

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

DAISON D. NUNEZ-VALLADARES,

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 Glades County Detention Center,

Respondents.

Case No.

A#

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1
2 1. Petitioner Daison D. Nunez-Valladares, A [REDACTED] brings this
3 petition for a writ of habeas corpus to seek enforcement of their rights as
4 members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*,
5 No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of
6 Respondents at Glades County Detention Center. He now faces unlawful
7 detention because the Department of Homeland Security (DHS) and the
8 Executive Office for Immigration Review (EOIR) have refused to abide by the
9 declaratory judgment issued on behalf of the certified class in *Maldonado Bautista*
10 *v. Santacruz*.
11

12
13 2. On November 20, 2025, the district court granted partial summary
14 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a
15 nationwide class and extended declaratory judgment to the certified class.
16 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---,
17 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial
18 summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*
19 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403, at
20 *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed
21 nationwide Bond Eligible Class, incorporating and extending declaratory
22
23
24

1 judgment from Order Granting Petitioners' Motion for Partial Summary
2 Judgment).

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

8 4. Nonetheless, the Executive Office for Immigration Review and its
9 subagency the Immigration Court and the Department of Homeland Security
10 (DHS) have blatantly refused to abide by the declaratory relief and have
11 unlawfully ordered that Petitioner be denied the opportunity to be released on
12 bond.

- 14 a. Petitioner Daison D. Nunez-Valladares is a member of the Bond
15 Eligible Class,
16
17 b. does not have lawful status in the United States and is currently
detained at the Glades County Detention Center. He was
apprehended by immigration authorities on January 5, 2026;
18
19 c. entered the United States without inspection on or about June 18,
2023 and was not apprehended upon arrival, *cf. id.*; and
20
21 d. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

22 5. The Court should expeditiously grant this petition.

23 6. 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).

24 Nevertheless, Respondents continue to flagrantly defy the judgment in that case

1 and continue to subject Petitioner to unlawful detention despite his clear
2 entitlement to consideration for release on bond as a Bond Eligible Class
3 member.

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

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

14
15 9. Alternatively, the Court should order Petitioner’s release unless
16 Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

17 JURISDICTION

18
19 10. Petitioner is in the physical custody of Respondents. Petitioner is
20 detained at the Galdes County Detention Center in Moore Heaven, Florida.

21
22 11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas
23 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of
24 the United States Constitution (the Suspension Clause).

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.

REQUIREMENTS OF 28 U.S.C. § 2243

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 receives

1 prompt action from him within the four corners of the application.” *Yong v.*
2 *I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).
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5

6 PARTIES

7 17. Petitioner Daison D. Nunez-Valladares is a citizen of Venezuela
8 who has been in immigration detention since January 5, 2026. Petitioner was
9 detained following a traffic stop.

10 18. Respondent Garrett J. Ripa is the Director of the Miami Field Office
11 of ICE’s Enforcement and Removal Operations division. As such, Garrett J. Ripa
12 is Petitioner’s immediate custodian and is responsible for Petitioner’s detention
13 and removal. He is named in his official capacity.
14

15 19. Respondent Kristi Noem is the Secretary of the Department of
16 Homeland Security. She is responsible for the implementation and enforcement
17 of the Immigration and Nationality Act (INA), and oversees ICE, which is
18 responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority
19 over Petitioner and is sued in her official capacity.
20

21 20. Respondent Department of Homeland Security (DHS) is the federal
22 agency responsible for implementing and enforcing the INA, including the
23 detention and removal of noncitizens.
24

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

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

9 23. Respondent Warden of Glades County Detention Center is
10 employed by a private corporation as Warden of Glades County Detention
11 Center, where Petitioner is detained. He has immediate physical custody of
12 Petitioner. He is sued in his official capacity.

14 **CLAIM FOR RELIEF**

15 **Violation of the INA:**

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

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

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

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

24 27. The order granting class certification in *Maldonado Bautista* further
orders that “[w]hen considering this determination with the MSJ Order, the

1 Court extends the same declaratory relief granted to Petitioners to the Bond
2 Eligible Class as a whole.”

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

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

10 **PRAYER FOR RELIEF**

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

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

23 DATED this 18th of March, 2026.

24 *Faritssa Plasencia*
Faritssa Plasencia, Esq.

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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, Daison D. Nunez-Valladares, 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 18th of March, 2026.

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