

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

Aroldo RAMOS CHILEL,

*Petitioner*

v.

Jason STREEVAL, Warden, Stewart Detention Center; Todd M. LYONS, Acting Director, U.S. Immigration & Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; and Pamela BONDI, Attorney General, U.S. Department of Justice, *in their official capacities*

Civil Action No. \_\_\_\_\_

**HEARING REQUESTED**

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

1. Petitioner Aroldo Ramos Chilel (“Petitioner” or “Mr. Ramos Chilel”) is a citizen of Guatemala who is currently detained at Stewart Detention (“Stewart”). He remains in the Respondents’ custody and seeks a finding that he is detained under 8 USC § 1226(a) and have a custody redetermination hearing, in which an Immigration Judge will determine whether he is a danger to the community and/or flight risk.

2. ICE is unlawfully subjecting Petitioner to mandatory detention without the opportunity for bond based on an improper reading of 8 USC § 1125(b). Petition is not an “alien seeking admission,” making section 1225(b) application to her. As such, Petitioner’s detention is a violation of her due process rights as guaranteed by the Fifth Amendment.

3. Petitioner respectfully requests the Court grant her a Writ of Habeas Corpus, and

to order her to be released immediately or to be given a bond hearing within seven days. Such relief is proper under 23 U.S.C. 2241, the vehicle for challenging civil immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678. 687-88 (2001).

4. In the alternative, Petitioner asks the Court to order Respondents to “show cause why the writ should not be granted” within three days as prescribed by 28 U.S.C. § 2243.

## II. CUSTODY

5. Petitioner is in the physical custody of Respondents and is being detained at the Stewart Detention Center in Lumpkin, Georgia.

## III. JURISDICTION AND VENUE

6. Jurisdiction is proper under 28 U.S.C. §§ 1331, 2241, and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2.

7. Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas petitions noncitizens who challenge the lawfulness of their detention under federal law. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas*, 533 U.S. at 687.

8. Venue is proper in the U.S. District Court for the Middle District because at least one Respondent is in this District, the Petitioner is detained in this District, and the Petitioner’s immediate physical custodian is in this District. 28 U.S.C. § 1391(b).

## IV. REQUIREMENTS OF 28 U.S.C. § 2243

9. Unless Petitioner is wholly ineligible for relief, the Court must either grant the instant petition for writ of habeas corpus or order the Respondent to show cause as to why it should not be granted. 28 U.S.C. § 2243. If so ordered, Respondent must file a response within three days.

10. 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 writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time.” *Jones v. Shell*, 572 F.2d 1278, 1280 (8<sup>th</sup> Cir. 1978).

11. Due to the nature and urgency of this proceeding, Petitioner asks this Court to expedite the proceedings in the case as necessary and practicable for justice.

#### **V. PARTIES**

12. Petitioner is a Guatemalan national who entered the United States without inspection in 2010. Petitioner is being detained by ICE at the Stewart Detention Center in Lumpkin, Georgia. Petitioner had a custody redetermination hearing on December 2, 2025, and an Immigration Judge at the Stewart Immigration Court denied bond the same day, stating the court lacked jurisdiction to grant bond.

13. Respondent Jason Streeval is the Warden at the Stewart Detention Center. He is Responsible for the custody of persons detained at the Stewart Detention Center, including Petitioner.

14. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.

15. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (DHS). She is a legal custodian of Petitioner and is named in her official capacity.

16. Respondent Pamela Bondi is the Attorney General of the United States Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.

## VI. FACTUAL BACKGROUND

17. Petitioner is a Guatemalan national who entered the U.S. without inspection around June 2010 when he was a minor. Since moving to the U.S., he has developed substantial ties. He has two children, both of whom were born in the U.S., and has a long-term partner.
18. Petitioner has been in immigration custody since November 2025, after he was arrested in Johnson County for allegedly not stopping/yielding at a T type of intersection and for an expired tag. He was then transferred to ICE custody on or about November 12, 2025, and his immigration court case was docketed on or about November 18, 2025.
19. Through an attorney, Petitioner filed a motion for custody redetermination on or about November 26, 2025. As part of counsel's filing, she included information about a class action order issued the day before, November 25, 2025, from the U.S. District Court for Central District of California. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 25, 2025 C.D. Cal.) (Order Granting Plaintiff-Petitioners' an order certifying a nationwide class consisting of noncitizens who have entered the United States without inspection and who were not apprehended upon arrival and who are not otherwise subject to detention under INA §§ 236(c), 235(b)(1), or 241. Motion for Class Certification). On November 20, 2025, the Court issued an order granting declaratory relief concluding that the detention of class members is governed by 8 USC § 1226(a) and that class members are not subject to mandatory detention pursuant to 8 USC § 1225(b)(2). *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 20, 2025 C.D. Cal.) (Order Granting Petitioners' Motion for Partial Summary Judgement). *Maldonado Bautista* rejected the Board's decision in *Matter of Yajure Hurtado*, 29 I&N

Dec. 216 (BIA 2025).

20. On December 2, 2025, an Immigration Judge at the Stewart Immigration Court denied bond, citing lack of jurisdiction and specifically cited *Matter of Yajure Hurtado* in its verdict.

## VII. LEGAL FRAMEWORK

21. Removal proceedings, including detention and removal, are guided by multiple statutes working in tandem. Removal proceedings are carried out under 8 U.S.C. § 1229(a). There are different ways to arrive at 1229(a).

22. In one route, 8 U.S.C. § 1226(a) permits the Attorney General to detain noncitizens in anticipation of and while removal proceedings are ongoing. “Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.” *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8 CFR §§ 236.1(d)). The purpose of a bond hearing is to determine a respondent’s flight risk or potential for danger to the community.

23. In certain instances, noncitizens are not afforded a bond hearing. § 1226(c) authorizes mandatory detention for criminal behaviors. 8 U.S.C. § 1225(b)(1)(A)(i) authorizes mandatory detention as part of the ‘expedited removal’ process. Section 1225(b)(2)(A) also requires detention, though only if the noncitizen is an ‘applicant for admission’ and is ‘seeking admission.’

24. An applicant for admission is defined as “an alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been

interdicted in international or United States waters)". 8 U.S.C. § 1225(a)(1).

25. "In sum, U.S. immigration law authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c)." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

26. The government has incorrectly applied 1225(b)(2)(A) to Petitioner. The application of 1225(b)(2)(A), instead of appropriate 1226(a), violates statutory authority and violates Petitioner's Due Process Rights.

#### **PRAYER FOR RELIEF**

WHEREFORE Petitioner requests that the Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue an order to show cause to be returned within three days;
- c. Declare Petitioner's prolonged detention to be unlawful and unconstitutional;
- d. Declare the Petitioner is being detained under 8 U.S.C. § 1226(a), not § 1225(b)(2);
- e. Order the immediate release of Petitioner;
- f. In the alternative, order an individualized bond hearing, including all required procedural protections, within seven days after the Court's order;
- g. Enjoin Respondents from transferring Petitioner outside of this judicial district pending litigation of this matter or her removal proceedings;
- h. Award Petitioner reasonable costs and attorneys' fees; and
- i. Grant any other relief that this Court deems just and proper.

Dated: December 2, 2025

Respectfully submitted,

/s/ Matthew O. Boles

Matthew O. Boles

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*Counsel for Petitioner*

**Verification**

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ Matthew O. Boles

Date: December 2, 2025