

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

LUIS RODOLFO BERMEO SANCHEZ

Petitioner,

v.

Tony NORMAND, Warden of Folkston ICE Processing Center (Main);  
Ladeon FRANCIS, Director of Enforcement and Removal Operations, Atlanta Field Office, Immigration and Customs Enforcement;  
Todd LYONS, Acting Director of Immigration and Customs Enforcement,  
Kristi NOEM, Secretary, U.S. Department of Homeland Security; and  
Pamela BONDI, U.S. Attorney General;

Respondents.

Case No. 5:25-cv-232

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

**INTRODUCTION**

1. Petitioner, Luis Rodolfo Bermeo Sanchez (“Luis” or “Petitioner”), by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his unlawful and prolonged civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement.

2. Petitioner is a citizen of Peru who is presently detained at the Folkston ICE Processing Center (Main) in Folkston, Georgia, within the jurisdiction of the Southern District of Georgia.

1. Petitioner is the husband of U.S. Citizen married to a U.S. Citizen and is the beneficiary of an approved form I-130 and is currently waiting for adjudication of the I-601A, Application for Provisional Unlawful Presence Waiver.

2. Furthermore, the Respondent is *Prima Facie* eligible for EOIR-42B Cancellation of

Removal as the Respondent 1) has been in the physically present in the United States for at least 10 years and the time of issue of the Notice to Appear (“NTA”); 2) The Respondent is married to a U.S. Citizen, 3) the Respondent’s U.S. Citizen Spouse suffers as an eye conditions that severely impacts her vision, and 4) the Respondent has never been convicted of any disqualifying offenses.

3. Petitioner entered the United States in 2007, without inspection and was not apprehended upon arrival.

4. On October 1, 2025, the Respondent was arrested for Driving without a valid driver’s license in Lake County, Florida. The case remains pending as of the date of this motion as the Respondent has been in ICE custody since the initial arrest and was not able to attend his court hearings as required.

5. On September 5, 2025, the Board of Immigration Appeals (“BIA”) issued the decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In this decision, the BIA concluded that “Based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission”. Consequentially, the Immigration Judges all throughout the United States have declined to hear bond hearings for individuals, like the Petitioner, who entered the United States without inspection and that years later were apprehended by DHS.

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

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

8. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have continued to decline to hear bond requests by individuals in the same circumstances as the Petitioner.

9. On December 3, 2025, the Petitioner appeared at his Custody Determination Hearing. The Immigration Judge declined to hear the Petitioner's request due to lack of Jurisdiction pursuant to *Matter of Yajure-Hurtado*. Petitioner reserved appeal, nevertheless appealing to the BIA is futile.

10. Petitioner has never been adjudicated a danger to the community, and he has no disqualifying criminal convictions.

11. Petitioner's ongoing detention is unlawful. Immigration and Customs Enforcement continues to detain him without providing a meaningful opportunity for custody review the absence of any evidence that he is a flight risk or a danger. Petitioner's detention has endured far beyond what is constitutionally permissible and no longer bears a reasonable relation to any legitimate governmental purpose. It has become arbitrary, excessive, and punitive in nature, in violation of the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

12. Because Petitioner has been denied any mechanism to obtain individualized custody review, and because his prolonged civil detention is unreasonable and contrary to constitutional and statutory limits, habeas corpus relief is warranted.

### **JURISDICTION AND VENUE**

13. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 2241 because Petitioner challenges the legality of his ongoing civil immigration detention and seeks relief from custody that is in violation of the Constitution and laws of the United States. Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review the lawfulness of immigration detention notwithstanding the jurisdiction limiting provisions of the Immigration and Nationality Act. The Supreme Court has repeatedly affirmed that federal courts possess authority to hear habeas corpus petitions challenging the constitutionality of civil immigration detention. *See Demore v. Kim*, 538 U.S. 510 (2003), and *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

14. This Court has jurisdiction under Article III of the Constitution because Petitioner is suffering an ongoing and concrete injury traceable to the actions of Respondents and redressable by a favorable decision from this Court. The relief sought falls squarely within the scope of federal habeas corpus review, which permits individuals in federal custody to challenge detention that is arbitrary, excessive, or contrary to statutory and constitutional limits.

15. Venue is proper in the Southern District of Georgia under 28 U.S.C. § 1391(e) and § 2241 because Petitioner is detained within this District at the Folkston ICE Processing Center (Main) in Folkston, Georgia. The immediate custodian responsible for Petitioner's detention is located within this District, and all events relevant to Petitioner's present confinement are occurring within the territorial jurisdiction of this Court.

16. The Warden of the Folkston ICE Processing Center (Main) is Petitioner's immediate custodian and maintains direct physical control over his confinement.

17. Respondent, the Field Office Director of the ICE Atlanta Field Office, oversees immigration enforcement functions and supervisory responsibilities relevant to Petitioner's detention and is included as a respondent in his official capacity.

18. Respondent Pam Bondi, as Attorney General of the United States, exercises supervisory authority over the Executive Office for Immigration Review (EOIR), including the Immigration Courts and the Board of Immigration Appeals, whose determinations have affected Petitioner's detention and access to custody review.

19. Respondent Kristi Noem, as Secretary of the United States Department of Homeland Security, has ultimate legal and supervisory authority over the agencies and officers detaining Petitioner, including oversight of ICE policies and regulations governing immigration detention and release.

#### **PARTIES**

20. Petitioner Luis Rodolfo Bermeo Sanchez is a citizen and national of Peru who is currently detained at the Folkston ICE Processing Center (Main) in Folkston, Georgia. Petitioner is held in the civil immigration custody of the United States Department of Homeland Security. Petitioner brings this habeas action to challenge the legality of his prolonged and unconstitutional immigration detention.

21. Respondent, Michael Loebel, the Warden of the Folkston ICE Processing Center (Main), is Petitioner's immediate custodian. The Warden exercises direct physical control over Petitioner's confinement and is a proper respondent under the immediate custodian rule governing habeas corpus petitions.

22. Respondent, the Field Office Director of the ICE Atlanta Field Office, oversees immigration enforcement functions and supervisory responsibilities relevant to Petitioner's detention and is included as a respondent in his official capacity.

23. Respondent Pam Bondi, Attorney General of the United States, is the chief legal officer of the federal government and exercises supervisory authority over the Executive Office for Immigration Review, including Immigration Courts and the Board of Immigration Appeals, whose determinations have affected Petitioner's access to custody review.

24. Respondent Kristi Noem, Secretary of the United States Department of Homeland Security, has ultimate legal and supervisory authority over the agencies and officers detaining Petitioner, including oversight of U.S. Immigration and Customs Enforcement operations, policies, and regulations governing civil immigration detention and release.

#### **FACTUAL BACKGROUND**

25. Petitioner is a citizen of Peru who is presently detained at the Folkston ICE Processing Center (Main) in Folkston, Georgia, within the jurisdiction of the Southern District of Georgia.

26. Petitioner is the husband of U.S. Citizen married to a U.S. Citizen and is the beneficiary of an approved form I-130 and is currently waiting for adjudication of the I-601A, Application for Provisional Unlawful Presence Waiver. The Petitioner's U.S. Citizen spouse suffers of an eye conditions that severely impacts her vision. The Petitioner is the sole financial provider for his U.S. Spouse. These facts alone, make the Petitioner prima facie eligible for relief from removal from the United States under INA § 240A(b).

27. Petitioner entered the United States in 2007 without inspection and was not apprehended upon arrival.

On October 1, 2025, the Respondent was arrested for Driving without a valid driver's license in Lake County, Florida. The case remains pending as of the date of this petition as the Respondent has been in ICE custody since the initial arrest and was not able to attend his court hearings as required.

29. Under *Matter of Yajure Hurtado*, the Immigration Court has already refused to give the Petitioner a bond hearing that complies with the requirements of the Fifth Amendment. Petitioner is unlikely to be afforded an individualized determination regarding danger or flight risk. In addition, it is highly unlikely that a neutral adjudicator evaluates whether continued detention is necessary or reasonable, or whether the Petitioner's confinement is not tied to any criminal proceedings, and he has no disqualifying criminal history.

30. Petitioner continues to pursue protection from removal and maintains eligibility for Cancellation of Removal under INA § 240A(b). Petitioner has family support in the United States, a documented release address, and an incentive to comply with supervision requirements. Nothing in the record indicates that detention is necessary to ensure his appearance in immigration proceedings or to protect the community.

31. Because Petitioner is subject to civil immigration detention without any meaningful opportunity to seek release, and because he has been denied any mechanism for individualized custody review, he now faces prolonged and potentially indefinite confinement. His continued detention rests solely on the Department of Homeland Security's discretionary decision, rather than any judicial or administrative determination supported by evidence. As a result, Petitioner remains confined in restrictive civil detention despite having no criminal background, no risk profile, and a viable claim for humanitarian protection.

32. Petitioner's ongoing detention without any opportunity for custody review violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, and longstanding constitutional principles that prohibit arbitrary, excessive, and indefinite civil detention. Because no administrative avenue for custody review is available to him, Petitioner seeks habeas corpus relief to secure his immediate release or, in the alternative, a constitutionally adequate bond hearing before a neutral decisionmaker with authority to consider all relevant factors.

**COUNT I:**

**UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA) AND IMPLEMENTING REGULATIONS**

33. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

34. The Immigration and Nationality Act authorizes civil immigration detention only when it serves a legitimate statutory purpose, namely, to ensure appearance at future proceedings or to protect public safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005). Detention that is unnecessary, arbitrary, or prolonged beyond what is reasonably required to serve these statutory objectives exceeds the government's lawful authority.

35. Petitioner has no criminal convictions, no history of violence, and no evidence suggests that he poses a danger to the community or a risk of flight. Nothing in his immigration record indicates that he would fail to appear for proceedings if released. To the contrary, Petitioner has several ties to the community including his U.S. Citizen children and thriving businesses.

36. Despite this, Petitioner is now detained at the Folkston ICE Processing Center and has not been afforded any constitutionally adequate custody review given the current BIA precedents that Immigration Courts all throughout the country are following. He has not received a bond hearing before a neutral decisionmaker, nor has any adjudicator evaluated whether continued detention is necessary to serve a statutory purpose. Petitioner remains in custody solely because Immigration and Customs Enforcement has exercised discretionary authority to detain him, without any individualized assessment of current circumstances.

37. Because Petitioner has no administrative mechanism for custody review, his continued detention exceeds the narrow authority granted by Congress and violates the Immigration and Nationality Act, its implementing regulations, and controlling Supreme Court precedent. Accordingly, Petitioner respectfully requests that this Court order his immediate release, or, in the alternative, require the government to provide a constitutionally adequate custody hearing before a neutral adjudicator with authority to order release on bond.

**COUNT II:**

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO  
THE U.S. CONSTITUTION**

38. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

39. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States—including those who entered without inspection—are entitled to full procedural due process protections. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

40. Petitioner is a citizen and national of Peru, who entered the United States in 2007, and has been placed in § 240 removal proceedings. Because of the time the Petitioner has been physically present in the United States, in addition to the fact that his removal from the United States is likely to cause extreme and unusual hardship to his U.S. Citizen Spouse, the Petitioner is *prima facie* eligible for Cancellation of Removal under INA § 240A(b).

41. Petitioner has no criminal convictions, no history of violence, and has consistently cooperated with immigration authorities. Nothing in the record indicates he is a danger or a flight risk.

42. Petitioner has requested custody review by an immigration judge. The Immigration Judges denied the Petitioner's request for lack of jurisdiction on Custody Determination Proceedings relying on *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

43. As a result, Petitioner has been deprived of any opportunity to present evidence regarding his lack of danger, his strong community ties, his long residence in the United States, or the feasibility of alternatives to detention.

44. As Immigration Courts all around the country are refusing to hear Custody Determination requests pursuant to BIA precedents that deny are unlawfully subjecting the Petitioner to mandatory detention, Petitioner has never received a constitutionally adequate bond

hearing before a neutral decisionmaker. He has never been permitted to contest the government's assertions concerning custody classification or eligibility for release.

45. Petitioner's detention has now become prolonged. There is no statutory or administrative process available for him to obtain individualized custody review. His confinement continues without meaningful procedural safeguards despite his non-dangerousness and ongoing pursuit of protection.

46. Immigration detention implicates a fundamental liberty interest. Prolonged civil detention without an opportunity to be heard, without notice, and without adjudication by a neutral decisionmaker violates the Due Process Clause. *See Zadvydas*, 533 U.S. at 690–91.

47. The government's reliance on a categorical jurisdictional bar—rather than an individualized assessment—renders Petitioner's detention arbitrary, punitive in effect, and constitutionally infirm.

48. Petitioner's continued incarceration without an individualized custody determination violates the Fifth Amendment's Due Process Clause. Habeas relief is warranted to remedy these constitutional violations.

49. Petitioner respectfully requests that this Court order his immediate release, or, in the alternative, require a prompt and constitutionally adequate custody hearing before a neutral adjudicator with authority to consider all relevant factors and grant his release on bond.

**COUNT III:**

**VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT – ARBITRARY AND  
CAPRICIOUS AGENCY ACTION**

50. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

51. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States, including those who entered without inspection, are entitled to full procedural due process protections. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

52. Petitioner has never received a constitutionally adequate custody hearing before a neutral decisionmaker. No Immigration Judge has evaluated whether his continued detention is necessary, whether less restrictive alternatives to detention would suffice, or whether his personal circumstances warrant release. Petitioner has not been afforded an opportunity to present evidence regarding his lack of dangerousness, his documented residence, his community support, or his eligibility for parole or supervised release.

53. Petitioner remains detained solely due to the discretionary actions of Immigration and Customs Enforcement, without any procedural mechanism to obtain individualized custody review. He has no administrative avenue to challenge his detention and no process through which he can contest the government's continued confinement of him.

54. Petitioner's detention has now become prolonged. His removal proceedings remain pending, and his fear-based claims continue to require adjudication. There is no indication that his removal is imminent. His confinement therefore persists without meaningful procedural safeguards, without notice or an opportunity to be heard, and without the involvement of a neutral adjudicator.

55. Immigration detention implicates a fundamental liberty interest. Prolonged civil detention without an opportunity to be heard, without an individualized custody assessment, and without adjudication by a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment. See *Zadvydas*, 533 U.S. at 690–91. The government's reliance on a categorical detention classification, rather than an individualized evaluation, renders Petitioner's confinement arbitrary, punitive in effect, and constitutionally impermissible.

56. Petitioner's continued incarceration without any meaningful opportunity to contest his detention violates the Fifth Amendment's Due Process Clause. Habeas relief is warranted to remedy these constitutional violations.

57. Petitioner respectfully requests that this Court order his immediate release, or, in the alternative, require a prompt and constitutionally adequate custody hearing before a neutral adjudicator with authority to consider all relevant factors and grant his release on bond.

**COUNT IV:**

**VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF THE FIFTH  
AMENDMENT**

58. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

59. The Due Process Clause of the Fifth Amendment contains an implicit guarantee of equal protection that prohibits the federal government from treating similarly situated individuals differently without a rational and legitimate governmental purpose. *Reno v. Flores*, 507 U.S. 292, 302 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).

60. Despite being similarly situated to other section 240 respondents, Petitioner has been categorically denied access to any individualized bond hearing. Immigration and Customs Enforcement has classified him entirely outside the ordinary custody review framework, even though he has no disqualifying conduct and no statutory bar applies.

61. Petitioner has never been provided with an opportunity to contest the basis of his custody classification. No Immigration Judge has evaluated his case, and no neutral decisionmaker has reviewed the government's rationale for treating him differently from other section 240 detainees. Petitioner's continued detention therefore rests on an unreviewed and arbitrary determination that denies him the individualized consideration regularly accorded to similarly situated individuals.

62. The resulting disparity constitutes a violation of equal protection. The Fifth Amendment prohibits the government from treating similarly situated persons differently without a rational basis. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). There is no rational or legitimate basis for denying Petitioner a custody review process that is routinely available to other section 240 respondents who have no criminal history, who present no danger, and who have previously demonstrated compliance with supervision.

63. Immigration authorities have provided no individualized explanation, no factual findings, and no adjudicative basis for placing Petitioner in a more restrictive custody category than similarly situated noncitizens. A custody classification that results in prolonged detention without review, premised solely on discretionary agency assertions and without the involvement of a neutral adjudicator, is arbitrary and not rationally related to any legitimate governmental

purpose. Such disparate treatment is especially unconstitutional where, as here, Petitioner has deep family and community ties, a pending protection claim, and no adverse factors that would warrant deviation from standard custody procedures.

64. Civil immigration detention must be reasonably related to its permissible purposes. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Denying Petitioner the opportunity for individualized custody review that is available to other noncitizens in the same statutory category bears no reasonable relation to ensuring appearance at proceedings or protecting public safety.

65. The government's unequal treatment of Petitioner violates the equal protection guarantee embedded in the Fifth Amendment. This irrational and arbitrary deviation from established custody procedures further underscores the constitutional infirmity of his continued detention.

66. Habeas relief is warranted to remedy this discriminatory treatment. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct the Department of Homeland Security to provide him with the same individualized custody review afforded to similarly situated respondents in section 240 proceedings.

**COUNT V:**

**VIOLATION OF THE SUSPENSION CLAUSE OF THE UNITED STATES  
CONSTITUTION**

67. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

68. The Suspension Clause of the United States Constitution provides that “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the legality of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).

69. Habeas corpus remains available to all individuals detained by executive authority within the United States, including noncitizens held in civil immigration custody. The Supreme Court has expressly held that Congress may not eliminate all avenues of meaningful judicial review of the legality of detention. *St. Cyr*, 533 U.S. at 305–06.

70. Petitioner is detained solely under civil immigration authority and is currently confined at the Folkston ICE Processing Center in Folkston, Georgia. He has no criminal convictions, no history of violence, and is pursuing relief under INA § 240A(b). Petitioner is seeking protection in good faith and remains in active removal proceedings.

71. Petitioner has never received a constitutionally adequate custody hearing. No Immigration Judge has evaluated whether his continued detention is justified, nor has any adjudicator assessed whether alternatives to detention would ensure compliance. Petitioner has been categorically excluded from meaningful custody review despite being similarly situated to other noncitizens in section 240 proceedings who receive individualized bond determinations under section 236(a).

72. Because neither Immigration Judges nor the Board of Immigration Appeals assert jurisdiction over his custody classification, Petitioner has no administrative pathway to challenge the legality, length, or necessity of his detention. Immigration and Customs Enforcement has likewise provided no discretionary parole review, no updated custody assessment, and no individualized consideration of his circumstances. The agency's actions have left Petitioner without any forum to contest the legality of his civil confinement.

73. As a result, no alternative remedy exists outside of habeas corpus through which Petitioner may secure judicial review of his prolonged and arbitrary detention. Neither the

immigration courts nor the agency's internal processes offer a mechanism for him to challenge the basis or duration of his confinement.

74. The Suspension Clause prohibits the government from implementing a detention scheme that eliminates all meaningful opportunity for detainees to test the legality of their confinement. *Boumediene*, 553 U.S. at 779 (“The writ must be effective.”). When no adequate and effective substitute exists, habeas corpus review is constitutionally required. *St. Cyr*, 533 U.S. at 305.

75. Petitioner's detention—prolonged, indefinite, unreviewed, and insulated from any individualized determination—implicates the core protections of the Suspension Clause. Without access to habeas corpus, Petitioner would have no mechanism, judicial or administrative, to contest the legality of his ongoing civil detention.

76. The government's categorical refusal to provide custody review, and its reliance on internal detention classifications that foreclose individualized assessment, violate the Suspension Clause by depriving Petitioner of an effective and constitutionally required means to challenge unlawful confinement.

77. Accordingly, habeas corpus relief is required. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct Respondents to provide him with a prompt, meaningful, and individualized custody hearing before a neutral adjudicator with authority to grant release.

#### **PRAYER FOR RELIEF**

Petitioner respectfully requests that this Court grant the following relief:

- A. Assume jurisdiction over this matter.

- B. Order, under the All Writs Act, 28 U.S.C. § 1651, that Respondents not transfer Petitioner outside of the jurisdiction of the U.S. District Court for the Southern District of Georgia during the pendency of this petition.
- C. Declare that the Respondent's actions or omissions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution and/or the Immigration and Nationality Act;
- D. Issue a writ of habeas corpus ordering Petitioner's immediate release from immigration detention;
- E. In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before a neutral Immigration Judge within seven (7) days of the Court's order, at which the government bears the burden to prove by clear and convincing evidence that continued detention is justified based on danger to the community or risk of flight;
- F. Award Petitioner reasonable costs and attorneys' fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, to the extent applicable;
- G. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this December 18, 2025.

/s/ Eszter Bardi Johnston

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**VERIFICATION BY SOMEONE ACTING OF PETITIONER'S BEHALF PURSUANT TO  
28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this petition for Writ of Habeas Corpus are true and current to the best of my knowledge.

Respectfully submitted this December 18, 2025.

/s/ Eszter Bardi Johnston

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of December, 2025, I electronically filed the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 with the Clerk of the Court.

Respectfully submitted this December 18, 2025.

/s/ Eszter Bardi Johnston

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