

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

MILTON CRUZ JUC

Petitioner,

v.

TODD BLANCHE, Acting U.S. Attorney
General, in his official capacity

KELEI B. WALKER, Orlando Field
Office Director, U.S IMMIGRATION AND
CUSTOMS ENFORCEMENT

MARKWAYNE MULLIN, Secretary
Secretary, DEPARTMENT OF HOMELAND
SECURITY,

TODD LYONS, Acting Director, U.S
IMMIGRATION AND CUSTOMS
ENFORCEMENT

Warden, **BAKER CORRECTIONAL
INSTITUTION**

In their official capacities, Respondents.

Civil No. Agency No.:

**PETITION FOR WRIT OF
HABEAS CORPUS**

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

Petitioner MILTON CRUZ JUC ("Petitioner"), a citizen and national of Guatemala, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and the Suspension Clause of the United States Constitution, Art. I, § 9, cl. 2. Petitioner is currently detained by the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), at BAKER CORRECTIONAL INSTITUTION.

Petitioner does not challenge the Attorney General's ability to commence proceedings, adjudicate cases, or execute removal orders. Rather, Petitioner challenges the legality of his detention.

His detention is unlawful because: (1) he is subject to detention under 8 U.S.C. § 1226(a), which requires that he be afforded a bond hearing before an Immigration Judge, rather than under 8 U.S.C. § 1225(b)(2), which would permit mandatory detention; and (2) administrative exhaustion is futile and would be an exercise in futility because binding Board of Immigration Appeals precedent forecloses any relief at that level. Petitioner therefore respectfully requests that this Court order his release or at a minimum order Respondents to provide him with a prompt individualized bond hearing before an Immigration Judge.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241(a) (habeas corpus jurisdiction), 28 U.S.C. § 1331 (federal question), and the Suspension Clause of Article I, Section 9 of the United States Constitution.
2. Venue is proper in this District pursuant to 28 U.S.C. § 2241(d) because Petitioner is detained within the Middle District of Florida and Respondent Warden is located within this District.
3. The Court may grant relief pursuant to 28 U.S.C. § 2241, the Administrative Procedure Act, 5 U.S.C. § 706, and 28 U.S.C. § 2243.

PARTIES

4. Petitioner is currently detained at BAKER CORRECTIONAL INSTITUTION ("BAKER CI")..
5. Respondent, Warden, is the person responsible for BAKER CI, where Petitioner is currently detained. As such he is a legal custodian of Petitioner.
6. Respondent Kelei Walker, is the Field Office Director for the ICE Orlando/Jacksonville Field Office. As Field Office Director, Respondent Walker oversees ICE's enforcement and removal operations in Sanderson, Florida. She is a legal custodian of Petitioner.
7. Respondent Todd Lyons is Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement. He has authority over the actions of Respondent Walker and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
8. Markwayne Mullin is the Secretary of the Department of Homeland Security has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. DHS is the legal custodian of Petitioner.
9. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.
10. This action is commenced against all Respondents in their official capacities.

FACTUAL BACKGROUND

11. Petitioner is a 22 year-old native and citizen of Guatemala. He entered the United States as an unaccompanied minor without inspection in or around 2016, crossing the southern border.
12. Since 2016, Petitioner has resided continuously in the United States for approximately nine (9) years, establishing his home and life in the State of Florida. He has never been ordered removed from the United States and has no prior immigration court history.
13. Petitioner has never been convicted of a crime involving moral turpitude, an aggravated felony, or any offense that would otherwise subject him to mandatory detention under 8 U.S.C. § 1226(c).
14. Petitioner is engaged to a United States citizen, **CAITLYN DALLAS LEE** ("Fiancée"). Petitioner and his Fiancée have maintained a genuine and *bona fide* relationship and intend to marry. **Exhibit 1**, Affidavit of **CAITLYN DALLAS LEE**.
15. On or about March 14, 2025, Petitioner was encountered by law enforcement officers during a routine traffic stop. Immigration authorities were contacted, and Petitioner was taken into custody by ICE agents. **Exhibit 2**. ICE Detainee Locator
16. Following his encounter with law enforcement, Petitioner was served with a Notice to Appear (Form I-862) charging him with removability under 8 U.S.C. § 1182(a)(6)(A)(i) as an alien present in the United States without being admitted or paroled. Removal proceedings under 8 U.S.C. § 1229a are currently pending before the Orlando Immigration Court.
17. On April 16, 2025, Petitioner appeared for a master calendar hearing before Immigration Judge Pedro Espinal at the Orlando Immigration Court. During that

hearing, counsel for Petitioner inquired on the record regarding Petitioner's eligibility for a bond redetermination hearing. Judge Espinal explained on the record that he is bound by *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220–28 (BIA 2025), pursuant to the BIA's decision in *Matter of E-L-H-*, 23 I&N Dec. 814 (BIA 2005), and that absent reversal of *Yajure Hurtado* by either the Board of Immigration Appeals or the Eleventh Circuit Court of Appeals, he lacks jurisdiction to conduct a bond hearing for Petitioner.

18. Petitioner has not filed a bond application with the Immigration Court, nor is he required to do so prior to seeking habeas relief in this Court. Judge Espinal's on-the-record acknowledgment confirms that no administrative avenue exists through which Petitioner can obtain a bond hearing, rendering exhaustion futile as a matter of law.

19. Notwithstanding that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) for the reasons set forth herein, he is currently detained without bond at Baker Correctional Institution, also known as the North Florida Detention Center, located in Sanderson, Florida. His detention without a bond hearing is the product of a categorical government policy that denies individualized bond consideration to certain noncitizen detainees as a class. That policy has been declared unlawful.

20. On December 18, 2025, the United States District Court for the Central District of California entered judgment in a nationwide class action finding the policy unconstitutional. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025).

21. Petitioner satisfies each element of the Bond Eligible Class definition. He entered the United States without inspection, was not apprehended at or near the border upon entry,

and has resided continuously in the interior of the United States since 2016—nearly nine (9) years before his detention. He is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) for the reasons set forth herein. Petitioner accordingly falls squarely within the class the *Maldonado Bautista* court found entitled to individualized bond consideration.

22. The class judgment independently entitles him to the relief sought herein—an individualized bond hearing—and provides an additional basis for this Court to grant the writ.

23. As a direct and proximate result of Respondents’ unlawful detention policy, Petitioner has been confined without any individualized determination of whether his detention is justified.

EXHAUSTION OF ADMINISTRATIVE REMEDIES IS EXCUSED AS FUTILE

24. Although habeas petitioners ordinarily must exhaust available administrative remedies before seeking federal court intervention, exhaustion is excused where it would be futile. *See McCarthy v. Madigan*, 503 U.S. 140, 148 (1992); *Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003). Futility exists where resort to administrative remedies would be an exercise in futility because the agency is powerless to grant effective relief. *See Id.*

25. The BIA has held that immigration judges have no authority to consider bond requests from noncitizens who entered the United States without inspection “because aliens who are present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be

detained for the duration of their removal proceedings.” *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025).

26. This court has held in several cases that requiring Petitioner to make an administrative request for a bond hearing would be futile given the board’s precedential decision. *See, e.g., Torres v. U.S. DHS, et al.*, Respondents., No. 3:26-CV-646-TJC-LLL, 2026 WL 947955, at *2 (M.D. Fla. Apr. 8, 2026); *Patel v. Hardin*, No. 2:25-cv-870-JES-NPM, 2025 WL 3442706, at *3 (M.D. Fla. Dec. 1, 2025)¹ (collecting cases); *see also Mohammed v. Olson*, No. 1:25-CV-02404-TWP-MKK, 2025 WL 3541819, at *2 (S.D. Ind. Dec. 10, 2025) (rejecting the respondents’ argument that the petitioner must exhaust his administrative remedies by requesting a bond hearing; reasoning that “[b]ecause [the p]etitioner entered the country without inspection, if he were to move for a bond hearing, an [immigration judge] would have to decline jurisdiction over the issue” based on binding BIA precedent).

27. The question whether Petitioner’s detention is governed by § 1225(b)(2) or § 1226(a) is a purely legal question of statutory interpretation and constitutional application. The BIA is not the appropriate body to resolve whether its own precedent is constitutionally permissible, and federal courts retain independent authority to decide such constitutional questions. *See Mathews v. Diaz*, 426 U.S. 67, 81-84 (1976); *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (resolving § 1225(b) detention questions on direct habeas review without requiring further exhaustion). Exhaustion would not be appropriate here because it would require Petitioner to litigate the same futile path to obtain the same foreordained denial.

LEGAL FRAMEWORK

A. Petitioner is a member of the Maldonado Bautista Class and is entitled to a bond hearing

28. The Government's position—that noncitizens who entered without inspection and have long resided in the interior of the United States are "applicants for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)—has been broadly and repeatedly rejected by the federal courts.
29. Since the policy's implementation, more than 220 federal judges across the country, in hundreds of individual cases, have found the Government's categorical detention policy to be contrary to the Immigration and Nationality Act and the Constitution.¹ The “vast majority of district court judges” to consider the question have held that noncitizens who were not apprehended at the time of entry—and who have since established continuous presence in the interior—are detained under 8 U.S.C. § 1226(a), the general detention authority applicable to noncitizens already present in the United States, and are therefore entitled to an individualized bond hearing before an Immigration Judge.²
30. In *Maldonado Bautista v. Santacruz*, the court certified a nationwide “Bond Eligible Class” defined as:

Bond Eligible Class: All noncitizens in the United States without lawful status who (1) have entered or will enter the

¹ Cf. American Civil Liberties Union, *Federal Court Affirms Nationwide Class Has Right to Bond Hearings*, December 22, 2025. Available at: <https://www.aclu.org/press-releases/federal-court-affirms-nationwide-class-has-right-to-bond-hearings>.

² See American Civil Liberties Union & Northwest Immigrant Rights Project, *Seeking Bond Hearings for Maldonado Bautista Class Members* (Dec. 3, 2025), available at https://www.nwirp.org/uploads/2025/Maldonado%20Bautista%20Practice%20Advisory_12%203%202025.pdf

United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

31. Despite the clear declaratory relief issued on behalf of the class in *Maldonado Bautista*, the DHS and the EOIR have not voluntarily complied nationwide. There is currently an appeal pending in that case.
32. On February 6, 2026, the Fifth Circuit Court of Appeals issued a published but non-unanimous opinion in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 498 (5th Cir. 2026). The majority concluded that an alien without lawful admission who has been present in the United States for a period of time remains subject to mandatory detention under § 1225(b)(2). *See id.* On March 25, 2026, the Eighth Circuit Court of Appeals likewise issued a published but non-unanimous opinion in *Avila v. Bondi*, --- F.4th ---, 2026 WL 819258 (8th Cir. 2026), agreeing with the Fifth Circuit majority's analysis. *See id.*
33. Neither *Buenrostro-Mendez* nor *Avila* is binding precedent in this Court. The Middle District of Florida sits within the Eleventh Circuit, and neither the Fifth nor Eighth Circuit has authority over this Court. The decisions are persuasive authority only, and, for the reasons set forth herein, this Court should decline to follow them.
34. Both decisions were non-unanimous, and the dissenting opinions are far more persuasive than the majorities. This Court should adopt the reasoning of the *Buenrostro-Mendez* and *Avila* dissents in full. See 166 F.4th at 508–21 (Douglas, J., dissenting); 2026 WL 819258 at *6–8 (Erickson, J., dissenting). The dissents correctly conclude, consistent with the statutory text, structure, and the constitutional avoidance canon, that

§ 1225(b)(2) does not reach EWI noncitizens who effected a meaningful entry into the United States and have been continuously present for years or decades before apprehension.

35. The majority opinions in *Buenrostro-Mendez* and *Avila* rely on an expansive reading of the term "applicant for admission" that, as the dissents demonstrate, is untethered from the statutory text and context. Section 1225(b)(2) applies to aliens who are in the process of "seeking admission"—a phrase that connotes an active, contemporaneous application for entry, not a status that attaches retroactively to every noncitizen who entered without inspection, regardless of when or where. *See* 166 F.4th at 510–13 (Douglas, J., dissenting); 2026 WL 819258 at *7 (Erickson, J., dissenting).

36. Moreover, as the *Avila* dissent persuasively explains, applying § 1225(b)(2)'s mandatory detention regime to long-resident interior apprehensions of the type presented here would render § 1226(a) virtually meaningless for the entire undocumented population of the United States—a result that cannot have been intended by Congress, and one that raises grave constitutional concerns under the Due Process Clause of the Fifth Amendment. *See* 2026 WL 819258 at *7–8 (Erickson, J., dissenting). Courts must avoid constructions of statutes that would raise serious constitutional doubts where a reasonable alternative construction is available. *See Edward J. DeBartolo Corp. v. Fla. Gulf Coast Bldg. & Constr. Trades Council*, 485 U.S. 568, 575 (1988).

37. On April 28, 2026, the Second Circuit Court of Appeals issued a unanimous decision in *da Cunha v. Freden*, --- F.4th ---, (2d Cir. Apr. 28, 2026), expressly rejecting the

Government's interpretation and affirming the district court's grant of habeas corpus. Writing for a unanimous panel, the Second Circuit held that the Government's reading of § 1225(b)(2)(A) is contradicted by the plain text of the statute, and further refuted by the statute's context, structure, legislative history, and purpose. The court found the Government's position inconsistent with the Supreme Court's established understanding of §§ 1225 and 1226, with Executive Branch practice spanning thirty years and five Presidential administrations, and with Congress's repeated failure to disturb that settled practice notwithstanding numerous amendments to the immigration laws. The Second Circuit further applied the constitutional avoidance canon, declining to adopt a construction that would produce what it described as the broadest mass-detention-without-bond mandate in the Nation's history, affecting millions of noncitizens — precisely the grave constitutional concerns identified in the *Avila* dissent. *See* 2026 WL 819258 at *7–8 (Erickson, J., dissenting). The court accordingly held that the petitioner's detention was governed by § 1226(a), not § 1225(b)(2)(A), and affirmed the grant of the writ. The emergence of this three-way circuit split — with *Buenrostro-Mendez* and *Avila* on one side and *da Cunha* on the other — confirms that the Government's position does not reflect a settled or authoritative reading of the statute. This Court is not bound by either side of the split, and the weight of reasoning, along with the overwhelming consensus of more than 370 district court judges nationally, supports the position advanced by Petitioner here.

38. Finally, the statutory framework also confirms that § 1226(a) is the correct provision here. Section 1226(a) is the general detention authority for noncitizens in removal

proceedings and is plainly applicable to Petitioner, who was not arrested at a port of entry but rather was encountered in the interior of Florida more than ten years after his original entry. Section 1225(b)(2), by contrast, is most naturally read to apply to the discrete circumstances of an alien who is examined at a port of entry or otherwise interdicted at or near the border while in the process of seeking to enter. It does not reach Petitioner.

B. Due Process

39. “Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause.” *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
40. Immigration detention must “bear a reasonable relation to the purpose for which the individual was committed.” *See Demore v. Kim*, 538 U.S. 510, 527 (2003).
41. Moreover, under the Fifth Amendment of the United States Constitution, DHS and the EOIR may not deprive a noncitizen of notice and an opportunity to be heard. *See Mathews v. Elridge*, 424 U.S. 319 (1976).

C. Administrative Procedures Act

42. Federal Agencies must comply with the APA when crafting and enforcing decisions, regulations, and legislative rules. 5 U.S.C. § 553.
43. Courts have authority to review and invalidate final agency actions that are not in accordance with the law, exceed agency authority, lack substantial evidence, or are arbitrary and capricious. 5 U.S.C. § 706.

44. Under the APA, this Honorable Court has authorization to compel agency action that has been unreasonably delayed. 5 U.S.C. § 706(1).
45. An agency must “conclude a matter presented to it [...] within a reasonable time”. 5 U.S.C. § 555(b).
46. “A person suffering legal wrong because of agency action [...] is entitled to judicial review thereof.” 5 U.S.C. § 702

COUNT I: RESPONDENTS HAVE VIOLATED THE INA, AND THE REGULATIONS

47. Petitioner incorporates the factual allegations at paragraphs 11 through 23 as if set forth herein.
48. The plain text of 8 U.S.C. § 1225(b)(2) applies to aliens “seeking admission.” The Supreme Court has recognized that § 1225 applies to those at the border, while § 1226 applies to those already present in the United States. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).
49. Petitioner, having resided in the U.S. for approximately 9 years, is not “seeking admission” in any temporal sense.
50. As established by the judgment in *Maldonado Bautista*, Petitioner’s detention is governed by 8 U.S.C. § 1226(a). Under this statute, detention is discretionary, and Petitioner is entitled to a bond hearing.
51. Respondents’ detention of Petitioner under § 1225(b)(2) is *ultra vires* to the INA and unlawful.

COUNT II: VIOLATION OF THE DUE PROCESS CLAUSE
OF THE FIFTH AMENDMENT

52. Petitioner incorporates the factual allegations at paragraphs 11 through 23 as if set forth herein.

53. Petitioner's continued detention without an individualized bond hearing independently violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

54. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Freedom from physical restraint is a fundamental liberty interest.

55. Due process requires that civil detention be accompanied by adequate procedural safeguards, including an individualized hearing before a neutral decisionmaker to determine if detention is necessary to prevent flight or danger. *Zadvydas* , 533 U.S. at 678.

56. By classifying Petitioner for mandatory detention without ability to seek bond, Respondents have deprived him of his liberty without due process.

57. The government cannot justify this deprivation. There is no compelling interest in detaining a long-term resident with no serious criminal history without even considering his release, particularly when less restrictive alternatives exist

58. The Supreme Court has recognized two legitimate governmental interests in detaining noncitizens pending removal proceedings: preventing flight risk and protecting the community from danger. *Id.* at 690. Detention that is not reasonably related to one of these two purposes is constitutionally suspect. *Id.*

59. Here, Petitioner presents the following characteristics bearing directly on flight risk and dangerousness:

- a. Petitioner has resided continuously in the United States for approximately nine (9) years, establishing deep and durable ties to this country.
- b. Petitioner is engaged to a United States citizen who is a Florida resident, providing an additional powerful incentive to remain in the United States and to comply with all legal obligations.
- c. Petitioner has no criminal history of any kind—no arrests, no charges, no convictions. He poses no danger to the community.
- d. Petitioner has no prior immigration violations other than his original entry without inspection.

60. Notwithstanding these compelling factors, Petitioner has been denied any opportunity to present this information to an Immigration Judge.

61. Due process requires, at a minimum, that the government bear the burden of justifying Petitioner's continued civil detention at a meaningful hearing before a neutral decisionmaker. *See Mathews*, 424 U.S. at 335.

62. The risk of erroneous deprivation of liberty when no individualized hearing is provided is self-evidently high. *Id.* The government's administrative convenience is not a sufficient counterweight to the liberty interest of an nine-year resident with no criminal history and significant family ties in the United States. *See id.*

COUNT III: RESPONDENTS HAVE VIOLATED THE APA

63. Petitioner incorporates the factual allegations at paragraphs 11 through 23 as if set forth herein.

64. The APA prohibits agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

65. Respondents' continued application and reliance on policy that was vacated by the U.S. District Court for the Central District of California in *Maldonado Bautista* is unlawful.

66. Respondents' continued application and reliance on *Matter of Yajure Hurtado* (which is based on the policy vacated by the U.S. District Court for the Central District of California in *Maldonado Bautista*) is arbitrary and capricious because it contradicts the plain language of the INA and federal court precedent in this District. *See Hernandez Lopez v. Hardin*, 2:25-cv-00830, (M.D. Fla.); *Torres, v. U.S. DHS, et al.*, No. 3:26-CV-646-TJC-LLL, 2026 WL 947955, at *2 (M.D. Fla. Apr. 8, 2026); *Villatoro Dominguez, v. DHS, et al.*, No. 3:26-CV-724-TJC-PDB, 2026 WL 1017618 (M.D. Fla. Apr. 15, 2026).

**REQUEST FOR ISSUANCE OF THREE (3) DAY
ORDER TO SHOW CAUSE UNDER 28 U.S.C. § 2243**

67. Due to the ongoing deprivation of his liberty and urgent irreparable harms flowing to his family. Petitioner respectfully requests entry of an Order to Show Cause within three (3) days under 28 U.S.C. § 2243, and specifically reserves the right to file an Emergency Motion for Temporary Restraining Order in accordance with FED. R. CIV. P. 65(b) and Local Rule 6.01.

68. Issuance of a three (3) day Order to Show Cause is particularly appropriate in these circumstances. See *Banegas-Boquedano v. Bondi*, No. 25-26084-CV-WILLIAMS, 2026 LX 19883, at *8 (S.D. Fla. Feb. 3, 2026) (collecting cases) (noting: “The Court is unable to remain current on all new case authority supporting the Court's conclusion, given the continued onslaught of litigation being generated by Respondents' widespread illegal detention practices.”). “[J]udges across the country—the vast majority who have considered this question—have told the Government many times in the past few months that its interpretation of the law is wrong.” See *Gimenez Rivero v. Sheriff John Mina, et al.*, No. 6:26-cv-66-RBD-NWH, 2026 WL 199319, at *5 (M.D. Fla. Jan. 26, 2026) (“If the Government is going to argue for expanding the interpretation of a law or maintain a widely rejected position to preserve its appellate rights, it may do so. But its lawyers must make those arguments in a way that comports with their professional obligations, as lawyers have done since time immemorial: Cite the contrary binding authority and argue why it's wrong. Don't hide the ball. Don't ignore the overwhelming weight of persuasive authority as if it won't be found.” *Id.*

69. Section 2243 provides, in pertinent part: “The writ, or order to show cause shall . . . be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” See 28 U.S.C. § 2243 (emphasis added). Here, Defendants/Respondents could not possibly establish “good cause” required to justify issuance of an order to show cause returnable in excess of three (3) days.

70. This case presents an outcome that cannot be reasonably doubted. Plaintiff/Petitioner is a long-time resident of the United States who entered without inspection and is

allegedly detained solely under 8 U.S.C. § 1225(b)(2). It is now nearly axiomatic that such detention is unlawful.

71. Where the legality of detention is not reasonably debatable speed is not only appropriate but required under Section 2243.

72. Despite this overwhelming judicial consensus—and notwithstanding a binding nationwide injunction entered in a certified class action expressly prohibiting detention of long-term residents under 8 U.S.C. § 1225(b)(2)—Petitioner’s unquestionably unlawful detention persists. *See Bautista v. Santacruz*, No. 2:25-cv-4271, 2025 U.S. Dist. LEXIS 233085, at *28–29 (C.D.Cal. Nov. 20, 2025); *see also Bautista v. Santacruz*, No. 2:25-cv-4271, 2025 U.S. Dist. LEXIS 231977, at *2 (C.D. Cal. Nov. 25, 2025).

73. A standard thirty-day return date would needlessly extend a constitutional violation this Court has authority to remedy now. Petitioner’s detention is patently unlawful, and delay is not a neutral act—each additional day of confinement without a bond hearing compounds the harm.

74. A three-day Order to Show Cause would impose no undue burden on Respondents. The dispositive question is narrow: whether Petitioner—an interior arrestee, long-time resident, and *Maldonado Bautista* class member—may lawfully be detained under § 1225(b)(2). That question has been briefed, litigated, and resolved against the Government’s position by more than 300 federal courts nationwide. If Respondents nonetheless contend that § 1225(b)(2) applies here, the writ should issue immediately.

75. Section 2243 provides that absent good cause shown, a court must direct the respondent to show cause within three days. No good cause exists to prolong detention that is plainly unlawful on this record. Petitioner therefore respectfully requests that the Court issue an Order to Show Cause returnable within three (3) days of service.

76. Expedited resolution also serves the Court's institutional interests. Requiring Respondents to identify, at the outset and on a short return, the specific statutory authority under which Petitioner is detained will allow this Court to resolve the matter without the burden of full adversarial briefing on a legal question the answer to which is, on this record, already clear.

RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume and exercise jurisdiction over this Petition;
- B. Issue an Order to Show Cause, returnable within three (3) days of service pursuant to 28 U.S.C. § 2243, directing Respondents to show cause why the writ of habeas corpus should not be granted and to identify with specificity the statutory authority under which Petitioner is currently detained;
- C. Hold that Petitioner's continued detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2);
- D. Order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge within seven (7) days of this Court's Order, at which hearing the Government shall bear the burden of demonstrating by clear and convincing evidence

that Petitioner's continued detention is necessary to prevent flight or danger to the community;

- E. In the alternative, in the event Respondents cannot identify a lawful basis for detention under § 1226(a) or otherwise, Order Petitioner's immediate and unconditional release from custody pending the conclusion of his removal proceedings;
- F. Declare that Petitioner is a member of the Maldonado Bautista class and that his continued detention without a bond hearing violates the class judgment entered in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025);
- G. Enjoin Respondents from transferring Petitioner to any facility outside the jurisdiction of this Court pending resolution of this Petition;
- H. Award Petitioner his reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- I. Grant such other and further relief as this Court deems just, necessary, and proper.

Dated: April 23, 2026



S/ Sasha Watson

SASHA WATSON (State Bar No. 42845)

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Attorney for Petitioner

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

I represent Petitioner, MILTON CRUZ JUC, and submit this verification on his behalf. I hereby 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: April 23, 2026



S/ Sasha Watson

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