

Halimatou Bah, Esq. Bar N. 24130178
Angeles Law LLC
2112 Broadway St NE STE 225 #53
Minneapolis, MN 55413
T: (321) 795-0568
halimatou@abogadoangeles.com
Attorney for Petitioner

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

MATILDE SANTIAGO-SAN JUAN,

Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security; **PAMELA BONDI**, in her official
capacity as Attorney General of the United
States; **TODD LYONS**, in his official
capacity as Acting Director and Senior
Official Performing the Duties of the
Director of U.S. Immigration and Customs
Enforcement; **SYLVESTER ORTEGA**, in his
official capacity as Field Office Director of the
Laredo Field Office of U.S. Immigration
and Customs Enforcement, Enforcement and
Removal Operations; **JOSE RODRIGUEZ JR.**,
in his official capacity as Warden of the
Dilley Immigration Processing Center.,

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner MATILDE SANTIAGO-SAN JUAN is in custody without the opportunity to seek a bond hearing despite a federal court order that has found that individuals like Petitioner are not subject to mandatory detention. Despite this, and despite hundreds of cases nationwide finding the government's statutory reading unlawful, the government continues to find ways to circumvent the law. This has left Petitioner no option but to seek intervention from this court in order to secure a right-namely bond hearing, that is firmly in the law.
2. The need for court intervention is based not just on the misapplication of law, but also on the doubling down by the government in the face of a nationwide class certification and nationwide litigation that has rejected the government's position. Put another way, Petitioner's unlawful detention has no way to be remedied absent habeas relief.
3. Petitioner brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Eligible 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 Dilley Immigration Processing Center, 300 El Rancho Way, Dilley, Texas 78017. She 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*.
4. 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 a 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 and extending declaratory judgment from the Order Granting Petitioners' Motion for Partial Summary Judgment).

5. The declaratory judgment held that Bond Denial Class members, including Petitioner, 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.
6. Similarly, the analysis and holding by the BIA in *Matter of Yajure Hurtado* has also consistently been rejected by district courts across the country over the last several months. *See, e.g., Jose J.O.E.*, 2025 WL 2466670; *Maldonado*, 2025 WL 2374411; *Ferrera Bejarano v. Bondi*, 25-cv-03236 (D. Minn. Aug 18, 2025); *Aguilar Vazquez v. Bondi*, 25-cv-03162 (D. Minn. Aug 19, 2025); *Tiburcio Garcia v. Bondi*, 25-CV-03219 (D. Minn. Aug. 29, 2025); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, No. 8:25CV506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025) ; *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566 (D. Neb. Sept. 3, 2025); *Jacinto v. Trump*, No. 4:25CV3161, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Garcia Jimenez v. Kramer*, No. 4:25CV3162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Anicasio v. Kramer*, No. 4:25CV3158, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Arce v. Trump*, No. 8:25CV520, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Campos Leon v. Forestal*, No. 1:25-CV-01774 (S.D. Ind. Sept. 22, 2025); *Alejandro v. Olson*, 1:25-cv-02027 (S.D. Ind. Oct. 11, 2025); *B.D.V.S. v. Forestal*, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); *Ochoa Ochoa v. Noem*, 1:25-cv-10865 (N.D. Ill. Oct. 16, 2025);

Mariano Miguel v. Noem, 1:25-cv-11137 (N.D. Ill. Oct. 21, 2025); *Patel v. Noem*, 1:25-cv-11180 (N.D. Ill. Oct. 24, 2025); *Magallanes Sanchez v. Olson*, Case No. 25-cv-13226 (N.D. Ill. Nov. 3, 2025); *Sanchez Guzman v. Noem*, 1:25-cv-13415 (N.D. Ill. Nov. 6, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Jimenez v. FCI Berlin*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Doe v. Moniz*, No. 1:25-CV-12094-IT, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Romero*, 2025 WL 2403827; *Martinez*, 2025 WL 2084238; *dos Santos v. Noem*, No. 1:25-CV-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Choglio Chafila v. Scott*, 2025 WL 2688541 (D. Me. Sept. 21, 2025); *Chiliquinga Yumbillo v. Stamper*, No. 2:25-CV-00479-SDN, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Lopez Benitez*, 2025 WL 2371588; *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. CV 3:25-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Sanchez Ballestros v. Noem*, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025); *Sanchez Alvarez v. Noem*, 1:25-cv-1090 (W.D. Mich. Oct. 17, 2025); *Rodriguez Carmona v. Noem*, 1:25-cv-1131 (W.D. Mich. Oct. 24, 2025); *Cervantes Rodriguez v. Noem*, 1:25-cv-1196 (W.D. Mich. Oct. 29, 2025); *Marin Garcia v. Noem*, 1:25-cv-1271 (W.D. Mich. Oct. 29, 2025); *Ramirez*

v. Noem, 1:25-cv-1261 (W.D. Mich. Oct. 31, 2025); *Ruiz Mejia v. Noem*, 1:25-cv-1227 (W.D. Mich. Oct. 31, 2025); *Salgado Mendoza v. Noem*, 1:25-cv-1252 (W.D. Mich. Nov. 4, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Cuevas Guzman v. Andrews*, No. 1:25-CV-01015-KES-SKO (HC), 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Caicedo Hinestroza v. Kaiser*, No. 25- CV-07559-JD, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Hernandez Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Garcia v. Noem*, No. 25-CV-02180-DMS-MMP, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-CV 01789-ODW (DFMX), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Lepe v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Jabara Oliveros v. Kaiser*, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Castellanos v. Kaiser*, No. 25-CV-07962, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); *Leon Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025); *Rosado*, 2025 WL 2337099; *Alvarez Martinez v. Noem, et al.*, 5:25-CV-01007-JKP (W.D. TX Sept. 8, 2025) (finding section 1225 does not apply); *see also* Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (explaining that “[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”). *See, e.g., Hernandez-Cuevas v. Olson, et al.*, 4:25-cv-00830-BP; *Gallardo Ifante v. Noem, et al.*, 6:25-cv-03322-MDH; *Morales Rodriguez v. Arnott, et al*, Case Number: 6:25-cv-00836-MDH; *Pozos Ramirez v. Noem, et al.*, Case Number: 6:25-cv-03316-MDH; *Mairena-Munguia v. Arnott, et al.*, Case Number: 6:25-cv-03318-MDH; *Eshdavlatov v. Olson, et al.*, Case Number: 6:25-cv-00844-MDH; *Medina*

Andres v. Noem et al, Case 6:25-cv-03321-MDH, *Martinez v. Trump et al*, Case Number, Case Number 6:25-cv-03335-SRB, *Vargas v. Holt, et al*, 6:25-cv-03317-MDH.

7. Nonetheless, the Executive Office for Immigration Review and its sub-agency, the Immigration Court, along with the Department of Homeland Security, have blatantly refused to abide by the declaratory relief and have unlawfully denied Petitioner the opportunity to be released on bond despite his clear eligibility under § 1226(a) and his inclusion within the certified Bond Denial Class.
8. Petitioner MATILDE SANTIAGO-SAN JUAN is a member of the Bond Eligible Class, as she:
 - a. Does not have lawful status in the United States and is currently detained at Dilley Immigration Processing Center, Dilley, Texas. She was apprehended by immigration authorities on December 01, 2025, following a traffic stop in Sebring, Florida.
 - b. Entered the United States without inspection on January 19, 2002, 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.
9. After apprehending Petitioner on December 01, 2025, DHS placed her 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.
10. The Court should expeditiously grant this petition.
11. 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 her clear entitlement to consideration for release on bond as a Bond Eligible Class member.

12. 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).
13. 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.
14. Alternatively, the Court should order Petitioner’s release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

FACTUAL BACKGROUND

15. Petitioner Matilde Santiago-San Juan is a 45-year-old Mexican citizen and national. Petitioner has no criminal convictions and no history of violence or dangerous behavior. While Petitioner was detained following a traffic stop for driving without a license, she has no criminal convictions and no prior criminal history. She has consistently complied with immigration authorities throughout her immigration proceedings.
16. Petitioner entered the United States without inspection in January 2002 and was later placed into full removal proceedings. Petitioner was determined to be a citizen of Mexico and did not possess valid documents permitting entry into the United States.
17. Following her apprehension, Petitioner was issued a Notice to Appear and placed into removal proceedings under section 240 of the Immigration and Nationality Act. She is pursuing relief in the form of Non-LPR Cancellation of Removal pursuant to INA § 240A(b). She has remained in compliance with all requirements of her immigration case.

18. On December 1, 2025, Petitioner was transferred into Immigration and Customs Enforcement (“ICE”), where she has remained detained while her removal proceedings are ongoing.
19. On December 11, 2025, Petitioner appeared before the Immigration Court in Pearsall, Texas, seeking a custody redetermination. Through counsel, she requested an individualized custody determination pursuant to 8 U.S.C. § 1226(a). The Immigration Judge denied the request on jurisdictional grounds, expressly concluding that the Court lacked authority to conduct a bond hearing. Relying on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Immigration Judge determined that no custody redetermination was available and therefore did not consider any individualized factors relevant to custody, including danger, flight risk, community ties, or alternatives to detention.
20. Petitioner is currently detained at Dilley Immigration Processing Center, located at 300 El Rancho Way, Dilley, Texas 78017, within the Western District of Texas. She has remained in continuous civil immigration detention since December 1, 2025, despite having no criminal convictions, no disciplinary infractions while in custody, and no evidence suggesting that she poses a danger to the community or a risk of flight.
21. Petitioner has fully complied with all requirements of her removal proceedings. She is the mother of three U.S. citizen children and a single parent. Her application for Non-LPR Cancellation of Removal remains pending before the Immigration Court.
22. Petitioner’s ongoing detention—without any opportunity for an individualized custody determination and based solely on a categorical jurisdictional ruling—has resulted in prolonged and potentially indefinite civil confinement. Her detention under restrictive, penal-like conditions, despite her compliance with immigration authorities and lack of

criminal convictions, violates fundamental principles of due process and statutory protections under the Immigration and Nationality Act.

23. Petitioner has now been held in civil immigration detention since December 1, 2025, without any meaningful mechanism to seek release, notwithstanding her eligibility for discretionary detention under 8 U.S.C. § 1226(a) and her *prima facie* eligibility for Non-LPR Cancellation of Removal.

JURISDICTION

24. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Dilley Immigration Processing Center in Dilley, Texas.

25. 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).

26. 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.

27. No petition for a *writ of habeas corpus* has previously been filed in any court regarding Petitioner.

VENUE

28. 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, Laredo Division, the judicial district in which Petitioner is currently detained and where her immediate custodian at the Dilley Immigration Processing Center exercises control over her confinement.

29. Venue is also proper 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—including Petitioner’s detention and the denial of bond jurisdiction—occurred within the Western District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

30. 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*.

31. 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).

PARTIES¹

32. Petitioner Matilde Santiago-San Juan is a citizen and national of Mexico who has been in immigration detention since December 1, 2025. Petitioner was initially stopped by local law enforcement in Sebring, Florida, following a traffic stop for driving without a license. While in local custody, ICE lodged an immigration detainer, and in December 2025, Immigration and Customs Enforcement (“ICE”) took Petitioner into immigration custody.

¹ In *Rumsfeld v. Padilla*, the Supreme Court addressed the identity of the proper respondent to a § 2241 habeas petition filed by a U.S. citizen challenging his detention as an enemy combatant. 542 U.S. 426 (2004). The Court held that the only appropriate respondent for a traditional habeas corpus petition involving a “core challenge” to “present physical confinement” is the individual’s “immediate custodian,” meaning the person in charge of the facility where the individual is being held *Id.* at 435. In that case, the immediate custodian was the commanding officer in charge of the naval brig where the petitioner was physically held. *Id.* at 442. The Supreme Court also made it clear that it would not address who the proper respondent would be for a petition filed by a noncitizen “detained pending deportation.” The Court noted a disagreement among different circuit courts regarding whether the Attorney General is a proper respondent to a habeas petition in such cases and stated, “Because the issue is not before us today, we again decline to resolve it” *Id.* at 435 n.8.

Petitioner requested a review of her custody by an Immigration Judge. On December 11, 2025, an Immigration Judge at the Dilley Immigration Court denied jurisdiction to consider bond, expressly concluding that the Court lacked authority to conduct a custody redetermination pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). As a result of this ruling, no individualized custody determination was conducted. Petitioner entered the United States without inspection in or about January 2002.

33. Respondent **Kristi Noem** is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (“DHS”). In this capacity, Respondent is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention and custody. Respondent is a legal custodian of Petitioner.
34. Respondent **Pamela Bondi** is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent is a legal custodian of Petitioner.
35. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). In this capacity, Respondent is a legal custodian of Petitioner and possesses authority over ICE detention policies, including the authority to release Petitioner from custody. He is sued in his official capacity.
36. Respondent **Sylvester Ortega** is sued in his official capacity as the Field Office Director of ICE’s Enforcement and Removal Operations (“ERO”) for the Laredo Field Office. As such, Respondent is responsible for overseeing Petitioner’s detention and custody within

the San Antonio Area of Responsibility and exercises authority over Petitioner's continued confinement. He is a legal custodian of Petitioner.

37. Respondent **Jose Rodriguez Jr** is the Warden of the Dilley Immigration Processing Center in Dilley, Texas, the facility where Petitioner is currently detained. This Respondent has immediate physical custody of Petitioner and is sued in his official capacity.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

38. Petitioner has no administrative remedies to exhaust.

39. Petitioner's request for custody redetermination was denied solely due to lack of jurisdiction by the Immigration Judge, based on DHS's classification of Petitioner as subject to mandatory detention under INA § 235(b).

40. As such, Petitioner's continued detention in ICE custody cannot be challenged by way of bond proceedings before the Immigration Judge, as the Immigration Court has expressly determined it has no authority to consider bond.

41. Therefore, a writ of habeas corpus is the sole avenue to vindicate Petitioner's constitutional, statutory, and regulatory rights and to restore her liberty.

42. Furthermore, on or about January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that: "Maldonado Bautista is not a nationwide injunction and does not purport to vacate, stay or enjoin Yajure Hurtado." Immigration judges are instructed to treat the BIA's decision in *Matter of Yajure Hurtado* as binding precedent. The guidance from EOIR further states that a "declaratory judgment" is not binding and lacks the authority to compel specific action.²

² See <https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista>

CLAIM FOR RELIEF COUNT I:

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

43. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
44. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
45. 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.
46. 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.”
47. 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).
48. By denying Petitioner a bond hearing under § 1226(a) and asserting that she 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*.

CLAIM FOR RELIEF COUNT II

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution

49. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

50. The Administrative Procedure Act (“APA”), 5 U.S.C. § 706(2), requires courts to hold unlawful and set aside agency actions that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Under this standard, an agency must articulate a rational connection between the facts found and the choices made, and provide an adequate explanation for its actions, consistent with statutory authority. *See Judulang v. Holder*, 565 U.S. 42, 55 (2011).
51. The Department of Homeland Security has acted arbitrarily and capriciously in continuing to detain Petitioner without any individualized justification and has refused to follow the summary judgment of *Maldonado Bautista*. Petitioner has no criminal history, no record of violence or misconduct, and has consistently cooperated with immigration authorities. Nothing in her record establishes that she presents a danger to the community or a flight risk.
52. Despite these facts, DHS has maintained Petitioner’s detention for an extended and potentially indefinite period without providing any reasoned explanation or evidence that continued confinement serves a legitimate statutory purpose. DHS has failed to articulate why release under supervision, bond, or other alternatives would be insufficient and why refusing to follow *Maldonado Bautista* is legally allowed.
53. DHS’s reliance on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), to justify continued detention is arbitrary and contrary to law. *Q. Li* addresses the jurisdiction of Immigration Judges to conduct bond hearings for individuals allegedly apprehended shortly after entry. It does not compel DHS to detain such individuals indefinitely, nor does it eliminate DHS’s longstanding discretionary authority to release noncitizens on parole, recognizance, supervision, or bond.

54. By treating *Q. Li* as an absolute bar to any form of custody review or discretionary release, DHS has effectively adopted a blanket detention policy that substitutes categorical rules for the individualized determinations required under the Immigration and Nationality Act.
55. DHS has not conducted any meaningful custody assessment of Petitioner, nor has it provided a rational explanation for refusing to exercise discretion in her case. Its failure to consider Petitioner's lack of criminal history, her compliance with immigration authorities, her role as a single mother of United States citizen children, her pursuit of relief in the form of Non-LPR Cancellation of Removal, or her eligibility for alternatives to detention constitutes arbitrary and capricious decision-making.
56. DHS's actions are inconsistent with the statutory purpose of civil immigration detention, which is limited to ensuring appearance at future proceedings and protecting public safety. Petitioner's continued confinement does not advance either purpose.
57. DHS has therefore acted in a manner that is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Its continued detention of Petitioner must be set aside under 5 U.S.C. § 706(2)(A).
58. *Habeas* relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully requests that this Court order her immediate release or, in the alternative, direct DHS to provide a constitutionally adequate and reasoned custody determination consistent with the requirements of the Administrative Procedure Act and the Immigration and Nationality Act

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus requiring that, within one day, Respondents release Petitioner;

3. 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;
4. 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
5. Grant any other and further relief that this Court deems just and proper.

Dated: January 31, 2026

Respectfully Submitted,

/S/ Halimatou Bah

Halimatou Bah, Esq. Bar N.
24130178
Angeles Law LLC
2112 Broadway St NE STE 225 #53
Minneapolis, MN 55413
T: (321) 795-0568
halimatou@abogadoangeles.com
Attorney for Petitioner

EXHIBIT

EXHIBIT A	NOTICE TO APPEAR	02 – 04
EXHIBIT B	IJ BOND ORDER	06 – 10
EXHIBIT C	IJ BOND ORDER	12 – 15
EXHIBIT D	LEAKED EOIR NOTICE	17 - 17

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, **MATILDE SANTIAGO-SAN JUAN**, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for *Writ of Habeas Corpus* are true and correct to the best of my knowledge.

Dated: January 31, 2026

/S/ Halimatou Bah
Halimatou Bah

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2026, I filed the foregoing petition for *Writ of Habeas Corpus* electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Dated: January 31, 2026

/S/ Halimatou Bah
Halimatou Bah