

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

David Kennedy
Georgia Bar Number 414377
David Kennedy & Associates
Attorneys for Petitioner

Carlos Ramirez Vargas
Petitioner,

VS.

George Sterling, Deputy Managing Director,
Atlanta Field Office, Immigration and Customs
Enforcement And Removal Operations (“ICE/ERO”)

**Jason Streeval, Warden,
Stewart Detention Center;**

Todd M. Lyons, Acting Director of
U.S. Immigration and Customs Enforcement;

Kristi Noem, Secretary of the U.S.
Department of Homeland Security; and
Pamela Bondi, Attorney General of the
United States,
in their official capacities,

Respondents.

[illegible]

PETITIONER'S BRIEF ARGUING FOR IMMEDIATE RELEASE

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Petitioner has been detained for more than six months. He acquired Lawful Permanent Resident Status on December 30, 2025. He seeks an order granting his immediate release from immigration detention and believes a bond hearing with immigration court is not required.

To hedge his bets, if and only if the Court declines to order his immediate release does Petitioner alternatively request a bond hearing under 8 U.S.C. § 1226(a). He wishes to be at his home with his loved ones and seeks to avoid the prospect of delay that an unnecessary bond hearing would create, along with the prospect of DHS-dilatory tactics that threaten to postpone his release. See 8 C.F.R. § 1003.6; § 1003.19 ('automatic stay' regulations purporting to empower DHS with unilateral authority to 'stay' an immigration court's decision to grant bond pending an appeal, delaying release by upwards of 90 days¹).

This Court is empowered to Order Petitioner's immediate release upon a showing that the detention is unlawful, and a failure by Respondents to demonstrate the lawfulness of the detention. 28 U.S.C. § 2241; *Id.* § 2243. Petitioner's detention is not lawful under 8 U.S.C. § 1226(a), § 1225(b), or any other part of the INA.

8 U.S.C. § 1226(a) does not authorize Petitioner's detention. That provision authorizes detention only "pending a decision on whether the alien is to be removed [...]." The Immigration Court made such "decision" when it decided Petitioner is *not* to be removed by conferring Lawful Permanent Resident status upon him. The grant of § 1226(a) authority has been used up and therefore may no longer serve as statutory justification for Petitioner's continued detention.

Nor can 8 U.S.C. § 1225(b) authorize the detention. This Court amply and repeatedly clarified the proper scope of §1225(b): it simply does not apply to people similarly situated to the Petitioner. See, *inter alia*, *J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025).

Therefore, a bond hearing is not necessary. Petitioner seeks his immediate release without a superfluous bond hearing before immigration Court. He alternatively seeks a bond hearing governed by 8 U.S.C. § 1226(a), although urges the Court that such hearing is unnecessary given the absence of authority for his continued confinement despite his Lawful Permanent Resident status. Petitioner seeks an order granting his immediate release from immigration detention. If and only if the Court declines to order immediate release, then Petitioner alternatively requests a bond hearing under 8 U.S.C. § 1226(a).

¹ The "90 days" language stems from 8 C.F.R. § 1003.6(c)(4).

Respectfully submitted this 23rd of January 2026.

Lead Counsel

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