UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Prisco VELAZQUEZ-TEYUCO, Petitioner, v. JASON STREEVAL, *in his official capacity as Warden of Stewart Detention Center*, and GEORGE STERLING, *Field Office Director ICE Atlanta Field Office* and TODD LYONS, *in his official capacity as Acting Director of Immigration and Customs Enforcement* and KRISTI NOEM *Secretary of Homeland Security,* Respondents.	)	Case No. 4:25-CV-369 **PETITION FOR WRIT OF HABEAS CORPUS** A# [redacted]

I. INTRODUCTION

1. Petitioner Prisco Velazquez-Teyuco ("Petitioner" or "Mr. Velazquez-Teyuco") is a noncitizen long-resident of the United States who is currently detained by the Department of Homeland Security ("DHS") at the Stewart Detention Center in Lumpkin, Georgia. He entered the United States without inspection years ago and was arrested in the interior; he is not and has never been placed in expedited-removal proceedings.

2. Under the Immigration and Nationality Act ("INA"), individuals arrested in the interior and placed in § 240 removal proceedings are detained, if at all, under 8 U.S.C. § 1226(a), with a right to a custody redetermination by an Immigration Judge ("IJ").

3. DHS and the BIA assert that because Mr. Velazquez-Teyuco was never formally admitted, he is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and ineligible for bond. That position contravenes the statute, the implementing regulations, decades of pattern & practice, and a judge of this Court rejected the same theory a week ago in ordering a § 1226(a) bond hearing for another Stewart detainee. *J.A.M. v. Streeval*, No. 4:25-cv-342 (CDL), 2025 LX 418115 (M.D. Ga. Nov. 1, 2025). **(Exhibit A, *J.A.M. v. Streeval*).**

4. Petitioner seeks a writ of habeas corpus directing Respondents to provide him a prompt, individualized bond hearing before a neutral adjudicator under § 1226(a) (within 7 days), at which the Government bears the burden to show by clear and convincing evidence that he is a danger or flight risk, or, in the alternative, an order for his immediate release under reasonable conditions. He also seeks an order prohibiting transfer outside this District during the pendency of these proceedings.

II. VENUE AND JURISDICTION

5. This Court has jurisdiction under 28 U.S.C. §§ 2241 and 1331 and Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause). Habeas relief

is available to challenge the legality of civil immigration detention and to compel a bond hearing or release.

6. Venue lies in the Columbus Division because Petitioner is confined at the Stewart Detention Center within this Division and Respondent Streeval is his immediate custodian. See 28 U.S.C. §§ 2241(d), 1391(e).

III. PARTIES

7. Petitioner Prisco Velazquez-Teyuco is a 45-year-old Mexican national who resides in Shannon, North Carolina. He is currently detained at the Stewart Detention Center in Lumpkin, Georgia.

8. Respondent Jason Streeval is the Warden of Stewart Detention Center. As such, Respondent is responsible for the operation of the Detention Center where Mr. Velazquez-Teyuco is detained. Because ICE contracts with private prisons such as Stewart to house immigration detainees such as Mr. Velazquez-Teyuco, Respondent Streeval has immediate physical custody of the Petitioner.

9. Respondent George Sterling is the Atlanta Field Office Director ("FOD") for ICE Enforcement and Removal Operations ("ERO"). As such, Respondent Sterling is responsible for the oversight of ICE operations at the Stewart Detention Center. Respondent Sterling is being sued in his official capacity.

10. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement ("ICE"). As such, Respondent Lyons is responsible for the

oversight of ICE operations. Respondent Lyons is being sued in his official capacity.

11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (hereinafter "DHS"). As Secretary of DHS, Secretary Noem is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary Noem is being sued in her official capacity.

IV. EXHAUSTION AND FUTILITY

12. No statute imposes an exhaustion requirement for habeas petitions under 28 U.S.C. § 2241 in this context. Any prudential exhaustion is excused because Immigration Judges in the Stewart Immigration Court are bound by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and have been declining bond jurisdiction for entrants without inspection, rendering any motion futile. The question presented is purely legal and urgent, and Petitioner faces ongoing deprivation of physical liberty absent judicial intervention.

V. STATEMENT OF FACTS

13. Mr. Velazquez-Teyuco is a Mexican national born on [redacted] He last entered the United States without inspection in 2004, when he was twenty-four years old, and has lived continuously in North Carolina for the past twenty years. He resides in Shannon, North Carolina.

14. Mr. Velazquez-Teyuco has four minor United-States-citizen children. Mr. Velazquez-Teyuco financially supports all his children.

15. On or about April 6, 2020, DHS took Mr. Velazquez-Teyuco into its custody and served him with a Notice to Appear ("NTA"). DHS released Mr. Velazquez-Teyuco, pursuant to Section 236(a) of the INA, 8 U.S.C. § 1226(a), on the condition that he check in with DHS-ICE-ERO periodically. DHS never filed the NTA with an immigration court.

16. On August 21, 2025, Petitioner was taken into DHS custody while attending his ICE check-in appointment. Petitioner was in full compliance with the conditions of his release. He was transported to Stewart Detention Center, where he remains confined.

17. DHS has placed Petitioner in removal proceedings under INA § 240 by filing a new Notice to Appear (NTA) charging him as removable under § 212(a)(6)(A)(i) as someone present in the U.S. without being admitted or paroled. **(Exhibit B, Notice to Appear).** Subsequently, on September 24, 2025, DHS filed additional charges in lieu of the original NTA, charging him as removable under § 212(a)(6)(A)(i) and under § 212(A)(7)(A)(i)(I), as an applicant for admission. **(Exhibit C, Additional Charges of Inadmissibility/Deportability).** The Immigration Judge only sustained the charge under § 212(a)(6)(A)(i).

18. DHS has never processed Petitioner for § 235 admission or expedited removal under § 235(b)(1).

19. Petitioner has not requested a custody redetermination, because DHS and the BIA have taken the position that he is categorically ineligible for

bond because he is an "applicant for admission" under § 235(b)(2)(A). Requesting a custody redetermination would be futile. If an IJ hearing occurred, the IJ would be bound to deny jurisdiction under *Yajure*.

VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

20. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody-redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

21. Section 235(b)(2) of the INA, 8 U.S.C. § 1225(b)(2), governs detention in the inspection context and the classes designated for expedited removal—settings that occur at or near the border and, by regulation, only for individuals described in published Federal Register notices. *See* 8 C.F.R. § 235.3(b)(1)–(2). Interior expedited removal is limited to certain encounters and, at most, to those who cannot show two years' continuous presence. 84 Fed. Reg. 35,409 (July 23, 2019). Individuals—like Petitioner—who were arrested in the interior long after entry and placed in § 240 proceedings are detained, if at all, under § 1226(a).

22. A week ago, this Court rejected DHS's "mandatory detention for anyone not 'admitted'" theory, holding that § 1225(b)(2) is limited to "aliens seeking admission" and that § 1226(a) governs custody for noncitizens arrested inside the United States who are not actively seeking lawful admission. The

Court explained that reading §§ 1225 and 1226 together, § 1225(b)(2) is a narrow "catchall," but "it only catches 'aliens seeking admission,'" whereas § 1226(a) preserves discretionary custody with a bond hearing for those arrested here. It further found *Yajure Hurtado* unpersuasive and emphasized that Congress's text and canons of construction control. *See* Exhibit A. On this record—identical legal question, same facility, same court—the remedy should match: apply § 1226(a) and order a prompt bond hearing under the regulations.

VII. CAUSES OF ACTION

COUNT ONE
STATUTORY CLAIM (Detention Governed by INA § 236(a))

23. Petitioner incorporates paragraphs 1 through 22 as if fully set out herein.

24. Section 235(b)(2)(A) does not govern Petitioner's detention because he was not encountered during inspection and is not within any class designated for expedited removal by published notice. Reading § 1225(b)(2)(A) to govern all never-admitted noncitizens regardless of when and where they were arrested would nullify Congress's express two-year limit on interior expedited removal and collapse the statute's two-track scheme. Under § 1226(a) and its implementing regulations, Petitioner is entitled to a prompt bond hearing before a neutral adjudicator.

COUNT TWO
PROCEDURAL DUE PROCESS (U.S. Const. amend. V)

25. Petitioner incorporates paragraphs 1 through 24 as if fully set out herein.

26. Prolonged civil detention without a neutral bond hearing violates procedural due process. If Respondents' position categorically forecloses any IJ bond review for interior arrestees like Petitioner, it denies a meaningful opportunity to be heard and invites arbitrary confinement. At minimum, due process requires a prompt bond hearing at which the Government bears the burden to justify detention by clear and convincing evidence.

COUNT THREE
SUBSTANTIVE DUE PROCESS (U.S. Const. amend. V)

27. Petitioner incorporates paragraphs 1 through 26 as if fully set out herein.

28. Civil detention must remain reasonably related to its purposes of ensuring appearance and protecting the community. Detaining Petitioner without any individualized assessment, solely on a categorical theory rejected by this Court days ago, bears no reasonable relation to any legitimate aim and is excessive in relation to its purposes.

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 ordering Respondents to immediately release Petitioner on the same conditions of his previous release; or, in the alternative, direct Respondents to provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) before an Immigration Judge within 7 days of the Court's order, with the Government bearing the burden to establish by clear and convincing evidence that Petitioner is a danger to the community or a flight risk, and to consider alternatives to detention;
3) Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of these proceedings;
4) Order Respondents to answer the petition within 3 business days;

Grant such other relief as the Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this 7th day of November, 2025

Helen L. Parsonage
Elliot Morgan Parsonage, PLLC
328 N Spring St.
Winston-Salem, NC 27101
NC Bar # 35492
GA Bar # 435330
Attorney for Petitioner

Jeremy Layne McKinney
McKinney Immigration Law
910 N. Elm St. (POB 1800)
Greensboro, NC 27401 (27402)
NC Bar # 23318
Motion to Appear Pro Hac Vice Forthcoming

CERTIFICATE OF COMPLIANCE

I hereby certify that the document to which this certificate is attached has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1 for documents prepared by computer.

/s/ Helen L Parsonage
Elliot Morgan Parsonage, PLLC
328 N Spring St.
Winston-Salem, NC 27101
NC Bar # 35492
GA Bar # 435330
Attorney for Petitioner