

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

MORALES, Odilon,

*Petitioner*

v.

Jason STREEVAL, Warden, Stewart Detention Center; Todd M. LYONS, Acting Director, U.S. Immigration & Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; and Pamela BONDI, Attorney General, U.S. Department of Justice, *in their official capacities*

Civil Action No. \_\_\_\_\_

**HEARING REQUESTED**

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

1. Petitioner Odilon Morales (“Petitioner” or “Mr. Morales”) is a citizen of Mexico who is currently detained at Stewart Detention Center (“Stewart”). He remains in the Respondents’ custody and seeks a finding that he is detained under 8 USC § 1226(a) and to have a custody redetermination hearing, in which an Immigration Judge (“IJ”) will determine whether he is a danger to the community and/or flight risk.

2. Immigration and Customs Enforcement (“ICE”) is unlawfully subjecting Petitioner to mandatory detention without the opportunity for bond based on an improper reading of 8 USC § 1125(b). Petitioner is not an “alien seeking admission,” making section 1125(b) inapplicable to him. As such, Petitioner’s detention is a violation of his due process rights as guaranteed by the Fifth Amendment of the United States Constitution.

3. Petitioner respectfully requests the Court grant him a Writ of Habeas Corpus, and to order him to be released immediately or to be given a bond hearing within seven (7) days. Such relief is proper under 23 U.S.C. 2241, the vehicle for challenging civil immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).

4. In the alternative, Petitioner asks the Court to order Respondents to “show cause why the writ should not be granted” within three (3) days as prescribed by 28 U.S.C. § 2243.

## II. CUSTODY

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

## III. JURISDICTION AND VENUE

6. Jurisdiction is proper under 28 U.S.C. §§ 1331, 2241, and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2.

7. Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas petitions for noncitizens who challenge the lawfulness of their detention under federal law. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas*, 533 U.S. at 687.

8. Venue is proper in the United States District Court for the Middle District because at least one Respondent is in this District, the Petitioner is detained in this District, and the Petitioner’s immediate physical custodian is in this District. 28 U.S.C. § 1391(b).

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

9. Unless Petitioner is wholly ineligible for relief, the Court must either grant the instant petition for Writ of Habeas Corpus or order the Respondent to show cause as to why it should not be granted. 28 U.S.C. § 2243. If so ordered, the Respondent must file a response within three (3) days.

10. 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 writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time.” *Jones v. Shell*, 572 F.2d 1278, 1280 (8<sup>th</sup> Cir. 1978).

11. Due to the nature and urgency of this proceeding, Petitioner asks this Court to expedite the proceedings in the case as necessary and practicable for justice.

#### V. PARTIES

12. Petitioner is a fifty-two (52) year old national of Mexico who has lived in the United States (“U.S.”) for about twenty-seven (27) years. He is currently detained at Stewart Detention Center in Lumpkin, Georgia.

13. Respondent Jason Streeval is the Warden at the Stewart Detention Center. He is responsible for the custody of persons detained at the Stewart Detention Center, including Petitioner.

14. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.

15. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (“DHS”). She is a legal custodian of Petitioner and is named in her official capacity.

16. Respondent Pamela Bondi is the Attorney General of the United States Department of Justice (“DOJ”). She is a legal custodian of Petitioner and is named in her official capacity.

## VI. FACTUAL BACKGROUND

17. Petitioner is a fifty-two (52) year old national of Mexico who has lived in the U.S. for about twenty-seven (27) years. He entered the U.S. without inspection around 1998 and has not left since his sole entrance into the U.S. Mr. Morales has built a quiet and purposeful life for himself since then, as he is a loving husband and father.

18. Since moving to the U.S. almost three (3) decades ago, Mr. Morales has developed substantial ties to the country.

19. Mr. Morales married his United States Citizen (“USC”) wife, Brenda Morales (“Brenda”), about fifteen (15) years ago.

20. Mr. Morales has a brother, who is a Lawful Permanent Resident (“LPR”), and currently lives in the U.S., along with a cousin who is a USC.

21. Furthermore, Mr. Morales has dealt with his own health issues involving high blood pressure, and continues to face them during his detention at Stewart.

22. Petitioner has been in immigration custody since November 2025, after he was arrested on or about November 12, 2025, for driving without a seatbelt and driving without a license. Mr. Morales paid the fines as requested by the court. When he was arrested, he was subsequently turned over to ICE custody who then transferred him to Stewart. Regrettably, Mr. Morales had two other driving without a license citations in the past.

23. Petitioner’s next immigration court date, a Master Calendar hearing, is scheduled for December 18, 2025, at 2:30 p.m., with an IJ at the Stewart Immigration Court.

## VII. LEGAL FRAMEWORK

24. Removal proceedings, including detention and removal, are guided by multiple statutes working in tandem. Removal proceedings are carried out under 8 U.S.C. § 1229(a). There

are different ways to arrive at 1229(a).

25. In one route, 8 U.S.C. § 1226(a) permits the Attorney General to detain noncitizens in anticipation of and while removal proceedings are ongoing. “Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.” *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8 CFR §§ 236.1(d)). The purpose of a bond hearing is to determine a respondent’s flight risk or potential for danger to the community.

26. In certain instances, noncitizens are not afforded a bond hearing. § 1226(c) authorizes mandatory detention for criminal behaviors. 8 U.S.C. § 1225(b)(1)(A)(i) authorizes mandatory detention as part of the ‘expedited removal’ process. Section 1225(b)(2)(A) also requires detention, though only if the noncitizen is an ‘applicant for admission’ and is ‘seeking admission.’

27. An applicant for admission is defined as “an alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters)”. 8 U.S.C. § 1225(a)(1).

28. “In sum, U.S. immigration law authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

29. The government has incorrectly applied 1225(b)(2)(A) to Petitioner. The application of 1225(b)(2)(A), instead of appropriate 1226(a), violates statutory authority and violates Petitioner’s Due Process Rights.

**PRAYER FOR RELIEF**

WHEREFORE Petitioner requests that the Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue an order to show cause to be returned within three days;
- c. Declare Petitioner's prolonged detention to be unlawful and unconstitutional;
- d. Declare the Petitioner is being detained under 8 U.S.C. § 1226(a), not § 1225(b)(2);
- e. Order the immediate release of Petitioner;
- f. In the alternative, order an individualized bond hearing, including all required procedural protections, within seven days after the Court's order;
- g. Enjoin Respondents from transferring Petitioner outside of this judicial district pending litigation of this matter or her removal proceedings;
- h. Award Petitioner reasonable costs and attorneys' fees; and
- i. Grant any other relief that this Court deems just and proper.

Dated: December 12, 2025

Respectfully submitted

/s/ Matthew O. Boles

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 12, 2025