UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHEL ENOCH MEJIA-PEREZ, Petitioner, v. Rose Thompson, Warden, Karnes County Immigration Processing Center; Miguel Vergara, Field Office Director of Immigration Customs Enforcement, Enforcement and Removal Operations San Antonio Field Office, Todd Lyons, Acting Director, ICE, Kristi Noem; Secretary of the U.S. Department of Homeland Security; and Pamela Bondi, Attorney General of the United States, in their official capacities, Department of Homeland Security, EOIR *Respondents.*	Case No: 5:26-cv-288 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner Johel Enoch Mejia-Perez 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 Karnes County Immigration Processing Center at Karnes City, Texas. 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 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

5. Petitioner Johel Enoch Mejia-Perez is a member of the Bond Eligible Class, as he:

a. does not have lawful status in the United States and is currently detained at the Karnes County Immigration Processing Center at Karnes City, Texas. He was apprehended by immigration authorities on January 3,2026.

b. entered the United States without inspection over 7 years ago and was not apprehended upon arrival, *cf. id.*; and

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

6. After apprehending Petitioner on January 3, 2026 the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

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 Karnes County Immigration Processing Center at Karnes City. 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).

13. 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

14. 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 Southern District, the judicial district in which Petitioner currently is detained.

15. 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 Southern District.

REQUIREMENTS OF 28 U.S.C. § 2243

16. 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.*

17. 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

18. Petitioner Johel Enoch Mejia-Perez is a citizen of Honduras who has been in immigration detention since January 3,2026. After Petitioner was arrested, ICE did not set bond, and Petitioner requested review of his custody by an IJ. Petitioner has resided in the United States since August 28, 2019

19. Respondent Miguel Vergara is the Director of the San Antonio Field Office of ICE's Enforcement and Removal Operations division. As such, Miguel Vergara is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

20. 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.

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

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

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

24. Respondent Rose Thomspon is employed by the U.S. Government as Warden of the Karnes County Immigration Processing Center at Karnes City, where Petitioner is detained. She has immediate physical custody of Petitioner. She is sued in her official capacity.

FACTUAL BACKGROUND

25. Petitioner Johel Enoch Mejia Perez is a thirty-two-year-old native and citizen of Honduras, born on May 31, 1993. He has establihed residence in the United States, where he lived with his wife and children prior to his detention and maintained steady employment.

26. Petitioner is married and is the father of two minor daughters. One daughter is a United States citizen, age four, born in the United States. His second daughter, age nine , was born in Honduras and was previously placed in immigration proceedings alongside Petitioner.

27. Petitioner and his daughter previously had an asylum case pending. That case was before the Immigration Court and was dismissed on May 2, 2024. Petitioner currently has no open proceedings before the Immigration Court.

28. Following the dismissal of his Immigration Court case, Petitioner is now in immigration proceedings before U.S. Citizenship and Immigration Services ("USCIS"). His case remains pending, and his next procedural step is the scheduling of a USCIS interview, which has not yet occurred.

29. Prior to his detention, Petitioner resided in a rented apartment with his wife and children and worked as a contractor specializing in ceramics and tile installation, providing financial support for his household.

30. On January 3, 2026, Petitioner was detained by Immigration and Customs Enforcement ("ICE") and taken into custody. He is currently detained at the Karnes County Immigration Processing Center. He has not sought out a hearing from the Immigration Court as doing so at this juncture would be futile.

31. Petitioner's continued detention has caused significant hardship to his family, particularly to his U.S. citizen minor daughter, who relies on him for emotional, financial, and parental support.

32. Petitioner's detention has also interrupted his employment and his ability to provide for his family, placing additional financial strain on his household.

33. Petitioner remains detained despite his family ties in the United States, his stable residence and employment history, the dismissal of his Immigration Court case, and the pendency of his immigration matter before USCIS.

ARGUMENT

34. Petitioner filed this habeas petition challenging his detention without a bond hearing.

35. Petitioner advances two principal arguments. First, he contends that his continued detention without a bond hearing violates the Due Process Clause. Second, he argues that 8 U.S.C. § 1225(b)(2) does not authorize his detention.

36. Respondents, however, assert detention authority under 8 U.S.C. § 1225(b)(1), not § 1225(b)(2). See ECF No. 5 at 2. Section 1225(b)(1) governs expedited removal and applies only to certain "arriving" aliens and to noncitizens who have not "been physically present in the United States continuously for the 2-year period immediately prior to the date" they were determined inadmissible under that provision. 8 U.S.C. § 1225(b)(1)(A)(i).

37. Section 1225(b)(1) further mandates detention only for a limited subset of such individuals. See 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). Petitioner does not fall within the categories of noncitizens subject to mandatory detention under § 1225(b)(1).

38. Nonetheless, Petitioner reasonably anticipates Respondents' reliance on 8 U.S.C. § 1225(b)(2). Respondents have repeatedly invoked § 1225(b)(2) in nearly identical cases before this Court. See, e.g., Urquiza-Orozco v. Bondi et al., No. 5:25-cv-01428-XR (W.D. Tex. Nov. 20, 2025); Vega v. Thompson et al., No. 5:25-cv-01439-XR (W.D. Tex. Nov. 21, 2025).

39. Respondents further assert in this case that "[e]ven if this Court were to order [Petitioner's] release from custody, he would be subject to re-arrest as an alien present within the United States without having been admitted." ECF No. 5 at 2. This assertion reflects Respondents' anticipated reliance on arrest and detention authority under § 1225(b)(2).

40. Accordingly, both § 1225(b)(1) and § 1225(b)(2) are at issue. The dispositive statutory question is whether either provision applies to Petitioner. If neither § 1225(b)(1) nor § 1225(b)(2) governs Petitioner's detention, Respondents may detain him only under 8 U.S.C. § 1226(a), which entitles him to a bond hearing. See, e.g., Belsai D.S. v. Bondi, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at *5 (D. Minn. Oct. 1, 2025).

CLAIM FOR RELIEF

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

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

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

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

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

45. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

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

Violation of Due Process Rights

47. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." Zadvydas v. Davis, 533 U.S. 678, 690 (2001).
48. Petitioner has a fundamental interest in liberty and being free from official restraint.
49. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.
50. The government has shown no reason, whatsoever, that there are either changed circumstances or any other reasons for the re-detention of Petitioner, nor was the Petitioner given any notice prior to his re-detention, thus violating his due process rights.
51. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in Maldonado Bautista.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

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

DATED this 20th of January, 2026.

Respectfully submitted,



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