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

MAYRA ELIZA GALDAMEZ CONTRERAS,

Petitioner,

v.

JASON STREEVAL, *in his official capacity as Warden of Stewart Detention Center*; GEORGE STERLING, *in his official capacity as Field Office Director of Immigration and Customs Enforcement, Enforcement and Removal Operations Atlanta Field Office*; KRISTI NOEM, *in her official capacity as Secretary of Homeland Security*; PAMELA J. BONDI, *in her official capacity as Attorney General of the United States,*

Respondents.

PETITION FOR A WRIT OF HABEAS CORPUS

Case No. 4:26-CV-127

INTRODUCTION

1. Petitioner Mayra Eliza Galdamez Contreras ("Ms. Galdamez" or "Petitioner") is being forced to file this habeas petition to obtain the bond hearing she is entitled to under 8 U.S.C. § 1226(a) because of Respondents' unlawful and unprecedented policy to mandatorily detain any immigrant who is alleged to have entered the United States ("U.S.") without inspection – including people who have resided in the United States for many years.

2. Ms. Galdamez has lived in the United States for around twenty-five years, after entering without inspection as a minor with her mother. She is a mother to five U.S.-citizen children, aged 5 months, 3, 5, 15, and 17. She is a sibling to three adult U.S. citizens as well. She has no criminal convictions and has deep roots in her community in North Carolina.

3. U.S. Immigration and Customs Enforcement ("ICE") agents detained Ms. Galdamez in November 2025 in North Carolina.

4. Had ICE detained Ms. Galdamez before September 5, 2025 – indeed, at any time during the past three decades – she would have been entitled to seek a bond hearing before an Immigration Judge ("IJ") under 8 U.S.C. §1226(a) (Section 236(a) of the Immigration and Nationality Act ("INA")). However, in a dramatic reimagining of the law, the Board of Immigration Appeals ("BIA") issued a decision holding that an IJ has *no jurisdiction* to consider bond requests for any noncitizen who is "present in the United States without admission," finding that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A). *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025). Accordingly, Ms. Galdamez is currently being subjected to mandatory detention due to DHS' and the BIA's erroneous interpretation of law (an interpretation that has been roundly rejected by habeas courts across the country).

5. This Court has already soundly rejected the BIA's flawed reasoning in numerous recent habeas decisions. *See, e.g.*, *J.A.M.* v. *Streeval, et al.*, No. 4:25-CV-342 (CDL), 2025 WL 3050094, at *2-3 (M.D. Ga. Nov. 1, 2025); *see also* Order, ECF No. 12, *Patel v. Bondi et al.*, 4:25-cv-00277-CDL-AGH (Nov. 4, 2025); Order, ECF No. 5, *Garcia-Reynoso v. Streeval et al.*, 4:25-cv-00278-CDL-AGH (Nov. 4, 2025); Order, ECF No. 19, *Dominguez Rivera v. Streeval et al.*, 4:25-cv-00288-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6, *Pascual Pedro v. Streeval et al.*, 4:25-cv-00290-CDL-AGH (Nov. 4, 2025); Order, ECF No. 7, *Hernandez Gomez v. Streeval et al.*, 4:25-cv-00291-CDL-AGH (Nov. 4, 2025); Order, ECF No. 13, *Paredes Alvarez v. Streeval et al.*, 4:25-cv-00296-CDL-AGH (Nov. 4, 2025); Order, ECF No. 4, *Guzman Paulino v. Sterling et al.*, 4:25-cv-00297-CDL-AGH (Nov. 4, 2025); Order, ECF No. 7, *Ospina Capera v. Sterling et al.*, 4:25-cv-00298-CDL-AGH (Nov. 4, 2025); Order, ECF No. 9, *Escobar Olivares v. Sterling et al.*,

4:25-cv-00299-CDL-AGH (Nov. 4, 2025); Order, ECF No. 9, *Merino Ortiz v. Sterling et al.*, 4:25-cv-00300-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6, *Mauricio Lopez v. Sterling et al.*, 4:25-cv-00302-CDL-AGH (Nov. 4, 2025); Order, ECF No. 7, *Guerra Guzman v. Sterling et al.*, 4:25-cv-00305-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6, *Quistian Vazquez v. Sterling et al.*, 4:25-cv-00306-CDL-AGH (Nov. 4, 2025); Order, ECF No. 5, *Diaz-Baron v. Sterling et al.*, 4:25-cv-00309-CDL-AGH (Nov. 4, 2025).

6. Ms. Galdamez is a mother of five who was brought to this country as a child by her mother in search of a better life. She has done nothing but worked hard to advance herself and to contribute to her family and her community since arriving in the United States more than two decades ago. And yet, as a result of Respondents' disingenuous interpretation of the law, Ms. Galdamez is needlessly detained hundreds of miles from her friends and loved ones, without the opportunity to seek review of her custody before a neutral arbiter. To correct this injustice, this Court should grant this petition and order a bond hearing for Ms. Galdamez as soon as practicable.

JURISDICTION & VENUE

7. This Court has subject matter jurisdiction under Art. I § 9, cl. 2 of the U.S. Constitution ("the Suspension Clause"), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

8. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

9. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is currently detained in this district and division, and events or omissions giving rise to this action occurred in this district and division.

PARTIES

10. Petitioner is a native and citizen of Guatemala and resident of North Carolina who is currently detained at Stewart Detention Center ("Stewart") in Lumpkin, Georgia.

11. Respondent Jorden Streeval is the Warden of Stewart, a detention center operated privately by CoreCivic that contracts, via an intergovernmental services agreement with Stewart County, Georgia, with ICE to detain noncitizens. Warden Streeval oversees Stewart's administration and management. Warden Streeval is Ms. Galdamez's immediate custodian. He is sued in his official capacity.

12. Respondent George Sterling is the Field Office Director ("FOD") for the ICE Atlanta Field Office. In that capacity, he is charged with overseeing Stewart, and he has the authority to make custody determinations regarding individuals detained there. Respondent Sterling is a legal custodian of Petitioner. He is sued in his official capacity.

13. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She supervises ICE, an agency within DHS that is responsible for the administration and enforcement of immigration laws, and she has supervisory responsibility for and authority over the detention and removal of non-citizens throughout the United States. Secretary Noem is the ultimate legal custodian of Petitioner. Respondent Noem is sued in her official capacity.

14. Respondent Pamela Bondi is the Attorney General of the United States. As the Attorney General, she oversees the Executive Office for Immigration Review ("EOIR"), including all IJs and the BIA. Respondent Bondi is sued in her official capacity.

STATEMENT OF FACTS

15. Ms. Galdamez is a 37-year-old citizen of Guatemala and resident of North Carolina who has lived in the U.S. for nearly three decades. She has not left the U.S. since her last arrival,

which was her first entry to the U.S.

16. Ms. Galdamez came to the United States with her mother while she was still a minor child, a few days before her eleventh birthday. The family entered without inspection.

17. Ms. Galdamez first lived with her mother in California before moving to North Carolina when she was around sixteen years old. At that time, to help support her family, Ms. Galdamez left high school and started working in a local hotel.

18. Ms. Galdamez is a "Dreamer" and would qualify for Deferred Action for Childhood Arrivals ("DACA") were it not for her lack of a high school diploma or equivalent degree. She did take GED classes at a local community college for a time a few years ago but was unable to complete the program because of her work and parenting commitments.

19. Ms. Galdamez is a mother to five U.S.-citizen children, ages 5 months, 3, 5, 15, and 17 (four girls and one boy, the eldest). She is a sibling to three adult U.S. citizens as well. All four siblings have lived close to each other in North Carolina for years.

20. Ms. Galdamez has no criminal convictions in the U.S. or in any other country, including her home country of Guatemala. She has received traffic tickets on around four occasions previously and has always paid the fine or otherwise resolved the ticket.

21. On November 20, 2025, while driving a car with expired plates, Ms. Galdamez was pulled over by a sheriff's deputy near the small town of Whiteville, North Carolina (Columbus County). Ms. Galdamez had her fifteen-year-old, three-year-old, and three-month old U.S.-citizen daughters in the car with her. The deputy asked for her license and when she told them she had none, he asked about her immigration status. When she told them she had none, he told her to get out of the car. He allowed her to call her brother to come pick the children up. He then placed her in the back of his patrol car and drove her to a jail in the next county over to wait for ICE to arrive

and detain her.

22. Upon information and belief, no criminal or traffic charges were ever filed against Ms. Galdamez following this incident. However, the Columbus County Sheriff's Office in North Carolina has a 287(g) agreement with ICE, which effectively deputizes its sheriff's deputies to enforce immigration laws.

23. Ms. Galdamez was in the jail for three days before ICE arrived. This was the first time that Ms. Galdamez had ever spent this much time away from her children.

24. On November 21, 2025, ICE agents issued an NTA to Ms. Galdamez, charging her as removable for being "present in the United States without being admitted or paroled," *see* 8 U.S.C. §1182(a)(6)(A)(i), and for lacking a valid visa or other entry document when she entered the United States, *see* 8 U.S.C. § 1182(a)(7)(A)(i). *See* Exhibit 1.

25. Eventually, ICE agents arrived and took Ms. Galdamez from Wilmington, North Carolina, to Stewart in Lumpkin, Georgia. Stewart is over 450 miles from Ms. Galdamez's home in Whiteville.

26. Ms. Galdamez is now facing deportation to a country where she fears violence, extreme poverty, and worse, indefinite separation from her young children and other family members. Ms. Galdamez has not been to Guatemala since she was a young child, and she has no relationships with any family there who could welcome or support her. Her father passed away previously, and her mother now resides in Mexico.

27. Ms. Galdamez appeared before an IJ at Stewart for her first-ever Master Calendar Hearing on December 9, 2025. That hearing was continued for Ms. Galdamez's recently retained immigration counsel to prepare an application for relief for Ms. Galdamez. At a subsequent Master Calendar Hearing on January 6, 2026, through counsel, Ms. Galdamez admitted and conceded the

allegations in the NTA. Ms. Galdamez also filed her application for cancellation of removal under 8 U.S.C. § 1229b(b) with the immigration court on that date. An individual hearing on that application is currently scheduled for January 27, 2026.

28. If and when Ms. Galdamez is released from DHS custody, she will return to living with her children and her community of friends, family, and loved ones who miss her and are concerned about her safety in detention, not to mention fearing that she will be harmed or killed upon return to Guatemala.

LEGAL FRAMEWORK

29. Section 1229a of Title 8 of the U.S. Code (Section 240 of the INA) describes the primary process through which DHS seeks to remove non-citizens from the United States. It specifies that "[u]nless otherwise specified in this chapter, a proceeding under this section shall be the sole and exclusive procedure for determining whether [a non-citizen] may be . . . removed from the United States." 8 U.S.C. § 1229a(a)(3).

30. To initiate removal proceedings against a non-citizen under Section 1229a, DHS must issue the non-citizen an NTA. 8 U.S.C. § 1229(a)(1). Most non-citizens go through removal proceedings from outside detention. But ICE is increasingly detaining non-citizens during their removal proceedings.

31. 8 U.S.C. § 1226(a) (Section 236(a) of the INA) is the "the default rule" for detaining noncitizens "already present in the United States." *See Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018). It states that "on a warrant issued by the Attorney General,[1] [a non-citizen] may be arrested

[1] In 2003, the Immigration and Naturalization Service (INS) within the Department of Justice (DOJ) became what is now ICE, which is housed within DHS. Therefore, some statutory references to the "Attorney General," like this one, now refer to authorities delegated in whole or in part to the Secretary of DHS.

and detained pending a decision on whether the [non-citizen] is to be removed from the United States" 8 U.S.C. § 1226(a). Non-citizens arrested upon a warrant and in ongoing removal proceedings are eligible to seek bond from an IJ. *Id.* § 1226(a)(2).

32. A separate provision governs the detention of people who seek admission to the U.S. at the border or at a port of entry like an airport. It states that "in the case of a [non-citizen] who is an applicant for admission, if the examining immigration officer determines that a [non-citizen] *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the non-citizen shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A) (emphasis added). IJs do not have jurisdiction to grant bond for such individuals seeking admission, though DHS retains the discretion to release such non-citizens on a specific type of parole "for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A).

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

34. Following IIRIRA's enactment, then-INS drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and were instead detained under § 1226(a), making them eligible to be released on bond. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, [noncitizens] who are present without having been admitted or

paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination").

35. In the decades that followed, most people who entered without admission or parole and were thereafter arrested and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an IJ, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice in which noncitizens who had entered the U.S., even if without inspection, were entitled to a custody redetermination hearing before an IJ or other hearing officer. *See e.g.*, *Jennings*, 583 U.S. at 287 (discussing Section 1226(a) as the "default rule" for detaining noncitizens "already present in the United States"); *Miranda v. Garland*, 34 F.4th 338, 346 (4th Cir. 2022) (same); *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025, at *9 (D. Md. Aug. 24, 2025) ("Since at least 1996, the INA has mandated the detention of arriving aliens and certain criminal non-citizens detained in the United States. The Board of Immigration Appeals has long held to this interpretation. For everyone else, 8 U.S.C. § 1226(a) provides DHS the discretion to detain noncitizens, subject to review during a custody hearing before an immigration judge."); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255, at *9 (E.D. Va. Sept. 19, 2025) ("Before July 8, 2025, 'DHS's long-standing interpretation has been that § 1226(a) applies to those who have crossed the border between ports of entry and are shortly thereafter apprehended.'") (quoting Transcript of Oral Argument at 44:24–45:2, *Biden v. Texas*, 597 U.S. 785 (2022)). *See also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

36. In the past several months, Respondents have adopted an entirely new interpretation of the statute. On September 5, 2025, the BIA issued a precedential decision holding that any

noncitizen who is present in the United States without having been inspected or admitted is subject to mandatory detention under 8 U.S.C. §1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

37. Bound by this decision, IJs across the country – including at Stewart – are now holding that they lack jurisdiction to determine bond for any person who has entered the United States without inspection, even if that person has resided in the U.S. for years. Instead, consistent with *Matter of Yajure Hurtado*, IJs are concluding that such people are subject to mandatory detention under § 1225(b)(2)(A).

38. The mandatory detention provision of § 1225(b)(2) does not apply to people like Ms. Galdamez who are arrested in the interior of the United States, because these individuals are evidently not "seeking admission" into the United States. *J.A.M.* v. *Streeval, et al.*, No. 4:25-CV-342 (CDL), 2025 WL 3050094, at *2-3 (M.D. Ga. Nov. 1, 2025). Accordingly, Ms. Galdamez is entitled to a bond hearing under 8 U.S.C. § 1226(a) and release on bond, if appropriate.

CLAIMS FOR RELIEF

COUNT 1
VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond

39. Petitioner incorporates by reference the allegations set forth in paragraphs 1-42 herein.

40. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to those arrested in the interior of the U.S. who are not "seeking admission." Such noncitizens are detained under § 1226(a) and are eligible for release on bond.

41. Therefore, Petitioner is neither an "applicant for admission" nor is she "seeking admission." She is detained pursuant to § 1226(a) and eligible for bond.

42. DHS and the Immigration Courts have adopted a policy and practice of applying § 1225(b)(2) to people like Petitioner.

43. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates the INA.

COUNT II
VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT
Procedural Due Process

44. Petitioner incorporates by reference the allegations set forth in paragraphs 1-42 herein.

45. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts evaluate whether adjudicatory procedures sufficiently protect individuals' due process rights.

46. Respondents' erroneous application of Section 1225(b)(2)(A) to Petitioner and deprivation of her ability to seek review of her custody before a neutral adjudicator violates her due process rights under *Mathews* because her liberty interest, and the risk of erroneous deprivation of her liberty posed by mandatory detention under 1225(b)(2)(A), outweigh Respondents' interest in detaining Petitioner, who is not a flight risk, not a danger, and is not even removable from the United States for the reasons DHS alleges.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Order, under the All Writs Act, 28 U.S.C. § 1651, that Respondents not transfer Petitioner outside of the jurisdiction of the U.S. District Court for the Middle District of Georgia during the pendency of this petition;

b. Declare that Respondents' actions or omissions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution and/or the Immigration and Nationality Act;

c. Order that Respondents provide a bond hearing to Petitioner within 3 business days of the date of the order;

d. Award Petitioner reasonable fees under the Equal Access to Justice Act, 5 U.S. Code § 504;

d. Grant any other further relief this Court deems just and proper.

Dated: January 22, 2026

Respectfully submitted,

/s/ F. Evan Benz
F. Evan Benz, Esq.
GA Bar No. 820944
AMICA CENTER FOR IMMIGRANT RIGHTS
1025 Connecticut Ave. NW, Ste. 701
Washington, DC 20036
Tel: 202-869-3984
Fax: 202-331-3341
evan@amicacenter.org
Pro Bono Counsel for Petitioner

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 22, 2026

Respectfully submitted,

/s/ F. Evan Benz
Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system, which will send a notice of electronic filing to all counsel of record. I will furthermore serve a copy of the petition and exhibits on each Respondent by certified mail.

Dated: January 22, 2026

Respectfully submitted,

/s/ F. Evan Benz
Counsel for Petitioner