

Leo De La Garza (TX SBN-24099671)
De La Garza Law, PLLC
8133 Mesa Dr., Ste. 100
Austin, TX 78759
lawyer@lawdlg.com

Attorney for Petitioner

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Yeibin Orlando Amaya Cabeles,

Petitioner,

v.

Pamela BONDI, U.S. Attorney
General, EOIR; Kristi NOEM,
Secretary, DHS; Todd M. LYONS,
Acting Director, ICE; Sylvester
ORTEGA, San Antonio Field Office
Director, ICE; Charlotte COLLINS,
Warden of T. Don Hutto Detention
Center,

Respondents.

Case No. **1:26-cv-00029**

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1. Petitioner Yeibin Orlando Amaya Cabeles (“Yeibin”) seeks a writ of habeas corpus to enforce his rights as a member of the nationwide Bond Eligible Class certified in *Bautista. Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).
2. Despite a federal court judgment declaring that individuals in Yeibin’s position are eligible for bond, Respondents have refused to follow the law, resulting in Yeibin’s continued unlawful detention. He asks this Court to order his immediate release or an expedited bond hearing.

JURISDICTION AND VENUE

3. This action arises under the Constitution of the U.S. and the INA, 8 U.S.C. § 1101 *et seq.* This Court has subject matter jurisdiction under various provisions: 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); where applicable Art. I, § 9, Cl. 2 (suspension clause). This Court may grant relief under 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).
4. Venue is proper in the Western District of Texas under 28 U.S.C. § 1391 because Petitioner is detained at the T. Don Hutto Detention Center (“Hutto”) in this district. See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973). Venue is also proper under 28 U.S.C. § 2243 because Petitioner and his immediate custodians are located here.

PARTIES

5. Petitioner, Yeibin Orlando Amaya Cabeles is a 24-year-old resident of Georgetown, Texas, currently held in Respondent’s custody.
6. Respondents are sued in their official capacities as custodians and/or policymakers

responsible for Petitioner's detention:

- Pamela Bondi, U.S. Attorney General, responsible for the administration of EOIR;
- Kristi Noem, Secretary of DHS, responsible for immigration enforcement priorities;
- Todd M. Lyons, current Acting Director of ICE, oversees ICE operations;
- Sylvester Ortega, FOD of the ICE SAFO, responsible for ICE enforcement in this District; and
- Charlotte Collins, Warden of Hutto, responsible for detention center operations.

FACTUAL BACKGROUND

Yeibin is a Long-term Resident of Texas with Deep Family Ties

7. Yeibin Orlando Amaya Cabeles ("Yeibin"), , is a 24-year-old resident of Georgetown, Texas. Born in Honduras, Yeibin entered the U.S. without inspection in 2016 as a minor. He was released to his aunt in early 2017 and has remained in removal proceedings (charged under 8 U.S.C. § 1182(a)(6)(A)(i)) since, never failing to appear or receiving an *in absentia* order.

8. He is married to Flor Beatriz Ibarra Vazquez, a U.S. citizen, and they have two U.S. citizen children, ages two and five. Flor filed an I-130 petition for Yeibin in September 2024, which remains pending and offers him a path to lawful residency.

Respondents Are Detaining Yeibin despite the *Bautista* Final Judgment

9. On October 14, 2025, Texas DPS initiated a traffic stop on a company work truck for a license plate issue. Yeibin was a passenger. DPS contacted ICE agents, who apprehended Yeibin and placed him in custody at the T. Don Hutto Detention Center.

10. ICE asserts Yeibin is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). On December 18, 2025, an Immigration Judge denied Yeibin bond on jurisdictional grounds, claiming the *Bautista* judgment did not override BIA precedent. See *Matter of Yajure*

Hurtado, 29 I&N Dec. 216 (BIA 2025).

11. On that same day, Judge Sykes of the Central District of California issued a Final Judgment and amended orders to reaffirm class membership, reaffirming the class as:

All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Bautista, 2025 WL 3288403, at 9.

12. Yeibin satisfies every criterion: he entered without inspection, was not apprehended immediately (and was later placed in removal proceedings), and is not subject to mandatory criminal detention, expedited removal, or a final order of removal. See 8 U.S.C. §§ 1225(b)(1); 1226(c); 1231.

13. Consequently, Yeibin is legally detained under 8 U.S.C. § 1226(a) and is entitled to a bond hearing. Respondents' continued refusal to apply the *Bautista* judgment inflicts severe, irreparable harm on Yeibin and his young family.

14. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

CLAIM FOR RELIEF

Respondents Violate the INA and the *Bautista* Judgment by Denying Yeibin a Fair Bond Hearing

15. As a member of the *Bautista* Bond Eligible Class, Yeibin is entitled to bond consideration under 8 U.S.C. § 1226(a). The *Bautista* court held that Respondents violate the INA by applying the mandatory detention statute, 8 U.S.C. § 1225(b)(2), to class members. *Bautista*, 2025 WL 3288403.

16. Because Respondents are parties to that litigation, they are bound by the Court's declaratory judgment, which carries the full force and effect of a final judgment. 28 U.S.C. § 2201(a). This Court must grant the writ and order Yeibin's release unless Respondents provide a bond hearing within seven days. 28 U.S.C. § 2243. The "Great Writ" remains the most vital tool for providing a "swift and imperative remedy" against illegal restraint. *Fay v. Noia*, 372 U.S. 391, 400 (1963).

PRAYER FOR RELIEF (UNDER EXPEDITED CONSIDERATION)

17. Petitioner asks this Court to grant the following relief under 28 U.S.C. § 2243. Every day of unlawful detention inflicts irreparable harm on Yeibin's two U.S. citizen children, depriving them of their father's care and support.

18. Petitioner requests that the Court:

- Assume jurisdiction over this matter;
- Issue a writ of habeas corpus ordering Respondents to release Yeibin within 24 hours;
- Alternatively, order Respondents to release Yeibin unless they provide a good-faith bond hearing under § 1226(a) within seven days; and
- Grant any other relief the Court deems just and proper.

Respectfully submitted,

s/Leo De La Garza (TX SBN-24099671)
De La Garza Law, PLLC
8133 Mesa Dr., Ste. 100
Austin, TX 78759
lawyer@lawdlg.com

Attorney for Petitioner

VERIFICATION UNDER 28 U.S.C. § 2242

I represent Petitioner, and submit this verification on his behalf. I verify that the factual statements made in this Petition are true and correct to the best of my knowledge.

Respectfully submitted,

s/Leo De La Garza (TX SBN-24099671)
De La Garza Law, PLLC
8133 Mesa Dr., Ste. 100
Austin, TX 78759
lawyer@lawdlg.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that on January 6, 2026, I served a copy of this PETITION FOR WRIT OF HABEAS CORPUS via certified mail on the following:

U.S. Attorney's Office for the Western District of Texas

Attn: Stephanie Rico | Civil Process Clerk
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216

Warden, T. Don Hutto Detention Center

Attn: Charlotte Collins
1001 Welch St.
Taylor, TX 76574

Service on the United States Attorney constitutes service on all named federal Respondents. I have also served the Warden directly as Petitioner's immediate custodian.

January 6, 2026

Respectfully submitted,

s/Leo De La Garza (TX SBN-24099671)
De La Garza Law, PLLC
8133 Mesa Dr., Ste. 100
Austin, TX 78759
lawyer@lawdlg.com

Attorney for Petitioner