

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

EFREN ABEL RAMIREZ PEREZ,

Petitioner,

v.

LADEON FRANCIS, Field Office
Director of Enforcement and Removal
Operations, Atlanta Field Office,
TODD LYONS, in his official capacity
as Acting director of 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;
DAVID PAULK, Warden of IRWIN
DETENTION CENTER,

Respondents.

Case No. 7:26-cv-44

**PETITION FOR WRIT OF
HABEAS CORPUS**

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INTRODUCTION

1. Petitioner EFREN ABEL RAMIREZ PEREZ brings this petition for a writ of habeas corpus to seek enforcement of his rights as member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the IRWIN DETENTION CENTER. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment). On December 18, 2025, the district court issued a final judgment to the certified class. *Id.* On February 18, 2026, the district court granted petitioner's motion to enforce judgment.

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

4. Nonetheless, the Executive Office for Immigration Review and its subagencies the

1 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
2 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
3 opportunity to be released on bond.

4 5. Petitioner Efren Abel Ramirez Perez is a member of the Bond Eligible Class, as he:

- 5 a. does not have lawful status in the United States and is currently detained at the
6 IRWIN DETENTION CENTER. He was apprehended by immigration authorities
7 on February 18, 2026;
8 b. entered the United States without inspection over twenty years ago and was not
9 apprehended upon arrival; and
10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 6. After apprehending Petitioner on February 18th, 2026, the DHS placed him in removal
12 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under
13 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

14 7. The Court should expeditiously grant this petition.

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

19 9. Immigration judges have informed class members in bond hearings that they
20 have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
21 controlling, even with respect to class members, and that instead IJs remain bound to follow the
22 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Because
23 Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado*
24 *Bautista*, the Court should accordingly order that within one day, Respondent DHS must release
25 Petitioner.

1 10. Although Respondents have distributed written notices and provided oral advisal
2 referencing the February 18, 2026, order such actions have not resulted in actual release for
3 detainees found eligible for bond. Instead, Respondents continue to invoke administrative stays
4 and appeals to prevent release, rendering the purported availability of bond relief ineffective in
5 practice. This demonstrates that further administrative remedies would be futile and that judicial
6 intervention is necessary to remedy Petitioner's ongoing unlawful detention.

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

9 JURISDICTION

10 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
11 IRWIN DETENTION CENTER in Ocilla, GEORGIA.

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

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

17 VENUE

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

21 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because

1 Respondents are employees, officers, and agencies of the United States, and because a
2 substantial part of the events or omissions giving rise to the claims occurred in the MIDDLE
3 DISTRICT OF GEORGIA.

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

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

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

13 **PARTIES**

14 19. Petitioner Efren Abel Ramirez Perez (“Mr. Ramirez”) is a citizen of Guatemala who has
15 been in immigration detention since the 18th of February of 2026.

16 20. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE’s
17 Enforcement and Removal Operations division; however, on information and belief, the DHS is
18 rotating their Field Office Director without publishing a schedule of rotation. As such, Ladeon
19 Francis or his unknown, unannounced provisional replacement is Petitioner’s immediate custodian
20 and is responsible for Petitioner’s detention and removal. He or his acting counterpart is named in
21 his or her official capacity. Respondent Francis’s address is 180 Ted Turner Dr Se, Ste 522. Atlanta
22 GA 30303.

23 21. Respondent Todd Lyons is named in his official capacity as the Acting Director of the

1 Immigration and Customs Enforcement (“ICE”). As the senior Official Performing the duties of
2 the Director of ICE, he is responsible for the administration and enforcement of the immigration
3 laws of the United States; routinely transacts business in the Southern District of Georgia; is legally
4 responsible for any effort to detain Petitioner; and as such is a custodian of the Petitioner. His
5 address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900,
6 Washington DC 20536-5900.

7 22. 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. Respondent Noem’s address
11 is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther
12 King Jr Ave Se Washington DC 20528-0525.

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

16 24. Respondent Pamela Bondi is the Attorney General of the United States. She is
17 responsible for the Department of Justice, of which the Executive Office for Immigration Review
18 and the immigration court system it operates is a component agency. She is sued in her official
19 capacity. Respondent Bondi’s address is U.S. Department of Justice, 950 Pennsylvania Avenue,
20 NW, Washington, DC 20530-0001.

21 25. Respondent Executive Office for Immigration Review (EOIR) is the federal agency
22 responsible for implementing and enforcing the INA in removal proceedings, including for custody
23 redeterminations in bond hearings.

26. Respondent, David Paulk, is employed by the private, for-profit detention corporation contracted by the Government as an agent to confine immigrants at Irwin Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity. Respondent Warden's address is Warden, Warden, Irwin Detention Center, 1300 Blackshear Hwy, Ocilla, GA 31774

FACTS

27. Mr. Ramirez is a citizen and national of Guatemala.

28. Mr. Ramirez entered the United States over twenty years ago and has been present ever since.

29. On or around February 11th, 2026, Mr. Ramirez was arrested for driving without a license, an ICE detainer was issued, and he was taken into immigration custody.

30. Mr. Ramirez was then transferred to the Irwin Detention Center in Ocilla, Georgia where he remains detained.

31. Mr. Ramirez detention has inflicted profound harm on his U.S. citizen family. Particularly his two U.S. Citizen children who are two and eight months old and experiencing emotional and developmental hardship in his absence.

32. Mr. Ramirez is a devoted father and partner whose presence is essential to his children's well-being and stability.

33. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider Petitioner's bond request, and his unlawful detention cannot be litigated before that body, who collaborated with the DHS – who is a party to these contested proceedings – to adopt the DHS position wholesale, because such efforts would be futile.

34. On November 25, 2025, the district court certified a nationwide class and extended

1 declaratory judgment to the certified class which Petitioner is a member of. *Maldonado Bautista*
2 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861, at *11 (C.D.
3 Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners);
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL
5 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Despite this Immigration Judges continue to deny bond
6 for class members citing to a lack of jurisdiction. On February 18, 2026, the district court granted
7 petitioner's motion to enforce judgment. *Id.* Given the past directives and action of Immigration
8 Judges it is unclear whether Immigration Judges will continue to deny the enforcement of the
9 certified class.

10 35. Petitioner acknowledges that Respondents have distributed written notices and on
11 occasions provided oral advisal referencing the February 18, 2026 order however, such actions
12 have not resulted in actual release for detainees found eligible for bond nor a procedurally adequate
13 bond hearing. Instead, Respondents continue to invoke administrative stays and appeals to prevent
14 release of individuals, like the Petitioner, rendering bond relief inoperative in practice. This
15 demonstrates that further administrative remedies would be futile and that judicial intervention is
16 necessary to remedy Petitioner's ongoing unlawful detention.

17 36. Petitioner remains in detention. Without relief from this court, he faces the prospect of
18 months, or even years, in immigration custody, separated from his family and community while
19 his relief remains pending.

20 **CLAIMS FOR RELIEF**
21 **COUNT I**
22

23 **Violation of the INA:**
24 **Request for Relief Pursuant to *Maldonado Bautista***
25

26 37. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation

1 in the preceding paragraphs as if fully set forth herein.

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

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

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

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

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

15
16 **PRAYER FOR RELIEF**

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

- 18 a. Assume jurisdiction over this matter;
- 19 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
20 Petitioner;
- 21 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
22 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
23 seven days at which ICE bears the burden of proving by clear and convincing
24 evidence that he is a danger to the community or irredeemable flight risk; or that
25 the Court itself order him released;

- 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.
5

6 DATED this 26th of February 2026.

7 /s/ Peter Tadeo, Esq.
8 Peter Tadeo, Esq.
9 Attorney for Petitioner
10 Georgia Bar No. 505253
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13 Peachtree Corners, Georgia 30010
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17 *Attorney for Petitioner*
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the
Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various
documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed
the foregoing Petition and that the facts and statements made in this Petition and Complaint are
true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

DATED this 26th of February 2026.

/s/ Peter Tadeo, Esq.
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