

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

MIGUEL ANGEL DE LA O PALMAS,
Petitioner,

v.

MARKWAYNE MULLIN, Secretary for the
Department of Homeland Security; TODD
LYONS, Acting Director, Immigration and
Customs Enforcement; LAURA
HERMOSILLA, Field Office Director,
Immigration and Customs Enforcement
Seattle Field Office; BRUCE SCOTT,
Warden, Northwest ICE Processing Center,
Respondents.

2:26-cv-758

**PETITION FOR WRIT OF
HABEAS CORPUS UNDER 28 U.S.C. §
2241**

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INTRODUCTION

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2 1. Petitioner MIGUEL ANGEL DE LA O PALMAS brings this petition for a writ of
3 habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified
4 in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in
5 the physical custody of Respondents at the Northwest Detention Center [NWDC]. He now faces
6 unlawful detention because the Department of Homeland Security (DHS) and the Executive
7 Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued
8 on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On December 18, 2025, the district court entered a final order under Rule 54(b)
10 on the certified class, holding "[a]lthough the MSJ Order does not grant vacatur
11 of *Yajure Hurtado* under the APA, *Yajure Hurtado* is no longer controlling; the legal conclusion
12 underlying the decision is no longer tenable." This is because it is inconsistent with the
13 declaratory judgment determining that class members are detained under 236(a), not
14 235(b)(2)(A). On November 20, 2025, the district court granted partial summary judgment on
15 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
16 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
17 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
18 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
19 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
20 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
21 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
22 Motion for Partial Summary Judgment).

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

4 4. And on February 18, 2026, the Central District of California granted Plaintiffs'
5 motion to enforce and issued an order *vacating* the Board's decision in *Matter of Yajure*
6 *Hurtado*.

7 5. The vacatur was requested by the Plaintiffs due to the Executive Office for
8 Immigration Review and its subagency the Immigration Court and the Department of Homeland
9 Security (DHS) blatantly refusing to abide by the declaratory relief and continuing to unlawfully
10 order that class members, which include this Petitioner, be denied the opportunity to be released
11 on bond.

12 6. Petitioner Miguel Angel de la O Palmas is a member of the Bond Eligible Class,
13 as he:

- 14 a. does not have lawful status in the United States and is currently detained at the
15 Northwest Detention Center. He was apprehended by immigration authorities on
OCTOBER 1, 2025;
- 16 b. entered the United States without inspection 3 years ago and was not apprehended
upon arrival, *cf. id.*; and
- 17 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

18 7. After apprehending Petitioner on October 1, 2025, the DHS placed him in
19 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
20 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
21 without inspection. On December 2, 2025, Petitioner had an individual hearing at the Tacoma
22 Executive Office for Immigration Review on the merits of his case, where his claims were
23 denied, however, he filed a timely appeal to the Board of Immigration Appeals on December 9,
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1 2025. Thus, his order of removal is not final and he remains a class member for purposes of bond
2 eligibility.

3 8. The Court should expeditiously grant this petition.

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

9 10. Immigration judges have informed class members in bond hearings that they have
10 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
11 controlling, even with respect to class members, and that instead IJs remain bound to follow the
12 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). For a few
13 weeks after the Court’s amended orders, the response among IJs varied: some IJs once again
14 begun to grant bond for class members, while many other IJs continued to deny bond and
15 concluded that *Yajure Hurtado* remains binding. IJs reaching this latter conclusion provided a
16 variety of rationales. Then, on January 13, 2026, Chief Immigration Judge Teresa L. Riley issued
17 guidance instructing IJs that, notwithstanding the district court’s amended order and final
18 judgment, IJs continued to be bound by *Yajure Hurtado*. Since then, it appears that all IJs have
19 returned to denying bond based on the agency’s new policy applying § 1225(b)(2)(A) to class
20 members.

21 11. Because Respondents are detaining Petitioner in violation of the declaratory
22 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
23 Respondent DHS must release Petitioner.

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 **PARTIES**

6 20. Petitioner Miguel Angel de la O Palmas is a citizen of Honduras who has been in
7 immigration detention since October 1st, 2025. After Petitioner was arrested in Roseburg OR
8 area, ICE did not set bond, and Petitioner requested review of his custody by an IJ. Petitioner
9 will be denied a bond by Tacoma EOIR due to the policy of continuing to rely on *Yajure-*
10 *Hurtado* and ignoring class membership in *Maldonado- Bautista*. Petitioner has resided in the
11 United States since May 2023.

12 21. Respondent Laura Hermosilla is the Director of the Seattle Field Office of ICE’s
13 Enforcement and Removal Operations division. As such, Laura Hermosilla is Petitioner’s
14 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in
15 his official capacity.

16 22. Respondent Markwayne Mullin is the Secretary of the Department of Homeland
17 Security. He is responsible for the implementation and enforcement of the Immigration and
18 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Mr.
19 Markwayne Mullin has ultimate custodial authority over Petitioner and is sued in his official
20 capacity.

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

1 24. Respondent Pamela Bondi is the Attorney General of the United States. She is
2 responsible for the Department of Justice, of which the Executive Office for Immigration Review
3 and the immigration court system it operates is a component agency. She is sued in her official
4 capacity.

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

8 26. Respondent Bruce Scott is employed by GEO in a contract with the Department
9 of Homeland Security as Warden of the Northwest Detention Center where Petitioner is
10 detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

11 **CLAIM FOR RELIEF**

12 **Violation of the INA:**

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

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

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

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

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

24 31. 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).

1 32. The EOIR will deny Petitioner a bond hearing under § 1226(a) and assert that he
2 is subject to mandatory detention under § 1225(b)(2), and thus the Respondents violate
3 Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

4 **PRAYER FOR RELIEF**

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

- 6 a. Assume jurisdiction over this matter;
- 7 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
8 Petitioner;
- 9 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
10 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
11 seven days;
- 12 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
13 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
14 law; and
- 15 e. Grant any other and further relief that this Court deems just and proper.

16 DATED this 5th of March, 2026.

17 /s/ Courtney A. Carter

18 Courtney A. Carter

19 *Attorney for Petitioner*