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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

KHASHAFA, Gamal,

*Petitioner,*

v.

LADEON FRANCIS, Field Office Director of Enforcement and Removal Operations, ATLANTA Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Jason STREEVAL Warden of STEWART DETENTION CENTER, *in their official capacities,*

*Respondents.*

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

Agency: 

1 INTRODUCTION

2 1. Petitioner Gamal Khashafa (“Petitioner”) is in the physical custody of  
3 Respondents at the Stewart Detention Center. He now faces unlawful detention because the  
4 Department of Homeland Security (“DHS”) and the Executive Office of Immigration Review  
5 (“EOIR”) will conclude that Petitioner is subject to mandatory detention.

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

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

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

20 5. Petitioner’s detention on this basis violates the plain language of the Immigration  
21 and Nationality Act (“INA”). Section 1225(b)(2)(A) does not apply to individuals like Petitioner  
22 who previously entered and are now residing in the U.S. Instead, such individuals are subject to a  
23 different statute, § 1226(a), that allows for release on conditional parole or bond. That statute  
24

1 expressly applies to people who, like Petitioner, are charged as inadmissible for having entered  
2 the U.S. without inspection.

3 6. Respondents' new legal interpretation is plainly contrary to the statutory  
4 framework and contrary to decades of agency practice applying § 1226(a) to people like  
5 Petitioner.

6 7. Moreover, on November 20, 2025, the district court granted partial summary  
7 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide  
8 class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*,  
9 No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov.  
10 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado*  
11 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at  
12 \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond  
13 Eligible Class, incorporating and extending declaratory judgment from Order Granting  
14 Petitioners' Motion for Partial Summary Judgment).

15 8. The declaratory judgment held that the Bond Denial Class members are detained  
16 under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under §  
17 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11. The court then issued a final  
18 judgment in favor of the class on December 18, 2025.

19 9. Nonetheless, the EOIR and its subagency the Immigration Court and the DHS,  
20 have blatantly refused to abide by the declaratory relief and have unlawfully ordered that class  
21 members be denied the opportunity to be released on bond.

22 10. IJs have informed class members in bond hearings that they have been instructed  
23 by "leadership" that the declaratory judgment in *Maldonado Bautista* is not controlling, even  
24

1 with respect to class members, and that instead IJs remain bound to follow the agency's prior  
2 decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

3 11. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
4 unless Respondents provide a bond hearing under § 1226(a) within seven (7) days.

5 12. This court has already determined that people who enter without inspection are  
6 not arriving. *See, e.g., J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga.  
7 Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24,  
8 2025).

### 9 JURISDICTION

10 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
11 Stewart Detention Center located in Lumpkin, Georgia.

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

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

### 17 VENUE

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

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

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

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

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

12 **PARTIES**

13 20. Petitioner Gamal Khashafa is a citizen of Yemen who has been in immigration  
14 detention since on or about November 2025. Petitioner was detained and taken into ICE custody,  
15 who did not set bond, and Petitioner is unable to obtain review of his custody by an IJ, pursuant  
16 to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

17 21. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE’s  
18 EOIR division. As such, he is Petitioner’s immediate custodian and is responsible for Petitioner’s  
19 detention and removal. He is named in his official capacity.

20 22. Respondent Kristi Noem is the Secretary of DHS. She is responsible for the  
21 implementation and enforcement of the INA, and oversees ICE, which is responsible for  
22 Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in  
23 her official capacity.

1 23. Respondent DHS is the federal agency responsible for implementing and  
2 enforcing the INA, including the detention and removal of noncitizens.

3 24. Respondent Pamela Bondi is the Attorney General of the U.S. She is responsible  
4 for the Department of Justice (“DOJ”), of which the EOIR and the immigration court system it  
5 operates is a component agency. She is sued in her official capacity.

6 25. Respondent EOIR is the federal agency responsible for implementing and  
7 enforcing the INA in removal proceedings, including for custody redeterminations in bond  
8 hearings.

9 26. Respondent Jason Streeval is employed by CoreCivic as Warden of the Stewart  
10 Detention Center where Petitioner is detained. He has immediate physical custody of Petitioner.  
11 He is sued in his official capacity.

12 **LEGAL FRAMEWORK**

13 27. The INA prescribes three basic forms of detention for the vast majority of  
14 noncitizens in removal proceedings.

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

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

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

3 31. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

4 32. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
5 Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No.  
6 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section  
7 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,  
8 139 Stat. 3 (2025).

9 33. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining  
10 that, in general, people who entered the country without inspection were not considered detained  
11 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited  
12 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;  
13 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

14 34. Thus, in the decades that followed, most people who entered without inspection  
15 and were placed in standard removal proceedings received bond hearings, unless their criminal  
16 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent  
17 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”  
18 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)  
19 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply  
20 “restates” the detention authority previously found at § 1252(a)).

21 35. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that  
22 rejected well-established understanding of the statutory framework and reversed decades of  
23 practice.  
24

1 36. The new policy, entitled “Interim Guidance Regarding Detention Authority for  
2 Applicants for Admission,”<sup>1</sup> claims that all persons who entered the U.S. without inspection  
3 shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies  
4 regardless of when a person is apprehended and affects those who have resided in the U.S. for  
5 months, years, and even decades.

6 37. On September 5, 2025, the BIA adopted this same position in a published  
7 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the  
8 U.S. without admission or parole are subject to detention under § 1225(b)(2)(A) and are  
9 ineligible for IJ bond hearings.

10 38. Since Respondents adopted their new policies, dozens of federal courts have  
11 rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected  
12 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

13 39. Even before ICE or the BIA introduced these nationwide policies, IJs in the  
14 Tacoma, Washington, immigration court stopped providing bond hearings for persons who  
15 entered the U.S. without inspection and who have since resided here. There, the United States  
16 District Court in the Western District of Washington found that such a reading of the INA is  
17 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not  
18 apprehended upon arrival to the U.S. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D.  
19 Wash. 2025).

20 40. Subsequently, court after court has adopted the same reading of the INA’s  
21 detention authorities and rejected ICE and EOIR’s new interpretation. *See, e.g., Gomes v. Hyde*,  
22 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,

23 \_\_\_\_\_  
24 <sup>1</sup> Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);  
2 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,  
3 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL  
4 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025  
5 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,  
6 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-  
7 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-  
8 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),  
9 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-  
10 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-  
11 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-  
12 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051  
13 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*  
14 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);  
15 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,  
16 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.  
17 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.  
18 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.  
19 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at \*2  
20 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §  
21 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL  
22 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-  
23 RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025) (same).

24

1 41. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it  
2 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the  
3 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.  
4 This court has also rejected DHS’s and EOIR’s new interpretation.

5 42. Section 1226(a) applies by default to all persons “pending a decision on whether  
6 the [noncitizen] is to be removed from the United States.” These removal hearings are held under  
7 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

8 43. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
9 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph  
10 (E)’s reference to such people makes clear that, by default, such people are afforded a bond  
11 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress  
12 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,  
13 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*  
14 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025  
15 WL 1869299, at \*7.

16 44. Section 1226 therefore leaves no doubt that it applies to people who face charges  
17 of being inadmissible to the U.S., including those who are present without admission or parole.

18 45. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
19 recently entered the U.S. The statute’s entire framework is premised on inspections at the border  
20 of people who are “seeking admission” to the U.S. 8 U.S.C. § 1225(b)(2)(A). Indeed, the  
21 Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s  
22 borders and ports of entry, where the Government must determine whether a[] [noncitizen]  
23 seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

1 46. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not  
2 apply to people like Petitioner, who have already entered and were residing in the U.S. at the  
3 time they were apprehended.

4 47. Finally, as mentioned above, on November 20, 2025, the district court granted  
5 partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified  
6 a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista*  
7 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11  
8 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-  
9 Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d --  
10 --, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners'  
11 proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment  
12 from Order Granting Petitioners' Motion for Partial Summary Judgment).

13 48. Despite this declaratory judgment holding that the Bond Denial Class members  
14 are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on  
15 bond under § 1225(b)(2)(A), class members are being blatantly refused bond hearings across the  
16 country. *Maldonado Bautista*, 2025 WL 3289861, at \*11.

17 **FACTS**

18 49. Petitioner Gamal Khashafa is a thirty-nine (39) year old national of Yemen who  
19 has resided in the U.S. since his sole entry without inspection on or about September 6, 2024.

20 50. Petitioner is engaged to a United States Citizen ("USC") and his elderly mother,  
21 brother, and sister are all USCs.

22 51. Petitioner suffers from medical issues in the form of high blood pressure and  
23 diabetes.

1 52. Petitioner was detained by ICE on or about November 2025 and transferred to the  
2 Stewart Detention Center in Lumpkin, Georgia, where he currently resides.

3 53. DHS initiated a Notice to Appear (“NTA”) and subsequently initiated removal  
4 proceedings before the Stewart Immigration Court.

5 54. ICE has charged Petitioner with, inter alia, being inadmissible under 8 U.S.C. §  
6 1182(a)(6)(A)(i) as someone who entered the U.S. without inspection.

7 55. Petitioner’s next immigration court date with an IJ at the Stewart Immigration  
8 Court is pending to be scheduled.

9 56. Pursuant to *Matter of Yajure Hurtado*, the IJ is jurisdictionally barred from  
10 granting Petitioner a bond during at the conclusion of a custody redetermination hearing.  
11 Additionally, despite being a member of the certified nationwide class pursuant to *Maldonado*  
12 *Bautista v. Santacruz*, the EOIR and its subagency the Immigration Court and the DHS have  
13 blatantly refused to abide by the declaratory relief for class members similarly situated to this  
14 petitioner before the Stewart Immigration Court and other Immigration Courts across the  
15 country.

16 57. As a result, Petitioner remains in detention. Without relief from this court, he  
17 faces the prospect of months, or even years, in immigration custody, separated from his family  
18 and community.

19 **CLAIMS FOR RELIEF**

20 **COUNT I**  
21 **Violation of the INA**

22 58. Petitioner incorporates by reference the allegations of fact set forth in the  
23 preceding paragraphs.  
24

1 59. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all  
2 noncitizens residing in the U.S. who are subject to the grounds of inadmissibility. As relevant  
3 here, it does not apply to those who previously entered the country and have been residing in the  
4 U.S. prior to being apprehended and placed in removal proceedings by Respondents. Such  
5 noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or §  
6 1231.

7 60. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued  
8 detention and violates the INA.

9 **COUNT II**  
10 **Violation of the Bond Regulations**

11 61. Petitioner incorporates by reference the allegations of fact set forth in preceding  
12 paragraphs.

13 62. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-  
14 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.  
15 Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the  
16 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present  
17 without having been admitted or paroled (formerly referred to as [noncitizens] who entered  
18 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323  
19 (emphasis added). The agencies thus made clear that individuals who had entered without  
20 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §  
21 1226 and its implementing regulations.

22 63. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and  
23 practice of applying § 1225(b)(2) to individuals like Petitioner.  
24

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

3 **COUNT III**  
4 **Violation of Due Process**

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

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

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

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

15 **PRAYER FOR RELIEF**

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

- 17 a. Assume jurisdiction over this matter;
- 18 b. Order that Petitioner shall not be transferred outside the Middle District of  
19 Georgia while this habeas petition is pending;
- 20 c. Issue an Order to Show Cause ordering Respondents to show cause why this  
21 Petition should not be granted within three (3) days;
- 22 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in  
23 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §  
24 1226(a) within seven (7) days;

- 1 e. Declare that Petitioner’s detention is unlawful;
- 2 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
- 3 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
- 4 law; and
- 5 g. Grant any other and further relief that this Court deems just and proper.

6  
7 Dated: January 16, 2026

Respectfully submitted,

8  
9 /s/ Matthew O. Boles

10 Matthew O. Boles  
11 GA Bar No. 904287; LA Bar No. 37593  
12 MANJI LAW, P.C.  
13 5745 Lawrenceville Hwy  
14 Tucker, GA 30084  
15 matt@manjilaw.com  
16 941-524-7913

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24 *Counsel for Petitioner*

**Verification**

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/ Matthew O. Boles

Date: January 16, 2026