

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

LEANDRO CALLES CAMPOS,

Petitioner,

v.

LADEON FRANCIS, Field Office  
Director of Enforcement and Removal  
Operations, Atlanta Field Office,  
TODD LYONS, in his official capacity  
as Acting director of Immigration and  
Customs Enforcement;  
KRISTI NOEM, Secretary, U.S.  
Department of Homeland Security; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY;  
PAMELA BONDI, U.S. Attorney  
General; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW;  
JASON STREEVAL, Warden of  
STEWART DETENTION CENTER,

Respondents.

Case No. 4:26-cv-00139

**PETITION FOR WRIT OF  
HABEAS CORPUS**

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**INTRODUCTION**

1. Petitioner LEANDRO CALLES CAMPOS is in the physical custody of Respondents at the STEWART DETENTION CENTER. He now faces unlawful detention because the Department of Homeland Security (DHS), in direct collaboration with the adjudicative body with jurisdiction over immigrants (the Executive Office of Immigration Review) (EOIR) have concluded Petitioner is subject to mandatory detention.

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

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

4. On September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Petitioner’s detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such

1 individuals are subject to a different statute, § 1226(a), that allows for release on  
2 conditional parole or bond. That statute expressly applies to people who, like Petitioner,  
3 are charged as inadmissible for having entered the United States without inspection.

4 6. Respondents' new legal interpretation is plainly contrary to the statutory  
5 framework and contrary to decades of agency practice applying § 1226(a) to people like  
6 Petitioner.

7 7. More importantly, the Government itself has made an abrupt about-face on  
8 this issue. Respondents should be judicially estopped from asserting their current  
9 interpretation of 8 U.S.C. § 1225(b)(2)(A), because they previously prevailed in litigation  
10 after asserting the opposite interpretation. As explained in *New Hampshire v. Maine*, 532  
11 U.S. 742 (2001), judicial estoppel applies when a party assumes a position in a legal  
12 proceeding, succeeds in maintaining that position, and then adopts a contrary position in a  
13 subsequent proceeding to gain an unfair advantage. Here, Respondents previously, and  
14 successfully, argued that individuals who entered the United States without inspection were  
15 subject to detention under § 1226(a), and not § 1225(b)(2)(A), and courts accepted that  
16 position. Respondents now reverse course and assert that such individuals are subject to  
17 mandatory detention under § 1225(b)(2)(A), thereby denying them bond hearings. This  
18 shift in legal position undermines the integrity of the judicial process and imposes an unfair  
19 detriment on Petitioners who relied on the prior interpretation. Accordingly, Respondents  
20 should be estopped from asserting this inconsistent position.

21 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
22 unless Respondents provide a bond hearing under § 1226(a) within seven days.  
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1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application  
2 for the writ usurps the attention and displaces the calendar of the judge or justice who  
3 entertains it and receives prompt action from him within the four corners of the  
4 application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5 **PARTIES**

6 16. Petitioner LEANDRO CALLES CAMPOS (“Mr. Calles”) is a citizen of El Salvador who  
7 has been in immigration detention since January 10, 2025. After arresting Petitioner, he  
8 was detained and transferred to the Stewart Detention Center, ICE did not set bond and  
9 Petitioner is unable to obtain review of his custody determination by an IJ, pursuant to the  
10 Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Due to this  
11 erroneous decision, it would be futile for Petitioner to apply to EOIR without the  
12 intervention of this honorable Court.

13 17. Respondent Todd Lyons is named in his official capacity as the Acting Director of the  
14 Immigration and Customs Enforcement (“ICE”). As the senior Official Performing the  
15 duties of the Director of ICE, he is responsible for the administration and enforcement of  
16 the immigration laws of the United States; routinely transacts business in the Southern  
17 District of Georgia; is legally responsible for any effort to detain Petitioner; and as such is  
18 a custodian of the Petitioner. His address is ICE, Office of the Principal Legal Advisor, 500  
19 12th St. SW, Mail Stop 5900, Washington DC 20536-5900.

20 18. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE’s  
21 Enforcement and Removal Operations division; however, on information and belief, the  
22 DHS is rotating their Field Office Director without publishing a schedule of rotation. As  
23 such, Ladeon Francis or his unknown, unannounced provisional replacement is Petitioner’s

1 immediate custodian and is responsible for Petitioner's detention and removal. He or his  
2 acting counterpart is named in his or her official capacity. Respondent Francis's address is  
3 180 Ted Turner Dr Se, Ste 522. Atlanta GA 30303.

4 19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is  
5 responsible for the implementation and enforcement of the Immigration and Nationality  
6 Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem  
7 has ultimate custodial authority over Petitioner and is sued in her official capacity. Ms.  
8 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.  
9 Respondent Noem's address is U.S. Department of Homeland Security, Office of the  
10 General Counsel, 2707 Martin Luther King Jr Ave Se Washington DC 20528-0525.

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

13 21. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible  
14 for the Department of Justice, of which the Executive Office for Immigration Review and  
15 the immigration court system it operates is a component agency. She is sued in her official  
16 capacity. Respondent Noem's address is U.S. Department of Homeland Security, Office of  
17 the General Counsel, 2707 Martin Luther King Jr Ave Se Washington DC 20528-0525.

18 22. Respondent Executive Office for Immigration Review (EOIR) is the federal agency  
19 responsible for implementing and enforcing the INA in removal proceedings, including for  
20 custody redeterminations in bond hearings.

21 23. Respondent, Warden Jason Streeval is, is employed by the private, for-profit detention  
22 corporation contracted by the Government as an agent to confine immigrants at Stewart  
23 Detention Center, where Petitioner is detained. He has immediate physical custody of

1 Petitioner. He is sued in his official capacity. Respondent Warden's address is Warden,  
2 Stewart Detention Center, 1116 S Washington Ave, Lumpkin, GA 39862.

3 **LEGAL FRAMEWORK**

4 24. The INA prescribes three basic forms of detention for the vast majority of noncitizens in  
5 removal proceedings.

6 25. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
7 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are  
8 generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§  
9 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or  
10 convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

11 26. Second, the INA provides for mandatory detention of noncitizens subject to expedited  
12 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
13 referred to under § 1225(b)(2).

14 27. Last, the INA also provides for detention of noncitizens who have been ordered removed,  
15 including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)-(b).

16 28. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

17 29. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal  
18 Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-  
19 -208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section  
20 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L.  
21 No.119-1, 139 Stat. 3 (2025).

22 30. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in  
23 general, people who entered the country without inspection were not considered detained  
24 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and

1 Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal  
2 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

3 31. Thus, in the decades that followed, most people who entered without inspection and were  
4 placed in standard removal proceedings received bond hearings, unless their criminal  
5 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was  
6 consistent with many more decades of prior practice, in which noncitizens who were not  
7 deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer.  
8 *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting  
9 that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

10 32. In *Jennings v. Rodriguez*, the Department of Homeland Security (DHS) explicitly  
11 acknowledged that individuals who have already entered the United States and are not  
12 apprehended within 100 miles of the border or within 14 days of entry are subject to  
13 discretionary detention under 8 U.S.C. § 1226(a), not mandatory detention under § 1225(b).  
14 During oral argument on November 30, 2016, then-Solicitor General Ian Gershengorn  
15 stated: “If they are not detained within 100 miles of the border or within 14 days... then  
16 they are under 1226(a) and not 1226(c)” and further clarified, in response to a question  
17 concerning “an alien who has come into the United States illegally without being admitted  
18 [and] who takes up residence 50 miles from the border,” the Government responded, “The  
19 answer is they are held under 1226(a) and that they get a bond hearing...” Transcript of  
20 Oral Argument at 7–8, *Jennings v. Rodriguez*, 583 U.S. \_\_\_\_ (2018) (No. 15-1204). DHS  
21 reiterated that such individuals “would be held under 1226(a)” and cited the administrative  
22 record to support that position. *Id.* These statements reflect DHS’s prior litigation stance  
23 that § 1226(a) governs detention for noncitizens who have entered and are residing in the

1 United States, a position directly contrary to the agency's current interpretation applying §  
2 1225(b)(2)(A) to such individuals. Having prevailed in *Jennings* after taking this position,  
3 they should be estopped from taking the contrary position now simply because their  
4 political or litigation interests have changed. Estoppel in this case is necessary to preserve  
5 the predictability inherent in the rule of law and due process under the Fifth Amendment,  
6 as well as to protect the integrity of the judicial system.

7 33. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected  
8 well-established understanding of the statutory framework and reversed decades of  
9 practice.

10 34. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants  
11 for Admission,"<sup>1</sup> claims that all persons who entered the United States without inspection  
12 shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy  
13 applies regardless of when a person is apprehended, and affects those who have resided in  
14 the United States for months, years, and even decades.

15 35. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter*  
16 *of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States  
17 without admission or parole are subject to detention under § 1225(b)(2)(A) and are  
18 ineligible for IJ bond hearings.

19 36. Since Respondents adopted their new policies, several federal courts have rejected their  
20 new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter*  
21 *of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

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<sup>1</sup> Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 37. This Court has held in similar cases that petitioners present in the United States at the time  
2 of their detention, who have not been lawfully admitted and are not attempting to be  
3 lawfully admitted, like the Petitioner, are subject to detention under 8 U.S.C. § 1226(a).  
4 *J.A.M. v. Streeval*, No. 4:25-CV342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025)  
5 *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

6 **FACTS**

7 38. Mr. Calles last entered the United States in 2013 and currently resides physically in  
8 Lumpkin, Georgia, where he is detained.

9 39. Upon his entry into the United States, the DHS released respondent into the United States  
10 presumably on an I-220A form *Order of Release on Recognizance*, or “OREC” and  
11 placed into removal proceedings.

12 40. On January 10, 2026, Mr. Calles was detained by ICE officials.

13 41. The DHS subsequently filed a Notice to Appear with EOIR.

14 42. Mr. Calles was then transferred to the Stewart Detention Center in Lumpkin Georgia  
15 where he remains detained.

16 43. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider Mr.  
17 Calles’s bond request, and his unlawful detention cannot be litigated before that body,  
18 who collaborated with the DHS – who is a party to these contested proceedings – to adopt  
19 the DHS position wholesale, because such efforts would be futile.

20 44. As a result, Mr. Calles remains in detention. Without relief from this court, she faces the  
21 prospect of months, or even years, in immigration custody, separated from her family and  
22 community while her relief remains pending.  
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**CLAIMS FOR RELIEF**

**COUNT I**  
**Violation of the INA**

45. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

46. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who received an I-220A and who were subsequently accused by DHS of having “entered” the United States. Those actions by DHS, followed by the Petitioner’s concession to those charges before EOIR, represent a quasi-judicial determination by an agency which precludes further litigation of the issue unless new, material, and previously unavailable facts emerge. Such noncitizens continue to be detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

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

**COUNT II**  
**Violation of the Bond Regulations**

48. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

49. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission,

1 [noncitizens] who are present without having been admitted or paroled (formerly referred  
2 to as [noncitizens] who entered without inspection) will be eligible for bond and bond  
3 redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear  
4 that individuals who had entered without inspection were eligible for consideration for  
5 bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing  
6 regulations.

7 50. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of  
8 applying § 1225(b)(2) to individual like Petitioner.

9 51. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued  
10 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

11 **COUNT III**  
12 **Violation of Due Process**

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

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

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

21 55. The government’s detention of Petitioner without a bond redetermination hearing to  
22 determine whether he is a flight risk or danger to others violates [his/her/their] right to  
23 due process.  
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**Judicial Estoppel**

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

57. The Government is judicially estopped from asserting that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). In prior litigation, including *Jennings v. Rodriguez*, the Government successfully argued that individuals who entered without inspection and were not apprehended near the border or within 14 days were subject to discretionary detention under § 1226(a), not mandatory detention under § 1225(b)(2)(A). See *Jennings v. Rodriguez*, No. 15-1204, Tr. of Oral Arg. at 7–8 (Nov. 30, 2016). Courts accepted that position. Now, the Government reverses course and asserts the opposite interpretation to deny bond hearings. Under *New Hampshire v. Maine*, 532 U.S. 742 (2001), judicial estoppel applies where a party assumes a position, prevails, and then adopts a contrary position to gain an unfair advantage. The Government’s reversal undermines the integrity of the judicial process and prejudices Petitioners who relied on the prior interpretation.

**PRAYER FOR RELIEF**

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

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Middle District of Georgia while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

- 1 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in  
2 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §  
3 1226(a) within seven days;
- 4 e. Declare that Petitioner’s detention is unlawful;
- 5 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
6 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
7 law; and
- 8 g. Grant any other and further relief that this Court deems just and proper.

9 DATED this 23rd day of January, 2026.

10 /s/ Peter Tadeo, Esq.  
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