IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
GEORGIA WAYCROSS DIVISION

Jonathan Manjarrez Florez	)	C/A No.: CV 525-233
	)	
Petitioner	)	
	)	
v.	)	
	)	
Warden Tony Normand, Folkston IPC,	)	
	)	
Respondent.	)	
	)	

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Jonathan Manjarrez Florez has lived in the United States for more than 7 years. He has a United States citizen sister, a legal permanent resident mother, a fear of returning to Mexico, and no significant criminal history. Nevertheless, he was detained by U.S. Immigration and Customs Enforcement ("ICE"), and it will be futile to go through the charade to request a bond hearing since the immigration judges claim to lack jurisdiction over it under Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025) because Petitioner entered the country in 2018 without inspection. But this Court has already rejected Hurtado. *J.A.M. v.Streeval*, No. 4:25-cv-342, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *Aguirre-Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025). As such, this Court should order Respondents to provide the Petitioner with a bond hearing immediately. This Court should order the Respondents to respond within three days to explain why the Petitioner should not receive a bond hearing. 28 U.S.C. § 2243 ("The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.").

PARTIES

1. Petitioner Jonathan Manjarrez Florez (A[redacted]) is a citizen and national of Mexico. He is a longtime resident of Houston, TX. At the time of this filing, he is detained in the Folkston ICE Processing Center in Folkston, Georgia.

2. Respondent is the Warden of Folkston ICE Processing Center. He is the petitioner's immediate custodian.

JURISDICTION AND VENUE

3. This Court has jurisdiction to hear Petitioner's habeas claim under 28 U.S.C. § 2241 because his current detention without a bond hearing is unlawful and unconstitutional.

4. Venue is proper because, at the time of filing, Petitioner is currently detained in this Division in this District.

FACTS

5. Petitioner, Jonathan Manjarrez Florez ("Florez") is a citizen of Mexico.

6. Petitioner has lived in the United States for more than seven years.

7. He has no convictions and no significant pending charges.

8. In or around 2018, Petitioner entered the United States without inspection.

9. Petitioner has a genuine fear of returning to Mexico.

10. Nevertheless, U.S. Immigration and Customs Enforcement detained him.

11. Petitioner will not get a bond hearing, and he will be subject to indefinite detention while his removal proceedings proceed.

12. Petitioner is an extremely viable candidate for bond.

13. First, his sister is a U.S. citizen and his mother is a legal permanent resident.

14. Second, he has no criminal history *and* he has relief from removal available through asylum and withholding of removal.

15. Third, he is the beneficiary of an approved I-130 with family ties to the U.S.

16. Finally, he is not a flight risk as he has a home and family in Houston, TX.

17. Respondents' attempt to detain Petitioner with no bond is unconstitutional, and this Court should order Respondents to provide him with a bond hearing immediately.

FIRST CAUSE OF ACTION
(Unauthorized, Bondless Detention)

18. The Immigration and Nationality Act ("INA") establishes two distinct statutory authorities under which the government may detain noncitizens pending removal proceedings: 8 U.S.C. § 1225 and 8 U.S.C. § 1226

19. Section 1225(b) governs "applicants for admission," meaning individuals encountered at or near the border seeking entry into the United States or those apprehended immediately after unlawful entry. By its plain terms and legislative context, § 1225(b) applies to persons who are literally in the process of seeking admission and authorizes mandatory detention during that limited threshold period.

20. Section 1226(a), by contrast, governs detention of noncitizens who are already *present in the interior of the United States* and subject to removal proceedings. It vests the Attorney General with discretion to either detain or release such individuals on bond, permitting individualized custody determinations by Immigration Judges.

21. For decades, the Department of Homeland Security ("DHS") and its predecessor agencies uniformly applied § 1226(a) to individuals like Petitioner—noncitizens who entered without inspection years earlier, developed ties in the United States, and were later apprehended well after entry. Immigration Judges routinely held bond hearings in such cases under §§ 236 and 8 C.F.R. § 1003.19.

22. This settled practice was reaffirmed repeatedly in agency and judicial decisions recognizing that once a noncitizen has entered the United States—even unlawfully—and established residence, he or she is "within the United States" and subject to § 1226(a), not §

1225(b). See *Matter of Patel*, 15 I. & N. Dec. 666, 668 (BIA 1976) ("An alien who has effected an entry, even without inspection, is physically present in and has entered the United States.").

23. Beginning in July 2025, DHS abruptly abandoned this longstanding interpretation. In an internal memorandum issued on July 8, 2025, Acting ICE Director Todd Lyons directed field offices to treat *all* individuals who entered without inspection—regardless of when or where apprehended—as "applicants for admission" subject to mandatory detention under § 1225(b)(2).

24. Two months later, on September 5, 2025, the Board of Immigration Appeals ("BIA") adopted that view in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), concluding that noncitizens present in the United States without admission fall under § 1225(b)(2) and thus lack eligibility for bond.

25. This reinterpretation upended nearly three decades of settled administrative and judicial practice and has been widely rejected by federal courts. *See, e.g., Garcia v. Noem, et. al.*, No. 1:25-CV-1271, 2025 WL 3017200, at *4 (W.D. Mich. Oct. 29, 2025); *Diaz v. Olson, et. al.*, No. 25 CV 12141, 2025 WL 3022170, at *5 (N.D. Ill. Oct. 29, 2025); *Rodriguez v. Noem, et. al.*, No. 1:25-CV-1196, 2025 WL 3022212, at *6 (W.D. Mich. Oct. 29, 2025); *Puga*, 2025 WL 2938369; *Lopez-Campos*, 2025 WL 2496379, at *8; *see also Rodriguez*, 779 F. Supp. 3d at 1256–61; *Singh v. Lewis*, No. 4:25-cv-96, 2025 WL 2699219, at *3–5 (W.D. Ky. Sept. 22, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337, 2025 WL 2691828, at *7–12 (W.D. Tex. Sept. 22, 2025); *Campos Leon v. Forestal*, No. 1:25-cv-1774, 2025 WL 2694763, at *2–5 (S.D. Ind. Sept. 22, 2025); *Hasan v. Crawford*, No. 1:25-cv-1408, 2025 WL 2682255, at *5–9 (E.D. Va. Sept. 19, 2025); *Garcia Cortes v. Noem*, No. 1:25-cv-2677-CNS, 2025 WL 2652880, at *2–3 (D. Colo. Sept. 16, 2025); *Kostak v. Trump et al.*, No. 3:25-cv-01093, 2025 WL 2472136, at *2–4 (W.D. La. Aug. 27, 2025); *Romero*, 2025 WL 2403827, at *8–13 (D. Mass. Aug. 19, 2025); *Maldonado v. Olson*,

No. 0:25-cv-03142, 2025 WL 2374411, at *9–16 (D. Minn. Aug. 15, 2025); *dos Santos v. Noem*, No. 1:25-cv-12052, 2025 WL 2370988, at *6–9 (D. Mass. Aug. 14, 2025); Lopez Benitez, 2025 WL 2371588, at *3–9; Rosado, 2025 WL 2337099, at *6–11, report and recommendation adopted, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Gomes*, 2025 WL 1869299, at *6–8.

26. As multiple courts have recognized, the government's new position "would upend decades of practice" and "ignores the plain statutory structure distinguishing between applicants for admission and those already within the United States." *Duarte Escobar v. Perry*, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025)

27. These courts have uniformly held that noncitizens who have resided in the United States for years and are apprehended within the interior are detained under § 1226(a), not § 1225(b). As Judge Rodriguez explained in *Mendoza Gutierrez*, "the plain structure of the INA, its legislative history, and decades of agency practice make clear that § 1226 governs detention of long-term residents arrested in the interior of the country."

28. This District joined this chorus in recent weeks. *Aguirre-Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025).

29. The Court recognized that the plain language of the relevant statutes undermined *Hurtado*, and the Court openly rejected *Hurtado* as unpersuasive. *Id.* .

30. As such, the Judge Cheesbro held that the petitioner their—a long time resident of The United States—was not detained under § 1225(b), and therefore, was entitled to a bond hearing. *Id.*

31. Here, Petitioner has lived in the United States for over seven years, though he entered without inspection. He has a U.S. citizen sister, a LPR mother, and relief available through asylum and withholding of removal. When he was detained, he was not seeking admission. Rather, he had lived in the United States for over seven years. Respondents are violating Petitioner's statutory and constitutional rights by refusing to provide him with a bond hearing because he is detained under § 1226(a), not § 1225(b)(2).

32. As such, this Court should grant this habeas and order Respondents to provide him with a bond hearing immediately.

EQUAL ACCESS TO JUSTICE ACT FEES

33. Respondent's decision to refuse Petitioner a bond hearing is not substantially justified.

34. Petitioner qualifies for fees under the Equal Access to Justice Act.

35. This Court should order Respondents to pay reasonable attorney fees and costs.

PRAYER FOR RELIEF

Petitioner Prays this Court will:

36. Take jurisdiction over this case;

37. Order Respondent to show cause within three days why Petitioner should not be provided a bond hearing immediately;

38. Grant this writ of habeas corpus and order Repsondent to provide Petitioner with a bond hearing or immediately release him;

39. Award Petitioner reasonable attorney fees and costs; and

40. Enter any other order required for justice to be done.

December 18, 2025

Respectfully submitted,

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