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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

MIKOL ALONSO RODRIGUEZ,



Petitioner,

v.

JASON STREEVAL, WARDEN,  
STEWART DETENTION CENTER

Respondent.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1  
2 **INTRODUCTION**

3 1. Petitioner, Mr. Mikol Alonso Rodriguez is in the physical custody of  
4 Respondent at the Stewart Detention Center. He now faces unlawful detention  
5 because the Department of Homeland Security (DHS) and the Executive Office of  
6 Immigration Review (EOIR) have concluded Petitioner is subject to mandatory  
7 detention.  
8

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

11 3. Based on this allegation in Petitioner’s removal proceedings, DHS  
12 denied Petitioner release from immigration custody, consistent with a new DHS  
13 policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement  
14 (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e.,  
15 those who entered the United States without admission or inspection—to be subject  
16 to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released  
17 on bond.  
18

19 4. Similarly, on September 5, 2025, the Board of Immigration Appeals  
20 (BIA or Board) issued a precedent decision, binding on all immigration judges,  
21 holding that an immigration judge has no authority to consider bond requests for any  
22 person who entered the United States without admission. See *Matter of Yajure*  
23 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such  
24

1  
2 individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore  
3 ineligible to be released on bond.

4         5. Petitioner’s detention on this basis violates the plain language of the  
5 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to  
6 individuals like Petitioner who previously entered and are now residing in the United  
7 States. Instead, such individuals are subject to a different statute, § 1226(a), that  
8 allows for release on conditional parole or bond.  
9

10         6. Respondents’ new legal interpretation is plainly contrary to the  
11 statutory framework, contrary to decades of agency practice applying § 1226(a), and  
12 contrary to recent federal decisions—including decisions of this Court—holding that  
13 § 1225(b)(2) applies only to individuals who are “seeking admission” in the context  
14 of an arrival inspection by an examining immigration officer.  
15

16         7. Notably, Petitioner is a member of the certified class in *Lazaro*  
17 *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403  
18 (C.D. Cal. Nov. 25, 2025), which rejected Respondents’ interpretation of §  
19 1225(b)(2). Yet despite this class-wide decision, and despite this Court’s own  
20 holdings, the Stewart Immigration Court continues to refuse to find jurisdiction to  
21 conduct bond hearings for individuals like Petitioner—leaving habeas corpus as the  
22 only available mechanism for judicial review of Petitioner’s detention.  
23  
24

1  
2 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he  
3 be released unless Respondents provide a bond hearing under § 1226(a) within seven  
4 days.

### 5 JURISDICTION

6 9. Petitioner is in the physical custody of Respondents. Petitioner is  
7 detained at the Stewart Detention Center located in Lumpkin, Georgia.

8  
9 10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas  
10 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the  
11 United States Constitution (the Suspension Clause).

12 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the  
13 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.  
14 § 1651.  
15

### 16 VENUE

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

21 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)  
22 because Respondent is employee, officer, and agency of the United States, and  
23 because a substantial part of the events or omissions giving rise to the claims  
24 occurred in the Middle District of Georgia.

**REQUIREMENTS OF 28 U.S.C. § 2243**

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

15. 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**

16. Petitioner, Mr. Mikol Alonso Rodriguez is native and citizen of Costa Rica who has been in immigration detention since December 22, 2025. After arresting Petitioner, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

1  
2 17. Respondent, the Warden of the Stewart Detention Center, is employed  
3 by Core Civic Group. He has immediate physical custody of Petitioner. He is sued  
4 in his official capacity.

5  
6 **LEGAL FRAMEWORK**

7 18. The Immigration and Nationality Act (“INA”) establishes several  
8 detention schemes for noncitizens in removal proceedings.

9 19. First, 8 U.S.C. § 1226 governs the detention of individuals placed in  
10 standard removal proceedings under § 1229a. Noncitizens detained under § 1226(a)  
11 are generally entitled to a custody redetermination before an Immigration Judge  
12 unless they fall into the narrow mandatory-detention categories of § 1226(c).

13 20. Second, 8 U.S.C. § 1225(b)(1)–(2) provides for mandatory detention of  
14 certain individuals seeking admission who are inspected at the border and  
15 determined not “clearly and beyond a doubt entitled to be admitted.” This detention  
16 framework is tied to the process of arrival inspection performed by an examining  
17 immigration officer.

18 21. Third, 8 U.S.C. § 1231 governs detention of individuals who are subject  
19 to final orders of removal.

20 22. This case turns on the proper application of § 1226(a) versus §  
21 1225(b)(2) for a noncitizen like Petitioner—an individual who entered the United  
22 States.

1  
2 States years ago, resided here, and was apprehended within the interior, not at a port  
3 of entry.

4 23. Historically, individuals who entered without inspection and were later  
5 placed in § 1229a removal proceedings were treated as detained under § 1226, not §  
6 1225. EOIR regulations following IIRIRA confirm that such individuals were not  
7 considered “arriving” and therefore were eligible for bond hearings. *See* 62 Fed. Reg.  
8 10312, 10323 (Mar. 6, 1997).

9  
10 24. For decades, consistent with this regulatory framework and prior  
11 immigration law, noncitizens who entered without inspection and were apprehended  
12 inside the United States received custody redeterminations unless subject to §  
13 1226(c). *See* former 8 U.S.C. § 1252(a) (1994); H.R. Rep. No. 104-469, pt. 1, at 229  
14 (1996).

15  
16 **The Government’s Recent Policy Shift**

17 25. On July 8, 2025, ICE—“in coordination with” DOJ—issued guidance  
18 declaring that all individuals who entered without inspection must now be detained  
19 under § 1225(b)(2)(A), regardless of when they entered the United States or whether  
20 they were ever inspected by an immigration officer.

21  
22 26. On September 5, 2025, the BIA adopted this new position in *Matter of*  
23 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holding that any noncitizen who  
24

1  
2 entered without admission is subject to § 1225(b)(2)(A) and categorically barred  
3 from a bond hearing.

4 **This Court Has Rejected Respondents' Interpretation**

5  
6 27. This Court has already rejected the government's reading of §  
7 1225(b)(2). In *J.A.M. v. Streeval*, Case No. 4:25-cv-342 (CDL), 2025 WL 3050094  
8 (M.D. G.A. Nov. 1, 2025), the Court held that § 1225(b)(2) applies only to  
9 noncitizens who are "seeking admission" in the context of an arrival inspection by  
10 an examining immigration officer.

11  
12 28. The Court explained that "seeking admission" requires an affirmative  
13 act at or near the time of arrival to obtain legal entry, coupled with contemporaneous  
14 inspection. The Court rejected DHS's argument that individuals apprehended years  
15 after entering the United States may be treated as if they were seeking admission. *Id.*  
16 at 3.

17  
18 29. Applying that interpretation, the Court concluded that § 1225(b)(2)  
19 does not apply to individuals like Petitioner, whose alleged inadmissibility is based  
20 on conduct occurring long after entry and not in connection with an arrival inspection.

21 **The Bautista Class Action Confirms Petitioner's Eligibility for Bond**

22  
23 30. Petitioner is also a member of the certified class in *Lazaro Maldonado*  
24 *Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal.  
Nov. 25, 2025), which likewise held that § 1225(b)(2) mandatory detention does not

1  
2 apply absent an arrival inspection. DHS has acknowledged in other litigation that it  
3 is still “developing its decision” concerning the application of that ruling.

4 **Courts Nationwide Have Rejected the Government’s Theory**

5  
6 31. Federal courts across the country have agreed that § 1226(a)—not §  
7 1225(b)—governs detention of individuals apprehended inside the United States,  
8 even when they originally entered without inspection. *See, e.g., Rodriguez Vazquez*  
9 *v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, 2025 WL  
10 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, 2025 WL 2084238 (D.  
11 Mass. July 24, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11,  
12 2025); *Ramirez Clavijo v. Kaiser*, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025);  
13 *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Pizarro*  
14 *Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025).

15  
16 32. These courts uniformly conclude that Respondents’ interpretation  
17 contradicts the statutory text, structure, and decades of agency practice.

18 **Stewart Immigration Court’s Continued Refusal to Exercise Jurisdiction**

19  
20 33. Despite this Court’s binding precedent and the Bautista class decision,  
21 the Stewart Immigration Court continues to decline jurisdiction over custody  
22 redeterminations for noncitizens like Petitioner, based on the BIA’s erroneous  
23 decision in *Matter of Yajure Hurtado*.

1  
2 34. Because Petitioner has no administrative avenue to challenge his  
3 custody, habeas corpus is the only remedy capable of addressing the ongoing  
4 violation of federal law

5  
6 **FACTUAL BACKGROUND**

7 35. Petitioner is a native and citizen of Costa Rica who entered the United  
8 States in October 31, 2003 without inspection. He has resided continuously in the  
9 United States for approximately twenty-two (22) years and has built his entire adult  
10 life in this country.

11 36. Petitioner is the father of two (2) United States citizen children, ages  
12 thirteen (13) and nine (9). Petitioner has been a constant and stabilizing presence in  
13 his children's lives and has provided consistent financial, emotional, and parental  
14 support.  
15

16 37. Petitioner has been consistently employed in the moving services  
17 industry for several years and has supported his family through lawful employment.  
18 He has paid taxes and contributed to the local economy, further demonstrating his  
19 long-standing integration into the community and commitment to meeting his civic  
20 responsibilities.  
21

22 38. Petitioner poses no flight risk and no danger to the community. His  
23 twenty- two years of residence in the United States, provider of U.S. citizen children,  
24 property in Georgia, consistent tax compliance, and lack of criminal history

1  
2 overwhelmingly demonstrate that he is an appropriate candidate for release on bond  
3 under INA § 236(a).

4 39. Petitioner’s continued detention violates due process because it is based  
5 on an unlawful application of INA § 235 to an individual who was apprehended  
6 inside the United States long after entry and who is not seeking admission. Petitioner  
7 therefore falls squarely within the discretionary detention framework of INA §  
8 236(a), which entitles him to an individualized bond hearing.

9  
10 40. By continuing to detain Petitioner without bond while his immigration  
11 case remains pending—despite his extensive equities, serious family hardship, and  
12 lack of any disqualifying factors—Respondents are subjecting him to prolonged and  
13 arbitrary imprisonment in violation of the Fifth Amendment’s Due Process Clause,  
14 thereby necessitating habeas relief.

15  
16 41. Petitioner’s continued detention also violates due process because it is  
17 based on an unlawful statutory interpretation already rejected by this Court and by a  
18 certified nationwide class action. In *Villa v. Normand*, this Court held that 8 U.S.C.  
19 § 1225(b)(2) applies only when a noncitizen is “seeking admission” in the context  
20 of an arrival inspection by an examining immigration officer. Petitioner, however,  
21 was apprehended inside the United States years after his entry and therefore falls  
22 squarely within the detention framework of § 1226(a), which entitles him to a bond  
23 hearing.  
24

1  
2 42. Likewise, Petitioner is a member of the certified class in *Lazaro*  
3 *Maldonado Bautista v. Santacruz*, which likewise held that § 1225(b)(2) mandatory  
4 detention cannot apply absent an arrival inspection. Nevertheless, ICE continues to  
5 detain Petitioner under § 1225(b)(2), and the Stewart Immigration Court refuses to  
6 exercise jurisdiction to conduct a bond hearing.  
7

8 43. Because Petitioner is a long-term resident of the United States with  
9 more than two decades of continuous presence, deep family and community ties, has  
10 property interests in Georgia, and no criminal history beyond minor traffic offenses,  
11 his continued and prolonged detention without any opportunity for individualized  
12 custody review violates the fundamental requirements of due process and  
13 underscores the urgent necessity of habeas relief.  
14

## 15 CLAIMS FOR RELIEF

### 16 COUNT I 17 Violation of the INA

18 44. Petitioner incorporates by reference the allegations of fact set forth in  
19 the preceding paragraphs.

20 45. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not  
21 apply to all noncitizens residing in the United States who are subject to the grounds  
22 of inadmissibility. As relevant here, it does not apply to those who previously  
23 entered the country and have been residing in the United States prior to being  
24 apprehended and placed in removal proceedings by Respondents. Such noncitizens

1  
2 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or  
3 § 1231.

4 46. The application of § 1225(b)(2) to Petitioner unlawfully mandates his  
5 continued detention and violates the INA.  
6

7  
8 **COUNT II**

9 **Violation of the Bond Regulations**

10 47. Petitioner incorporates by reference the allegations of fact set forth in  
11 preceding paragraphs.

12 48. In 1997, after Congress amended the INA through IIRIRA, EOIR and  
13 the then-Immigration and Naturalization Service issued an interim rule to interpret  
14 and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and  
15 Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants  
16 for admission, [noncitizens] who are present without having been admitted or  
17 paroled (formerly referred to as [noncitizens] who entered without inspection) will  
18 be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis  
19 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  
21 under 8 U.S.C. § 1226 and its implementing regulations.  
22  
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1  
2 49. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy  
3 and practice of applying § 1225(b)(2) to individual like Petitioner.

4 50. The application of § 1225(b)(2) to Petitioner unlawfully mandates his  
5 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.  
6

7  
8  
9 **COUNT III**  
10 **Violation of Due Process**

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

13 52. The government may not deprive a person of life, liberty, or property  
14 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—  
15 from government custody, detention, or other forms of physical restraint—lies at the  
16 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690  
17 (2001).  
18

19 53. Petitioner has a fundamental interest in liberty and being free from  
20 official restraint.

21 54. The government’s detention of Petitioner without a bond  
22 redetermination hearing to determine whether he is a flight risk or danger to others  
23 violates his right to due process.  
24

1  
2 **PRAYER FOR RELIEF**

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

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

17 DATED this 21th day of January, 2026.

18 ZAMBRANO LAW,

19 /s/ Shirley C. Zambrano

20 Shirley C. Zambrano

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**VERIFICATION PURSUANT TO 28 U.S.C. 2242**

I represent Petitioner, Mr. Mikol Rodriguez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 21th day of January, 2026.

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