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2
3 UNITED STATES DISTRICT COURT
4 CENTRAL DISTRICT OF CALIFORNIA
5 EASTERN DIVISION

6 EDGAR ANTONIO FREGOSO RODRIGUEZ

7 Petitioner,

8 v.

9 Ernesto SANTACRUZ JR., Acting Field Office
10 Director of Enforcement and Removal
11 Operations, LOS ANGELES Field Office,
12 Immigration and Customs Enforcement; Kristi
13 NOEM, Secretary, U.S. Department of
14 Homeland Security; U.S. DEPARTMENT OF
15 HOMELAND SECURITY; Pamela BONDI,
16 U.S. Attorney General; EXECUTIVE OFFICE
17 FOR IMMIGRATION REVIEW; Fereti
18 SEMAIA, Warden, Adelanto ICE Processing
19 Center,

20 Respondents.

Case No. 5:25-cv-03439

**PETITION FOR WRIT OF
HABEAS CORPUS**

21 Nathaniel L. Nicoll, Esq.
22 Friedman Law Firm
23 3947 Lennane Drive, Suite 150
24 Sacramento, CA 95834

INTRODUCTION

1. Petitioner Edgar Antonio Fregoso Rodriguez brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Adelanto ICE Processing Center. He now faces 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*.

2. 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).

1 3. The declaratory judgment held that the Bond Denial Class members
2 are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration
3 for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL
4 3289861, at *11.

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

11
12 5. Petitioner Edgar Antonio Fregoso Rodriguez is a member of the Bond
13 Eligible Class, as he:

- 14 a. does not have lawful status in the United States and is currently
15 detained at the Adelanto ICE Processing Center. He was apprehended
16 by immigration authorities on September 4, 2025;
17 b. entered the United States without inspection over 25 years ago and
18 was not apprehended upon arrival, *cf. id.*; and
19 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

20 6. After apprehending Petitioner on September 4, 2025, the DHS placed
21 him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged
22 Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone
23 who entered the United States without inspection.

24 7. The Court should expeditiously grant this petition.

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

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

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

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

JURISDICTION

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Adelanto ICE Processing Center in Adelanto, California.

14. 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.

15. 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, the judicial district in which Petitioner currently is detained.

REQUIREMENTS OF 28 U.S.C. § 2243

18. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all

1 cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963)
2 (emphasis added). “The application for the writ usurps the attention and displaces
3 the calendar of the judge or justice who entertains it and receives prompt action
4 from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116,
5 1120 (9th Cir. 2000) (citation omitted).
6

7 **PARTIES**

8 19. Petitioner Edgar Antonio Fregoso Rodriguez is a citizen of Mexico
9 who has been in immigration detention since September 4, 2025. After Petitioner
10 was arrested in Monterey Park, California. ICE did not set bond, and Petitioner
11 requested review of his custody by an IJ. On October 28, 2025, Petitioner was
12 denied bond by an IJ at the Adelanto Immigration Court because he was deemed
13 an applicant for admission. Petitioner has resided in the United States since
14 September 1990.
15

16 20. Respondent Ernesto Santacruz Jr. is the Director of the Los Angeles
17 Field Office of ICE’s Enforcement and Removal Operations division. As such, Mr.
18 Santacruz is Petitioner’s immediate custodian and is responsible for Petitioner’s
19 detention and removal. He is named in his official capacity.
20

21 21. Respondent Kristi Noem is the Secretary of the Department of
22 Homeland Security. She is responsible for the implementation and enforcement of
23 the Immigration and Nationality Act (INA), and oversees ICE, which is
24

1 responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority
2 over Petitioner and is sued in her official capacity.

3 22. Respondent Department of Homeland Security (DHS) is the federal
4 agency responsible for implementing and enforcing the INA, including the
5 detention and removal of noncitizens.
6

7 23. Respondent Pamela Bondi is the Attorney General of the United
8 States. She is responsible for the Department of Justice, of which the Executive
9 Office for Immigration Review and the immigration court system it operates is a
10 component agency. She is sued in her official capacity.
11

12 24. Respondent Executive Office for Immigration Review (EOIR) is the
13 federal agency responsible for implementing and enforcing the INA in removal
14 proceedings, including for custody redeterminations in bond hearings.

15 25. Respondent Fereti Semaia is employed by The GEO Group as Warden
16 of the Adelanto ICE Processing Center, where Petitioner is detained. He has
17 immediate physical custody of Petitioner. He is sued in his official capacity.
18

19 **CLAIM FOR RELIEF**

20 **Violation of the INA:**

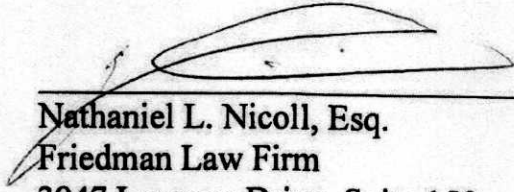
21 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

1 e. Grant any other and further relief that this Court deems just and
2 proper.
3
4

5 DATED this 17th of December, 2025.
6

7 
8 Nathaniel L. Nicoll, Esq.
9 Friedman Law Firm
10 3947 Lennane Drive, Suite 150
11 Sacramento, CA 95834
12 (916) 800-4454
13 Attorneys for Petitioner
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CERTIFICATE OF SERVICE

I hereby certify that on December 17th, 2025, I caused the foregoing Petition for Writ of Habeas Corpus to be served by U.S. mail/electronically to the following:

ERNESTO SANTACRUZ JR.

Acting Field Office Director of Enforcement and Removal Operations,
LOS ANGELES Field Office, Immigration and Customs Enforcement
300 N. Los Angeles Street
Los Angeles, CA

PAM BONDI

United States Attorney General,
Office of Immigration Litigation
U.S. Department of Justice / Civil Division
P.O. Box 878, Ben Franklin Station
Washington, DC 20044

KRISTI NOEM, Secretary

U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528
United States

TODD M. LYONS

Director of Enforcement and Removal Operations for the United States
500 12th St SW Washington, DC 20536
United States

FERETI SEMAIA

Warden, Adelanto ICE Processing Center
10400 Rancho Road, Adelanto, CA 92301
United States

Nathaniel L. Nicoll, Esq.
Friedman Law Firm
3927 Lennane, Suite 150
Sacramento, CA 95834
(916) 800-4454
Attorneys for Petitioner

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

Edgar Antonio Fregoso Rodriguez

DEFENDANTS (Check box if you are representing yourself ☐)

Pam Bondi, Attorney General of the United States, Kristi Noem, Secretary, US Dept. of State, Todd M. Lyons, Director of ERO for United States, Ferrell Semels, Warden of Adelanto ICE Processing Center

(b) County of Residence of First Listed Plaintiff San Bernardino
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Kevin Harris
Friedman Law Firm
3947 Lennane Drive, Suite 150, Sacramento, CA 95834

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff ☐ 3. Federal Question (U.S. Government Not a Party)
- ☒ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in this State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) _____ ☐ 6. Multidistrict Litigation - Transfer ☐ 8. Multidistrict Litigation - Direct File

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No ☐ **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
28 U.S.C. § 2241 petition for writ of habeas corpus related to the unlawful detention of an asylum seeker.

Does this case involve claimed Lemon Law violations of the federal Magnuson-Moss Warranty Act and/or the California Song-Beverly Consumer Warranty Act? YES NO ☒ X

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
☐ 375 False Claims Act	☐ 110 Insurance	☐ 240 Torts to Land	☐ 462 Naturalization Application	Habeas Corpus: ☒ 463 Alien Detainee	☐ 820 Copyrights
☐ 376 Qui Tam (31 USC 3729(a))	☐ 120 Marine	☐ 245 Tort Product Liability	☐ 465 Other Immigration Actions	☐ 510 Motions to Vacate Sentence	☐ 830 Patent
☐ 400 State Reapportionment	☐ 130 Miller Act	☐ 290 All Other Real Property	TORTS	☐ 530 General	☐ 835 Patent - Abbreviated New Drug Application
☐ 410 Antitrust	☐ 140 Negotiable Instrument	PERSONAL INJURY	PERSONAL PROPERTY	☐ 535 Death Penalty	☐ 840 Trademark
☐ 430 Banks and Banking	☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 310 Airplane	☐ 370 Other Fraud	Other: ☐ 540 Mandamus/Other	☐ 880 Defend Trade Secrets Act of 2016 (DTSA)
☐ 450 Commerce/ICC Rates/Etc.	☐ 151 Medicare Act	☐ 315 Airplane Product Liability	☐ 371 Truth in Lending	☐ 550 Civil Rights	SOCIAL SECURITY
☐ 460 Deportation	☐ 152 Recovery of Defaulted Student Loan (Excl. Vet.)	☐ 320 Assault, Libel & Slander	☐ 380 Other Personal Property Damage	☐ 555 Prison Condition	☐ 861 HIA (1395ff)
☐ 470 Racketeer Influenced & Corrupt Org.	☐ 153 Recovery of Overpayment of Vet. Benefits	☐ 330 Fed. Employers' Liability	☐ 385 Property Damage Product Liability	☐ 560 Civil Detainee Conditions of Confinement	☐ 862 Black Lung (923)
☐ 480 Consumer Credit	☐ 160 Stockholders' Suits	☐ 340 Marine	BANKRUPTCY	FORFEITURE/PENALTY	☐ 863 DIWC/DIWW (405 (g))
☐ 485 Telephone Consumer Protection Act	☐ 190 Other Contract	☐ 345 Marine Product Liability	☐ 422 Appeal 28 USC 158	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 864 SSID Title XVI
☐ 490 Cable/Sat TV	☐ 195 Contract Product Liability	☐ 350 Motor Vehicle	☐ 423 Withdrawal 28 USC 157	☐ 690 Other	☐ 865 RSI (405 (g))
☐ 850 Securities/Commodities/Exchange	☐ 196 Franchise	☐ 355 Motor Vehicle Product Liability	CIVIL RIGHTS	LABOR	FEDERAL TAX SUITS
☐ 890 Other Statutory Actions	REAL PROPERTY	☐ 360 Other Personal Injury	☐ 440 Other Civil Rights	☐ 710 Fair Labor Standards Act	☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 891 Agricultural Acts	☐ 210 Land Condemnation	☐ 362 Personal Injury-Med Malpractice	☐ 441 Voting	☐ 720 Labor/Mgmt. Relations	☐ 871 IRS-Third Party 26 USC 7609
☐ 893 Environmental Matters	☐ 220 Foreclosure	☐ 365 Personal Injury-Product Liability	☐ 442 Employment	☐ 740 Railway Labor Act	
☐ 895 Freedom of Info. Act	☐ 230 Rent Lease & Ejectment	☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability	☐ 443 Housing/Accommodations	☐ 751 Family and Medical Leave Act	
☐ 896 Arbitration		☐ 368 Asbestos Personal Injury Product Liability	☐ 445 American with Disabilities-Employment	☐ 790 Other Labor Litigation	
☐ 899 Admin. Procedures Act/Review of Appeal of Agency Decision			☐ 446 American with Disabilities-Other	☐ 791 Employee Ret. Inc. Security Act	
☐ 950 Constitutionality of State Statutes			☐ 448 Education		

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? ☐ Yes ☒ No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
	☐ Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
	☐ Orange	Southern
	☐ Riverside or San Bernardino	Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? ☐ Yes ☒ No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. ☐ Enter "Southern" in response to Question E, below, and continue from there. ☐ NO. Continue to Question B.2.
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Eastern Division. ☐ Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. ☐ Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? ☒ Yes ☐ No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. ☐ Enter "Southern" in response to Question E, below, and continue from there. ☒ NO. Continue to Question C.2.
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Eastern Division. ☐ Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. ☒ Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☒	☐
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☐

D.1. Is there at least one answer in Column A? ☐ Yes ☒ No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	D.2. Is there at least one answer in Column B? ☒ Yes ☐ No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓
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QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	Eastern

QUESTION F: Northern Counties?
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? ☐ Yes ☒ No

IX(a). IDENTICAL CASES: Has this action been previously filed in this court?

☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

☒ NO ☐ YES

If yes, list case number(s): _____

If yes, you must file a Notice of Related Cases. See Local Rule 83-1.3.

Civil cases are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. STATEWIDE OR NATIONWIDE RELIEF: Does this case seek to bar or mandate enforcement of a state or federal law and seek declaratory or injunctive relief on a statewide or nationwide basis?

☒ NO ☐ YES

If yes, see Local Rule 83-11 for additional requirements.

**XI. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):** _____

DATE: December 12th, 2025

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))