

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUAN FELIX MARTE-CORTORREAL,

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.

A: 

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Juan Feliz Marte-Cortorreal, A [REDACTED] brings this petition for a writ of habeas corpus to seek enforcement of their rights as members 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 Florida Soft Side South. 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).

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 subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to

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 Juan Feliz Marte-Cortorreal is a member of the Bond Eligible Class,
- 4 b. does not have lawful status in the United States and is currently detained at the
5 Florida Soft Side South Detention Center. He was apprehended by immigration
6 authorities in February 2026;
- 7 c. entered the United States without inspection on or about 2009 and was not
8 apprehended upon arrival, *cf. id.*; and
- 9 d. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 5. The Court should expeditiously grant this petition.

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

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

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

23 9. Alternatively, the Court should order Petitioner’s release unless Respondents
24 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 Juan Felix Marte-Cortorreal is a citizen of Dominican Republic who
5 has been in immigration detention since February 2026.

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.

Request for Relief Pursuant to *Maldonado Bautista*

29. Petitioner is a member of the class certified in *Maldonado-Batista v. Garland*. A bond hearing had been scheduled before the Immigration Court in Puerto Rico, DHS transferred Petitioner to a detention facility in Florida. As a result of this transfer, the scheduled bond hearing did not proceed as planned and Petitioner has remained detained without the prompt custody determination required under the protections recognized in *Maldonado-Batista*. This transfer further prolonged Petitioner's detention and violated his due process rights.

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

PRAAYER 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 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 12th 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, Juan Felix Marte-Cortorreal, 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 12th of March, 2026.

Yaritssa Plasencia

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