

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

JUAN PEREZ ISIDORO,

A 

Petitioner,

v.

WARDEN, FOLKSTON ICE
PROCESSING CENTER; LADEON
FRANCIS, Field Office Director of
Enforcement and Removal Operations,
Atlanta Field Office, Immigration and
Customs Enforcement; TODD LYONS,
Acting Director, U.S. Immigration
Customs Enforcement; KRISTI NOEM,
Secretary, U.S. Department of Homeland
Security; DAREN K. MARGOLIN,
Director, Executive Office for
Immigration Review (EOIR),

Respondents.

Case No. 5:25-cv244

**PETITION FOR WRIT
OF HABEAS CORPUS**

1
2 **INTRODUCTION**

3 1. Petitioner, Mr. Juan Perez Isidoro is in the physical custody of
4 Respondents at the Folkston ICE Processing Center. Exhibit A, ICE Detainee
5 Locator Print Out. He now faces unlawful detention because the Department of
6 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR)
7 have concluded Petitioner is subject to mandatory detention.
8

9 2. Petitioner is charged with, inter alia, having entered the United States
10 without admission or inspection. See 8 U.S.C. § 1182(a)(6)(A)(i).

11 3. Based on this allegation in Petitioner’s removal proceedings, DHS
12 denied Petitioner release from immigration custody, consistent with a new DHS
13 policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement
14 (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e.,
15 those who entered the United States without admission or inspection—to be subject
16 to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released
17 on bond.
18

19 4. Similarly, on September 5, 2025, the Board of Immigration Appeals
20 (BIA or Board) issued a precedent decision, binding on all immigration judges,
21 holding that an immigration judge has no authority to consider bond requests for any
22 person who entered the United States without admission. *See Matter of Yajure*
23 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such
24

1
2 individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore
3 ineligible to be released on bond.

4 5. Petitioner’s detention on this basis violates the plain language of the
5 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to
6 individuals like Petitioner who previously entered and are now residing in the United
7 States. Instead, such individuals are subject to a different statute, § 1226(a), that
8 allows for release on conditional parole or bond.
9

10 6. Respondents’ new legal interpretation is plainly contrary to the
11 statutory framework, contrary to decades of agency practice applying § 1226(a), and
12 contrary to recent federal decisions—including decisions of this Court—holding that
13 § 1225(b)(2) applies only to individuals who are “seeking admission” in the context
14 of an arrival inspection by an examining immigration officer.
15

16 7. Notably, Petitioner is a member of the certified class in *Lazaro*
17 *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403
18 (C.D. Cal. Nov. 25, 2025), which rejected Respondents’ interpretation of §
19 1225(b)(2). Yet despite this class-wide decision, and despite this Court’s own
20 holdings, the Stewart Immigration Court continues to refuse to find jurisdiction to
21 conduct bond hearings for individuals like Petitioner—leaving habeas corpus as the
22 only available mechanism for judicial review of Petitioner’s detention.
23
24

1
2 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he
3 be released unless Respondents provide a bond hearing under § 1226(a) within seven
4 days.

5 JURISDICTION

6 9. Petitioner is in the physical custody of Respondents. Petitioner is
7 detained at the Folkston ICE Processing Center located in Lumpkin, Georgia.
8

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

12 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the
13 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.
14 § 1651.
15

16 VENUE

17 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
18 484, 493- 500 (1973), venue lies in the United States District Court for the Southern
19 District of Georgia, the judicial district in which Petitioner currently is detained.
20

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

1
2 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

8
9 15. Habeas corpus is “perhaps the most important writ known to the
10 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases
11 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis
12 added). “The application for the writ usurps the attention and displaces the calendar
13 of the judge or justice who entertains it and receives prompt action from him within
14 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
15 2000) (citation omitted).
16

17 **PARTIES**

18 16. Petitioner, Mr. Juan Pere Isidoro is native and citizen of Mexico who
19 has been in immigration detention since September 24, 2025. After arresting
20 Petitioner, ICE did not set bond and Petitioner is unable to obtain review of his
21 custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29
22 I. & N. Dec. 216 (BIA 2025).
23
24

1
2 17. Respondent, the Warden of the Folkston ICE Processing Center, is
3 employed by GEO Group. He has immediate physical custody of Petitioner. He is
4 sued in his official capacity.

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

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

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

21
22 21. Respondent, Daren Margolin, is the director of the Executive Office for
23 Immigration Review (EOIR). EOIR is the federal agency responsible for
24

1
2 implementing and enforcing the INA in removal proceedings, including for custody
3 redeterminations in bond hearings.

4 **LEGAL FRAMEWORK**

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

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

12 24. Second, 8 U.S.C. § 1225(b)(1)–(2) provides for mandatory detention of
13 certain individuals seeking admission who are inspected at the border and
14 determined not “clearly and beyond a doubt entitled to be admitted.” This detention
15 framework is tied to the process of arrival inspection performed by an examining
16 immigration officer.

17
18 25. Third, 8 U.S.C. § 1231 governs detention of individuals who are subject
19 to final orders of removal.

20
21 26. This case turns on the proper application of § 1226(a) versus §
22 1225(b)(2) for a noncitizen like Petitioner—an individual who entered the United
23 States years ago, resided here, and was apprehended within the interior, not at a port
24 of entry.

1
2 27. Historically, individuals who entered without inspection and were later
3 placed in § 1229a removal proceedings were treated as detained under § 1226, not §
4 1225. EOIR regulations following IIRIRA confirm that such individuals were not
5 considered “arriving” and therefore were eligible for bond hearings. *See* 62 Fed. Reg.
6 10312, 10323 (Mar. 6, 1997).

7
8 28. For decades, consistent with this regulatory framework and prior
9 immigration law, noncitizens who entered without inspection and were apprehended
10 inside the United States received custody redeterminations unless subject to §
11 1226(c). *See* former 8 U.S.C. § 1252(a) (1994); H.R. Rep. No. 104-469, pt. 1, at 229
12 (1996).

13 **The Government’s Recent Policy Shift**

14
15 29. On July 8, 2025, ICE—“in coordination with” DOJ—issued guidance
16 declaring that all individuals who entered without inspection must now be detained
17 under § 1225(b)(2)(A), regardless of when they entered the United States or whether
18 they were ever inspected by an immigration officer.

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.
23
24

1
2 **This Court Has Rejected Respondents' Interpretation**

3 31. This Court has already rejected the government's reading of §
4 1225(b)(2). In *Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 *(S.D. Ga. Nov.
5 4, 2025), the Court held that § 1225(b)(2) applies only to noncitizens who are
6 "seeking admission" in the context of an arrival inspection by an examining
7 immigration officer.
8

9 32. The Court explained that "seeking admission" requires an affirmative
10 act at or near the time of arrival to obtain legal entry, coupled with contemporaneous
11 inspection. The Court rejected DHS's argument that individuals apprehended years
12 after entering the United States may be treated as if they were seeking admission. *Id.*
13 at 3.
14

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

18 **The Bautista Class Action Confirms Petitioner's Eligibility for Bond**

19 34. Petitioner is also a member of the certified class in *Lazaro Maldonado*
20 *Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal.
21 Nov. 25, 2025), which likewise held that § 1225(b)(2) mandatory detention does not
22 apply absent an arrival inspection. DHS has acknowledged in other litigation that it
23 is still "developing its decision" concerning the application of that ruling.
24

1
2 **Courts Nationwide Have Rejected the Government’s Theory**

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

12
13 36. These courts uniformly conclude that Respondents’ interpretation
14 contradicts the statutory text, structure, and decades of agency practice.
15

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

17 37. Despite this Court’s binding precedent and the Bautista class decision,
18 the Stewart Immigration Court continues to decline jurisdiction over custody
19 redeterminations for noncitizens like Petitioner, based on the BIA’s erroneous
20 decision in *Matter of Yajure Hurtado*.
21

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

1
2 **FACTUAL BACKGROUND**

3 39. Petitioner is a native and citizen of Mexico who entered the United
4 States in or about 1995 without inspection. Since that time, he has resided
5 continuously in the United States for three decades and has established deep family,
6 business, and community ties.

7
8 40. Petitioner is married and has two minor US. Citizen, a stepdaughter,
9 J.M. (Age 15) and a biological son, R.P. (age 17). Petitioner has been the primary
10 financial provider for his household, supports his son who lives with his mother
11 economically, and has built a stable and successful life centered in the United States.

12 41. Petitioner is a long-time entrepreneur and business owner. For the past
13 five years, he has owned and operated his own construction company, through which
14 he employs more than five individuals.

15
16 42. Petitioner has consistently paid taxes and has complied with all
17 applicable financial and business obligations. His businesses not only support his
18 immediate family, but also provide livelihoods for his employees and their families,
19 who are now directly impacted by his continued detention.

20
21 43. Petitioner has no criminal history whatsoever aside from minor, traffic-
22 related offenses. He has never been convicted of any violent crime, drug offense, or
23 offense involving moral turpitude, and he poses no danger to the community.
24

1
2 44. Petitioner's 15-year-old stepdaughter, J.M. has had a long history of
3 anxiety, depression, and [REDACTED] She considers Petitioner to be her
4 real father after experiencing abuse by her biological father. She continues to
5 struggle with [REDACTED] and has been negatively impacted by
6 Petitioner's detention.

7
8 45. Because of Petitioner's detention, his stepdaughter's mental health and
9 emotional well-being has worsened. Furthermore, his business has suffered
10 substantial harm. His prolonged confinement jeopardizes the continued operation of
11 his construction company and, placing his employees and tenants at risk of severe
12 financial instability.

13
14 46. Petitioner was apprehended by Immigration and Customs Enforcement
15 ("ICE") following a traffic stop. He was not apprehended at or near the border, nor
16 was he seeking admission to the United States at the time of his arrest.

17
18 47. Petitioner poses no flight risk and no danger to the community. His
19 thirty years of residence in the United States, provider of U.S. citizen children,
20 ownership of multiple businesses and properties in Georgia, consistent tax
21 compliance, and lack of criminal history overwhelmingly demonstrate that he is an
22 appropriate candidate for release on bond under INA § 236(a).

23
24 48. Petitioner's continued detention violates due process because it is based
on an unlawful application of INA § 235 to an individual who was apprehended

1
2 inside the United States long after entry and who is not seeking admission. Petitioner
3 therefore falls squarely within the discretionary detention framework of INA §
4 236(a), which entitles him to an individualized bond hearing.

5 49. By continuing to detain Petitioner without bond while his immigration
6 case remains pending—despite his extensive equities, serious family hardship, and
7 lack of any disqualifying factors—Respondents are subjecting him to prolonged and
8 arbitrary imprisonment in violation of the Fifth Amendment’s Due Process Clause,
9 thereby necessitating habeas relief.

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

19
20 51. Likewise, Petitioner is a member of the certified class in *Lazaro*
21 *Maldonado Bautista v. Santacruz*, which likewise held that § 1225(b)(2) mandatory
22 detention cannot apply absent an arrival inspection. Nevertheless, ICE continues to
23
24

1
2 detain Petitioner under § 1225(b)(2), and the Stewart Immigration Court refuses to
3 exercise jurisdiction to conduct a bond hearing.

4 52. Because Petitioner is a long-term resident of the United States with
5 more than two decades of continuous presence, deep family and community ties, a
6 United States citizen spouse suffering from a serious autoimmune illness, extensive
7 business and property interests in Georgia, and no criminal history beyond minor
8 traffic offenses, his continued and prolonged detention without any opportunity for
9 individualized custody review violates the fundamental requirements of due process
10 and underscores the urgent necessity of habeas relief.

11
12 **CLAIMS FOR RELIEF**

13 **COUNT I**
14 **Violation of the INA**

15 53. Petitioner incorporates by reference the allegations of fact set forth in
16 the preceding paragraphs.

17
18 54. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not
19 apply to all noncitizens residing in the United States who are subject to the grounds
20 of inadmissibility. As relevant here, it does not apply to those who previously
21 entered the country and have been residing in the United States prior to being
22 apprehended and placed in removal proceedings by Respondents. Such noncitizens
23 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or
24 § 1231.

1
2 55. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
3 continued detention and violates the INA.

4 **COUNT II**

5 **Violation of the Bond Regulations**

6 56. Petitioner incorporates by reference the allegations of fact set forth in
7 preceding paragraphs.
8

9 57. In 1997, after Congress amended the INA through IIRIRA, EOIR and
10 the then-Immigration and Naturalization Service issued an interim rule to interpret
11 and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and
12 Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants
13 for admission, [noncitizens] who are present without having been admitted or
14 paroled (formerly referred to as [noncitizens] who entered without inspection) will
15 be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis
16 added). The agencies thus made clear that individuals who had entered without
17 inspection were eligible for consideration for bond and bond hearings before IJs
18 under 8 U.S.C. § 1226 and its implementing regulations.
19

20 58. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy
21 and practice of applying § 1225(b)(2) to individual like Petitioner.
22

23 59. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
24 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

1
2 **COUNT III**
3 **Violation of Due Process**

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

6 61. The government may not deprive a person of life, liberty, or property
7 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—
8 from government custody, detention, or other forms of physical restraint—lies at the
9 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690
10 (2001).

11 62. Petitioner has a fundamental interest in liberty and being free from
12 official restraint.

13 63. The government’s detention of Petitioner without a bond
14 redetermination hearing to determine whether he is a flight risk or danger to others
15 violates his right to due process.
16

17 **PRAYER FOR RELIEF**

18
19 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 20 a. Assume jurisdiction over this matter;
- 21 b. Order that Petitioner shall not be transferred outside the Southern
22 District of Georgia while this habeas petition is pending;
- 23 c. Issue an Order to Show Cause ordering Respondents to show cause why
24 this Petition should not be granted within three days;

- 1
- 2 d. Issue a Writ of Habeas Corpus requiring that Respondents release
- 3 Petitioner or, in the alternative, provide Petitioner with a bond hearing
- 4 pursuant to 8 U.S.C. § 1226(a) within seven days;
- 5 e. Declare that Petitioner’s detention is b
- 6 f. Award Petitioner attorney’s fees and costs under the Equal Access to
- 7 Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other
- 8 basis justified under law; and
- 9 g. Grant any other and further relief that this Court deems just and proper.

DATED this 22nd day of December, 2025.

10

11 ZAMBRANO LAW,

12 /s/ Shirley C. Zambrano

13 Shirley C. Zambrano

14 GA Bar Number: 741429

15 1995 North Park Place, Suite 360

16 Atlanta, GA 30339

17 Phone: 770-769-5821

18 Fax: 770-769-5810

19 szambrano@zambranolaw.com

20

21 *Counsel for Petitioner*

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I represent Petitioner, Mr. Juan Perez Isidoro, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 22nd day of December, 2025.

ZAMBRANO LAW,

/s/ Shirley C. Zambrano

Shirley C. Zambrano

GA Bar Number: 741429

1995 North Park Place, Suite 360

Atlanta, GA 30339

Phone: 770-769-5821

Fax: 770-769-5810

szambrano@zambranolaw.com

Counsel for Petitioner