

1 Diego G. Brito, Esq. (SBN 314424)
LUNA FIRM
2 71843 Hwy 111 Ste. D
Rancho Mirage, CA 92270
3 dbrito@lunafirm.com

4 Attorney for Petitioner
5
6
7

8 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

9 JOSE GUADALUPE NUNEZ YANEZ,

10 Petitioner,

11 v.

12 Gregory J. ARCHAMBEAULT, Field Office
Director of Enforcement and Removal
13 Operations, San Diego Field Office,
Immigration and Customs Enforcement; Kristi
14 NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
15 HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
16 FOR IMMIGRATION REVIEW; Sixto
MARRERO, Warden of IMPERIAL
17 REGIONAL DETENTION CENTER

18 Respondents.
19
20
21
22
23
24

Case No. **'26CV1734 RSH MSB**

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner JOSE GUADALUPE NUNEZ YANEZ 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 IMPERIAL REGIONAL DETENTION CENTER.
6 He now 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 5. Petitioner JOSE GUADALUPE NUNEZ YANEZ is a member of the Bond
4 Eligible Class, as he:

- 5 a. does not have lawful status in the United States and is currently detained at the
6 Imperial Regional Detention Center. He was apprehended by immigration
7 authorities around November 16, 2025.
8 b. entered the United States without inspection over 20 years ago and was not
9 apprehended upon arrival, *cf. id.*; and
10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 6. After apprehending Petitioner around November 16, 2025 the DHS placed him in
12 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
14 without inspection.

15 7. The Court should expeditiously grant this petition.

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

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

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.

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Imperial Regional Detention Center in Calexico, CA.

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.

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 Southern District the judicial district in which Petitioner currently is detained.

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 him 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 JOSE GUADALUPE NUNEZ YANEZ is a citizen of Mexico who has been in immigration detention since around November 16, 2025. After Petitioner was arrested in Indio, CA ICE did not set bond, and Petitioner requested review of his custody by an IJ. Petitioner was denied bond by an IJ at the Immigration Court because he was deemed an “applicant for admission.” Petitioner has resided in the United States since 2006.

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

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

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.

25. Respondent Sixto Marrero is employed as Warden of the Imperial Detention Center where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

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

20 28. The order granting partial summary judgment in *Maldonado Bautista* holds that
21 Respondents violate 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 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 19th of March, 2026.



Diego G. Brito, Esq.

Attorneys for Petitioner