

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Anvene Ayetebe, Cirilo Nguema,

Petitioner,

v.

Todd LYONS, Field Office Director of
Enforcement and Removal Operations, New
York Field Office, Immigration and Customs
Enforcement; Markwayne MULLIN, Secretary,
U.S. Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Brooklyn MDC
Federal Detention Facility, Warden of Brooklyn
MDC Federal Detention Facility,

Respondents.

Case No. 

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Cirilo Nguema Anyene Ayetebe 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 the Brooklyn MDC Detention Facility. 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 5. Petitioner Cirilo Nguema Anvene Ayetebe is a member of the Bond Eligible
4 Class, as he:

- 5 a. does not have lawful status in the United States and is currently detained at the
6 Brooklyn MDC Detention Facility. He was apprehended by immigration
7 authorities on March 19, 2026;
8 b. entered the United States without inspection over 3 years ago and was
9 apprehended upon arrival but released on recognizance on December 26, 2022, *cf.*
10 *id.*; and
11 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

12 6. The Court should expeditiously grant this petition.

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

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

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

10. 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

11. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Brooklyn MDC Federal Detention Facility.

12. 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).

13. 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

14. 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 Eastern District of NY, the judicial district in which Petitioner currently is detained.

15. 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 Eastern District of NY.

REQUIREMENTS OF 28 U.S.C. § 2243

16. 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*.

17. 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).

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4 **PARTIES**

5 18. Petitioner Cirilo Nguema Anvene Ayetebe is a citizen of Equitorial Guinea who
6 has been in immigration detention since March 19, 2026. After Petitioner was arrested in New
7 York, ICE did not set bond. Petitioner has resided in the United States since 2022.

8 19. Respondent Todd Lyons is the Director of the New York Field Office of ICE’s
9 Enforcement and Removal Operations division. As such, Todd Lyons is Petitioner’s immediate
10 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
11 capacity.

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

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

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

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

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

27. 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.”

28. 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).

29. 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;

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

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9 DATED this March 30 of 2026.

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12 Sebastian Harley, Esq.
13 Attorney for Petitioner
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