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6 **Angel Liliguishuzca-Chuqi**

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10 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT

11 Angel Liliguishuzca-Chuqi,

12 Petitioner,

13 v.

14 Patrick Divver, Field Office Director of  
15 Enforcement and Removal Operations, San  
16 Diego Field Office, Immigration and Customs  
Enforcement; et al.

17 Respondents.

Case No. '26CV2892 CAB GC

**PETITION FOR WRIT OF  
HABEAS CORPUS**

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1 **INTRODUCTION**

2 1. Petitioner Angel Liliguishuzca-Chuqi (“Mr. Liliguishuzca-Chuqi”), brings this  
3 petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond  
4 Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D.  
5 Cal.) Petitioner is in the physical custody of Respondents at the Otay Mesa Detention Center. He  
6 now faces unlawful detention because the Department of Homeland Security (DHS) and the  
7 Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory  
8 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

18 3. The declaratory judgment held that the Bond Denial Class members are detained  
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §  
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the  
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to  
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1 abide by the declaratory relief and have unlawfully denied the opportunity to be released on  
2 bond.

3 5. Petitioner Mr. Liliguishuzca-Chuqi is a member of the Bond Eligible Class, as he:

4 a. does not have lawful status in the United States and is currently detained at the  
5 Otay Mesa Detention Center. He was apprehended by immigration authorities on  
September 08, 2025.

6 b. entered the United States without inspection around January 21, 2024, and was  
not apprehended upon arrival, *cf. id.*; and

7 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

8 6. After apprehending Petitioner on September 08, 2025, the DHS placed him in  
9 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being  
10 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States  
11 without inspection.

12 7. The Court should expeditiously grant this petition.

13 8. 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 9. 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).

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1 10. Because Respondents are detaining Petitioner in violation of the declaratory  
2 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,  
3 Respondent DHS must release Petitioner.

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

6 **JURISDICTION**

7 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
8 Otay Mesa Detention Center in San Diego, California.

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

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

14 **VENUE**

15 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
16 500 (1973), venue lies in the United States District Court for the Southern District, the judicial  
17 district in which Petitioner currently is detained.

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

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1 **CLAIM FOR RELIEF**

2 **Ground One: Violation of the INA – Request for Relief Pursuant to *Maldonado***  
3 ***Bautista*.**

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

6 24. 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 25. 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 26. 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 27. 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 28. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is  
18 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 **Ground Two: Violation of the Fifth Amendment Procedural Due Process (As-**  
21 **Applied Challenge to Continued Civil Detention Without a Constitutionally**  
22 **Adequate Custody Determination).**

23 29. Petitioner realleges and incorporates all preceding paragraphs.  
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1 30. The Due Process Clause prohibits the federal government from depriving any person of  
2 liberty without due process of law. U.S. Const. amend. V; *Zadvydas v. Davis*, 533 U.S.  
3 678 (2001); *Reno v. Flores*, 507 U.S. 292 (1993).

4 31. The Supreme Court has held that the INA cannot be rewritten by statutory interpretation  
5 to impose an automatic schedule of bond hearings; however, as-applied constitutional  
6 challenges to immigration detention remain cognizable on the merits. *Jennings v.*  
7 *Rodriguez*, 583 U.S. 131 (2018).

8 32. Because immigration detention is civil and nonpunitive, due process requires procedures  
9 adequate to ensure detention remains justified as applied. At minimum, due process  
10 requires a meaningful opportunity to contest the factual and legal basis for continued  
11 confinement and to obtain an individualized determination whether continued detention  
12 remains justified. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

13 33. Applying the *Mathews v. Eldridge*, 424 U.S. 319 (1976) balancing framework, (a)  
14 Petitioner's private liberty interest is substantial, (b) the risk of erroneous deprivation is  
15 high given the absence of a lawful, individualized custody determination and the manner  
16 in which detention has been carried out, and (c) the Government's interests can be served  
17 through less restrictive alternatives, such that continued detention is not justified under  
18 the circumstances.

19 34. Where detention is imposed or maintained without a lawful statutory basis and without  
20 procedures sufficient to meaningfully test the necessity of continued detention, and where  
21 the manner in which detention has been carried out renders additional process inadequate,  
22 continued detention violates due process, and immediate release—not further custody  
23 proceedings—is the appropriate remedy.

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**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;
- c. 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;
- d. 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; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED this May 07, 2026.

/s/ Jose Torres  
Jose Torres  
*Counsel for Petitioner*