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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Maria MAURICIO DOMINGUEZ,

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 Immigrator 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, Maria Mauricio Dominguez, is a forty-five-year-old native and citizen
3 of Mexico who entered the United States without inspection in 2000, and has resided in the
4 United States for twenty-five years.

5 2. Petitioner is in the physical custody of Respondents at the Stewart Detention
6 Center in Lumpkin, Georgia. Shee 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 denied the
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 Maria Mauricio is a citizen and national of Mexico who has been in
20 immigration detention since on or about October 5, 2025. After detaining Petitioner in Dallas,
21 Georgia, ICE did not set bond and Petitioner is unable to obtain review of her custody by an
22 immigration judge, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N.

1 Dec. 216 (BIA 2025). Petitioner is currently detained at the Stewart Detention Center in
2 Lumpkin, Georgia.

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

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

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

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

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

1 **LEGAL FRAMEWORK**

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

4 24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
5 proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a)
6 detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§
7 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of
8 certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

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

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

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

15 28. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
16 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
17 104--208, Div. C, §§ 302--03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section
18 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1,
19 139 Stat. 3 (2025).

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

3 30. Thus, in the decades that followed, most people who entered without inspection
4 and were placed in standard removal proceedings received bond hearings, unless their criminal
5 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
6 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”
7 were entitled to a custody hearing before an immigration judge or other hearing officer. *See* 8
8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that
9 § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

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

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

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

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

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

4 35. Even before ICE or the BIA introduced these nationwide policies, immigration
5 judges in the Tacoma, Washington, immigration court stopped providing bond hearings for
6 persons who entered the United States without inspection and who have since resided here.
7 There, the U.S. District Court in the Western District of Washington found that such a reading of
8 the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not
9 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d
10 1239 (W.D. Wash. 2025).

11 36. Subsequently, court after court has adopted the same reading of the INA's
12 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*,
13 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,
14 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);
15 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,
16 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL
17 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025
18 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,
19 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-
20 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-
21 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),
22 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-
23 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-

1 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-
2 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051
3 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*
4 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
5 *Vasquez Garcia v. Noem*. No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,
6 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.
7 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.
8 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.
9 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2
10 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §
11 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL
12 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-
13 RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

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

17 38. Section 1226(a) applies by default to all persons “pending a decision on whether
18 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
19 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

20 39. The text of § 1226 also explicitly applies to people charged as being inadmissible,
21 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph
22 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
23 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress
24

1 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,
2 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*
3 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025
4 WL 1869299, at *7.

5 40. Section 1226 therefore leaves no doubt that it applies to people who face charges
6 of being inadmissible to the United States, including those who are present without admission or
7 parole.

8 41. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
9 recently entered the United States. The statute’s entire framework is premised on inspections at
10 the border of people who are “seeking admission” to the United States. 8 U.S.C.
11 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
12 applies “at the Nation’s borders and ports of entry, where the Government must determine
13 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
14 U.S. 281, 287 (2018).

15 42. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not
16 apply to people like Petitioner, who have already entered and were residing in the United States
17 at the time they were apprehended.

18 FACTS

19 43. Petitioner is a forty-five-year-old native and citizen of Mexico. *See Exhibit 1,*
20 *Petitioner’s Passport.*

21 44. Petitioner has resided in the United States since 2000 and lives in Dallas, Georgia.

22 45. On October 5, 2025, Petitioner was stopped by ICE while driving her husband to
23 work.

1 46. Petitioner is the mother of two (2) United States citizen (USC) children, ages
2 and . See **Exhibit 2**, *Birth Certificates for Petitioner's USC Children*.

3 47. Petitioner has no criminal history.

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

5 49. On October 13, 2025, Petitioner, through counsel, filed a Motion for Bond with
6 the immigration judge. See **Exhibit 3**, *Petitioner's Motion for Bond Filed with the Immigration*
7 *Judge*.

8 50. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
9 Petitioner's bond request. See **Exhibit 4**, *Immigration Judge's Order Denying Bond for Lack of*
10 *Jurisdiction*.

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

14 **CLAIMS FOR RELIEF**

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

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

19 53. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
20 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
21 relevant here, it does not apply to those who previously entered the country and have been
22 residing in the United States prior to being apprehended and placed in removal proceedings by
23 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
24 § 1225(b)(1), § 1226(c), or § 1231.

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

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

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

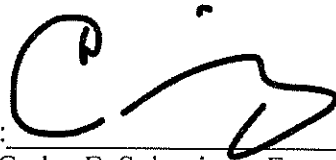
8 **PRAYER FOR RELIEF**

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

- 10 a. Assume jurisdiction over this matter;
- 11 b. Order that Petitioner shall not be transferred outside the Middle District of
12 Georgia while this habeas petition is pending;
- 13 c. Issue an Order to Show Cause ordering Respondents to show cause why this
14 Petition should not be granted within three days;
- 15 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in
16 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §
17 1226(a) within seven days;
- 18 e. Declare that Petitioner’s detention is unlawful;
- 19 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
20 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
21 law; and
- 22 g. Grant any other and further relief that this Court deems just and proper.

23 DATED this 25th day of November, 2025.

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By: 

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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.

4
5 /s/ Carlos E. Solomiany

Date: November 24, 2025

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