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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Mario Suarez-Maya,
Petitioner,
v.
Pamela Bondi, et al.,
Respondents.

No. CV-25-04756-PHX-MTL (CDB)

ORDER TO SHOW CAUSE

Petitioner Mario Suarez-Maya has filed, through counsel, a Petition for Writ of Habeas Corpus Under § 2241 and a Motion for Temporary Restraining Order and Preliminary Injunction. (Docs. 1, 2). The Court will order Respondents¹ to show cause for why the Petition should not be granted.

Petitioner is an alien who entered the United States without inspection approximately 24 years ago and has resided in the United States since that time. On or about September 22, 2025, Petitioner was taken into ICE custody and classified by ICE as an “applicant for admission” subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2). Petitioner asserts that he is not an “applicant for admission,” and that his detention is instead governed by 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole. Petitioner further asserts that he is a class member in *Maldonado*

¹ In his Petition, Petitioner names as Respondents: United States Attorney General Pamela Bondi; Department of Homeland Security Secretary Kristi Noem; ICE Acting Director Todd M. Lyons; and ICE Phoenix Field Office Director John E. Cantu.

1 *Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal) and entitled to relief pursuant
2 to the declaratory judgment order in that case. However, because Respondents have
3 refused to grant him a bond redetermination hearing pursuant to § 1226(a), Petitioner
4 asserts that his continued detention is in violation of his due process rights.

5 This issue has been presented in voluminous cases in this Court and others around
6 the country, and, with near unanimity, courts—including this Court—have rejected ICE’s
7 position. Accordingly, Respondents will be ordered to show cause for why the Petition
8 should not be granted. *See Maldonado Bautista v. Santacruz*, 5:25-CV-1873-SSS-BFM
9 (C.D. Cal. Nov. 25, 2025); *Echevarria v. Bondi*, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025).

10 **IT IS ORDERED:**

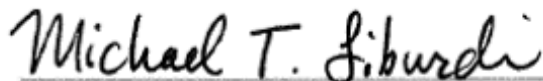
11 (1) Counsel for Petitioner must immediately serve the Petition upon
12 Respondents.

13 (2) If not already issued, the Clerk’s Office must issue any properly completed
14 summonses.

15 (3) The Clerk of Court must immediately transmit by email a copy of this Order
16 and a copy of the Petition, and Motion for Temporary Restraining Order and Preliminary
17 Injunction (Docs. 1, 2) to the United States Attorney for the District of Arizona, to the
18 attention of Katherine Branch at katherine.branch@usdoj.gov, Melissa Kroeger at
19 melissa.kroeger@usdoj.gov, Lon Leavitt at lon.leavitt@usdoj.gov, and Theo Nickerson at
20 theo.nickerson2@usdoj.gov.

21 (4) **NO LATER THAN 5:00 p.m. Tuesday, December 30, 2025**, Respondents
22 must **SHOW CAUSE**, in writing, for why the Petition should not be granted.

23 Dated this 18th day of December, 2025.

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26 Michael T. Liburdi
27 United States District Judge
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