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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

Ricardo OREGEL GONZALEZ,

Petitioner,

v.

Cody YOUGHN, *in his official capacity as Sheriff of Irwin County*, 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, Ricardo Oregel Gonzalez, is a forty-eight-year-old native and citizen of  
3 Mexico who entered the United States without inspection around 1999 and has resided in the  
4 United States for more than 10 years.

5 2. Petitioner is in the physical custody of Respondents at the Irwin County Detention  
6 Center in Lumpkin, Georgia. 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

- a. does not have lawful status in the United States and is currently detained at the Irwin County Detention Center. He was apprehended by immigration authorities on or around December 8, 2025;
- b. entered the United States without inspection more than ten years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

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

13. The Court should expeditiously grant this petition.

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

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

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

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

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**JURISDICTION**

19. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Irwin County Detention Center in Ocilla, Georgia.

20. 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).

21. 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**

22. 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 Valdosta Division, the judicial district in which Petitioner currently is detained.

23. Respondent Youghn is his immediate custodian.

24. 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**

25. 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*.

26. 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

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
2 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
3 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
4 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5 **PARTIES**

6 27. Petitioner Ricardo Oregel Gonzalez is a citizen and national of Mexico who has  
7 been in immigration detention since on or about December 8, 2025. After detaining Petitioner in  
8 Atlanta, Georgia, ICE did not set bond and Petitioner is unable to obtain review of his custody by  
9 an immigration judge, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N.  
10 Dec. 216 (BIA 2025). Petitioner is currently detained at the Irwin County Detention Center in  
11 Ocilla, Georgia.

12 28. Respondent Cody Youghn is the Sheriff of Irwin County. As such, Respondent  
13 Youghn is responsible for the operation of the Detention Center where Petitioner is detained. As  
14 ICE contracts with facilities such as the Irwin County Detention Center to house immigration  
15 detainees such as the Petitioner, Respondent Youghn has immediate physical custody of the  
16 Petitioner.

17 29. Respondent Todd Lyons is the Director of the Field Office of ICE’s Enforcement  
18 and Removal Operations division. As such, Respondent Lyons is being sued in his official  
19 capacity.

20 30. Respondent Ladeon Francis is the Atlanta Field Office Director for Immigration  
21 and Customs Enforcement. As such, Respondent Francis is responsible for the oversight of ICE  
22 operations at the Stewart Detention Center. Respondent Francis is being sued in his official  
23 capacity.

1 31. Respondent Kristi Noem is the Secretary of the Department of Homeland  
2 Security. She is responsible for the implementation and enforcement of the Immigration and  
3 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.  
4 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

5 32. Respondent Pamela Bondi is the Attorney General of the United States. She is  
6 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
7 and the immigration court system it operates is a component agency. She is sued in her official  
8 capacity.

9  
10 **LEGAL FRAMEWORK**

11 33. The INA prescribes three basic forms of detention for the vast majority of  
12 noncitizens in removal proceedings.

13 34. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
14 proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a)  
15 detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§  
16 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of  
17 certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

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

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

23 37. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).  
24

**FACTS**

38. Petitioner is a forty-eight-year-old native and citizen of Mexico. *See Exhibit 1, Petitioner's Passport.*

39. Petitioner has resided in the United States since 1999 and lives East Point, Georgia.

40. In December 2025, Petitioner was detained by ICE.

41. Petitioner is the father of two (3) United States citizen (USC) children, ages 24, 21, and 17. *See Exhibit 2, Birth Certificates for Petitioner's USC Children.*

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

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

44. As a result, Petitioner remains in detention due to Respondent's disregard of the current legal framework. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

**CLAIMS FOR RELIEF**

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

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

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

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

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

4 49. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
5 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
6 § 2201(a).

7 50. By denying Petitioner a bond hearing under § 1226(a) and asserting that he

8 51. is subject to mandatory detention under § 1225(b)(2), Respondents violate  
9 Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

10 **PRAYER FOR RELIEF**

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

- 12 a. Assume jurisdiction over this matter;
- 13 b. Order that Petitioner shall not be transferred outside the Middle District of  
14 Georgia while this habeas petition is pending;
- 15 c. Issue an Order to Show Cause ordering Respondents to show cause why this  
16 Petition should not be granted within three days;
- 17 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in  
18 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §  
19 1226(a) within seven days;
- 20 e. Declare that Petitioner’s detention is unlawful;
- 21 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
22 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
23 law; and  
24

1 g. Grant any other and further relief that this Court deems just and proper.

2 DATED this 9<sup>th</sup> day of January, 2026.

3 By: Fred M Rawcliffe Jr.  
4 Fred (Rocky) Rawcliffe, Esq.  
5 *The Rawcliffe Firm, LLC*  
6 Attorney for the Respondent  
7 1755 The Exchange SE, Suite 140  
8 Atlanta, GA 30339  
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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/ Fred (Rocky) Rawcliffe

Date: January 9 , 2026

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the document to which this certificate is attached has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1 for documents prepared by computer.

The Rawcliffe Firm LLC,

/s/ Fred (Rocky) Rawcliffe

Fred (Rocky) Rawcliffe, Esq.

GA Bar #: 532512

1  
2 CERTIFICATE OF SERVICE

3  
4 This is to certify that on this 9<sup>th</sup> day of January 2026, the foregoing **PETITION FOR A**  
5 **WRIT OF HABEAS CORPUS** and its accompanying Exhibits were submitted to the Federal  
6 District Court for the Middle District of Georgia to be served upon Respondent's in accordance  
7 with established court procedure.

8 The Rawcliffe Firm LLC,

9 /s/ Fred (Rocky) Rawcliffe

10 Fred (Rocky) Rawcliffe, Esq.

11 GA Bar #: 532512  
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