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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **EASTERN DIVISION**

10 ROBERTO CARLOS RIVAS MARTINEZ

11 Petitioner,

12 v.

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

20 Respondents.
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Case No. 5:25-cv-3597

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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

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

5 5. Petitioner Roberto Carlos Rivas Martinez is a member of the Bond Eligible Class, as he:

6
7 a. does not have lawful status in the United States and is currently detained at the
8 Adelanto ICE Processing Center. He was apprehended by immigration authorities
on September 12, 2025;

9 b. entered the United States without inspection nearly 10 years ago and was not
10 apprehended upon arrival, *cf. id.*; and

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

12 2. After apprehending Petitioner on September 12, 2025, the DHS placed him in removal
13 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
14 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United
15 States without inspection.

16 3. The Court should expeditiously grant this petition.

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

22
23 5. Immigration judges have informed class members in bond hearings that they have been
24 instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
25 controlling, even with respect to class members, and that instead IJs remain bound to
26

1 follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA
2 2025).

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

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

9 JURISDICTION

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

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

15 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act,
16 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
17

18 VENUE

19 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500
20 (1973), venue lies in the United States District Court for the Central District, the judicial
21 district in which Petitioner currently is detained.

22 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents
23 are employees, officers, and agencies of the United States, and because a substantial part
24 of the events or omissions giving rise to the claims occurred in the Central District.
25

26 REQUIREMENTS OF 28 U.S.C. § 2243

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

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

10 PARTIES

11 15. Petitioner Roberto Carlos Rivas Martinez is a citizen of El Salvador who has been in
12 immigration detention since September 12, 2025. After Petitioner was arrested in Los
13 Angeles, California, ICE did not set bond, and Petitioner requested review of his custody
14 by an IJ. On November 28, 2025, Petitioner was denied bond by an IJ at the Adelanto
15 Immigration Court because he was deemed an applicant for admission. Petitioner has
16 resided in the United States since 2016.
17

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

22 17. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is
23 responsible for the implementation and enforcement of the Immigration and Nationality
24 Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem
25 has ultimate custodial authority over Petitioner and is sued in her official capacity.
26

1 18. Respondent Department of Homeland Security (DHS) is the federal agency responsible
2 for implementing and enforcing the INA, including the detention and removal of
3 noncitizens.

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

9 20. Respondent Executive Office for Immigration Review (EOIR) is the federal agency
10 responsible for implementing and enforcing the INA in removal proceedings, including
11 for custody redeterminations in bond hearings.

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

16 **CLAIM FOR RELIEF**

17 **Violation of the INA:**
18 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

23 24. The order granting partial summary judgment in *Maldonado Bautista* holds that
24 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2)
25 to class members.
26

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

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

6 27. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to
7 mandatory detention under § 1225(b)(2), Respondents are violating Petitioner’s statutory
8 rights under the INA and the Court’s judgment in *Maldonado Bautista*.
9

10 **PRAYER FOR RELIEF**

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

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

23 DATED this 30th of December, 2025.
24

25 s/ Prerna Lal
26 *Attorney for Petitioner*

27 SBN: 354786

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DECLARATION OF SERVICE

I hereby certify that on December 30, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will serve a copy of this document upon all counsels of record.

DATED this December 30, 2025 at Berkeley, California.

/s/ Prerna P. Lal

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