

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

NORWING JOSE ORTIZ TALAVERA

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security Garrett J. Ripa, Miami Field
Office Director of Enforcement and Removal
Operations, Miami Field Office, Immigration
and Customs Enforcement; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Warden of Florida
Soft Side South,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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

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

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

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
23
24

1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
2 opportunity to be released on bond.

- 3 a. Petitioner Norwing Jose Ortiz Talavera is a member of the Bond Eligible Class,
4
5 b. does not have lawful status in the United States and is currently detained at the
6 Florida Soft Side South Detention Center. He was apprehended by immigration
7 authorities in February 2026;
8 c. entered the United States without inspection on or about November 2021 and was
9 not apprehended upon arrival, *cf. id.*; and
10 d. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 5. The Court should expeditiously grant this petition.

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

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

21 8. 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.

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

JURISDICTION

10. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Florida Soft Side South Detention Center in Ochopee, Florida.

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

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

VENUE

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

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

REQUIREMENTS OF 28 U.S.C. § 2243

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

16. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and

1 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
2 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

3 **PARTIES**

4 17. Petitioner Norwing Jose Ortiz Talavera is a citizen of Nicaragua who has been in
5 immigration detention since February 2026. Petitioner was detained following a traffic stop.

6 18. Respondent Garrett J. Ripa is the Director of the Miami Field Office of ICE’s
7 Enforcement and Removal Operations division. As such, Garrett J. Ripa is Petitioner’s
8 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in
9 his official capacity.

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

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

17 21. Respondent Pamela Bondi is the Attorney General of the United States. She is
18 responsible for the Department of Justice, of which the Executive Office for Immigration Review
19 and the immigration court system it operates is a component agency. She is sued in her official
20 capacity.

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

1 23. Respondent Warden of Florida Soft Side South Detention Center is employed by
2 a private corporation as Warden of Florida Soft Side South Detention Center, where Petitioner is
3 detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

4 **CLAIM FOR RELIEF**

5 **Violation of the INA:**

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

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

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

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

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

17 28. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
18 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
19 § 2201(a).

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

23 **PRAYER FOR RELIEF**

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

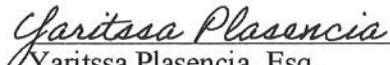
DATED this 9th of March, 2026.

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

I, Yaritssa Plasencia, am submitting this verification on behalf of the petitioner because I am the petitioner's attorney. I am acting on behalf of the petitioner, Norwing Jose Ortiz Talavera, based on discussions with his attorney. On the basis of these discussions and reviewing the record, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 9th of March, 2026.


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