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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.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner Mr. Uriel Martinez Gomez is in the physical custody of
3 Respondents at the Stewart Detention Center. See Exhibit A. He now faces unlawful
4 detention because the Department of Homeland Security (DHS) and the Executive
5 Office of Immigration Review (EOIR) have concluded Petitioner is subject to
6 mandatory detention.
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8 2. Petitioner is charged with, inter alia, having entered the United States
9 without admission or inspection. See 8 U.S.C. § 1182(a)(6)(A)(i). See Exhibit B.

10 3. Based on this allegation in Petitioner’s removal proceedings, DHS
11 denied Petitioner release from immigration custody, consistent with a new DHS
12 policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement
13 (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e.,
14 those who entered the United States without admission or inspection—to be subject
15 to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released
16 on bond.
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18 4. Similarly, on September 5, 2025, the Board of Immigration Appeals
19 (BIA or Board) issued a precedent decision, binding on all immigration judges,
20 holding that an immigration judge has no authority to consider bond requests for any
21 person who entered the United States without admission. *See Matter of Yajure*
22 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such
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1 individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore
2 ineligible to be released on bond.

3 5. Petitioner’s detention on this basis violates the plain language of the
4 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to
5 individuals like Petitioner who previously entered and are now residing in the United
6 States. Instead, such individuals are subject to a different statute, § 1226(a), that
7 allows for release on conditional parole or bond.
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9 6. Respondents’ new legal interpretation is plainly contrary to the
10 statutory framework, contrary to decades of agency practice applying § 1226(a), and
11 contrary to recent federal decisions—including decisions of this Court—holding that
12 § 1225(b)(2) applies only to individuals who are “seeking admission” in the context
13 of an arrival inspection by an examining immigration officer.
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15 7. Notably, Petitioner is a member of the certified class in *Lazaro*
16 *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403
17 (C.D. Cal. Nov. 25, 2025), which rejected Respondents’ interpretation of §
18 1225(b)(2). Yet despite this class-wide decision, and despite this Court’s own
19 holdings, the Stewart Immigration Court continues to refuse to find jurisdiction to
20 conduct bond hearings for individuals like Petitioner—leaving habeas corpus as the
21 only available mechanism for judicial review of Petitioner’s detention.
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1 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he
2 be released unless Respondents provide a bond hearing under § 1226(a) within seven
3 days.

4 **JURISDICTION**

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

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

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

15 **VENUE**

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

19 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
20 because Respondents are employees, officers, and agencies of the United States, and
21 because a substantial part of the events or omissions giving rise to the claims
22 occurred in the Middle District of Georgia.
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REQUIREMENTS OF 28 U.S.C. § 2243

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

8 15. Habeas corpus is “perhaps the most important writ known to the
9 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases
10 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis
11 added). “The application for the writ usurps the attention and displaces the calendar
12 of the judge or justice who entertains it and receives prompt action from him within
13 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
14 2000) (citation omitted).

PARTIES

17 16. Petitioner Mr. Uriel Martinez Gomez is native and citizen of Mexico
18 who has been in immigration detention since November 6, 2025. After arresting
19 Petitioner, ICE did not set bond and Petitioner is unable to obtain review of his
20 custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29
21 I. & N. Dec. 216 (BIA 2025).

1 17. Respondent Jason Streeval is employed by Core Civic Group as
2 Warden of the Stewart Detention Center, where Petitioner is detained. He has
3 immediate physical custody of Petitioner. He is sued in his official capacity.

4 18. Respondent Ladeon Francis is the Director of the Atlanta Field Office
5 of ICE's Enforcement and Removal Operations division. As such, Mr. Francis is
6 Petitioner's immediate custodian and is responsible for Petitioner's detention and
7 removal. He is named in his official capacity.

8 19. Respondent Kristi Noem is the Secretary of the Department of
9 Homeland Security. She is responsible for the implementation and enforcement of
10 the Immigration and Nationality Act (INA), and oversees ICE, which is responsible
11 for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner
12 and is sued in her official capacity.

13 20. Respondent Todd Lyons is the Acting Director of U.S. Immigration and
14 Customs Enforcement. The Acting Director of ICE is responsible for the
15 administration, oversight, and enforcement of immigration detention and removal
16 operations nationwide, including the policies and practices challenged in this
17 petition.

18 21. Respondent, Daren Margolin, is the director of the Executive Office for
19 Immigration Review (EOIR). EOIR is the federal agency responsible for
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1 implementing and enforcing the INA in removal proceedings, including for custody
2 redeterminations in bond hearings.

3 **LEGAL FRAMEWORK**

4 22. The Immigration and Nationality Act (“INA”) establishes several
5 detention schemes for noncitizens in removal proceedings.
6

7 23. First, 8 U.S.C. § 1226 governs the detention of individuals placed in
8 standard removal proceedings under § 1229a. Noncitizens detained under § 1226(a)
9 are generally entitled to a custody redetermination before an Immigration Judge
10 unless they fall into the narrow mandatory-detention categories of § 1226(c).

11 24. Second, 8 U.S.C. § 1225(b)(1)–(2) provides for mandatory detention of
12 certain individuals seeking admission who are inspected at the border and
13 determined not “clearly and beyond a doubt entitled to be admitted.” This detention
14 framework is tied to the process of arrival inspection performed by an examining
15 immigration officer.
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17 25. Third, 8 U.S.C. § 1231 governs detention of individuals who are subject
18 to final orders of removal.
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20 26. This case turns on the proper application of § 1226(a) versus §
21 1225(b)(2) for a noncitizen like Petitioner—an individual who entered the United
22 States years ago, resided here, and was apprehended within the interior, not at a port
23 of entry.
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1 27. Historically, individuals who entered without inspection and were later
2 placed in § 1229a removal proceedings were treated as detained under § 1226, not §
3 1225. EOIR regulations following IIRIRA confirm that such individuals were not
4 considered “arriving” and therefore were eligible for bond hearings. *See* 62 Fed. Reg.
5 10312, 10323 (Mar. 6, 1997).
6

7 28. For decades, consistent with this regulatory framework and prior
8 immigration law, noncitizens who entered without inspection and were apprehended
9 inside the United States received custody redeterminations unless subject to §
10 1226(c). *See* former 8 U.S.C. § 1252(a) (1994); H.R. Rep. No. 104-469, pt. 1, at 229
11 (1996).
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13 **The Government’s Recent Policy Shift**

14 29. On July 8, 2025, ICE—“in coordination with” DOJ—issued guidance
15 declaring that all individuals who entered without inspection must now be detained
16 under § 1225(b)(2)(A), regardless of when they entered the United States or whether
17 they were ever inspected by an immigration officer.
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19 30. On September 5, 2025, the BIA adopted this new position in *Matter of*
20 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holding that any noncitizen who
21 entered without admission is subject to § 1225(b)(2)(A) and categorically barred
22 from a bond hearing.
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1 **This Court Has Rejected Respondents’ Interpretation**

2 31. This Court has already rejected the government’s reading of §
3 1225(b)(2). In *J.A.M. v. Streeval*, Case No. 4:25-cv-342 (CDL), 2025 WL 3050094
4 (M.D. Ga. Nov. 1, 2025), the Court held that § 1225(b)(2) applies only to noncitizens
5 who are “seeking admission” in the context of an arrival inspection by an examining
6 immigration officer.

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8 32. The Court explained that “seeking admission” requires an affirmative
9 act at or near the time of arrival to obtain legal entry, coupled with contemporaneous
10 inspection. The Court rejected DHS’s argument that individuals apprehended years
11 after entering the United States may be treated as if they were seeking admission. *Id.*
12 at 3.

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14 33. Applying that interpretation, the Court concluded that § 1225(b)(2)
15 does not apply to individuals like Petitioner, whose alleged inadmissibility is based
16 on conduct occurring long after entry and not in connection with an arrival inspection.

17 **The Bautista Class Action Confirms Petitioner’s Eligibility for Bond**

18 34. Petitioner is also a member of the certified class in *Lazaro Maldonado*
19 *Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal.
20 Nov. 25, 2025), which likewise held that § 1225(b)(2) mandatory detention does not
21 apply absent an arrival inspection. DHS has acknowledged in other litigation that it
22 is still “developing its decision” concerning the application of that ruling.
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1 **Courts Nationwide Have Rejected the Government’s Theory**

2 35. Federal courts across the country have agreed that § 1226(a)—not §
3 1225(b)—governs detention of individuals apprehended inside the United States,
4 even when they originally entered without inspection. *See, e.g., Rodriguez Vazquez*
5 *v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, 2025 WL
6 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, 2025 WL 2084238 (D.
7 Mass. July 24, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11,
8 2025); *Ramirez Clavijo v. Kaiser*, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025);
9 *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Pizarro*
10 *Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025).

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13 36. These courts uniformly conclude that Respondents’ interpretation
14 contradicts the statutory text, structure, and decades of agency practice.

15 **Stewart Immigration Court’s Continued Refusal to Exercise Jurisdiction**

16 37. Despite this Court’s binding precedent and the Bautista class decision,
17 the Stewart Immigration Court continues to decline jurisdiction over custody
18 redeterminations for noncitizens like Petitioner, based on the BIA’s erroneous
19 decision in *Matter of Yajure Hurtado*.

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21 38. Because Petitioner has no administrative avenue to challenge his
22 custody, habeas corpus is the only remedy capable of addressing the ongoing
23 violation of federal law
24

FACTUAL BACKGROUND

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2 39. Petitioner entered the United States in 2019 without inspection. Since
3 that time, he has established a life and family in the United States.

4 40. Petitioner is married to a United States citizen, and together they have
5 a three-year-old child, who is also a U.S. citizen. Petitioner is the primary financial
6 provider for his wife and young child.
7

8 41. Petitioner has no criminal history whatsoever. He has never been
9 arrested, charged with, or convicted of any offense.

10 42. Petitioner was apprehended at his home when DHS officers arrived
11 searching for an unrelated individual. Petitioner was taken into custody even though
12 he was not the subject of the enforcement operation.
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14 43. Petitioner’s wife is currently disabled due to a serious workplace
15 accident in which she was run over by a vehicle. As a result, she is unable to work
16 and relies on workers’ compensation benefits, which are insufficient to meet the
17 family’s basic living expenses.

18 44. Because of his wife’s disability and inability to work, Petitioner’s
19 ongoing detention imposes severe financial and emotional hardship on his U.S.
20 citizen family, including their minor child.
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1 45. Prior to his detention, Petitioner worked full-time in a **factory** and has a
2 history of steady employment. He is known as a hard-working individual who
3 supports his family and contributes to his community.

4 46. Petitioner and his family regularly attend church, where he is known as
5 a peaceful, responsible, and respected member of his faith community.

6 47. Petitioner poses no danger to the community and is not a flight risk. His
7 family ties, employment history, lack of criminal record, and consistent community
8 involvement demonstrate that he is an appropriate candidate for release under §
9 1226(a).

10 48. Petitioner's continued detention also violates due process because it is
11 based on an unlawful statutory interpretation already rejected by this Court and by a
12 certified nationwide class action. In *J.A.M. v. Streeval*, this Court held that 8 U.S.C.
13 § 1225(b)(2) applies only when a noncitizen is "seeking admission" in the context
14 of an arrival inspection by an examining immigration officer. Petitioner, however,
15 was apprehended inside the United States years after his entry and therefore falls
16 squarely within the detention framework of § 1226(a), which entitles him to a bond
17 hearing.

18 49. Likewise, Petitioner is a member of the certified class in *Lazaro*
19 *Maldonado Bautista v. Santacruz*, which likewise held that § 1225(b)(2) mandatory
20 detention cannot apply absent an arrival inspection. Nevertheless, ICE continues to
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1 detain Petitioner under § 1225(b)(2), and the Stewart Immigration Court refuses to
2 exercise jurisdiction to conduct a bond hearing. Because Petitioner is a long-term
3 resident with deep family ties, no criminal history, a disabled U.S. citizen spouse,
4 and a young U.S. citizen child who depend on him, his prolonged imprisonment
5 without any opportunity for individualized custody review violates the fundamental
6 requirements of due process and reinforces the necessity of habeas relief.
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8 **CLAIMS FOR RELIEF**

9 **COUNT I** 10 **Violation of the INA**

11 50. Petitioner incorporates by reference the allegations of fact set forth in
12 the preceding paragraphs.

13 51. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not
14 apply to all noncitizens residing in the United States who are subject to the grounds
15 of inadmissibility. As relevant here, it does not apply to those who previously
16 entered the country and have been residing in the United States prior to being
17 apprehended and placed in removal proceedings by Respondents. Such noncitizens
18 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or
19 § 1231.
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21 52. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
22 continued detention and violates the INA.
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1 **COUNT II**

2 **Violation of the Bond Regulations**

3 53. Petitioner incorporates by reference the allegations of fact set forth in
4 preceding paragraphs.

5
6 54. In 1997, after Congress amended the INA through IIRIRA, EOIR and
7 the then-Immigration and Naturalization Service issued an interim rule to interpret
8 and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and
9 Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants
10 for admission, [noncitizens] who are present without having been admitted or
11 paroled (formerly referred to as [noncitizens] who entered without inspection) will
12 be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis
13 added). The agencies thus made clear that individuals who had entered without
14 inspection were eligible for consideration for bond and bond hearings before IJs
15 under 8 U.S.C. § 1226 and its implementing regulations.
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17 55. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy
18 and practice of applying § 1225(b)(2) to individual like Petitioner.
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20 56. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
21 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.
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- 1 d. Issue a Writ of Habeas Corpus requiring that Respondents release
2 Petitioner or, in the alternative, provide Petitioner with a bond hearing
3 pursuant to 8 U.S.C. § 1226(a) within seven days;
- 4 e. Declare that Petitioner’s detention is unlawful;
- 5 f. Award Petitioner attorney’s fees and costs under the Equal Access to
6 Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other
7 basis justified under law; and
- 8 g. Grant any other and further relief that this Court deems just and proper.

9 DATED this 10th day of December, 2025.

10
11
12 ZAMBRANO LAW,

13
14 /s/ Shirley C. Zambrano

15 Shirley C. Zambrano

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22
23 *Counsel for Petitioner*
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2 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

3 I represent Petitioner, Mr. Uriel Martinez Gomez, and submit this verification
4 on his behalf. I hereby verify that the factual statements made in the foregoing
5 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.
6

7 DATED this 10th day of December, 2025.

8
9 ZAMBRANO LAW,
10

11 /s/ Shirley C. Zambrano

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