

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

HUGO MOZO SANCHEZ and  
FRANCISCO ANDRADE ARIZA,  
Petitioners,

vs.

WARDEN OF FOLKSTON ICE  
PROCESSING CENTER;  
PAMELA BONDI, in her official  
capacity as the U.S. Attorney General;  
and  
U.S. DEPARTMENT OF  
HOMELAND SECURITY;  
Defendants.

Civil Action No.:

**HEARING REQUESTED**

**PETITION FOR *WRIT OF HABEAS CORPUS* BY AN ALIEN DETAINEE**

**To the Honorable Judges of this Court:**

Petitioners, Hugo Mozo Sanchez and Francisco Andrade Ariza, respectfully bring this Petition for *Writ of Habeas Corpus* seeking relief to remedy their unlawful detention.

**I. FACTUAL BACKGROUND**

1. Petitioner Hugo Mozo Sanchez, a Mexican national, entered the United States on or about 2003 and has resided here since then.

2. On January 6, 2026, U.S. Immigration and Customs Enforcement (ICE) arrested Petitioner Mozo in Charlotte, North Carolina, while on his way to work. He was transported to the Folkston ICE Processing Center (FIPC), in Folkston, Georgia, where he remains.

3. Petitioner Francisco Andrade Ariza, a Mexican national, last entered the United States on or about 2002 and has resided here since then.

4. On January 6, 2026, ICE arrested Petitioner Andrade in North Carolina during an operation targeting another individual. He was transported to the Folkston ICE Processing Center, in Folkston, Georgia, where he remains.

5. On September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a precedential decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), reclassifying noncitizens present in the United States without lawful admission as “applicants for admission” under 8 U.S.C. § 1225(b)(2), thereby subjecting them to mandatory detention without bond hearings rather than classifying them under 8 U.S.C. § 1226(a), which affords the opportunity to seek bond. This marked a departure from decades of agency practice and settled judicial interpretation.

6. Petitioners are erroneously and unconstitutionally being denied the opportunity to seek bond based on Matter of Yajure Hurtado. At the time of their

arrest by ICE, neither Petitioner was seeking admission to the United States and, therefore, could not, as a matter of law, be classified as an applicant for admission under § 1225(b)(2).

7. Petitioners are seeking an order declaring § 1225(b)(2) inapplicable to them and mandating a § 1226(a) bond hearing.

8. Due to the irreparable harm of continued detention without due process, they request an order to show cause within three days under 28 U.S.C. § 2243 and reserve the right to seek a temporary restraining order under Fed. R. Civ. P. 65(b).

9. The Court should expeditiously grant this petition. Because Defendants are detaining Petitioners in violation of law, the Court should accordingly order that Defendants provide them with a bond hearing within 7 days or release them.

## **II. JURISDICTION AND VENUE**

10. This action arises under the United States Constitution and the Immigration and Nationality Act of 1952 (INA), 8 U.S.C. § 1101 *et seq.*

11. This Court has jurisdiction to grant a *writ of habeas corpus* under 28 U.S.C. § 2241, Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), and the Fifth Amendment's Due Process Clause. The Court also has federal question jurisdiction under 28 U.S.C. § 1331 and authority to issue declaratory and


injunctive relief under 28 U.S.C. §§ 2201–2202 and the All Writs Act, 28 U.S.C. § 1651.


12. Petitioners challenge only the statutory applicability of § 1225(b)(2), not its implementation or regulations. Thus, 8 U.S.C. § 1252(e)(3), which limits review of such implementation to the District of Columbia, does not apply. Villa v. Warden, 5:25-cv-00089-LGB-BWC (S.D. Ga. Nov. 4, 2025).

13. Similarly, 8 U.S.C. § 1252(g) does not bar review because Petitioners are not challenging the commencement, adjudication, or execution of their removal proceedings but the lawfulness of their civil detention separate from those proceedings.

14. Petitioners are detained at the Folkston ICE Processing Center in Folkston, Georgia, which lies within the Southern District of Georgia, Waycross Division. Venue is therefore proper pursuant to 28 U.S.C. § 1391(b)–(e).

### III. PARTIES

15. Petitioner Hugo Mozo Sanchez is a Mexican citizen currently detained by Defendants at the FIPC. His alien registration number is 

16. Petitioner Francisco Andrade Ariza is a Mexican citizen currently detained by Defendants at the FIPC. His alien registration number is 

17. Defendant Warden of the Folkston ICE Processing Center is being sued in his official capacity. He is responsible for the operations of the FIPC and has control over Petitioners as their immediate custodian.

18. Defendant Pamela Bondi is the U.S. Attorney General and is being sued in her official capacity.

19. Defendant U.S. Department of Homeland Security (“DHS”) is a governmental agency of the United States. It is a legal custodian of Petitioners.

#### **IV. CLAIM FOR RELIEF – *WRIT OF HABEAS CORPUS***

20. The Constitution guarantees the right of *writ of habeas corpus* to every individual detained within the United States, including immigration-related detention. Zadvydas v. Davis, 533 U.S. 678, 687 (2001). A *writ of habeas corpus* shall issue if the person is in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3) as it is the case here, where Petitioners are being detained based on an incorrect application of federal law and in violation of their due process rights.

21. The Court should grant the petition right away, as the legal issues presented by this Petition have already been resolved by this Court in the Villa consolidated cases.

**A. Count 1: Unlawful Detention Under 8 U.S.C. § 1225(b)(2)**

22. Petitioners' detention violates the law because Defendants have improperly classified them as an alien "seeking admission" and subjected them to mandatory detention under 8 U.S.C. § 1225(b)(2), a provision that applies only to aliens seeking admission and not to individuals like Petitioners who have long been present in the United States. Villa v. Warden, 5:25-cv-00089-LGB-BWC (S.D. Ga. Nov. 4, 2025).

23. Two statutes primarily govern the detention of noncitizens in removal proceedings: 8 U.S.C. §§ 1225 and 1226. Section 1225 governs mandatory detention and applies to aliens who, inter alia, are "seeking admission" (emphasis added). Section 1226, by contrast, governs the detention of aliens already present in the United States and permits discretionary release on bond for those who are neither a flight risk nor a danger to the community.

24. At the time of their arrests, years after their arrival to the United States, Petitioners were in the interior of the United States, not arriving at the border, and were not seeking admission. Their detention therefore falls within the scope of § 1226, not § 1225.

25. As a matter of statutory law, Defendants therefore lack authority to detain Petitioners under 8 U.S.C. § 1225(b)(2) and must provide them the procedural protections of § 1226(a), including a bond hearing.

26. Since the enactment of §§ 1225 and 1226 in 1996, Defendants had consistently applied the procedural safeguards of § 1226 to aliens who, like Petitioners, were apprehended in the interior of the United States.

27. In July of 2025, Defendants changed course abruptly and began alleging that all aliens who entered without being admitted or inspected are to be considered aliens seeking admission. On September 5, 2025, Defendants' new position was made binding upon Immigration Judges with the issuance of Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

28. This interpretation, which is contrary to decades of precedent, clear statutory text, regulations, and the government's own long-standing practice, has already been rejected by district courts nationwide, including this Honorable Court in Villa v. Warden, 5:25-cv-00089-LGB-BWC (S.D. Ga. Nov. 4, 2025).

29. Petitioners are entitled to a prompt, individualized bond hearing before an Immigration Judge at which the government bears the burden of proving that

continued detention is necessary to serve a legitimate purpose such as preventing flight or protecting the community.

30. Petitioners thus merit immediate relief in the form of release or a bond hearing with the Executive Office of Immigration Review (Immigration Court).

**B. Count 2: Unlawful Detention in Violation of Petitioners' Due Process Rights**

31. Petitioners' detention violates their substantial due process rights under the Fifth Amendment of the U.S. Constitution, which guarantees that no person shall be deprived of liberty without due process of law. Arbitrary, unreviewable civil detention is categorically unconstitutional. The Due Process Clause requires that any deprivation of Petitioners' liberty serve, at minimum, a legitimate purpose. *See Reno v. Flores*, 507 U.S. 292, 302-306 (1993)(explaining that infringements on fundamental liberty rights violate due process unless they are "narrowly tailored to serve a compelling state interest").

32. Civil detention is permissible only in narrow, non-punitive circumstances where the government demonstrates a legitimate and non-punitive governmental purpose supported by individualized findings that outweigh an individual's liberty interest. Here, Defendants have no special justification. Petitioners have no criminal record, pose no danger, and are not a flight risk. Continued incarceration

under these circumstances bears no reasonable relation to any legitimate governmental goal and therefore violates the substantive component of the Fifth Amendment's Due Process Clause.

33. Petitioners' detention also violates the procedural due process guarantees of the Fifth Amendment. The government has deprived them of liberty, the most fundamental of all interests, without providing any meaningful opportunity to contest that deprivation. They have received no hearing before a neutral decision-maker, no notice of the factual basis for their detention, and no chance to present evidence in their favor. Under Mathews v. Eldridge, 424 U.S. 319 (1976), such an absolute denial of process fails every prong of the balancing test: the private interest at stake is immense; the risk of erroneous deprivation is high where no procedure exists; and the government's burden in providing a bond hearing is minimal.

34. By refusing to provide even the minimal safeguards Congress built into § 1226(a), Defendants have acted in a manner that is arbitrary, capricious, and inconsistent with the basic promise of due process, that is, that the government may not imprison a person first and ask questions later.

35. A *writ of habeas corpus* should issue requiring Defendants to provide Petitioners with a bond hearing in Immigration Court or their release from detention.

WHEREFORE, Petitioners pray this Honorable Court:

- (a) Assume jurisdiction over this matter;
- (b) Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action for *habeas corpus*;
- (c) Issue and order directing Defendants to show cause why a *writ* should not be granted;
- (d) Issue a *writ of habeas corpus* ordering Defendants to release Petitioners immediately unless they provide a bond hearing under § 1226(a) within 7 days;
- (e) grant such other and further relief as this Court deems proper under the circumstances; and
- (f) grant reasonable attorney's fees and costs of Court to Petitioners under the Equal Access to Justice Act.

Respectfully submitted this January 16, 2026.

/s/ Giovanna Andrea Holden  
Giovanna Andrea Holden  
Attorney for Petitioners  
Georgia Bar No. 514691  
Holden Law Firm  
311 Green Street, NW  
Gainesville, GA 30501  
678-865-4444/[gio@holdenfirm.com](mailto:gio@holdenfirm.com)

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

<b>I. (a) PLAINTIFF(S)</b> HUGO MOZO SANCHEZ and FRANCISCO ANDRADE ARIZA  <b>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF</b> _____ (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANT(S)</b> Warden of Folkston ICE Processing Center, Pamela Bondi, and U.S. Department of Homeland Security  <b>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT</b> _____ (IN U.S. PLAINTIFF CASES ONLY)  <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
<b>(c) ATTORNEYS</b> (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)  Giovanna Andrea Holden Holden Law Firm 311 Green Street, NW, Ste 402 Gainesville, GA 30501 6788654444/gio@holdenfirm.com	<b>ATTORNEYS</b> (IF KNOWN)

**II. BASIS OF JURISDICTION**  
 (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF	<input type="checkbox"/> 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
<input checked="" type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT	<input type="checkbox"/> 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**  
 (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)  
 (FOR DIVERSITY CASES ONLY)

PLF	DEF	PLF	DEF	
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	CITIZEN OF THIS STATE INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	CITIZEN OF ANOTHER STATE INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY FOREIGN NATION

**IV. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 ORIGINAL PROCEEDING	<input type="checkbox"/> 2 REMOVED FROM STATE COURT	<input type="checkbox"/> 3 REMANDED FROM APPELLATE COURT	<input type="checkbox"/> 4 REINSTATED OR REOPENED	<input type="checkbox"/> 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)	<input type="checkbox"/> 6 MULTIDISTRICT LITIGATION - TRANSFER	<input type="checkbox"/> 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
<input type="checkbox"/> 8 MULTIDISTRICT LITIGATION - DIRECT FILE						

**V. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Petition for Writ of Habeas Corpus under 28 USC § 2241, 28 USC § 1651, 28 U.S.C. § 2201-02, and the U.S. Constitution for an alien detained in violation of his constitutional rights and other laws.

**(IF COMPLEX, CHECK REASON BELOW)**

<input type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 10. Existence of highly technical issues and proof.

**CONTINUED ON REVERSE**

<b>FOR OFFICE USE ONLY</b>			
RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ <i>(Referral)</i>	NATURE OF SUIT _____	CAUSE OF ACTION _____

**VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395ff)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSDI TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 485 TELEPHONE CONSUMER PROTECTION ACT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT 899
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

**\* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ \_\_\_\_\_

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

**VIII. RELATED/REFILED CASE(S) IF ANY**

JUDGE \_\_\_\_\_ DOCKET NO. \_\_\_\_\_