

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

**OSCAR DANIEL RUIZ RIOS,
Petitioner,**

Case NO.

v.

**Garrett J. Ripa, Field Office Director of Enforcement
And Removal Operations, Miramar Field Office,
Immigration and Customs Enforcement; Markwayne
Mullin, Acting Secretary, U.S. Department of
Homeland Security; U.S. Department of Homeland
Security; Pamela BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;
and Kevin Guthrie, executive director of the South Florida
Detention Facility (Alligator Alcatraz),
Respondents**

_____ /

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Oscar Daniel Ruiz Rios, brings this petition 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, at 11 (C.D. Cal. Nov. 25, 2025). Petitioner is in the physical custody of Respondents at the South Florida Detention Facility (Alligator Alcatraz) in Ochopee, Florida under Alien Number 221-452-841. 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, 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, at 11 (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 and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and will unlawfully prevent the Petitioner from having a bond hearing and be released on bond.

5. Petitioner Oscar Daniel Ruiz Rios is a member of the Bond Eligibility Class, as he:

- a. does not have lawful status in the United States and is currently detained at the South Florida Detention Facility. He was apprehended by immigration authorities on March 3, 2026, in Fort Myers, Florida;
- b. entered the United States without inspection over sixteen years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

6. After apprehending Petitioner on March 3, 2026, the DHS will place him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS will charge Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

7. The Court should expeditiously grant this petition as the United States District Court for the Middle District of Florida has already addressed this issue in *Ortiz v. Noem*, 2025 WL 3653217 (M.D. Fla. Dec. 17, 2025) and *Gomez-Pena v. Department of Homeland Security*, 2026 WL 83980 (M.D. Fla. Jan. 12, 2026).

8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “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 Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

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

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

11. 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

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the South Florida Detention Facility (Alligator Alcatraz) located at Ochopee, Florida.

13. 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).

14. 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

15. 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, the judicial district in which Petitioner currently is detained.

16. 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 Ochopee, Florida which is covered by the Middle District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

17. 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*.

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

PARTIES

19. Petitioner Oscar Daniel Ruiz Rios is from Mexico and has been in immigration detention March 3, 2026. After Petitioner was arrested on March 3, 2026, ICE did not set bond in his case. If Petitioner were to request a review of his custody by an Immigration Judge, the Court will issue an order denying his bond because it will be held that Petitioner is an “applicant for admission.” Petitioner has resided in the United States since 2009. He has three United States citizen children, owns a business in Florida by the name of [REDACTED]. [REDACTED] His criminal conviction record consists of one misdemeanor for driving under the influence of alcohol thirteen years ago and one conviction for driving without a license in Florida.

20. Respondent Garrett J. Ripa is the Field Office Director for ICE’s Enforcement and Removal Operations division for the State of Florida. As such, Garrett J. Ripa is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

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

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

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

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

25. Respondent Kevin Guthrie is the Executive Director of the Florida Division of Emergency Management and oversees the South Florida Detention Facility (Alligator Alcatraz) where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIM FOR RELIEF

Violation of 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, Petitioner 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 violated 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 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*.

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 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’s 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 17th day of March, 2026.

Respectfully Submitted,

/s/ Juan J. Mendoza
Juan J. Mendoza, Esq.
FL Bar No. 0001457

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Petition for Writ of Habeas Corpus has been submitted via priority mail to Kevin Guthrie, Executive Director of the Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100; Garrett J. Ripa, Miramar Field Office, 2805 S.W. 145th Avenue, Miramar, FL 33027; Pamela Bondi, U.S. Attorney General, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530; U.S. Attorney, 400 North Tampa Street, Suite 3200, Tampa, FL 33602; Executive Office for Immigration Review, 3535 Lawton Road, Suite 200, Orlando, FL 32803; and Markwayne Mullin, Acting Secretary, U.S. Department of Homeland Security, Washington, DC 20528, on this 17th day of March, 2026.

/s/ Juan J. Mendoza
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