IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Salomon NARANJO MUNOZ, (Agency No. [redacted]),	
Petitioner,	
vs.	CIVIL ACTION FILE
Jason STREEVAL, Warden, Stewart Detention Center; **Ladeon FRANCIS**, Field Office Director of Atlanta for The U.S. Immigration and Customs Enforcement; **Todd M. LYONS**, Acting Director of U.S. Immigration and Customs Enforcement; **Kristi NOEM**, Secretary of the Department of Homeland Security; in their official capacities,	Case No.:_____
Respondents.	**Habeas Corpus**
	28 U.S.C. §2241

PETITION FOR WRIT OF HABEAS CORPUS
AND COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

1. Petitioner Salomon Naranjo Munoz, by and through his undersigned counsel, hereby respectfully petitions this Honorable Court for a writ of habeas corpus to seek enforcement of their rights pursuant to *J.A.M. v. Streeval*, No. 4:25-CV- 342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-CV- 330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24,

2025). Mr. Naranjo Munoz alleges as follows:

INTRODUCTION

2. Petitioner is in the physical custody of Respondents at the Stewart Detention Center (SDC) in Lumpkin, Georgia. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to release him after an immigration judge granted release.

3. The Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the decision of the Immigration Judge and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

4. Petitioner Salomon Naranjo Munoz is eligible for bond, as he does not have lawful status in the United States and is currently detained at the Stewart Detention Center (SDC) in Lumpkin, Georgia. He was apprehended by immigration authorities on June 5, 2025; entered the United States without inspection over 20 years ago and was not apprehended upon arrival; and is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

5. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the

full "force and effect of a final judgment." 28 U.S.C. § 2201(a). *Maldonado Bautista v. Santacruz,* No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). 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.

6. 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).

7. In any event, this Honorable Court already ruled on many occasions that aliens detained under 8 U.S.C. § 1226(a) are not subject to mandatory detention under § 1225(b)(2) and are entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination hearing before an immigration judge.

8. At the time of his arrest, Petitioner was an alien in the United States who had not been lawfully admitted, and thus he falls within the broad definition of "applicant for admission," but based on the present record, he was not

attempting to be lawfully admitted. Therefore, he does not qualify as an "alien seeking admission" subject to mandatory detention under § 1225(b)(2)(A), which requires both presence and seeking admission.

9. It should be noted that in the instant case, an immigration judge granted bond in the amount of $7,000 but the Respondents refused to release him due to an appeal. The Board of Immigrations later sustained the appeal based on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). 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. In addition, pursuant to *J.A.M. v. Streeval*, No. 4:25-CV- 342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-CV- *330-CDL, 2025 WL 3269947* (M.D. Ga. Nov. 24, 2025) which are controlling in this case, the Court should order Petitioner's release unless Respondents provide another bond hearing under 8 U.S.C. § 1226(a) within seven days.

STATEMENT OF FACTS

10. Petitioner, Mr. Salomon Naranjo Munoz, is a 54-year-old citizen and national of Mexico. He entered the United States without inspection over 20 years ago. He has no criminal record in the United States except pending

charges that led to his detention for no driver's license, and a previous sentence for seat belt violation which was resolved in 2023.

11. After apprehending Petitioner on June 5, 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.

12. On August 13, 2025, Petitioner requested bond redetermination, and following a bond hearing on August 18, 2025, an Immigration Judge granted bond in the amount of $7,000 with conditions. DHS reserved appeal and appealed the bond order to the BIA but has refused to release Petitioner, relying on the pending appeal. In the meantime, the Board of Immigration Appeals sustained DHS' appeal relying on *Matter of Yajure Hurtado.*

13. Mr. Naranjo Munoz is not subject to mandatory detention pursuant to section 236(c)(1)(A) of the Immigration and Nationality Act ("Act") because he is not "inadmissible by reason of having committed any offense covered in section 212(a)(2)." INA § 236(c)(1). An alien is also subject to mandatory detention if he or she "is deportable by reason of having committed any offense covered in section 237(a)(2)(A)(ii), (A)(iii), (B), (C), or (D)." INA § 236(c)(1)(A).

14. Mr. Salomon Naranjo Munoz is currently in Respondents' custody, detained at Stewart Detention Center (SDC) in Lumpkin, Georgia. He is under the direct control of Respondents and their agents.

15. Petitioner is not subject to mandatory detention as required by 8 U.S.C. § 1225(b)(2). See *J.A.M. v. Streeval*, No. 4:25-CV- 342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

JURISDICTION AND VENUE

16. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Detention Center (SDC) in Lumpkin, Georgia.

17. 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).

18. 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.

19. 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 (Columbus Division), the judicial district in which

Petitioner currently is detained.

20. 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 (Columbus Division).

REQUIREMENTS OF 28 U.S.C. § 2243

21. 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*.

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

PARTIES

23. Petitioner, Salomon Naranjo Munoz, is a citizen of Mexico who has been in immigration detention since June 5, 2025. On August 13, 2025, Petitioner

requested bond redetermination, and IJ conducted a bond hearing on August 18, 2025. After considering the evidence, the IJ found that Petitioner is not a danger to the community and is not such a significant flight risk that detention is necessary and granted bond in the amount of $7,000 with conditions. Despite this lawful bond order, DHS has refused to release Petitioner, who remains detained without a valid custody determination, even though he has resided in the United States since 2001.

24. Respondent Jason Streewal is the Warden of SDC, where Petitioner is currently detained. He is Petitioner's immediate custodian and is named in his official capacity. See Doe, 108 F.4th at 1194-97.

25. Respondent Ladeon Francis is the Field Office Director of the Atlanta Field Office of ICE with administrative jurisdiction over Mr. Salomon Naranjo Munoz's case. He is Mr. Salomon Naranjo Munoz's legal custodian and is named in his official capacity.

26. Respondent Todd M. Lyons is the Acting Director of ICE. is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants. He is a legal custodian of Petitioner and is named in his official capacity.

27. Respondent Kristi Noem is the Secretary of the U.S. Department of

Homeland Security ("DHS"), an agency of the United States, is responsible for the administration of the immigration laws. 8 U.S.C. § 1103(a). She is a legal custodian of Petitioner and is named in her official capacity.

CLAIMS FOR RELIEF

COUNT ONE
Violation of the INA:
8 U.S.C. § 1226(A)

29. Petitioner is detained under 8 U.S.C. § 1226(a), which authorizes the government to detain certain individuals during removal proceedings with the option to release them on bond or conditional parole.

30. On or about August 18, 2025, an Immigration Judge determined that Petitioner is neither a danger to the community nor a flight risk and granted bond in the amount of $7,000.00. See **Exhibit 1**.

31. Once an immigration judge grants bond, and the conditions are satisfied, continued detention is no longer authorized under § 1226(a). The statute does not provide ICE with discretion to delay or refuse release absent a change in circumstances or a lawful basis to reconsider the bond determination.

32. In *Leal-Hernandez v. Noem*, the court rejected the Government's assertion that a noncitizen who had resided in the United States for over 20 years

without admission or parole was subject to mandatory detention under 8 U.S.C. § 1225(b). Instead, the court held that because the petitioner was not apprehended at a port of entry or interdicted at sea, and had not recently entered the country, he was not an "arriving alien" or "applicant for admission" under the INA and was therefore subject to discretionary detention under § 1226(a), not mandatory detention. See *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, (D. Md. Aug. 24, 2025).

33. As in *Leal-Hernandez*, the original NTA in this case did not charge Petitioner as an "arriving alien," but rather as an "alien present in the United States who has not been admitted or paroled," removable under INA § 212(a)(6)(A)(i). Although DHS later filed a Form I-261 adding an additional charge under § 212(a)(7)(A)(i)(I), that amendment does not alter Petitioner's detention posture. Petitioner was arrested inside the United States, not at a port of entry, and was never charged or treated as an "arriving alien" under 8 C.F.R. § 1001.1(q). The Government cannot retroactively reclassify Petitioner as an arriving alien or applicant for admission merely by modifying the charge sheet and therefore cannot invoke the mandatory detention provisions of § 1225(b) to override the immigration judge's valid exercise of bond authority under § 1226(a).

34. ICE's refusal or failure to release Petitioner following this lawful bond determination constitutes unauthorized detention under the Immigration and Nationality Act (INA) and violates the plain language of § 1226(a).

35. Petitioner's detention is no longer tethered to any lawful purpose under the INA and therefore exceeds the statutory framework, warranting immediate release.

COUNT TWO
Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution:

36. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas*, 533 U.S. at 690. This protection applies to all persons within the United States, including noncitizens in immigration detention.

37. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. See id. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention. First, the primary

purpose is to mitigate the risk of flight, so that the government's goal of removal proceedings and, ultimately, removal, may be effectuated; and a secondary purpose is to prevent danger to the community while removal proceedings and/or removal efforts are pending. Id.; *Demore v. Kim*, 538 U.S. 510, 528 (2003).

38. Prolonged civil detention also violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Zadvydas*, 533 U.S. at 690–91; *Kansas v. Hendricks*, 521 U.S. at 346, 364–69 (1997); *Foucha v. Louisiana*, 504 U.S.71, 81–83 (1992); *United States v. Salerno*, 481 U.S. 739, 750–52 (1987).

39. Further, procedural due process requires that a detained individual be provided with a meaningful opportunity to challenge their detention. In this case, Petitioner was granted bond after such a hearing, yet remains detained without explanation, remedy, or access to further process.

40. Mr. Salomon Naranjo Munoz has no criminal history in the United States aside from a minor seatbelt violation, resolved in 2023, and a pending charge for driving without a license, the sole basis for his initial immigration detention. An immigration judge has already found that he poses neither a flight risk nor a danger to the community and granted him bond accordingly.

41. As in *Alvarez Martinez v. Noem*, the petitioner here was granted bond after a full custody redetermination in which the Immigration Judge found that he posed neither a danger to the community nor a flight risk. Despite this, DHS invoked the automatic stay provision under 8 C.F.R. § 1003.19(i)(2) to continue detaining him, without presenting any individualized justification or compelling government interest. In *Martinez*, the court held that such unilateral detention, following a favorable bond ruling, violates the procedural due process protections guaranteed by the Fifth Amendment. The court emphasized that the automatic stay creates a serious risk of erroneous deprivation of liberty, especially where, as here, a neutral adjudicator has already determined release is appropriate. See *Alvarez Martinez v. Noem*, No. 5:25-CV-01007-JKP Document 17 (W.D. Tex. 2025).

42. Furthermore, in *Elizaldo Sampiao v. Hyde*, No. 1:25-cv-11981-JEK (D. Mass. 2025), the court held that detention under the automatic stay regulation violates due process, as it allows DHS to unilaterally override an Immigration Judge's bond order—despite findings that the individual is neither a flight risk nor a danger. Like *Sampiao*, Mr. Salomon Naranjo Munoz remains detained solely due to this regulation, which bypasses judicial discretion, imposes no burden on the government, and risks

wrongful detention. The court found the government's interest minimal compared to the detainee's fundamental liberty interest, concluding such detention is unconstitutional and warrants immediate release.

43. Taken together, *Leal-Hernandez*, *Martinez*, and *Sampiao* establish a clear precedent: detention under the automatic stay regulation violates procedural due process because it permits indefinite detention without individualized findings of flight risk or danger, empowers DHS to override neutral bond decisions, and disregards the fundamental liberty interests at stake.

44. Despite this, ICE has refused to effectuate his release, offering no explanation, remedy, or further process. His detention has now extended well beyond any reasonable removal period and is no longer tied to a legitimate government interest.

45. The Respondents appealed the decision of the Immigration Judge before the Board of Immigration Appeals, which sustained the appeal. See **Exhibit 2.**

46. By continuing to hold Mr. Salomon Naranjo Munoz without lawful justification, ICE effectively nullified the bond order and deprived him of liberty in violation of both substantive and procedural due process under the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Mr. Salomon Naranjo Munoz prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

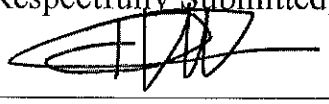
(3) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide another bond hearing under 8 U.S.C. § 1226(a) within seven days;

(4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

(5) Grant any other and further relief which this Honorable Court deems just and proper.

This 16 day of January, 2026

Respectfully Submitted,



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