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1
2 Marvin Leonel Araica Romero
3 c/o Stewart Detention Center
4 146 CCA Road
5 Lumpkin GA 313815
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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

7 Marvin Leonel Araica Romero
8 Alien# A 

-Petitioner,

9 v.

10 U.S. Immigration and Customs Enforcement;
11 Kristi NOEM, Secretary, U.S. Department of
12 Homeland Security; U.S. DEPARTMENT OF
13 HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; and Stewart
Detention Center,

14 -Respondents.
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Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. I, MARVIN LEONEL ARAICA ROMERO, petition this Court for a Writ of Habeas Corpus to seek enforcement of my rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)

I am in the physical custody of Respondents at the **Stewart Detention Center in Lumpkin , Georgia**. I now face 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.

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

6 5. I am a member of the Bond Eligible Class, as I:

- 7 a. do not have lawful status in the United States and am currently detained at the
8 **Stewart Detention Center**. I was apprehended by immigration authorities on
9 February 7, 2026;
10 b. entered the United States without inspection over 18 years ago and was not
11 apprehended upon arrival, *cf. id.*; and
12 c. am not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

13 6. After apprehending me, the DHS placed him in removal proceedings pursuant to
14 8 U.S.C. § 1229a. DHS has charged me as being inadmissible under 8 USC
15 §1182(a)(6)(A), as someone who entered the United States without inspection.

16 7. The Court should expeditiously grant this petition.

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

22 9. Immigration judges have informed class members in bond hearings that they have
23 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is
24 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) (hereafter “*Matter of Hurtado*”)

10. Because Respondents are detaining me in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release me.

11. Alternatively, the Court should order my release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

12. I am in the physical custody of Respondents. I am detained at the Stewart Detention Center in Lumpkin, Georgia.

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 Middle District of Georgia, the judicial district in which I am currently 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 Middle District of Georgia.

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. I am a **60-year-old citizen of Nicaragua with multiple medical issues** who has been in immigration detention since March 9.

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 my detention. Ms. Noem has ultimate custodial authority over me 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

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2 Review and the immigration court system it operates is a component agency. She is sued
3 in her official capacity.

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

7 24. Respondent Stewart Detention Center, the detention facility where I am detained,
8 has immediate physical custody of me.

9
10 **CLAIM FOR RELIEF**
11 **GROUND ONE Violation of the INA:**
Request for Relief Pursuant to *Maldonado Bautista*

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

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

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

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

21 5. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
22 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
23 § 2201(a).
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6. 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*.

GROUND TWO Violation of Due Process:
Indefinite Detention & Deprivation

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

8. I fled Nicaragua with my wife and daughter in 2022.

9. Upon my entry in 2022, DHS apprehended me, and after determining I was neither a flight risk nor a danger, they chose to release me.

10. Nothing has changed since then.

11. I do not have any criminal history.

12. I have four children in the USA- one US Citizen and two with lawful immigration status.

13. By re-arresting me and denying me even the opportunity to seek bail, Respondents have violated my Due Process rights and effectively guaranteed that I will remain detained indefinitely.

14. That, compounded by depriving me of access to even the most basic human rights to hygiene have created "extraordinary circumstances" that make the grant of bail necessary to make the habeas remedy, as delineated in *Mapp v. Remo* 241 F.3d 221 (2nd Cir. 2001)

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

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- b. Issue a writ of habeas corpus requiring that within one day, Respondents release me
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release me unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days; and
- d. Grant any other and further relief that this Court deems just and proper.

DATED this March 14, 2026



Marvin Leonel Araica Romero