

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Samuel HERNANDEZ MEJIA,

Petitioner,

v.

Sylvester ORTEGA, Field Office Director of
Enforcement and Removal Operations, San
Antonio 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; Charlotte
COLLINS, Warden of T. Don Hutto Detention
Center,

Respondents.

Case No. 1:26-cv-201

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner Samuel HERNANDEZ MEJIA brings this petition for a writ of habeas
3 corpus to seek enforcement of their rights as members of the Bond Denial Class certified in
4 *Maldonado Bautista v. Santaacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner
5 additionally brings this petition for a writ of habeas corpus on the grounds that he is being
6 unlawfully detained in violation of the Immigration and Nationality Act (INA).

7 2. Petitioner is in the physical custody of Respondents at the T. Don Hutto Detention
8 Center. He now faces unlawful detention because the Department of Homeland Security (DHS)
9 and the Executive Office for Immigration Review (EOIR) are improperly interpreting the INA
10 and have refused to abide by the declaratory judgment issued on behalf of the certified class in
11 *Maldonado Bautista v. Santaacruz*.

12 3. 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. Santaacruz*, 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. Santaacruz*, 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 4. 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 8
23 U.S.C. § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.
24

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

5 6. Petitioner Samuel Hernandez Mejia is a member of the Bond Eligible Class, as
6 he:

- 7 a. does not have lawful status in the United States and is currently detained at the T.
8 Don Hutto Detention Center. He was apprehended by immigration authorities on
9 or around January 20, 2026;
10 b. entered the United States without inspection approximately two years ago and
11 was not apprehended upon arrival, *cf. id.*; and
12 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

13 7. The Petitioner has resided in the United States for over 2 years. He has five
14 children in Honduras who he works to support in the United States. He has no criminal history.
15 The Petitioner was detained in a routine traffic stop on January 20, 2026 and was turned over to
16 the DHS.

17 8. The Court should expeditiously grant this petition.

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

23 10. Immigration judges (IJ) have informed class members in bond hearings that they
24 have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not

1 controlling, even with respect to class members, and that instead IJs remain bound to follow the
2 agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

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

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

8 JURISDICTION

9 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
10 T. Don Hutto Detention Center.

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

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

16 VENUE

17 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
18 500 (1973), venue lies in the United States District Court for the Western District of Texas, the
19 judicial district in which Petitioner currently is detained.

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

REQUIREMENTS OF 28 U.S.C. § 2243

18. 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*.

19. 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

20. Petitioner has been in immigration detention since approximately January 20, 2026. After Petitioner was arrested, ICE did not set bond. Petitioner has resided in the United States since approximately January 2024.

21. Respondent Sylvester M. ORTEGA is the Director of the San Antonio Field Office of ICE’s Enforcement and Removal Operations division. As such, Sylvester M. ORTEGA is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

22. 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.

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

4 24. 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 Review
6 and the immigration court system it operates is a component agency. She is sued in her official
7 capacity.

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

11 26. Respondent Charlotte COLLINS is employed by CoreCivic as Warden of the T.
12 Don Hutto Detention Center, where Petitioner is detained. She has immediate physical custody
13 of Petitioner. She is sued in her official capacity.

14 **CLAIM FOR RELIEF**

15 **Violation of the INA:**

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

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

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

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

24 30. 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

1 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." *Maldonado*
2 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at
3 *14 (C.D. Cal. Nov. 20, 2025)

4 31. 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 32. By effectively denying Petitioner a bond hearing under § 1226(a) and asserting
8 that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's
9 statutory 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 28th day of January, 2026.

23 Respectfully submitted,

24 Stephanie R Taylor

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14 *Attorneys for Petitioner*
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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all accompanying exhibits to be served by certified mail, return receipt requested, 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
Charlotte Collins
1001 Welch Street,
P.O. Box 1063
Taylor, TX 76574

Service on the United States Attorney constitutes service on all named federal Respondents in this matter, and service has also been made directly on the Facility Administrator as Petitioner's immediate custodian.

Dated this 28th day of January, 2026.

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