

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

JORGE MARIN CALIXTO,

Petitioner,

v.

LADEON FRANCIS, Field Office  
Director of Enforcement and Removal  
Operations, Atlanta Field Office,  
TODD LYONS, in his official capacity  
as Acting director of 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,

Respondents.

Case No. 25-458

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner JORGE MARIN CALIXTO brings this petition for a writ of habeas corpus  
3 to seek enforcement of his rights as member of the Bond Denial Class certified in *Maldonado*  
4 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical  
5 custody of Respondents at the STEWART DETENTION CENTER He now faces unlawful  
6 detention because the Department of Homeland Security (DHS) and the Executive Office for  
7 Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf  
8 of the certified class in *Maldonado Bautista v. Santacruz*.

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

18 3. The declaratory judgment held that the Bond Denial Class members are detained under  
19 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §  
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagencies the

1 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to  
2 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the  
3 opportunity to be released on bond.

4 5. Petitioner JORGE MARIN CALIXTO is a member of the Bond Eligible Class, as he:

5 a. does not have lawful status in the United States and is currently detained at the  
6 STEWART DETENTION CENTER. He was apprehended by immigration  
7 authorities on November 26, 2025;

8 b. entered the United States without inspection over twenty years ago and was not  
9 apprehended upon arrival; and

10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 6. After apprehending Petitioner on November 26, 2025, the DHS placed  
12 him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being  
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without  
14 inspection.

15 7. The Court should expeditiously grant this petition.

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

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

1 *Bautista*, the Court should accordingly order that within one day, Respondent DHS must release  
2 Petitioner.

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

5 **JURISDICTION**

6 11. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
7 STEWART DETENTION CENTER in Lumpkin, GEORGIA.

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

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

13 **VENUE**

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

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

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

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

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

7 **PARTIES**

8 18. Petitioner JORGE MARIN CALIXTO (“Mr. Marin”) is a citizen of Mexico who has  
9 been in immigration detention since the 3rd of December of 2025. After arresting Petitioner at or  
10 near Atlanta, Georgia and transferring him to Stewart Detention Center, ICE did not set bond and  
11 Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in  
12 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Due to this erroneous decision, it  
13 would be futile for Petitioner to apply to EOIR without the intervention of this honorable Court.

14 19. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE’s  
15 Enforcement and Removal Operations division; however, on information and belief, the DHS is  
16 rotating their Field Office Director without publishing a schedule of rotation. As such, Ladeon  
17 Francis or his unknown, unannounced provisional replacement is Petitioner’s immediate custodian  
18 and is responsible for Petitioner’s detention and removal. He or his acting counterpart is named in  
19 his or her official capacity. Respondent Francis’s address is 180 Ted Turner Dr Se, Ste 522. Atlanta  
20 GA 30303.

21 20. Respondent Todd Lyons is named in his official capacity as the Acting Director of the  
22 Immigration and Customs Enforcement (“ICE”). As the senior Official Performing the duties of  
23 the Director of ICE, he is responsible for the administration and enforcement of the immigration

1 laws of the United States; routinely transacts business in the Southern District of Georgia; is legally  
2 responsible for any effort to detain Petitioner; and as such is a custodian of the Petitioner. His  
3 address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900,  
4 Washington DC 20536-5900.

5 21. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.  
6 She is responsible for the implementation and enforcement of the Immigration and Nationality Act  
7 (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate  
8 custodial authority over Petitioner and is sued in her official capacity. Respondent Noem's address  
9 is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther  
10 King Jr Ave Se Washington DC 20528-0525.

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

14 23. Respondent Pamela Bondi is the Attorney General of the United States. She is  
15 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
16 and the immigration court system it operates is a component agency. She is sued in her official  
17 capacity. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue,  
18 NW, Washington, DC 20530-0001.

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

22 25. Respondent, Jason Streeval is employed by the private, for-profit detention

1 corporation contracted by the Government as an agent to confine immigrants at Stewart Detention  
2 Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued  
3 in his official capacity. Respondent Warden’s address is Warden, Stewart Detention Center, 1116 S  
4 Washington Ave, Lumpkin, GA 39862.

5 **FACTS**

6 26. Mr. Marin is a Forty-seven-old citizen and national of Mexico.

7 27. Mr. Marin has been present in the United States for over twenty years.

8 28. On December 3, 2025, Mr. Marin was detained by ICE officials.

9 29. Mr. Marin was then transferred to the Stewart Detention Center in Lumpkin, Georgia  
10 where he remains detained.

11 30. Mr. Marin’s detention has inflicted profound harm on his U.S. citizen family particularly  
12 his four United States citizen children ages 20, 15, 10 and 8—all of which are experiencing  
13 emotional and developmental hardship in his absence.

14 31. Mr. Marin is a devoted father and husband whose presence is essential to his children’s  
15 well-being and stability.

16 32. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider  
17 Petitioner’s bond request, and his unlawful detention cannot be litigated before that body, who  
18 collaborated with the DHS – who is a party to these contested proceedings – to adopt the DHS  
19 position wholesale, because such efforts would be futile.

20 33. On November 25, 2025, the district court certified a nationwide class and extended  
21 declaratory judgment to the certified class which Petitioner is a member of. *Maldonado Bautista*  
22 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D.  
23 Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners);  
24 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL

1 3288403, at \*9 (C.D. Cal. Nov. 25, 2025). Despite this Immigration Judges continue to deny bond  
2 for class members citing to a lack of jurisdiction.

3 34. Petitioner remains in detention. Without relief from this court, he faces the  
4 prospect of months, or even years, in immigration custody, separated from his family and  
5 community while his relief remains pending.

6 **CLAIMS FOR RELIEF**  
7 **COUNT I**  
8

9 **Violation of the INA:**  
10 **Request for Relief Pursuant to *Maldonado Bautista***  
11

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

14 36. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
15 release on bond under 8 U.S.C. § 1226(a).

16 37. The order granting partial summary judgment in *Maldonado Bautista* holds that  
17 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class  
18 members.

19 38. The order granting class certification in *Maldonado Bautista* further orders that  
20 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
21 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

22 39. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory  
23 judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

24 40. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject  
25 to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under  
26 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 this 10th of December 2025.

/s/ Peter Tadeo, Esq.  
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**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the Petitioner because I am the  
Petitioner’s attorney. I have discussed with Petitioner’s family members and have reviewed various  
documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed  
the foregoing Petition and that the facts and statements made in this Petition and Complaint are  
true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

DATED this 10th of December 2025.

/s/ Peter Tadeo, Esq.  
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