

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

YAN CARLOS PAYANENE OROZCO,

Petitioner,

v.

DENICE SEEMILLER, Field Office Director
of Enforcement and Removal Operations,
Austin Field Office, Immigration and Customs
Enforcement; KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; WARDEN OF T.
DON HUTTO DETENTION CENTER

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, YAN CARLOS PAYANENE OROZCO, 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 T. Don Hutto Detention 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).

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.

4. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to

1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
2 opportunity to be released on bond.

3 5. Petitioner, YAN CARLOS PAYANENE OROZCO, is a member of the Bond
4 Eligible Class, as he:

- 5 a. does not have lawful status in the United States and is currently detained at the T.
6 Don Hutto Detention Center. He was apprehended by immigration authorities on
7 October 3, 2025,
8 b. entered the United States without inspection over three years ago and was not
9 apprehended upon arrival, *cf. id.*; and
10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 6. After apprehending Petitioner on August 22, 2022, the DHS placed him in
12 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
14 without inspection.

15 7. The Court should expeditiously grant this petition.

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

21 9. Immigration judges have informed class members in bond hearings that they have
22 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
23 controlling, even with respect to class members, and that instead IJs remain bound to follow the
24 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 T. Don Hutto Detention Center in Taylor, Texas.

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

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.

VENUE

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 Western District of Texas the judicial district in which Petitioner currently is detained.

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

REQUIREMENTS OF 28 U.S.C. § 2243

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

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

PARTIES

19. Petitioner, YAN CARLOS PAYANENE OROZCO, is a citizen of Colombia who has been in immigration detention since October 12, 1998. After Petitioner was arrested, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On January 7, 2026, Petitioner was denied bond by an IJ at the Pearsall Immigration Court because he was deemed an “applicant for admission.” Petitioner has resided in the United States since August 22, 2022.

20. Respondent, DENICE SEEMILLER, is the Director of the Austin Field Office of ICE’s Enforcement and Removal Operations division. As such, DENICE SEEMILLER, is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

21. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and

1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

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

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

13 25. Respondent, WARDEN OF T. DON HUTTO DETENTION CENTER has
14 immediate physical custody of Petitioner. He is sued in his official capacity.

15 **CLAIM FOR RELIEF**

16 **Violation of the INA:**

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

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

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

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

1 29. The order granting class certification in *Maldonado Bautista* further orders that
2 “[w]hen 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 30. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
5 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
6 § 2201(a).

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

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 e. Grant any other and further relief that this Court deems just and proper.

22 DATED this 15 day of January 2025.

23 *Lorena Villalon*

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