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2
3 UNITED STATES DISTRICT COURT
4 MIDDLE DISTRICT OF GEORGIA
5 COLUMBUS DIVISION

6 URIEL MARTINEZ-GOMEZ,


7
8 Petitioner,

9 v.

10 JASON STREEVAL, Warden of the
11 Stewart Detention Center; LADEON
12 FRANCIS, Field Office Director of
13 Enforcement and Removal Operations,
14 Atlanta Field Office, Immigration and
15 Customs Enforcement; TODD LYONS,
16 Acting Director, U.S. Immigration
17 Customs Enforcement; KRISTI NOEM,
18 Secretary, U.S. Department of Homeland
19 Security; DAREN K. MARGOLIN,
20 Director, Executive Office for
21 Immigration Review (EOIR),

22 Respondents.
23
24

Case No. 4:25-cv-00452

**MOTION FOR INTERIM
RELIEF**

1 **MOTION FOR INTERIM RELIEF**

2 **I. Introduction**

3 Petitioner respectfully moves this Honorable Court for interim release from
4 immigration detention and for an order prohibiting ICE and the Department of
5 Homeland Security (“DHS”) from transferring him to any other detention facility
6 within the United States while his petition for writ of habeas corpus remains pending.
7

8 This request is made pursuant to the Court’s inherent authority under 28
9 U.S.C. § 2241, the All Writs Act, 28 U.S.C. § 1651(a), and binding Eleventh Circuit
10 precedent recognizing the Court’s power to grant interim relief to preserve the
11 effectiveness of habeas corpus review. *See Wilcox v. Ford*, 812 F.2d 1140 (11th Cir.
12 1987); *Gomez v. United States*, 899 F.2d 1124 (11th Cir. 1990); *see also Mapp v.*
13 *Reno*, 241 F.3d 221, 225 (2d Cir. 2001).
14

15 **II. Legal Standard**

16 Federal courts possess inherent equitable authority to order temporary
17 release or other interim relief when the petitioner demonstrates:

- 18
- 19 1. A likelihood of success on the merits of a substantial constitutional
20 claim, and
 - 21 2. Extraordinary or exceptional circumstances that make release
22 necessary to preserve the effectiveness of the habeas remedy. *See*
Wilcox, 812 F.2d at 1143; *Gomez*, 899 F.2d at 1125; *Mapp*, 241 F.3d at
23 225.
24

1 **III. Argument**

2 **A. Petitioner Is Likely to Succeed on the Merits of His Substantial**
3 **Constitutional Claim.**

4 Petitioner entered the United States in 2019 without inspection. He has no
5 criminal history of any kind. He is married to a United States citizen, and together
6 they have a three-year-old U.S. citizen child. Prior to his detention, Petitioner
7 worked full-time in a factory to support his family and is a respected member of his
8 church community. He was apprehended when DHS officers arrived at his home
9 looking for someone else; he was not the target of the enforcement action.
10

11 Petitioner’s detention is unlawful because DHS is detaining him under 8
12 U.S.C. § 1225(b)(2)(A), even though he was apprehended years after entering the
13 United States and was never inspected by an examining immigration officer at the
14 border. This Court has already rejected the government’s expansive interpretation of
15 § 1225(b)(2) as contrary to the statutory text and structure. In *J.A.M. v. Streeval*,
16 Case No. 4:25-cv-342 (CDL), 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025), the Court
17 held that § 1225(b)(2) applies only to individuals who are “seeking admission” at
18 the time of an arrival inspection.
19

20 Petitioner is also a member of the certified class in *Lazaro Maldonado*
21 *Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal.
22 Nov. 25, 2025), which likewise held that § 1225(b)(2) mandatory detention does not
23 apply absent an arrival inspection by an examining immigration officer.
24

1 Yet ICE continues to classify Petitioner under § 1225(b)(2) and refuses to
2 provide a bond hearing. The Stewart Immigration Court has likewise refused
3 jurisdiction, leaving Petitioner without any administrative avenue for individualized
4 custody review. His detention therefore violates:

- 5 • The plain language of the INA,
- 6 • This Court’s binding precedent,
- 7 • The Bautista class action, and
- 8 • The Due Process Clause of the Fifth Amendment.

9 Given this Court’s clear guidance, Petitioner is overwhelmingly likely to
10 prevail on the merits and obtain a bond hearing or release.

11 **B. Extraordinary and Exceptional Circumstances Make Release Necessary**

12 Petitioner is the sole provider for his U.S. citizen wife and three-year-old
13 child. His wife recently sustained a devastating workplace injury in which she was
14 run over by a vehicle, leaving her disabled and unable to work. She currently
15 receives workers’ compensation benefits that do not meet the family’s basic needs.

16
17 Petitioner’s detention has placed the family in severe financial and emotional
18 crisis: His wife requires daily assistance and is unable to care for their child alone;
19 The family is falling behind on expenses due to the loss of Petitioner’s income; and
20 Their three-year-old child is experiencing emotional distress due to the sudden
21 separation from his father.

22
23 Petitioner poses no danger and is not a flight risk. He has no criminal record,
24 maintains deep family ties, attends church, and lived peacefully in the community

1 for years prior to his arrest. He was detained only because DHS arrived at his home
2 looking for someone else.

3 Without interim release, Petitioner's family will continue to suffer irreversible
4 harm, and Petitioner will remain detained without any possibility of an
5 administrative bond hearing. Interim release is necessary to preserve the
6 effectiveness of the habeas remedy and prevent continued constitutional injury. See
7 *Wilcox*, 812 F.2d at 1143; *Mapp*, 241 F.3d at 225.
8

9 **C. Prohibition on Transfer Is Necessary to Protect the Court's Jurisdiction**

10 Petitioner further requests that the Court issue an order prohibiting ICE from
11 transferring him from the Stewart Detention Center to any other facility within the
12 United States during the pendency of this habeas action. Transfer would interfere
13 with counsel's ability to communicate with Petitioner, hinder the presentation of
14 evidence, and could divest this Court of jurisdiction over the custodian. Courts
15 routinely enjoin transfers under similar circumstances to safeguard judicial review
16 and ensure the availability of effective relief. *See Ex parte Endo*, 323 U.S. 283
17 (1944).
18

19
20 **IV. Conclusion**

21 For the foregoing reasons, Petitioner respectfully requests that this Honorable
22 Court:

- 23 1) Grant interim release from ICE custody pending resolution of the habeas
24 corpus petition;

1
2) Prohibit ICE and DHS from transferring Petitioner from the Stewart Detention
2 Center to any other facility within the United States while this action is
3 pending; and

4 3) Grant such further relief as the Court deems just and proper.
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6 DATED this 10th day of December, 2025.
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