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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Cecilio LUGO CASTILLO,

Petitioner,

v.

*Jason STREEVAL, in his official capacity as
Warden of Stewart Detention Center, and Todd
LYONS, in his official capacity as Acting
Director of Immigration and customs
Enforcement, and Ladeon FRANCIS, Field
Office Director ICE Atlanta Field Office, and
Kristi NOEM, Secretary of Homeland Security,
and Pamela BONDI, in her official capacity as
Attorney General, United States Department of
Justice*

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Alien File No.



1 INTRODUCTION

2 1. Petitioner, Cecilio Lugo Castillo, is a forty-six-year-old native and citizen of
3 Mexico who entered the United States without inspection in or around 2000 and has resided in
4 the United States for twenty-five years.

5 2. Petitioner is in the physical custody of Respondents at the Stewart Detention
6 Center in Lumpkin, Georgia. He now faces unlawful detention because the Department of
7 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have
8 concluded Petitioner is subject to mandatory detention.

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

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

17 5. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or
18 Board) issued a precedent decision, binding on all immigration judges, holding that an
19 immigration judge has no authority to consider bond requests for any person who entered the
20 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
21 The Board determined that such individuals are subject to detention under 8 U.S.C. §
22 1225(b)(2)(A) and therefore ineligible to be released on bond.

1 6. Petitioner’s detention on this basis violates the plain language of the Immigration
2 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
3 previously entered and are now residing in the United States. Instead, such individuals are
4 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.
5 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
6 having entered the United States without inspection.

7 7. Respondents’ new legal interpretation is plainly contrary to the statutory
8 framework and contrary to decades of agency practice applying § 1226(a) to people like
9 Petitioner.

10 8. Further, on December 18, 2025, the District Court of Central California entered
11 Final Judgment in the nationwide class action *Maldonado Bautista v. Santacruz*. See *Maldonado*
12 *Bautista v. Santacruz*, 2025 U.S. Dist. LEXIS 262265 (C.D. Cal. Dec. 18, 2025). This final
13 judgment certified Bond Eligible Class members and declared that *Yajure-Hurtado* was no
14 longer tenable. See *Order Granting in Part and Denying in Part Petitioner’s Ex Parte*
15 *Application for Reconsideration or Clarification [DKT. No. 87]*, 5:23-cv-01873-SSS-BFM, EC
16 No. 92 at 6 (C.D. Cal. Dec. 18, 2025).

17 9. The judgment holds that Bond Denial Class members are detained under 8 U.S.C.
18 § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A).

19 10. However, the Executive Office for Immigration Review and its subagency the
20 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
21 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
22 opportunity to be released on bond.

23 11. Petitioner is a member of the Bond Eligible Class, as he:
24

- 1 a. does not have lawful status in the United States and is currently detained at the
2 Stewart Detention Center. he was apprehended by immigration authorities on or
around December 30, 2025;
- 3 b. entered the United States without inspection over twenty-five years ago and was
not apprehended upon arrival, *cf. id.*; and
- 4 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

5 12. After apprehending Petitioner on or about December 30, 2025, the DHS placed
6 him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
7 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
8 without inspection.

9 13. The Court should expeditiously grant this petition.

10 14. Respondents are bound by the judgment in *Maldonado Bautista*. Nevertheless,
11 Respondents continue to flagrantly defy the judgment in that case and continue to subject
12 Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond
13 as a Bond Eligible Class member.

14 15. Immigration judges have informed class members in bond hearings that they have
15 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
16 controlling, even with respect to class members, and that instead IJs remain bound to follow the
17 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

18 16. Because Respondents are detaining Petitioner in violation of the declaratory
19 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
20 Respondent DHS must release Petitioner.

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

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JURISDICTION

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

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

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

VENUE

21. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Middle District of Georgia within the Columbus Division, the judicial district in which Petitioner currently is detained.

22. Respondent Streeval is his immediate custodian.

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

REQUIREMENTS OF 28 U.S.C. § 2243

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

1 34. Second, the INA provides for mandatory detention of noncitizens subject to
2 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
3 referred to under § 1225(b)(2).

4 35. Last, the INA also provides for detention of noncitizens who have been ordered
5 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)-(b).

6 36. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
7

8 **FACTS**

9 37. Petitioner is a forty-six-year-old native and citizen of Mexico. *See Exhibit 1,*
10 *Petitioner's Passport.*

11 38. Petitioner has resided in the United States since 2000 and lives in Jasper County,
12 Georgia.

13 39. In December 2025, Petitioner was detained by ICE after being arrested for driving
14 without a license.

15 40. Petitioner is the father of seven (7) United States citizen (USC) children, ages 11,
16 12, 14, 15, 16, 19, and 20. *See Exhibit 2, Birth Certificates for Petitioner's USC Children.*

17 41. Petitioner's criminal history consists only of minor traffic violations.

18 42. Petitioner is neither a flight risk nor a danger to the community.

19 43. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
20 Petitioner's bond request.

21 44. As a result, Petitioner remains in detention. Without relief from this court, he
22 faces the prospect of months, or even years, in immigration custody, separated from his family
23 and community.
24

1 **CLAIMS FOR RELIEF**

2 **Violation of the INA:**
3 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

8 47. The order granting partial summary judgment in *Maldonado Bautista* holds that
9 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
10 members.

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

14 49. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
15 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
16 § 2201(a).

17 50. By denying Petitioner a bond hearing under § 1226(a) and asserting that she is
18 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory
19 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

20 **PRAYER FOR RELIEF**

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

- 22 a. Assume jurisdiction over this matter;
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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/ Carlos E. Solomiany

Date: January 5, 2026