

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

Armando QUEVEDO CRUZ,

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 Armando Quevedo Cruz (“Petitioner” or “[Mr. Quevedo Cruz]”) is a citizen of Mexico 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 his 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 (8th 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 citizen and native of Mexico and is detained at the Stewart Detention Center in Lumpkin, Georgia.

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 citizen of Mexico and has deep community ties in North Carolina.

Petitioner entered the United States without inspection and has been in ICE custody since

February 2025. Petitioner has an affirmative application for affirmative relief pending with United States Citizenship and Immigration Services, which is part of the Department of Homeland Security.

18. Petitioner is in removal proceedings. The Department of Homeland Security initiated removal proceedings by filing a Notice to Appear on or about February 22, 2025, and his case was docketed with the Stewart Immigration Court on or about February 24, 2025. Petitioner's next hearing, a Master Calendar hearing, is scheduled for December 5, 2025.
19. Petitioner previously had a custody redetermination hearing, and an Immigration Judge determined he was detained under 8 U.S.C. § 1226(a) but denied bond. However, an attorney was incorrect in stating his criminal history, both the allegations and whether he had a conviction. At a subsequent hearing, an immigration judge said that if there was incorrect information, that would constitute a material change of circumstances. 8 C.F.R. § 1003.19(e). However, since then, the Department of Homeland Security and the Executive Office for Immigration Review have determined that a noncitizen who entered the U.S. without inspection is statutorily ineligible for bond. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Therefore, Petitioner may be able to file a subsequent motion for custody redetermination if the court has jurisdiction.
20. Upon information and belief, Immigration Judges and the Department of Homeland Security have concluded that the class action order issued on November 25, 2025, from the U.S. District Court for Central District of California, does not apply. *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).

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 3, 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 3, 2025