

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **MIDDLE DISTRICT OF FLORIDA**
8 **JACKSONVILLE DIVISION**

9 **DEYVIS YOSMI PEREZ SANTOS,**

10 A# 

11 **Petitioner,**

12 **v.**

13 **RONNIE WOODALL, Warden of Florida Baker**
14 **Correctional Institute; GARRETT J. RIPA, Field**
15 **Office Director of Enforcement and Removal**
16 **Operations, Miami Field Office, Immigration and**
17 **Customs Enforcement; TODD M. LYONS, Acting**
18 **Director, U.S. Immigrations & Customs**
19 **Enforcement; MARKWAYNE MULLIN,**
20 **Secretary, U.S. Department of Homeland Security;**
21 **U.S. Department of Homeland Security; PAMELA**
22 **BONDI, U.S. Attorney General; and DAREN K.**
23 **MARGOLIN, Director, Executive Office for**
24 **Immigration Review,**

Respondents.

Case No.:

VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS
UNDER 28 U.S.C. § 2241

INTRODUCTION

1
2 1. Petitioner, DEYVIS YOSMI PEREZ SANTOS, has been in the physical custody
3 of Respondents at the Florida Baker Institution Center in Sanderson, Florida for nearly four
4 months. He is being unlawfully detained because the Department of Homeland Security (DHS)
5 and the Executive Office for Immigration Review (EOIR) have wrongfully concluded that
6 Petitioner is subject to mandatory detention.

7 2. Petitioner is charged with, *inter alia*, having entered the United States without admission
8 or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

9 3. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release
10 from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing
11 all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible
12 under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or
13 inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and, therefore, ineligible
14 for release on bond.

15 4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued
16 a precedent decision, binding on all immigration judges, holding that an immigration judge has no
17 authority to consider bond requests for any person who entered the United States without
18 admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined
19 that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and, therefore,
20 ineligible for release on bond.

21 5. Petitioner's detention on this basis violates the plain language of the Immigration
22 and Nationality Act (INA). Section 1225(b)(2)(A) does not apply to individuals like Petitioner
23 who previously entered and are now residing in the United States. Instead, such individuals are
24

1 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That
2 statute expressly applies to people who, like Petitioner, are charged as inadmissible for having
3 entered the United States without inspection.

4 6. On November 20, 2025, the district court granted partial summary judgment on
5 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
6 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
7 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
8 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
9 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
10 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
11 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
12 Motion for Partial Summary Judgment).

13 7. The declaratory judgment held that the Bond Eligible Class members are detained
14 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
15 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

16 8. The *Maldonado Baustista* court entered a declaratory judgment that the individual
17 plaintiffs are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for
18 release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 U.S. Dist. LEXIS 233085, at
19 **15-29. In its subsequent ruling, the district court "extend[ed] the same declaratory relief granted
20 to Petitioners to the Bond Eligible Class as a whole." *Maldonado Bautista*, 2025 U.S. Dist. LEXIS
21 231977, at *26.

22 9. On December 18, 2025, the *Maldonado Bautista* court entered final judgment on
23 Counts I through III of the petitioners' Amended Class Complaint, certifying the class and
24

1 declaring unlawful the DHS policy at issue in this case. *See Maldonado Bautista v. Santacruz*,
2 2025 U.S. Dist. LEXIS 262265 (C.D. Cal. Dec. 18, 2025). The *Maldonado Baustista* court
3 explicitly “declares Respondents’ interpretation contrary to law” and “[a]s such, the interpretation
4 in *Yajure-Hurtado*, 29 I. & N. Dec. 216, which contradicts the Court’s reasoning is no longer
5 controlling.” *Id.* at *35.

6 10. Petitioner is a member of the Bond Eligible Class, as Petitioner:

- 7 1. does not have lawful status in the United States and is currently detained
8 at the Florida Baker Correctional Institute in Sanderson, Florida;
- 9 2. was apprehended by immigration authorities on or about December 23,
10 2025;
- 11 3. entered the United States without inspection approximately 5 years ago
12 and was not apprehended upon arrival, *cf. id.*; and
- 13 4. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

14 11. After apprehending Petitioner on or about December 23, 2025, the DHS placed
15 Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as
16 being inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I), as someone who
17 entered the United States without inspection.
18

19 12. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
20 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). *See, e.g., Mendes v. Hyde*, 2025 U.S.
21 Dist. LEXIS 251341, at *6 (D.R.I. Dec. 5, 2025) (holding that petitioner was entitled to the same
22 relief ordered by Judge Sykes in *Maldonado Baustista*); *Maclas v. Raycraft*, 2025 U.S. Dist.
23
24

1 LEXIS 254271, at **6-7 (N.D. Ohio Dec. 9, 2025) (same); *Santuario v. Bondi*, 2025 U.S. Dist.

2 LEXIS 254006, at *4 (D. Minn. Dec. 2, 2025) (same).

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

7 14. On March 10, 2026, Petitioner submitted a Motion for Bond and Custody
8 Redetermination to the Orlando Immigration Court. The Orlando Immigration Court scheduled
9 Petitioner for a custody redetermination and bond hearing on March 12, 2026. On March 12,
10 2026, Respondent's counsel withdraws this Bond Request based on the immigration judge's
11 posture that the immigration judge lacked jurisdiction pursuant to the *Matter of Yajure Hurtado*.

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

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

22 17. The Court should expeditiously grant this petition.
23
24

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

20. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Florida Baker Correctional Institute in Sanderson, Florida.

22. 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.

23. 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

25. 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*.

26. 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

27. Petitioner is a citizen and citizen of Guatemala who has been in immigration detention since on or about December 23, 2025. After Petitioner was detained by ICE, ICE did not set bond. Petitioner has resided in the United States since 2021 and have been married with a USC since September 21, 2024.

28. Respondent Ronnie Woodall is the Warden of the Florida Baker Correctional Institution, where Petitioner is detained. He has immediate physical custody of Petitioner. The Warden of the Florida Baker Correctional Institution is sued in his official capacity.

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

1 30. Respondent Todd Lyons is the acting Director of U.S. Immigration & Customs
2 Enforcement (ICE). He is responsible for the administration of ICE and the implementation and
3 enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a
4 legal custodian of Petitioner. He is sued in his official capacity.

5 31. Respondent Markwayne Mullin is the Secretary of the Department of Homeland
6 Security. He is responsible for the implementation and enforcement of the Immigration and
7 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr.
8 Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

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

12 33. Respondent Pamela Bondi is the Attorney General of the United States. She is
13 responsible for the Department of Justice, of which the Executive Office for Immigration Review
14 and the immigration court system it operates is a component agency. She is sued in her official
15 capacity.

16 34. Respondent Executive Office for Immigration Review (EOIR) is the federal
17 agency responsible for implementing and enforcing the INA in removal proceedings, including
18 for custody redeterminations in bond hearings.

19 35. Respondent Daren K. Margolin is the Director of EOIR, which is the federal
20 agency responsible for implementing and enforcing the INA in removal proceedings, including
21 for custody redeterminations in bond hearings. Respondent Margolin is sued in his official
22 capacity.

1 **CLAIM FOR RELIEF**

2 **Violation of the INA:**

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

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

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

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

11 39. The order granting class certification in *Maldonado Bautista* further orders that
12 “[w]hen considering this determination with the MSJ Order, the Court extends the same
13 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

14 40. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
15 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
16 § 2201(a).

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

20 42. Assuming, *arguendo*, that *Maldonado Bautista* does not apply, find that Petitioner
21 is currently detained under § 1226(a) and therefore not subject to mandatory detention as
22 required by § 1225(b)(2). *See J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094
23
24

(M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Middle District of Florida while this Habeas Petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- d. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- e. 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;
- f. 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;
- g. Declared Petitioner's detention is unlawful; and
- h. Grant any other and further relief that this Court deems just and proper.

1
2 DATED this 24th of April 2026.

3 *//s// Elizabeth Hildebrand Matherne*

4 Elizabeth Hildebrand Matherne
5 Georgia Bar No. 547425
6 Wannamaker Crimmigration Law, LLC
7 3740 Davinci Court, Suite 150
8 Peachtree Corners, GA 30092
9 Tel.: 470-749-9996
10 Fax: 404-990-4936
11 elizabeth@sternlawfirm.us

12 *Attorney for Petitioner*
13
14
15
16
17
18
19
20
21
22
23
24

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, DEYVIS YOSMI PEREZ SANTOS, and submit this verification on Petitioner's behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 24th of April 2026.

Respectfully submitted,

//s/ Elizabeth Hildebrand Matherne

Elizabeth Hildebrand Matherne
Georgia Bar No. 547425
Wannamaker Crimmigration Law, LLC
3740 Davinci Court, Suite 150
Peachtree Corners, GA 30092
Tel.: 470-749-9996
Fax: 404-990-4936
elizabeth@sternlawfirm.us