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6 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
7

8 O.A.M.R.,

9 Petitioner,

10 v.

11 Minga WOFFORD, Field Office Director, Mesa
Verde, Office of Detention and Removal, U.S.
Immigrations and Customs Enforcement; U.S.
12 Department of Homeland Security;

13 Sergio ALBARRAN, Acting Field Office
Director of the San Francisco Immigration and
14 Customs Enforcement Office

15 Todd M. LYONS, Acting Director, Immigration
and Customs Enforcement, U.S. Department of
16 Homeland Security;

17 Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
18 HOMELAND SECURITY;

19 Pam BONDI, in her Official Capacity, Attorney
General of the United States;
20

21 Respondents.
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23
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Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

Challenge to Unlawful Incarceration Under
Color of Immigration Detention Statutes;
Request for Declaratory and Injunctive
Relief

INTRODUCTION

1
2 1. Petitioner O.A.M.R brings this petition for a writ of Habeas Corpus to seek
3 enforcement of their rights as a member of the Bond Denial Class certified in *Maldonado*
4 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical
5 custody of Respondents at the Mesa Verde Detention Facility since December 6, 2025. He faces
6 unlawful detention because the Department of Homeland Security (DHS) and the Executive
7 Office for Immigration Review (EOIR) have refused to provide Petitioner with a bond hearing
8 and abide by the declaratory judgment issued on behalf of the certified class in *Maldonado*
9 *Bautista v. Santacruz*.

10 2. Petitioner, O.A.M.R, by and through his undersigned counsel, hereby files this
11 petition for writ of habeas corpus and complaint for declaratory and injunctive relief.

12 3. O.A.M.R seeks his immediate release from detention in Mesa Verde ICE
13 Processing Center where ICE detained him without a warrant and continues to imprison him
14 without a hearing and without demonstrating that he is a flight risk or danger to the community,
15 as required by the statute and the Due Process clause of the Fifth Amendment.

16 4. O.A.M.R has resided in the United States since 2007 and lives in Oakland,
17 California. He lived with his family, which include his wife and his four children, two of which
18 are minors and United States citizens. O.A.M.R was gainfully employed and the primary source
19 of financial support to his family. In 2018, O.A.M.R filed a petition for U nonimmigrant status
20 with the United States Citizenship and Immigration Services, which is currently pending. On
21 June 23, 2023, USCIS issue a bona fide letter on OA.M.R.'s case, grating him an employment
22 authorization document and deferred action, indicating he is a low priority for removal. O.A.M.R
23 has maintained a clean criminal record.
24

1 5. On December 6 2025, immigration authorities arrested O.A.M.R after
2 intercepting his vehicle. They did not have a warrant for O.A.M.R's arrest. He was placed into
3 removal proceedings to appear before an IJ and was charged with having entered the United
4 States without inspection and being present without valid immigration documents. 8 U.S.C. §
5 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i).

6 6. On December 11, 2025, O.A.M.R requested a bond redetermination hearing
7 before an immigration judge. O.A.M.R is not a flight risk, as evidenced by his compliance with
8 the officer's requests and his deep ties to his family and community, a pending u nonimmigrant
9 petition and a grant of deferred action. He is not a danger to the community, as he has no
10 criminal history and was gainfully employed. EOIR has not acted on O.A.M.R.'s request.

11 7. O.A.M.R is currently in § 240 of the Immigration and Nationality Act ("§ 240
12 proceedings"). § 240 proceedings provide important statutory protections, including hearings
13 before an Immigration Judge. See 8 U.S.C. § 1229a(a)(1), (a)(4).

14 8. It is the position of the Executive Office for Immigration Review (EOIR), which
15 houses both the BIA and immigration judges, that 8 U.S.C. § 1225(b)(2)(A) applies to all
16 individuals who arrived in the United States without documents, regardless of how long they
17 have lived in the United States and regardless of how far they were apprehended from the border.

18 9. However, § 1225(b)(2)(A) does not apply to individuals, like Petitioner, who are
19 present in the United States. Instead, such individuals are subject to detention under a different
20 statute, § 1226(a), and eligible for release on bond. Nevertheless, earlier in July 2025, ICE
21 released a memorandum instructing its attorneys to coordinate with the Department of Justice,
22 the agency housing EOIR, to reject bond redetermination hearings for applicants who arrived in
23 the United States without documents.

1 10. On September 5, 2025, the BIA issued *Matter of Yajure Hurtado*, adopting DHS's
2 arguments, overruling prior agency practice, and holding that § 1225(b)(2)(A) applies to all
3 noncitizens present in the United States without admission, including long-term residents who
4 entered without inspection, subjecting them to mandatory detention during removal
5 proceedings.^{12 29}See *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025).

6 11. This reading is a violation of the statute and due process. Historically, DHS
7 interpreted § 1226(a) as applying to individuals like the petitioner - those present without
8 admission but apprehended inland after unlawful entry - allowing bond hearings.

9 12. As such, O.A.M.R. seeks an order of declaratory and injunctive relief and set
10 aside relief under the Administrative Procedure Act, requiring that he be provided bond
11 redetermination hearings before the immigration judge.

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

21 14. The declaratory judgment held that the Bond Denial Class members are detained
22 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
23 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11. Nonetheless, the Executive
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1 Office for Immigration Review and its subagency the Immigration Court and the Department of
2 Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have
3 unlawfully ordered that Petitioner be denied the opportunity to be released on bond. On
4 December 18, 2025, the court entered a final judgment declaring the DHS Policy unlawful and
5 granted vacatur under the APA.

6 15. Petitioner O.A.M.R is a member of the Bond Eligible Class, as he:

- 7 a. does not have lawful status in the United States and is currently detained at the
8 Mesa Verde Facility Detention. He was apprehended by immigration authorities
9 on Saturday December 6th, 2025 around 8:30 A.M
10 b. entered the United States without inspection over 18 years ago and was not
11 apprehended upon arrival, *cf. id.*; and
12 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 16. After apprehending Petitioner on 12/06/25, the DHS placed him in removal
12 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible
13 under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

14 17. On December 11, 2025, Petitioner requested a custody re-determination from the
15 Executive Office for Immigration Review. To date, no custody hearings have been scheduled for
16 the Petitioner.

17 18. 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 IJs remain bound to follow the
20 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

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

1 20. The Eastern District of California has grappled with similar claims and facts in
2 *Lepe v. Andrews*. Then, this court ordered that that respondents released petitioner immediately
3 due to a lack of flight risk or danger indicia. This court also ordered that, “if the government
4 seeks to re-detain petitioner, it must provide no less than seven (7) days’ notice to petitioner and
5 must hold a pre-deprivation bond hearing before a neutral arbiter pursuant to section 1226(a) and
6 its implementing regulations, at which petitioner’s eligibility for bond must be considered.” *Lepe*
7 *v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910, at *10 (E.D. Cal. Sept. 23,
8 2025)

9 21. Other district courts across the country have also rejected similar reinterpretations
10 post- *Yajure Hurtado*. See *Alvarez-Chavez v Kaiser*, 25-cv-06984-LB, at *9 (N.D. Cal. Oct. 9,
11 2025); *Guerrero Orellana v. Moniz*, No. 25-CV-12664-PBS, 2025 WL 2809996, at *10 (D.
12 Mass. Oct. 3, 2025) (granting TRO; ordering that the government released plaintiff unless he was
13 provided a bond hearing within seven business days of the date of the order); See also, e.g.,
14 *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 WL 2690565, at *1, *4–7 (W.D. Ky. Sept. 19,
15 2025) (ordering the release of a petitioner who was present in the U.S. for over twenty years,
16 with three U.S. citizen children, because section 1226, not section 1225, applied; “If Congress
17 had intended for Section 1225 to govern all noncitizens present in the country, who had not been
18 admitted, then it would not have recently adopted an amendment to Section 1226 that prescribes
19 a subset of noncitizens be exempt from the discretionary bond framework.” (cleaned up and
20 collecting cases)); *Singh v. Lewis*, No. 4:25-cv-96-RGJ, 2025 WL 2699219, at *3 (W.D. Ky.
21 Sept. 22, 2025) (same; petitioner had been in the United States for more than twelve years and
22 was “not ‘seeking admission’ into the United States”); *Hasan v. Crawford*, __ F. Supp. 3d __,
23 2025 WL 2682255, at *6–10, *13 (E.D. Va. Sept. 19, 2025) (ordering immediate release under §
24

1 1226, and rejecting argument that § 1225(b)(2) applied to someone like the petitioner who had
2 been in the United States for several months, had not committed any crimes, and attended all
3 required meetings with ICE officials); *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM,
4 2025 U.S. Dist. LEXIS 171364, at *15–16 (C.D. Cal. July 28, 2025) (same; “respondents fail to
5 articulate any valid justification, legal or otherwise, for the application of § 1225 to Petitioners as
6 applicants for admission.” (cleaned up)).

7 22. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
8 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
9 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
10 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
11 Class member.

12 JURISDICTION

13 23. Petitioner is in physical custody of Respondents. Petitioner is detained at the
14 Mesa Verde Detention Facility in Bakersfield, California .

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

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

20 VENUE

21 26. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–
22 500 (1973), venue lies in the United States District Court for the Eastern District of California,
23 the judicial district in which Petitioner currently is detained.

1 27. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
2 Respondents are employees, officers, and agencies of the United States, and because a
3 substantial part of the events or omissions giving rise to the claims occurred in the Eastern
4 District of California.

5 **REQUIREMENTS OF 28 U.S.C. § 2243**

6 28. The Court should grant the petition for writ of habeas corpus “forthwith,” as the
7 legal issues have already been resolved for class members in *Maldonado Bautista*.

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

14 **PARTIES**

15 30. Petitioner O.A.M.R is citizen and national of El Salvador who has been in
16 immigration detention since December 6, 2025. After Petitioner was arrested in Oakland
17 California, ICE did not set bond, and Petitioner requested review of his custody by an IJ.
18 Petitioner has resided in the United States since July 2007.

19 31. Respondent Minga WOFFORD is the Field Office Director of ICE, Mesa Verde,
20 Bakersfield, CA, and is named in her official capacity. ICE is the component of the DHS that is
21 responsible for detaining and removing noncitizens according to immigration law and oversees
22 custody determinations. In her official capacity, she is the legal custodian of O.A.M.R.

32. Respondent Sergio ALBARRAN is the Acting Field Office Director of the San Francisco ICE Field Office. In this capacity, he is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility, including the detention of Petitioner. Respondent Albarran maintains an office and regularly conducts business in this district. Respondent Albarran is sued in his official capacity.

33. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is responsible for the administration and enforcement of the immigration laws, including the removal of noncitizens. In his official capacity as head of ICE, he is the legal custodian of O.A.M.R.

34. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

35. Respondent Pam BONDY is the Attorney General of the United States and the most senior official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She has the authority to interpret immigration laws and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA.

CLAIM FOR RELIEF

FIRST CAUSE OF ACTION

Violation of 8 U.S.C. § 1226(a)

Unlawful Denial of Bond Hearing

1. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being admitted or paroled. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.
3. The application of § 1225(b)(2) to bar Petitioners from receiving a bond redetermination hearing before an immigration judge violates the Immigration and Nationality Act.

SECOND CAUSE OF ACTION

Violation of the Administrative Procedure Act

Unlawful Denial of Bond

4. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
5. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.
6. The application of § 1225(b)(2) to bar Petitioner from receiving a bond redetermination hearing before an immigration judge is arbitrary, capricious, and not in

1 accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

2 **THIRD CAUSE OF ACTION**

3 **Violation of 8 U.S.C. § 1226(a)**

4 ***Violation of Procedural Due Process***

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6 7. Petitioners repeat, re-allege, and incorporate by reference each and every
7 allegation in the preceding paragraphs as if fully set forth herein.

8 8. The government may not deprive a person of life, liberty, or property
9 without due process of law. U.S. Const. amend. V. "Freedom from imprisonment - From
10 government custody, detention, or other forms of physical restraint-lies at the heart of the liberty
11 that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d
12 653 (2001).

13 75. Petitioners have a fundamental interest in liberty and being free from official restraint.

14
15 676. The government's detention of Petitioners without a bond redetermination hearing to
16 determine whether they are a flight risk or danger to others violates their right to due process.

17 **FOURTH CAUSE OF ACTION**

18 **Violation of the INA:**

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

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

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

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

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

7 40. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
8 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
9 § 2201(a).

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

13 **PRAYER FOR RELIEF**

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

- 15 a. Assume jurisdiction over this matter;
- 16 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
17 Petitioner;
- 18 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
19 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
20 seven days;
- 21 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
22 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
23 law; and
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1 e. Grant any other and further relief that this Court deems just and proper.

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4 DATED this 21ST OF December of 2025.

5 /s/ Natalia Santanna
6 Natalia Vieira Santanna
7 Attorney for O.A.M.R
8

9 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

10 I am submitting this verification on behalf of the Petitioner because I am one of
11 Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition.
12 Based on those discussions, I hereby verify that the factual statements made in the attached
13 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

14 Executed on December 21, 2025, in Oakland, CA.

15 /s/ Natalia Santanna
16 Natalia Vieira Santanna
17 Attorney for O.A.M.R
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