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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JASSER L. BAUTISTA ESPINOZA,

Petitioner,

v.

J.L. JAMISON, Warden of Federal Detention
Center Philadelphia; John RIFE, Acting Field
Office Director of Enforcement and Removal
Operations, Philadelphia Field Office,
Immigration and Customs Enforcement;
Markwayne MULLIN, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Todd BLANCHE, Acting U.S.
Attorney General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW;

Respondents.

Case No. 26-2199

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Jasser Bautista Espinoza brings this petition for a writ of habeas corpus
3 filed pursuant to 28 U.S.C. § 2241. Petitioner is in the physical custody of Respondents at the
4 Philadelphia Detention Center. He now faces unlawful mandatory detention because of the
5 Department of Homeland Security (DHS) and the Executive Office for Immigration Review
6 (EOIR)’s current policies and adherence to *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

7 2. *Yajure Hurtado*, decided by the Board of Immigration Appeals on September 5,
8 2025, upended years of precedent statutory interpretation in finding that individuals who entered
9 the United States illegally and without inspection are thus “applicants for admission” subject to
10 mandatory detention under 8 U.S.C. § 1225(b)(2). *See* 29 I&N Dec. at 228-29. Petitioner’s
11 position is that he is in fact detained under 8 U.S. C. § 1226 and is entitled to receive a bond
12 hearing, rather than remain in mandatory detention.

13 3. *Yajure Hurtado* was successfully challenged in the U.S. District Court for the
14 Central District of California, creating a certified class of noncitizens detained under this new
15 statutory interpretation. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D.
16 Cal.) On November 20, 2025, the district court granted partial summary judgment on behalf of
17 individual plaintiffs and on November 25, 2025, certified a nationwide class and extended
18 declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-
19 01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
20 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
21 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
22 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible
23 Class, incorporating and extending declaratory judgment from Order Granting Petitioners’
24

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

4 4. On March 6, 2026, the 9th Circuit Court of Appeals issued an administrative stay
5 of the December 18, 2025 declaratory judgment, pending a ruling on the government's
6 emergency motion for a stay pending appeal.

7 5. Even prior to the stay of the declaratory judgment, the Executive Office for
8 Immigration Review and its subagency the Immigration Court and the Department of Homeland
9 Security (DHS) blatantly refused to abide by the declaratory relief and unlawfully ordered
10 similarly situated individuals like Petitioner be denied the opportunity to be released on bond.
11 Due to the stay of the declaratory judgment, Petitioner is subject to mandatory detention by
12 Respondents under the Board's decision in *Yajure Hurtado*.

13 6. Petitioner Jasser Bautista Espinoza is similarly situated to the Petitioners in
14 *Maldonado Bautista* as he:

- 15 a. does not have lawful status in the United States and is currently detained at the
16 Federal Detention Center in Philadelphia. He was detained by immigration
authorities on April 3, 2026;
- 17 b. entered the United States without inspection on May 20, 2022 and was granted
humanitarian parole under INA § 212(d)(5), valid until July 20, 2022, *cf. id.*;
- 18 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

19 7. Petitioner was placed into removal proceedings on August 9, 2022 through the
20 issuance of a Notice to Appear, pursuant to 8 U.S.C. § 1229a. DHS charged Petitioner as being
21 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
22 without inspection. Petitioner filed for asylum in April 2023 and his removal proceedings are
23 pending in Philadelphia, PA.

1 8. The Court should expeditiously grant this petition.

2 9. Though the judgment in *Maldonado Bautista* is stayed, this Court should grant the
3 petition based on the reasoning in the declaratory judgment. Petitioner is not subject to
4 mandatory detention under 8 U.S.C. § 1225(b)(2), as he is detained under 8 U.S.C. § 1226.

5 10. Because Respondents are detaining Petitioner unlawfully, the Court should
6 accordingly order that within one day, Respondent DHS must release Petitioner.

7 11. Alternatively, the Court should order Petitioner's release unless Respondents
8 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

9 **JURISDICTION**

10 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
11 Federal Detention Center in Philadelphia, PA.

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

15 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
16 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

17 **VENUE**

18 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
19 500 (1973), venue lies in the United States District Court for the Eastern District of
20 Pennsylvania, the judicial district in which Petitioner is currently detained.

21 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
22 Respondents are employees, officers, and agencies of the United States, and because a
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1 substantial part of the events or omissions giving rise to the claims occurred in the Eastern
2 District of Pennsylvania.

3 **REQUIREMENTS OF 28 U.S.C. § 2243**

4 17. The Court should grant the petition for writ of habeas corpus “forthwith,” based
5 on the the legal issues have already been addressed in *Maldonado Bautista*.

6 18. Habeas corpus is “perhaps the most important writ known to the constitutional
7 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
8 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
9 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
10 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
11 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

12 **PARTIES**

13 19. Petitioner Jasser Bautista Espinoza is a citizen of Nicaragua who has been in
14 immigration detention since April 3, 2026. After Petitioner was arrested in Philadelphia, ICE did
15 not set bond. Petitioner has resided in the United States since My 20, 2022.

16 20. Respondent John Rife is the Director of the Philadelphia Field Office of ICE’s
17 Enforcement and Removal Operations division. As such, Respondent John Rife is Petitioner’s
18 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in
19 his official capacity.

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

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

4 23. Respondent Todd Blanche is the Attorney General of the United States. He is
5 responsible for the Department of Justice, of which the Executive Office for Immigration Review
6 and the immigration court system it operates is a component agency. He is sued in his official
7 capacity.

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

11 25. Respondent J.L. Jamison is employed as Warden of the Federal Detention Center,
12 where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his
13 official capacity.

14 **CLAIM FOR RELIEF**
15 **Violation of the INA:**
16 **Request for Relief**

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

19 27. Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a)

20 28. Respondents violate the INA in applying the mandatory detention statute at 8
21 U.S.C. § 1225(b)(2) to Petitioner.

22 29. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
23 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory
24 rights under the INA.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia, PA

RELATED CASE IF ANY: Case Number: N/A Judge:

- 1. Does this case involve property included in an earlier numbered suit? Yes []
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes []
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes []
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes []
5. Is this case related to an earlier numbered suit even though none of the above categories apply? Yes []
If yes, attach an explanation.

I certify that, to the best of my knowledge and belief, the within case [] is / [X] is not related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- [] 1. Indemnity Contract, Marine Contract, and All Other Contracts)
[] 2. FELA
[] 3. Jones Act-Personal Injury
[] 4. Antitrust
[] 5. Wage and Hour Class Action/Collective Action
[] 6. Patent
[] 7. Copyright/Trademark
[] 8. Employment
[] 9. Labor-Management Relations
[] 10. Civil Rights
[X] 11. Habeas Corpus
[] 12. Securities Cases
[] 13. Social Security Review Cases
[] 14. Qui Tam Cases
[] 15. Cases Seeking Systemic Relief *see certification below*
[] 16. All Other Federal Question Cases. (Please specify):

B. Diversity Jurisdiction Cases:

- [] 1. Insurance Contract and Other Contracts
[] 2. Airplane Personal Injury
[] 3. Assault, Defamation
[] 4. Marine Personal Injury
[] 5. Motor Vehicle Personal Injury
[] 6. Other Personal Injury (Please specify):
[] 7. Products Liability
[] 8. All Other Diversity Cases: (Please specify):

I certify that, to the best of my knowledge and belief, that the remedy sought in this case [] does / [X] does not have implications beyond the parties before the court and [] does / [X] does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

[X] Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

[] None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.