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7 UNITED STATES DISTRICT COURT
8 MIDDLE DISTRICT OF GEORGIA

9 Cruz Dionela Rodas Monzon ,A Next Friend of
10 Henry Anibal Hernandez Hernandez
11 Alien# 

12 -Petitioner,

13 v.

14 U.S. Immigration and Customs Enforcement;
15 Kristi NOEM, Secretary, U.S. Department of
16 Homeland Security; U.S. DEPARTMENT OF
17 HOMELAND SECURITY; Pamela BONDI,
18 U.S. Attorney General; EXECUTIVE OFFICE
19 FOR IMMIGRATION REVIEW; and Stewart
20 Detention Center,

21 -Respondents.
22

Case No.

PETITION FOR WRIT OF
HABEAS CORPUS

INTRODUCTION

1. Petitioner CRUZ DIONELA RODAS MONZON brings this petition as his “Next Friend” of HENRRY ANIBAL HERNANDEZ HERNANDEZ for a Writ of Habeas Corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Mr. Hernandez is in the physical custody of Respondents at the **Stewart Detention Center in Lumpkin , Georgia** . 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).

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

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

9 5. Mr. Hernandez is a member of the Bond Eligible Class, as he:

- 10 a. does not have lawful status in the United States and is currently detained at the
11 **Stewart Detention Center**. He was apprehended by immigration authorities on
12 February 7, 2026;
13 b. entered the United States without inspection over 18 years ago and was not
14 apprehended upon arrival, *cf. id.*; and
15 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

16 6. After apprehending Mr. Hernandez, the DHS placed him in removal proceedings
17 pursuant to 8 U.S.C. § 1229a. DHS has charged Mr. Hernandez as being inadmissible
18 under 8 USC §1182(a)(6)(A), as someone who entered the United States without
19 inspection.

20 7. The Court should expeditiously grant this petition.

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

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

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

10 11. Alternatively, the Court should order Mr. Hernandez’ release unless Respondents
11 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

12 JURISDICTION

13 12. Mr. Hernandez is in the physical custody of Respondents. Mr. Hernandez is
14 detained at the Stewart Detention Center in Lumpkin , Georgia.

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

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

20 VENUE

21 15. 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 Middle District of
Georgia , the judicial district in which Mr. Hernandez currently is detained.

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2 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
3 Respondents are employees, officers, and agencies of the United States, and because a
4 substantial part of the events or omissions giving rise to the claims occurred in the
5 Middle District of Georgia.
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8 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

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

17 **PARTIES**

18 19. Cruz Dionela Rodas Monzon has “next-friend” standing to bring this Habeas
19 petition on behalf of Henry Anibal Hernandez Hernandez as a friend.

20 20. Mr. Hernandez is a citizen of Guatemala who has been in immigration detention
21 for three weeks. After Mr. Hernandez was arrested, ICE did not set bond, and Mr.
22 Hernandez wants a review of his custody by an Immigration Judge but it is expected to be

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2 rejected for lack of jurisdiction since Mr. Hernandez is deemed an “applicant for
3 admission.” Even though Mr. Hernandez has resided in the United States since 2009.

4 21. Respondent Kristi Noem is the Secretary of the Department of Homeland
5 Security. She is responsible for the implementation and enforcement of the Immigration
6 and Nationality Act (INA), and oversees ICE, which is responsible for Mr. Hernandez’
7 detention. Ms. Noem has ultimate custodial authority over Mr. Hernandez and is sued in
8 her official capacity.

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

12 23. 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
14 Review and the immigration court system it operates is a component agency. She is sued
15 in her official capacity.

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

19 25. Respondent Stewart Detention Center, the detention facility where Mr. Hernandez
20 is detained, has immediate physical custody of Mr. Hernandez..
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CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

28. 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.

29. 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.”

30. 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).

31. By denying Mr. Hernandez a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Mr. Hernandez’ 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 requiring that within one day, Respondents release Mr. Hernandez

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- 2 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Mr.
- 3 Hernandez unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
- 4 seven days;
- 5 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
- 6 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
- 7 law; and
- 8 e. Grant any other and further relief that this Court deems just and proper.

8 DATED this February 25, 2026

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11 Cruz Rodas

12 Cruz Dionela Rodas Monzon, As Next Friend of

13 Henry Anibal Hernandez Hernandez

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