

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

Greidi M. CRUZ-ESCOBAR, )



Petitioner, )

v. )

Jason Streeval, Warden of Stewart Detention Center )  
Todd Lyons, Director of U.S. Immigration and )  
Customs Enforcement (ICE); Kristi Noem, Secretary )  
Of the U.S. Department of Homeland Security (DHS) )  
and Pamela Bondi, Attorney General of the USA, )  
in their official capacities, )

Respondents. )


Case No. 25-CV-00442

PETITION FOR WRIT OF HABEAS CORPUS

TABLE OF CONTENTS

INTRODUCTION ..... 3  
JURISDICTION ..... 6  
VENUE..... 6  
REQUIREMENTS OF 28 U.S.C. § 2243..... 6  
PARTIES ..... 7  
STATEMENT OF FACTS ..... 8  
CLAIM FOR RELIEF ..... 9  
PRAYER FOR RELIEF ..... 9  
VERIFICATION PURSUANT TO 28 U.S.C. § 2242 .....11  
CERTIFICATE OF SERVICE ..... 12  
EXHIBITS .....13

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

Greidi M. CRUZ-ESCOBAR )  
 )  
Petitioner, )  
v. )  
Jason Streeval, Warden of Stewart Detention Center )  
Todd Lyons, Director of U.S. Immigration and )  
Customs Enforcement (ICE); Kristi Noem, Secretary )  
Of the U.S. Department of Homeland Security (DHS) )  
and Pamela Bondi, Attorney General of the USA, )  
in their official capacities. )  
Respondents. )  
\_\_\_\_\_ )

Case No. 25-CV-00442

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, Greidy M CRUZ-ESCOBAR, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus and states as follows:

INTRODUCTION

Petitioner, Greidi M CRUZ-ESCOBAR, brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Stewart Detention Center. She now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

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

Nonetheless, the Executive Office for Immigration Review and its sub-agency, the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

Petitioner, Greidi M. CRUZ -ESCOBAR, is a member of the Bond Eligible Class, as she:

- a. does not have lawful status in the United States and is currently detained at the Stewart Detention Center. She was apprehended by immigration authorities on August 2, 2025.
- b. entered the United States without inspection over twenty-two (22) years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

After apprehending Petitioner on August 2, 2025, the DHS placed her in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection. The Court should expeditiously grant this petition.

Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite her clear entitlement to consideration for release on bond as a Bond Eligible Class member.

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

Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

Alternatively, the Court should order Petitioner’s release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

### **JURISDICTION**

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

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

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

### **VENUE**

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

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

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

The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

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 application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt

action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

### **PARTIES**

1. Petitioner, Greidi M. Cruz-Escobar, is a citizen of Honduras who has remained in immigration detention since August 2, 2025. Following Petitioner’s arrest in Atlanta, Georgia, on August 27, 2025, the Immigration Judge granted Petitioner’s request for bond, finding that Petitioner did not present a flight risk or a danger to the community (Exhibit A). The Department of Homeland Security (DHS) appealed the bond determination. On November 20, 2025, the Board of Immigration Appeals (BIA) reversed the Immigration Judge’s decision and denied bond (Exhibit B).
2. Respondent Jason Streeval is the Director of the Steward Field Office of ICE’s Enforcement and Removal Operations division. As such, Jason Streeval is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.
3. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
4. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
5. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the

immigration court system it operates is a component agency. She is sued in her official capacity.

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

### STATEMENT OF FACTS

1. Respondent is a native and citizen of Honduras. Respondent entered the United States on October 30, 2002, and has resided in the country for approximately 22 years and 9 months.
2. Respondent has two (2) US citizens, [REDACTED] (DOB [REDACTED]) and [REDACTED] (DOB [REDACTED]).
3. On August 2, 2025, Respondent went to a police station to request a background check and was detained by ICE in Atlanta, Georgia, and subsequently placed in immigration custody at Stewart Detention Center facilities in Lumpkin, Georgia
4. On August 27, 2025, an Immigration Judge granted Petitioner's request for bond, finding that Petitioner is neither a flight risk nor a danger to the community (Exhibit A).
5. The Department of Homeland Security appealed the bond; subsequently, the Board of Immigration Appeals (BIA) reversed the Immigration Judge's decision and denied bond by Order dated 11/20/2025. (Exhibit B).
6. Petitioner is currently detained by U.S. Immigration and Customs Enforcement (ICE) at the Stewart Detention Center in Lumpkin, Georgia; while awaiting adjudication of the appeal filed in connection with removal proceedings (Immigration Judge's Order dated November 7, 2025). Petitioners respectfully request release from custody for the reasons stated herein.

## CLAIM FOR RELIEF

### Violation of the INA:

#### Request for Relief Pursuant to *Maldonado Bautista*

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
3. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.
4. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
5. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
6. By denying Petitioner a bond hearing under § 1226(a) and asserting that she is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.


## PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;

- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.
- d. 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
- e. Grant any other and further relief that this Court deems just and proper.

DATED 8th of December 2025.

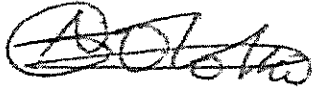
A handwritten signature in black ink, appearing to read 'A. Oloko', written in a cursive style.

Akindiji Oloko, Esq.  
Counsel for Petitioner  
3295 River Exchange Drive  
Suite 190  
Peachtree Corners, GA 30092  
[aoloko@olokolawfirm.com](mailto:aoloko@olokolawfirm.com)

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Akindiji Oloko, counsel for Petitioner Greidi CRUZ-ESCOBAR, submit this verification on her behalf. I hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Dated this 8<sup>th</sup> December, 2025.

A handwritten signature in black ink, appearing to read "Akindiji Oloko". The signature is stylized and somewhat cursive.

Akindiji Oloko, Esq.  
Counsel for Petitioner  
3295 River Exchange Drive  
Suite 190  
Peachtree Corners, GA 30092  
[aoloko@olokolawfirm.com](mailto:aoloko@olokolawfirm.com)

CERTIFICATE OF SERVICE

Civil Action No. 25-CV-00442

I, Akidiji Oloko, Esq., hereby certify that on this 12/8/2025, I served a copy of the foregoing *Petition for Writ of Habeas Corpus* under 28 U.S.C. § 2241 and all accompanying documents by placing them in the United States mail, postage prepaid, addressed to the following:

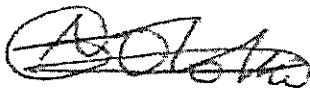
**Pamela Bondi, Attorney General of the United States:** U.S. Department of Justice 950 Pennsylvania Avenue NW Washington, DC 20530

**Kristi Noem, Secretary of the U.S. Department of Homeland Security (DHS):** U.S. Department of Homeland Security 300 7th Street SW Washington, DC 20024

**Todd Lyons, Director of U.S. Immigration and Customs Enforcement (ICE):** U.S. Immigration and Customs Enforcement 500 12th Street SW Washington, DC 20536

**DHS / ICE Office of Chief Counsel:** 146 CCA Road, P.O. Box 248 Lumpkin GA 31815.

**Jason Streeval, Warden of Stewart Detention Center:** Stewart Detention Center 146 CCA Road P.O. Box 248 Lumpkin, GA 31815



Akindiji Oloko, Esq.  
Counsel for Petitioner  
3295 River Exchange Drive  
Suite 190  
Peachtree Corners, GA 30092  
[aoloko@olokolawfirm.com](mailto:aoloko@olokolawfirm.com)