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6 **Jose Angel Ramos-Rabanales**

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10 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

11 Jose Angel Ramos-Rabanales,

12 Petitioner,

13 v.

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

17 Respondents.

Case No. **'26CV3361 BJC JAC**

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner Jose Angel Ramos-Rabanales (“Mr. Ramos-Rabanales”) brings this
3 petition for a writ of habeas corpus to seek enforcement of his rights as member 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 in
10 favor of the named petitioners. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM,
11 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025). On November 25, 2025, the court certified a
12 nationwide Bond Eligible Class. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-
13 BFM (C.D. Cal. Nov. 25, 2025). The court later entered final judgment for the petitioners and the
14 certified class, declaring that Bond Eligible Class members are detained under 8 U.S.C. §
15 1226(a), not 8 U.S.C. § 1225(b)(2), and are therefore entitled to bond consideration under the
16 governing regulations. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D.
17 Cal. Dec. 18, 2025); 8 C.F.R. § 236.1; 8 C.F.R. § 1236.1; 8 C.F.R. § 1003.19.

18 3. In that classwide judgment, the district court held that Bond Eligible Class
19 members are detained under 8 U.S.C. § 1226(a) and may not be treated as subject to mandatory
20 detention under 8 U.S.C. § 1225(b)(2). *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-
21 SSS-BFM (C.D. Cal. Dec. 18, 2025). The Ninth Circuit later entered a temporary administrative
22 stay, but only insofar as the district court’s December 18, 2025, judgment extended beyond the
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1 Central District of California pending resolution of the government's stay motion. *Maldonado*
2 *Bautista v. Santacruz*, No. 26-1044 (9th Cir. Mar. 10, 2026).

3 4. 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 denied the opportunity to be released on
6 bond.

7 5. Petitioner Mr. Ramos-Rabanales is a member of the Bond Eligible Class, as he:

- 8 a. does not have lawful status in the United States and is currently detained at the
9 Otay Mesa Detention Center. He was apprehended by immigration authorities on
10 April 26, 2026.
11 b. entered the United States without inspection on or about April 07, 2000, and was
12 not apprehended upon arrival, *cf. id.*; and
13 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

14 6. After apprehending Petitioner on April 26, 2026, the DHS placed him in removal
15 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible
16 under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

17 7. The Court should expeditiously grant this petition.

18 8. Respondents were defendants in *Maldonado Bautista* and are bound by the
19 district court's final declaratory judgment to the extent that judgment applies to Petitioner. See
20 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to deny Petitioner the bond
21 consideration required by 8 U.S.C. § 1226(a), notwithstanding Petitioner's membership in the
22 certified Bond Eligible Class.

23 9. On information and belief, immigration judges have informed class members
24 during bond proceedings that agency "leadership" has instructed them that the declaratory
judgment in *Maldonado Bautista* is not controlling and that they should continue to follow

1 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). To the extent Respondents
2 maintain that position as to Petitioner, they are acting contrary to the district court's merits ruling
3 and final declaratory judgment within that judgment's current, unstayed scope.

4 10. Because Respondents are detaining Petitioner in violation of the declaratory
5 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
6 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 (7) days.

9 JURISDICTION

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

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 Southern District, the judicial
20 district in which Petitioner currently is 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 Southern
2 District.

3 REQUIREMENTS OF 28 U.S.C. § 2243

4 17. The Court should grant the petition for writ of habeas corpus promptly because
5 *Maldonado Bautista* has already resolved the same statutory question presented here for Bond
6 Eligible Class members: whether they are detained under 8 U.S.C. § 1226(a), rather than subject
7 to mandatory detention under 8 U.S.C. § 1225(b)(2). At a minimum, *Maldonado Bautista*
8 confirms that Respondents' contrary position lacks legal merit as applied to Petitioner.

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

15 PARTIES

16 19. Petitioner, Mr. Ramos-Rabanales, is a native and citizen of Mexico who has lived
17 in the United States since approximately April 7, 2000, when he entered the country at sixteen
18 years old after fleeing Chiapas, Mexico. He left Mexico after criminal groups targeted him and
19 his family, attempted to recruit him into criminal activity, extorted his parents, beat his family,
20 and ultimately threatened him and his brother at gunpoint. After entering the United States, Mr.
21 Ramos-Rabanales traveled through Arizona and Colorado before relocating to Florida, where he
22 worked for many years, including approximately seven years at a gas station in West Palm
23 Beach. He is the father of three U.S. citizen children who reside in Florida, including an adult
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1 daughter who recently graduated from high school and two minor twin sons who are still in
2 school. Mr. Ramos-Rabanales has financially supported his children, has paid taxes, and reports
3 no pending criminal matters in the United States. He fears returning to Mexico because the
4 criminal groups that threatened him remain powerful, because returnees from the United States
5 are perceived as having money or as informants, and because he continues to suffer
6 psychological trauma from the violence he experienced in Mexico.

7 20. Respondent Patrick Divver is the Field Office Director of ICE Enforcement and
8 Removal Operations, San Diego Field Office. In that official capacity, he is responsible for
9 Petitioner's immigration custody and continued detention within this District. He is sued in his
10 official capacity only.

11 21. Respondent Christopher J. LaRose is the Warden of the Otay Mesa Detention
12 Center, where Petitioner is detained. He has day-to-day physical custody of Petitioner and is sued
13 in his official capacity only.

14 22. Respondent Department of Homeland Security is the federal agency responsible
15 for implementing and enforcing the Immigration and Nationality Act, including the detention
16 and removal of noncitizens.

17 23. This Petition challenges Petitioner's present physical confinement under 28
18 U.S.C. § 2241. Respondents are the officials and agency responsible for Petitioner's custody and
19 continued detention.
20

21 CLAIM FOR RELIEF

22 Violation of the INA:

23 Request for Relief Pursuant to *Maldonado Bautista*

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

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

3 26. On November 20, 2025, the district court granted partial summary judgment in
4 favor of the named petitioners. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM,
5 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025). On November 25, 2025, the court certified a
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7 BFM (C.D. Cal. Nov. 25, 2025). The court later entered final judgment for the petitioners and the
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11 Cal. Dec. 18, 2025); 8 C.F.R. § 236.1; 8 C.F.R. § 1236.1; 8 C.F.R. § 1003.19.

12 27. In that classwide judgment, the district court held that Bond Eligible Class
13 members are detained under 8 U.S.C. § 1226(a) and may not be treated as subject to mandatory
14 detention under 8 U.S.C. § 1225(b)(2). *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-
15 SSS-BFM (C.D. Cal. Dec. 18, 2025). The Ninth Circuit later entered a temporary administrative
16 stay, but only insofar as the district court's December 18, 2025, judgment extended beyond the
17 Central District of California pending resolution of the government's stay motion. *Maldonado*
18 *Bautista v. Santacruz*, No. 26-1044 (9th Cir. Mar. 10, 2026).

19 28. Respondents are parties to *Maldonado Bautista* and are bound by the district
20 court's declaratory judgment to the extent that judgment applies to Petitioner. See 28 U.S.C. §
21 2201(a).

22 29. By denying Petitioner a bond hearing under 8 U.S.C. § 1226(a) and asserting that
23 he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), Respondents violate
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Petitioner's rights under the INA and, to the extent applicable, the district court's judgment in *Maldonado Bautista*.

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 as permitted by law; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED this June 02, 2026.

/s/ Jose Torres

Jose Torres

Counsel for Petitioner