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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Ma. Olivia JUAREZ CAMPOS,

Petitioner,

v.

Jason STREEVAL, *in his official capacity as
Warden of Stewart Detention Center*, and Todd
LYONS, *in his official capacity as Acting
Director of Immigration and customs
Enforcement*, and Ladeon FRANCIS, *Field
Office Director ICE Atlanta Field Office*, and
Kristi NOEM, *Secretary of Homeland Security*,
and Pamela BONDI, *in her official capacity as
Attorney General, United States Department of
Justice*

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Alien File No.



1 INTRODUCTION

2 1. Petitioner Ma. Oliva JUAREZ CAMPOS, is a fifty-one-year-old native and
3 citizen of Mexico who entered the United States without inspection in 2003 and has resided in
4 the United States for twenty-two years.

5 2. Petitioner is in the physical custody of Respondents at the Stewart Detention
6 Center in Lumpkin, Georgia. She now faces unlawful detention because the Department of
7 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have
8 concluded Petitioner is subject to mandatory detention.

9 3. Petitioner is charged with, inter alia, having entered the United States without
10 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

11 4. Based on this allegation in Petitioner's removal proceedings, DHS denies
12 Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8,
13 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone
14 inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without
15 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and
16 therefore ineligible to be released on bond.

17 5. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or
18 Board) issued a precedent decision, binding on all immigration judges, holding that an
19 immigration judge has no authority to consider bond requests for any person who entered the
20 United States without admission. *See Matter of Yajure Hurtado* 29 I. & N. Dec. 216 (BIA 2025).
21 The Board determined that such individuals are subject to detention under 8 U.S.C. §
22 1225(b)(2)(A) and therefore ineligible to be released on bond.

1 13. Respondent Streeval is her immediate custodian

2 14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
3 Respondents are employees, officers, and agencies of the United States, and because a
4 substantial part of the events or omissions giving rise to the claims occurred in the Middle
5 District of Georgia.

6
7 **REQUIREMENTS OF 28 U.S.C. § 2243**

8 15. The Court must grant the petition for writ of habeas corpus or order Respondents
9 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
10 order to show cause is issued, Respondents must file a return “within three days unless for good
11 cause additional time, not exceeding twenty days, is allowed.” *Id.*

12 16. Habeas corpus is “perhaps the most important writ known to the constitutional
13 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
14 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
15 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
16 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
17 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

18 **PARTIES**

19 17. Petitioner Ma. Olivia Juarez Campos is a citizen and national of Mexico who has
20 been in immigration detention since around November 12, 2025. After arresting Petitioner in
21 Dalton, Georgia, ICE did not set bond and Petitioner is unable to obtain review of her custody by
22 an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA
23 2025).

1 18. Respondent Jason Streeval is the Warden of the Stewart Detention Center. As
2 such, Respondent Streeval is responsible for the operation of the Detention Center where
3 Petitioner is detained. As ICE contracts with private prisons such as the Stewart Detention Center
4 to house immigration detainees such as the Petitioner, Respondent Streeval has immediate
5 physical custody of the Petitioner.

6 19. Respondent Todd Lyons is the Director of the Field Office of ICE's Enforcement
7 and Removal Operations division. As such, Respondent Lyons is being sued in his official
8 capacity.

9 20. Respondent Ladeon Francis is the Atlanta Field Office Director for Immigration
10 and Customs Enforcement (hereinafter FOD). As such, Respondent Francis is responsible for
11 the oversight of ICE operations at the Stewart Detention Center. Respondent Francis is being
12 sued in his official capacity.

13 21. Respondent Kristi Noem is the Secretary of the Department of Homeland
14 Security. She is responsible for the implementation and enforcement of the Immigration and
15 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
16 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

17 22. Respondent Pamela Bondi is the Attorney General of the United States. She is
18 responsible for the Department of Justice, of which the Executive Office for Immigration Review
19 and the immigration court system it operates is a component agency. She is sued in her official
20 capacity.

21 LEGAL FRAMEWORK

22 23. The INA prescribes three basic forms of detention for the vast majority of
23 noncitizens in removal proceedings.

1 24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
2 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
3 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),
4 while noncitizens who have been arrested, charged with, or convicted of certain crimes are
5 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

6 25. Second, the INA provides for mandatory detention of noncitizens subject to
7 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
8 referred to under § 1225(b)(2).

9 26. Last, the INA also provides for detention of noncitizens who have been ordered
10 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

11 27. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

12 28. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
13 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
14 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section
15 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,
16 139 Stat. 3 (2025).

17 29. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
18 that, in general, people who entered the country without inspection were not considered detained
19 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
20 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
21 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

22 30. Thus, in the decades that followed, most people who entered without inspection
23 and were placed in standard removal proceedings received bond hearings, unless their criminal
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1 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
2 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”
3 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
4 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply
5 “restates” the detention authority previously found at § 1252(a)).

6 31. On July 8, 2025, ICE, “in coordination with” DCJ, announced a new policy that
7 rejected well-established understanding of the statutory framework and reversed decades of
8 practice.

9 32. The new policy, entitled “Interim Guidance Regarding Detention Authority for
10 Applicants for Admission,”¹ claims that all persons who entered the United States without
11 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The
12 policy applies regardless of when a person is apprehended, and affects those who have resided in
13 the United States for months, years, and even decades.

14 33. On September 5, 2025, the BIA adopted this same position in a published
15 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the
16 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are
17 ineligible for IJ bond hearings.

18 34. Since Respondents adopted their new policies, dozens of federal courts have
19 rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected
20 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

21 35. Even before ICE or the BIA introduced these nationwide policies, IJs in the
22 Tacoma, Washington, immigration court stopped providing bond hearings for persons who

23 _____
24 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 entered the United States without inspection and who have since resided here. There, the U.S.
2 District Court in the Western District of Washington found that such a reading of the INA is
3 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not
4 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d
5 1239 (W.D. Wash. 2025).

6 36. Subsequently, court after court has adopted the same reading of the INA's
7 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*,
8 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,
9 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);
10 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,
11 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL
12 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025
13 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,
14 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-
15 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-
16 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),
17 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-
18 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-
19 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-
20 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J O.E. v. Bondi*, No. 25-CV-3051
21 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*
22 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
23 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,

1 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.
2 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.
3 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.
4 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2
5 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §
6 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL
7 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-
8 RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

9 37. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it
10 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the
11 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

12 38. Section 1226(a) applies by default to all persons “pending a decision on whether
13 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
14 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

15 39. The text of § 1226 also explicitly applies to people charged as being inadmissible,
16 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph
17 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
18 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress
19 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,
20 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*
21 *Orthopedic Assocs., P.A. v Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025
22 WL 1869299, at *7.

1 46. Petitioner is the mother to two (2) United States citizen children, ages 21 and
2 nineteen. See **Exhibit 2**, *Birth Certificates for Petitioner's United States Citizen Children*. Her
3 oldest child is also a recipient of the Deferred Action for Childhood Arrivals policy. See **Exhibit**
4 **3**, *Category C33 Employment Authorization Card for Respondent's Oldest Child*.

5 47. Petitioner's criminal history consists only of her November 11, 2025 arrest.

6 48. Petitioner is neither a flight risk nor a danger to the community.

7 49. Following Petitioner's arrest and transfer to the Stewart Detention Facility, ICE
8 issued a custody determination to continue Petitioner's detention without an opportunity to post
9 bond or be released on other conditions.

10 50. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
11 Petitioner's bond request.

12 51. As a result, Petitioner remains in detention. Without relief from this court, she
13 faces the prospect of months, or even years, in immigration custody, separated from their family
14 and community.

15 **CLAIMS FOR RELIEF**

16 **COUNT I**
17 **Violation of the INA**

18 52. Petitioner incorporates by reference the allegations of fact set forth in the
19 preceding paragraphs.

20 53. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
21 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
22 relevant here, it does not apply to those who previously entered the country and have been
23 residing in the United States prior to being apprehended and placed in removal proceedings by
24

1 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
2 § 1225(b)(1), § 1226(c), or § 1231.

3 54. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued
4 detention and violates the INA.

5 **COUNT II**
6 **Violation of the Bond Regulations**

7 55. Petitioner incorporates by reference the allegations of fact set forth in preceding
8 paragraphs.

9 56. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
10 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.
11 Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the
12 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present
13 without having been admitted or paroled (formerly referred to as [noncitizens] who entered
14 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323
15 (emphasis added). The agencies thus made clear that individuals who had entered without
16 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §
17 1226 and its implementing regulations.

18 57. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and
19 practice of applying § 1225(b)(2) to individual like Petitioner.

20 58. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued
21 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.
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2 **COUNT III**
3 **Violation of Due Process**

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

6 60. The government may not deprive a person of life, liberty, or property without due process
7 of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,
8 detention, or other forms of physical restraint—lies at the heart of the liberty that the
9 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

10 61. Petitioner has a fundamental interest in liberty and being free from official restraint.

11 62. The government’s detention of Petitioner without a bond redetermination hearing to
12 determine whether he is a flight risk or danger to others violates her right to due process.

13 **PRAYER FOR RELIEF**

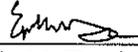
14 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 15 a. Assume jurisdiction over this matter;
- 16 b. Order that Petitioner shall not be transferred outside the Middle District of
17 Georgia while this habeas petition is pending;
- 18 c. Issue an Order to Show Cause ordering Respondents to show cause why this
19 Petition should not be granted within three days;
- 20 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in
21 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §
22 1226(a) within seven days;
- 23 e. Declare that Petitioner’s detention is unlawful;
- 24

1 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
2 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law; and

4 g. Grant any other and further relief that this Court deems just and proper.

5 DATED this 24th day of November, 2025.

6 By: 
7 Emily N. Davis, Esq.
8 *Ross and Pines, LLC*
9 Attorney for the Petitioner
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12 404-812-4300 (tel.)
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1 I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition
2 for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and
3 belief.

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5 /s/ Emily N. Davis

Date: November 24, 2025