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

JENRRY ALEXI SOTO VALERIANO,

Petitioner,

Case No. 4:26-cv-132

v.

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

Respondents.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

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## INTRODUCTION

1. Petitioner Jenrry Alexi Soto Valeriano (“Mr. Soto” or “Petitioner”) is being forced to file this habeas petition to obtain the bond hearing he 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. Mr. Soto has lived in the United States for nearly twenty years, after entering without inspection as an unaccompanied minor child. He is a loving and devoted father to two U.S.-citizen children, aged eight and six years. He has no criminal convictions and has deep roots in his community in North Carolina.
3. U.S. Immigration and Customs Enforcement (“ICE”) agents detained Mr. Soto on September 24, 2025, in North Carolina.
4. Had ICE detained Mr. Soto before September 5, 2025 – indeed, at any time during the past three decades – he 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 reimaging 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, Mr. Soto is currently being subjected to mandatory detention due to ICE’s and the BIA’s erroneous interpretation of law (an interpretation that has been roundly rejected by habeas courts across the country).

1 5. This Court has already soundly rejected the BIA's flawed reasoning in numerous recent  
2 habeas decisions. *See, e.g., J.A.M. v. Streeval, et al.*, No. 4:25-CV-342 (CDL), 2025 WL  
3 3050094, at \*2-3 (M.D. Ga. Nov. 1, 2025); *see also* Order, ECF No. 12, *Patel v. Bondi et*  
4 *al.*, 4:25-cv-00277-CDL-AGH (Nov. 4, 2025); Order, ECF No. 5, *Garcia-Reynoso v.*  
5 *Streeval et al.*, 4:25-cv-00278-CDL-AGH (Nov. 4, 2025); Order, ECF No. 19, *Dominguez*  
6 *Rivera v. Streeval et al.*, 4:25-cv-00288-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6,  
7 *Pascual Pedro v. Streeval et al.*, 4:25-cv-00290-CDL-AGH (Nov. 4, 2025); Order, ECF  
8 No. 7, *Hernandez Gomez v. Streeval et al.*, 4:25-cv-00291-CDL-AGH (Nov. 4, 2025);  
9 Order, ECF No. 13, *Paredes Alvarez v. Streeval et al.*, 4:25-cv-00296-CDL-AGH (Nov. 4,  
10 2025); Order, ECF No. 4, *Guzman Paulino v. Sterling et al.*, 4:25-cv-00297-CDL-AGH  
11 (Nov. 4, 2025); Order, ECF No. 7, *Ospina Capera v. Sterling et al.*, 4:25-cv-00298-CDL-  
12 AGH (Nov. 4, 2025); Order, ECF No. 9, *Escobar Olivares v. Sterling et al.*, 4:25-cv-00299-  
13 CDL-AGH (Nov. 4, 2025); Order, ECF No. 9, *Merino Ortiz v. Sterling et al.*, 4:25-cv-  
14 00300-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6, *Mauricio Lopez v. Sterling et al.*,  
15 4:25-cv-00302-CDL-AGH (Nov. 4, 2025); Order, ECF No. 7, *Guerra Guzman v. Sterling*  
16 *et al.*, 4:25-cv-00305-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6, *Quistian Vazquez v.*  
17 *Sterling et al.*, 4:25-cv-00306-CDL-AGH (Nov. 4, 2025); Order, ECF No. 5, *Diaz-Baron*  
18 *v. Sterling et al.*, 4:25-cv-00309-CDL-AGH (Nov. 4, 2025).

19 6. And yet, Respondents maintain their disingenuous interpretation of the law and keep Mr.  
20 Soto needlessly detained hundreds of miles from his children, friends, and loved ones,  
21 without the opportunity to seek review of his custody before a neutral arbiter. To correct  
22 this injustice, this Court should grant this petition and order a bond hearing for Mr. Soto as  
23 soon as practicable.

1 **JURISDICTION**

2 7. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
3 Stewart Detention Center in Lumpkin, Georgia.

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

7 9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
8 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

9 **VENUE**

10 10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
11 500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the  
12 judicial district in which Petitioner currently is detained.

13 11. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
14 Respondents are employees, officers, and agencies of the United States, and because a  
15 substantial part of the events or omissions giving rise to the claims occurred in the Middle  
16 District of Georgia.

17 **PARTIES**

18 12. Petitioner Jenrry Alexi Soto Valeriano is a citizen of Honduras who has been in  
19 immigration detention since September 24, 2025.

20 13. Respondent Jason Streeval is employed by the private prison company CoreCivic  
21 as Warden of the Stewart Detention Center, where Petitioner is detained. He has immediate  
22 physical custody of Petitioner. He is sued in his official capacity.

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1 14. Respondent George Sterling is the Director of the Atlanta Field Office of ICE's  
2 Enforcement and Removal Operations division. As such, George Sterling is Petitioner's  
3 immediate custodian and is responsible for Petitioner's detention and removal. He is sued in his  
4 official capacity.

5 15. Respondent Kristi Noem is the Secretary of the Department of Homeland  
6 Security. She is responsible for the implementation and enforcement of the Immigration and  
7 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.  
8 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

9 16. Respondent Pamela Bondi is the Attorney General of the United States. She is  
10 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
11 and the immigration court system it operates is a component agency. She is sued in her official  
12 capacity.

13 **STATEMENT OF FACTS**

14 17. Petitioner is a 32-year-old native and citizen of Honduras and a resident of North  
15 Carolina who is currently detained at the Stewart Detention Center ("Stewart") in Lumpkin,  
16 Georgia. Ex. 1, Declaration of Petitioner.

17 18. Prior to being detained, he lived in North Carolina for almost 19 years, after  
18 entering the United States at the age of 14 in approximately January 2007. He has two U.S.-  
19 citizen sons, aged 8 and 6. Petitioner is a loving and devoted father to his children. Ex. 1,  
20 Declaration of Petitioner.

21 19. Petitioner left his home country at the age of 12, after his extremely impoverished  
22 mother told him she could no longer care for him. He never had a relationship with his father.  
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1 Shortly after, Petitioner was persuaded by friends to come to the United States to make a better  
2 life for himself. Ex. 1, Declaration of Petitioner.

3 20. Petitioner had an arduous journey to the United States, losing his friends, being  
4 captured by cartels, and getting lost in the desert. Petitioner entered the U.S. without inspection  
5 and was not detained by U.S. authorities at that time. After finally being rescued by kindly  
6 strangers in the desert, he had no idea what to do to make a life in the United States. He  
7 eventually met some Mexican men who brought him to Charlotte, NC, where he has lived since.  
8 Ex. 1, Declaration of Petitioner.

9 21. After living homeless and being exploited for work for several years, Petitioner  
10 finally enrolled in school. He graduated high school at the age of 22 and was given a scholarship  
11 to attend college, which he did for two years before transitioning to working full-time to care for  
12 his first son, born in 2017. His second son was born in 2019. Their mother has never cared for  
13 the older boy and has provided an unstable and troublesome environment for the younger when  
14 she cares for him. Petitioner is the sole physical, financial, and emotional caregiver for his older  
15 son, and is the primary provider and caregiver for the younger son as well. Ex. 1, Declaration of  
16 Petitioner.

17 22. Since 2020, Petitioner has lived with his girlfriend, Keila, her child, and his two  
18 sons. In 2023, the family moved into a mobile home that Petitioner purchased and renovated. Ex.  
19 1, Declaration of Petitioner.

20 23. On September 8, 2025, Petitioner was arrested and charged with Domestic  
21 Violence. Ex. 2, Cabarrus District Court Case Summary. He was supposed to be released on  
22 bond by the Cabarrus District Court on September 23, 2025, (*id.*), but ICE detained him and  
23 transferred him to Stewart Detention Center. Ex. 1, Declaration of Petitioner.

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1           24.     On September 24, 2025, ICE initiated removal proceedings against Petitioner by  
2 issuing a Notice to Appear (“NTA) against him, charging him as removable under 8 U.S.C. §  
3 1182(a)(6)(A)(i) (for being present without admission or parole) and § 1182(a)(7)(A)(i)(I) (not in  
4 possession of valid documents at time of entry). Ex. 3, Notice to Appear.

5           25.     At a master calendar hearing on November 14, 2025, Petitioner admitted to the  
6 allegations in the NTA and conceded his removability, but submitted an application for  
7 cancellation of removal for nonpermanent residents pursuant to 8 U.S.C. § 1229b(b)(1).

8           26.     Following a merits hearing on December 5, 2025, the IJ denied Petitioner  
9 application for cancellation of removal for lack of exceptional and extremely unusual hardship to  
10 his children, but granted Petitioner post-conclusion voluntary departure relief (which allows  
11 Petitioner to leave the United States without a removal order) due to a specific finding by the  
12 judge that Petitioner has shown good moral character for the past five years, regardless of the  
13 misdemeanor charge for domestic violence that was pending against him. Ex. 4, Oral Decision  
14 Summary of the Immigration Judge in Removal Proceedings.

15           27.     After ICE detained Petitioner in September 2025, it did not set bond. Petitioner  
16 subsequently requested review of his custody by an IJ. On December 19, 2025, an IJ at the  
17 Stewart Immigration Court denied bond solely on jurisdictional grounds, relying on *Yajure*  
18 *Hurtado*. Ex. 5, Denial of Motion for Custody Redetermination. The same court, on January 6,  
19 2026, denied Petitioner’s Motion to Reconsider based on the December 18, 2025, clarification  
20 order in the nationwide class action in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-  
21 SSS-BFM (C.D. Cal.), still relying solely on *Yajure Hurtado*. Ex. 6, Denial of Motion to  
22 Reconsider.

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1 28. On January 22, 2026, the criminal charges against Petitioner were voluntarily  
2 dismissed, after the alleged victim again did not attend the hearing. Ex. 2, Cabarrus District  
3 Court Case Summary.

4 **CLAIMS FOR RELIEF**  
5 **COUNT I**  
6 **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1226(a)**  
7 ***Unlawful Denial of Release on Bond***

8 1. Petitioner incorporates by reference the allegations set forth in paragraphs 1-28  
9 herein.

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

13 3. Therefore, Petitioner is neither an “applicant for admission” nor is he “seeking  
14 admission.” He is detained pursuant to § 1226(a) and eligible for bond.

15 4. DHS and the Immigration Courts have adopted a policy and practice of applying §  
16 1225(b)(2) to people like Petitioner.

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

19 **COUNT II**  
20 **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT**  
21 ***Procedural Due Process***

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

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



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/s/ Mary E. Armistead

Mary E. Armistead  
NC Bar No. 60556; NY Bar No. 5310404  
CATHOLIC LEGAL IMMIGRATION NETWORK, INC.  
8455 Colesville Road, Suite 960  
Silver Spring, MD 20910  
Tel: 301-245-1840  
Fax: 301-565-4824  
[marmistead@cliniclegal.org](mailto:marmistead@cliniclegal.org)  
*Pro Bono Counsel for Petitioner*  
(Pending Pro Hac Vice Admission)

/s/ F. Evan Benz

F. Evan Benz  
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](mailto:evan@amicacenter.org)  
*Pro Bono Counsel for Petitioner*  
Local Counsel

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

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

7 Dated: January 23, 2026

Respectfully submitted,

8 /s/ Mary E. Armistead  
9 Counsel for Petitioner  
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**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 (NEM) to all counsel of record.

Dated: January 23, 2026

Respectfully submitted,

/s/ F. Evan Benz  
Counsel for Petitioner

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