bondi is the Attorney General of the United States.
20 She is responsible for the Department of Justice, of which the Executive
21 Office for Immigration Review and the immigration court system it
22 operates is a component agency. She is sued in her official capacity.
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1 24. Respondent Executive Office for Immigration Review (EOIR) is the
2 federal agency responsible for implementing and enforcing the INA in
3 removal proceedings, including for custody redeterminations in bond
4 hearings.
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6 25. Respondent Warden, Broward Transitional Center, is Warden of the
7 Broward Transitional Center, where Petitioner is detained. They have
8 immediate physical custody of Petitioner. They are sued in their official
9 capacity.
10

11 **CLAIM FOR RELIEF**

12 **Violation of the INA:**

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

14 26. Petitioner repeats, re-alleges, and incorporates by reference each and
15 every allegation in the preceding paragraphs as if fully set forth herein.
16

17 27. As a member of the Bond Eligible Class, Petitioner is entitled to
18 consideration for release on bond under 8 U.S.C. § 1226(a).
19

20 28. The order granting partial summary judgment in *Maldonado Bautista*
21 holds that Respondents violate the INA in applying the mandatory
22 detention statute at § 1225(b)(2) to class members.
23

24 29. The order granting class certification in *Maldonado Bautista* further orders
that “[w]hen considering this determination with the MSJ Order, the

1 Court extends the same declaratory relief granted to Petitioners to the
2 Bond Eligible Class as a whole.”

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

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

12 **PRAYER FOR RELIEF**

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

- 15 a. Assume jurisdiction over this matter;
- 16 b. Issue a writ of habeas corpus requiring that within one day,
17 Respondents release Petitioner;
- 18 c. Alternatively, issue a writ of habeas corpus requiring Respondents
19 to release Petitioner unless they provide a bond hearing under 8
20 U.S.C. § 1226(a) within seven days;
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VERIFICATION PURSUANT TO 28 U.S.C. §2242

I represent Petitioner, Karina Estefany Pleitez Calderon, and submit this verification on her 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: 02/25/2026.

/s/ Eduardo Alvarez
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