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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

NICOLAS SILVA ORTEGA,

Petitioner,

v.

LADEON FRANCIS, Field Office Director of Enforcement and Removal Operations, ATLANTA Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Jason STREEVAL Warden of STEWART DETENTION CENTER, *in their official capacities*

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner NICOLAS SILVA ORTEGA (“Petitioner”) is in the physical custody
3 of Respondents at the STEWART DETENTION CENTER. He now faces unlawful detention
4 because the Department of Homeland Security (DHS) and the Executive Office of Immigration
5 Review (EOIR) will conclude that Petitioner is subject to mandatory detention.

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

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

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

20 5. Petitioner’s detention on this basis violates the plain language of the Immigration
21 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
22 previously entered and are now residing in the United States. Instead, such individuals are
23 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.

1 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
2 having entered the United States without inspection.

3 6. Respondents’ new legal interpretation is plainly contrary to the statutory
4 framework and contrary to decades of agency practice applying § 1226(a) to people like
5 Petitioner.

6 7. Moreover, on November 20, 2025, the district court granted partial summary
7 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide
8 class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*,
9 No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov.
10 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado*
11 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at
12 *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond
13 Eligible Class, incorporating and extending declaratory judgment from Order Granting
14 Petitioners’ Motion for Partial Summary Judgment).

15 8. The declaratory judgment held that the Bond Denial Class members are detained
16 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
17 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

18 9. Nonetheless, the Executive Office for Immigration Review and its subagency the
19 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
20 abide by the declaratory relief and have unlawfully ordered that class members be denied the
21 opportunity to be released on bond.

22 10. Immigration judges have informed class members in bond hearings that they have
23 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is
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1 not controlling, even with respect to class members, and that instead Immigration Judges
2 remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. &
3 N. Dec. 216 (BIA 2025).

4 11. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
5 unless Respondents provide a bond hearing under § 1226(a) within seven days.

6 **JURISDICTION**

7 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
8 STEWART DETENTION CENTER located in Lumpkin, Georgia.

9 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
10 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
11 Constitution (the Suspension Clause).

12 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
13 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

14 **VENUE**

15 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
16 500 (1973), venue lies in the United States District Court for the MIDDLE DISTRICT OF
17 GEORGIA, the judicial district in which Petitioner currently is detained.

18 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
19 Respondents are employees, officers, and agencies of the United States, and because a
20 substantial part of the events or omissions giving rise to the claims occurred in the MIDDLE
21 DISTRICT OF GEORGIA.

22
23 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

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

11 **PARTIES**

12 19. Petitioner NICOLAS SILVA ORTEGA is a citizen of Mexico who has been in
13 immigration detention since November 17, 2025. After arresting Petitioner in Raleigh, North
14 Carolina ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ,
15 pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

16 20. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE’s
17 Enforcement and Removal Operations division. As such, Kristen Sullivan is Petitioner’s
18 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in
19 her official capacity.

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

1 22. Respondent Department of Homeland Security (DHS) is the federal agency
2 responsible for implementing and enforcing the INA, including the detention and removal of
3 noncitizens.

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

8 24. Respondent Executive Office for Immigration Review (EOIR) is the federal
9 agency responsible for implementing and enforcing the INA in removal proceedings, including
10 for custody redeterminations in bond hearings.

11 25. Respondent Jason Streeval is employed by CoreCivic as Warden of the Stewart
12 Detention Center where Petitioner is detained. He has immediate physical custody of Petitioner.
13 He is sued in his official capacity.

14 **LEGAL FRAMEWORK**

15 26. The INA prescribes three basic forms of detention for the vast majority of
16 noncitizens in removal proceedings.

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

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

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

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

7 31. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
8 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
9 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section
10 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1,
11 139 Stat. 3 (2025).

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

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

1 34. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
2 rejected well-established understanding of the statutory framework and reversed decades of
3 practice.

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

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

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

16 38. Even before ICE or the BIA introduced these nationwide policies, IJs in the
17 Tacoma, Washington, immigration court stopped providing bond hearings for persons who
18 entered the United States without inspection and who have since resided here. There, the U.S.
19 District Court in the Western District of Washington found that such a reading of the INA is
20 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not
21 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d
22 1239 (W.D. Wash. 2025).

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

1 39. Subsequently, court after court has adopted the same reading of the INA’s
2 detention authorities and rejected ICE and EOIR’s new interpretation. *See, e.g., Gomes v. Hyde*,
3 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,
4 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);
5 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,
6 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL
7 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025
8 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,
9 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-
10 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-
11 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),
12 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-
13 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-
14 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-
15 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051
16 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*
17 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
18 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,
19 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.
20 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.
21 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.
22 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2
23 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §
24

1 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL
2 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-
3 RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

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

7 41. Section 1226(a) applies by default to all persons “pending a decision on whether
8 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
9 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

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

18 43. Section 1226 therefore leaves no doubt that it applies to people who face charges
19 of being inadmissible to the United States, including those who are present without admission or
20 parole.

21 44. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
22 recently entered the United States. The statute’s entire framework is premised on inspections at
23 the border of people who are “seeking admission” to the United States. 8 U.S.C.

1 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
2 applies “at the Nation’s borders and ports of entry, where the Government must determine
3 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
4 U.S. 281, 287 (2018).

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

8 46. Finally as mentioned above, on November 20, 2025, the district court granted
9 partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified
10 a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista*
11 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11
12 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-
13 Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d --
14 --, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’
15 proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment
16 from Order Granting Petitioners’ Motion for Partial Summary Judgment).

17 47. Despite this declaratory judgment holding that the Bond Denial Class members
18 are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on
19 bond under § 1225(b)(2)(A), class members are being blatantly refused bond hearings across the
20 country. *Maldonado Bautista*, 2025 WL 3289861, at *11.

1 **FACTS**

2 48. Petitioner has resided in the United States since ~2020 and lives in Raleigh, North
3 Carolina.

4 49. On November 17, 2025, Petitioner was arrested on his way home. He is married
5 to a United States Citizen, and together they have a newborn son. Petitioner is a dedicated father,
6 the sole financial provider for his household, and a hardworking member of his community.
7 Petitioner is not a flight risk, nor a danger to his community. Petitioner’s wife recently filed an I-
8 130 Petition for alien relative on his behalf with United States Citizenship and Immigration
9 Services, which is part of DHS.

10 50. DHS placed Petitioner in removal proceedings before the Stewart Immigration
11 Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States
13 without inspection.

14 51. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is jurisdictionally
15 barred from granting Petitioner a bond during at the conclusion of a custody redetermination
16 hearing. Additionally, despite being a member of the certified nationwide class pursuant to
17 *Maldonado Bautista v. Santacruz*, the Executive Office for Immigration Review and its
18 subagency the Immigration Court and the Department of Homeland Security (DHS) have
19 blatantly refused to abide by the declaratory relief for class members similarly situated to this
20 petitioner before the Stewart Immigration Court and other Immigration Courts across the
21 country.

1 52. As a result, Petitioner remains in detention. Without relief from this court, he
2 faces the prospect of months, or even years, in immigration custody, separated from his family
3 and his community.

4 **CLAIMS FOR RELIEF**

5 **COUNT I**
6 **Violation of the INA**

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

9 54. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
10 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
11 relevant here, it does not apply to those who previously entered the country and have been
12 residing in the United States prior to being apprehended and placed in removal proceedings by
13 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
14 § 1225(b)(1), § 1226(c), or § 1231.

15 55. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
16 detention and violates the INA.

17 **COUNT II**
18 **Violation of the Bond Regulations**

19 56. Petitioner incorporates by reference the allegations of fact set forth in preceding
20 paragraphs.

21 57. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
22 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.
23 Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the
24 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present

1 without having been admitted or paroled (formerly referred to as [noncitizens] who entered
2 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323
3 (emphasis added). The agencies thus made clear that individuals who had entered without
4 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §
5 1226 and its implementing regulations.

6 58. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and
7 practice of applying § 1225(b)(2) to individuals like Petitioner.

8 59. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
9 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

10 **COUNT III**
11 **Violation of Due Process**

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

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

18 62. Petitioner has a fundamental interest in liberty and being free from official restraint.

19 63. The government’s detention of Petitioner without a bond redetermination hearing to
20 determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

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

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

Dated: December 6, 2025

Respectfully submitted,

/s/ 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 6, 2025