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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

MARTIR SOTO RODRIGUEZ,

Petitioner,

v.

**JASON STREEVAL, Warden of Stewart
Detention Center; KRISTEN SULLIVAN,
Field Office Director of Enforcement and
Removal Operations, Atlanta Field Office,
Immigration and Customs Enforcement;
TODD M. LYONS, Acting Director, U.S.
Immigrations & Customs Enforcement;
KRISTI NOEM, Secretary, U.S. Department
of Homeland Security; U.S. Department of
Homeland Security; PAMELA BONDI, U.S.
Attorney General; and DAREN K.
MARGOLIN, Director, Executive Office for
Immigration Review,**

Respondents.

Case No.:

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Martir Soto Rodriguez brings this petition for a writ of habeas corpus to
3 seek enforcement of their rights as members of the Bond Eligible Class certified in *Maldonado*
4 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical
5 custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia. Petitioner now
6 faces unlawful detention because the Department of Homeland Security (DHS) and the
7 Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory
8 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

18 3. The declaratory judgment held that the Bond Eligible Class members are detained
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
23
24

1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
2 opportunity to be released on bond.

3 5. Petitioner Martir Soto Rodriguez is a member of the Bond Eligible Class, as
4 Petitioner:

5 a. does not have lawful status in the United States and is currently detained
6 at the Stewart Detention Center in Lumpkin, Georgia;

7 b. was apprehended by immigration authorities on or about November 11,
8 2025, in the State of Georgia;

9 c. entered the United States without inspection approximately 29 ago and
10 was not apprehended upon arrival, *cf. id.*; and

11 d. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

12
13 6. After apprehending Petitioner on or about November 11, 2025, the DHS placed
14 Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as
15 being inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I), as someone who
16 entered the United States without inspection.

17 7. The Court should expeditiously grant this petition.

18 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
19 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
20 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
21 detention despite Petitioner’s clear entitlement to consideration for release on bond as a Bond
22 Eligible Class member.

1 9. Immigration judges have informed class members in bond hearings that they have
2 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
3 controlling, even with respect to class members, and that instead IJs remain bound to follow the
4 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

5 10. On January 12, 2026, Petitioner submitted a Motion for Bond and Custody
6 Redetermination to the Stewart Immigration Court. The Stewart Immigration Court scheduled
7 Petitioner for a custody redetermination and bond hearing on January 14, 2026. On January 14,
8 2026, the immigration judge denied Petitioner’s Motion for Bond and Custody Redetermination
9 based on the immigration judge finding that the immigration judge lacked jurisdiction pursuant
10 to the *Matter of Yajure Hurtado*.

11 11. Because Respondents are detaining Petitioner in violation of the declaratory
12 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
13 Respondent DHS must release Petitioner.

14 12. Alternatively, the Court should order Petitioner’s release unless Respondents
15 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

16
17 **JURISDICTION**

18 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
19 Stewart Detention Center in Lumpkin, Georgia.

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

PARTIES

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2 20. Petitioner, Martir Soto Rodriguez, is a citizen of Mexico who has been in
3 immigration detention since approximately November 11, 2025. After Petitioner was
4 apprehended by ICE in the State of Georgia, ICE did not set bond, and Petitioner requested
5 review of Petitioner’s custody by an immigration judge. On January 14, 2026, Petitioner was
6 denied bond by an immigration judge at the Stewart Immigration Court because Petitioner was
7 deemed an “applicant for admission” and subject to mandatory detention under 8 U.S.C.
8 § 1225(b)(2) Petitioner has resided in the United States since 2004.

9 21. 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 22. Respondent Kristen Sullivan is the Acting Director of the Atlanta Field Office of
13 ICE’s Enforcement and Removal Operations division. As such, Acting Director Sullivan is
14 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. She is
15 named in his official capacity.

16 23. Respondent Kristi Noem is the Secretary of the Department of Homeland
17 Security. She is responsible for the implementation and enforcement of the Immigration and
18 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.
19 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

20 24. Respondent Department of Homeland Security (DHS) is the federal agency
21 responsible for implementing and enforcing the INA, including the detention and removal of
22 noncitizens.

1 31. The order granting class certification in *Maldonado Bautista* further orders that
2 “[w]hen considering this determination with the MSJ Order, the Court extends the same
3 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

4 32. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
5 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
6 § 2201(a).

7 33. By denying Petitioner a bond hearing under § 1226(a) and asserting that Petitioner
8 is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory
9 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

10 34. Assuming, *arguendo*, that *Maldonado Bautista* does not apply, find that Petitioner
11 is currently detained under § 1226(a) and therefore not subject to mandatory detention as
12 required by § 1225(b)(2). See *J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094
13 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D.
14 Ga. Nov. 24, 2025).

15
16 **PRAYER FOR RELIEF**

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

- 18 a. Assume jurisdiction over this matter;
- 19 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
20 Petitioner;
- 21 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
22 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
23 seven days;
- 24

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

4 e. Grant any other and further relief that this Court deems just and proper.
5

6 DATED this 23rd of January 2026.

7 *//s// Elizabeth Hildebrand Matherne*

8 _____
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17 *Attorney for Petitioner*
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1 I represent Petitioner, Martir Soto Rodriguez, and submit this verification on Petitioner's
2 behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas
3 Corpus are true and correct to the best of my knowledge.

4 Dated this 23rd day of January 2026.

5
6 Respectfully submitted,

7
8 *//s// Elizabeth Hildebrand Matherne*

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