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Luis Guillermo Cative Rojas  
c/o Imperial Regional Detention Facility  
1572 Gateway Boulevard  
Calexico, CA 92231

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Luis Guillermo Cative Rojas  
Alien#  -Petitioner,

v.

U.S. 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; and Warden of  
the Imperial Regional Detention Facility,

-Respondents.

Case No. '26CV2202 JO VET

**PETITION FOR WRIT OF  
HABEAS CORPUS**

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**INTRODUCTION**

1. I, Luis Guillermo Cative Rojas petition this Court for a Writ of Habeas Corpus to seek enforcement of my rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)

2. I am in the physical custody of Respondents at the **Imperial Regional Detention Facility in Calexico CA**. I now face 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*.

3. 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).

4. 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.

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

6. I am a member of the Bond Eligible Class, as I:

- a. do not have lawful status in the United States and am currently detained at the **Imperial Regional Detention Facility** . I was apprehended by immigration authorities in February, 2026;
- b. entered the United States without inspection over 2 years ago and was not apprehended upon arrival, *cf. id.*; and
- c. am not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7. After apprehending me, the DHS placed me in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged me as being inadmissible under 8 USC §1182(a)(6) (A), as someone who entered the United States without inspection.

8. The Court should expeditiously grant this petition.

9. 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 me to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

10. 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

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follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) (hereafter "*Matter of Hurtado*")

11. In addition, my case involves the same issues raised in similar cases in this District where courts have repeatedly reached the opposite conclusion (see: *Nayyer v. LaRose*, No.25-cv-3111-AGS-DDL (S.D. Cal. Nov. 20, 2025) and *Vasquez-Diaz v. LaRose*, No. 25-cv-3038 TWR (JLB) (S.D. Cal. Nov. 13, 2025)

12. Because Respondents are detaining me in violation of the declaratory judgment issued in *Maldonado Bautista*, and the aforementioned decisions of this Court should accordingly order that Respondents release me within one day.

13. Alternatively, the Court should order my release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

**JURISDICTION**

14. I am in the physical custody of Respondents. I am detained at the Respondents at the **Imperial Regional Detention Facility in Calexico CA.**

15. 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).

16. 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.

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**VENUE**

17. 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 Central District of California, the judicial district in which I am currently detained.

18. 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 Southern District of California.

**REQUIREMENTS OF 28 U.S.C. § 2243**

19. 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*.

20. 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**

21. I am a citizen of ~~Guatemala~~ Colombia.

22. I have lived in the United States over 2 years since 2023.

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23. Upon entering the United States, I was interviewed by DHS and approved as having Credible Fear and released.

24. I applied for asylum soon after and have been gainfully employed in the interim..

25. Nothing has changed with respect to my case that would warrant my re-arrest.

26. I have no criminal history.

27. I have an asylum application pending that was timely filed.

28. After I was arrested, ICE did not set bond, and on March 13, 2026, I applied for a bond and a review of my custody by an Immigration Judge, but it was rejected for lack of jurisdiction since I am deemed an "applicant for admission." Even though I have resided in the United States since 2023.

29. Respondent Markwayne Mullin is the 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 my detention. Mr. Mullin has ultimate custodial authority over me and is sued in his official capacity.

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

31. 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.

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32. 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.

33. Respondent Warden of Imperial Regional Detention Facility, the detention facility where I am detained, has immediate physical custody of me.

**CLAIM FOR RELIEF**  
**Violation of the INA:**  
**Request for Relief Pursuant to *Maldonado Bautista***

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

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

36. 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.

37. 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.”

38. 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).

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

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**GROUND TWO Violation of Due Process:**

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. That I was arrested without warrant, notice or cause.
3. That in deciding to detain me, the Respondents made no determination of danger to society or flight risk.
4. That, compounded by depriving me of access to even the most basic human rights to hygiene have created "extraordinary circumstances" that make the grant of bail necessary to make the habeas remedy, as delineated in *Mapp v. Remo* 241 F.3d 221 (2nd Cir. 2001)
5. That Respondents intend to detain me indefinitely.

**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, Respondents release me within one day;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release me unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days; and
- d. Grant any other and further relief that this Court deems just and proper.

DATED this March 2026



Luis Guillermo Cative Rojas