

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

MAURA LLAVEN AREVALO,



Petitioner,

v.

JASON STREEVAL, Warden of the  
Stewart Detention Center

Respondent.

Case No. 4:26-CV-156

**PETITION FOR WRIT OF  
HABEAS CORPUS**

## INTRODUCTION

1  
2 1. Petitioner Ms. Maura Llaven Arevalo is in the physical custody of  
3 Respondents at the Stewart Detention Center. She now faces unlawful detention  
4 because the Department of Homeland Security (DHS) and the Executive Office of  
5 Immigration Review (EOIR) have concluded Petitioner is subject to mandatory  
6 detention.  
7

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

10 3. Based on this allegation in Petitioner's removal proceedings, DHS  
11 denied Petitioner release from immigration custody, consistent with a new DHS  
12 policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement  
13 (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e.,  
14 those who entered the United States without admission or inspection—to be subject  
15 to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released  
16 on bond.  
17

18 4. Similarly, on September 5, 2025, the Board of Immigration Appeals  
19 (BIA or Board) issued a precedent decision, binding on all immigration judges,  
20 holding that an immigration judge has no authority to consider bond requests for any  
21 person who entered the United States without admission. *See Matter of Yajure*  
22 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such  
23  
24

1 individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore  
2 ineligible to be released on bond.

3  
4 5. Petitioner’s detention on this basis violates the plain language of the  
5 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to  
6 individuals like Petitioner who previously entered and are now residing in the United  
7 States. Instead, such individuals are subject to a different statute, § 1226(a), that  
8 allows for release on conditional parole or bond.

9  
10 6. Respondents’ new legal interpretation is plainly contrary to the  
11 statutory framework, contrary to decades of agency practice applying § 1226(a), and  
12 contrary to recent federal decisions—including decisions of this Court—holding that  
13 § 1225(b)(2) applies only to individuals who are “seeking admission” in the context  
14 of an arrival inspection by an examining immigration officer.

15  
16 7. Notably, Petitioner is a member of the certified class in *Lazaro*  
17 *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403  
18 (C.D. Cal. Nov. 25, 2025), which rejected Respondents’ interpretation of §  
19 1225(b)(2). Yet despite this class-wide decision, and despite this Court’s own  
20 holdings, the Stewart Immigration Court continues to refuse to find jurisdiction to  
21 conduct bond hearings for individuals like Petitioner—leaving habeas corpus as the  
22 only available mechanism for judicial review of Petitioner’s detention.  
23  
24

1 8. Thus, Petitioner seeks a writ of habeas corpus requiring that she be  
2 released less Respondents provide a bond hearing under § 1226(a) within seven days.

3  
4 **JURISDICTION**

5 9. Petitioner is in the custody of Respondent. Petitioner is detained at the  
6 Stewart Detention Center located in Lumpkin, Georgia.

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

10 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the  
11 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.  
12 § 1651.

13  
14 **VENUE**

15 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.  
16 484, 493- 500 (1973), venue lies in the United States District Court for the Middle  
17 District of Georgia, the judicial district in which Petitioner currently is detained.

18 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)  
19 because Respondents are employees, officers, and agencies of the United States, and  
20 because a substantial part of the events or omissions giving rise to the claims  
21 occurred in the Middle District of Georgia.  
22  
23  
24



1 17. Respondent Jason Streeval is employed by Core Civic Group as  
2 Warden of the Stewart Detention Center, where Petitioner is detained. He has  
3 immediate physical custody of Petitioner. He is sued in his official capacity.  
4

### 5 **LEGAL FRAMEWORK**

6 18. The Immigration and Nationality Act (“INA”) establishes several  
7 detention schemes for noncitizens in removal proceedings.

8 19. First, 8 U.S.C. § 1226 governs the detention of individuals placed in  
9 standard removal proceedings under § 1229a. Noncitizens detained under § 1226(a)  
10 are generally entitled to a custody redetermination before an Immigration Judge  
11 unless they fall into the narrow mandatory-detention categories of § 1226(c).  
12

13 20. Second, 8 U.S.C. § 1225(b)(1)–(2) provides for mandatory detention of  
14 certain individuals seeking admission who are inspected at the border and  
15 determined not “clearly and beyond a doubt entitled to be admitted.” This detention  
16 framework is tied to the process of arrival inspection performed by an examining  
17 immigration officer.  
18

19 21. Third, 8 U.S.C. § 1231 governs detention of individuals who are subject  
20 to final orders of removal.

21 22. This case turns on the proper application of § 1226(a) versus §  
22 1225(b)(2) for a noncitizen like Petitioner—an individual who entered the United  
23  
24

1 States years ago, resided here, and was apprehended within the interior, not at a port  
2 of entry.

3 23. Historically, individuals who entered without inspection and were later  
4 placed in § 1229a removal proceedings were treated as detained under § 1226, not §  
5 1225. EOIR regulations following IIRIRA confirm that such individuals were not  
6 considered “arriving” and therefore were eligible for bond hearings. *See* 62 Fed.  
7 Reg. 10312, 10323 (Mar. 6, 1997).

9 24. For decades, consistent with this regulatory framework and prior  
10 immigration law, noncitizens who entered without inspection and were apprehended  
11 inside the United States received custody redeterminations unless subject to §  
12 1226(c). *See* former 8 U.S.C. § 1252(a) (1994); H.R. Rep. No. 104-469, pt. 1, at 229  
13 (1996).

### 15 **The Government’s Recent Policy Shift**

16 25. On July 8, 2025, ICE—“in coordination with” DOJ—issued guidance  
17 declaring that all individuals who entered without inspection must now be detained  
18 under § 1225(b)(2)(A), regardless of when they entered the United States or whether  
19 they were ever inspected by an immigration officer.

21 26. On September 5, 2025, the BIA adopted this new position in *Matter of*  
22 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holding that any noncitizen who  
23  
24

1 entered without admission is subject to § 1225(b)(2)(A) and categorically barred  
2 from a bond hearing.

3 **This Court Has Rejected Respondents' Interpretation**

4  
5 27. This Court has already rejected the government's reading of §  
6 1225(b)(2). In *J.A.M. v. Streeval*, Case No. 4:25-cv-342 (CDL), 2025 WL 3050094  
7 (M.D. Ga. Nov. 1, 2025), the Court held that § 1225(b)(2) applies only to noncitizens  
8 who are "seeking admission" in the context of an arrival inspection by an examining  
9 immigration officer.

10 28. *J.A.M.* explained "seeking admission" requires an affirmative act at or  
11 near the time of arrival to obtain legal entry, with contemporaneous inspection.  
12 *J.A.M.* rejected DHS's argument that individuals apprehended years after entering  
13 the United States may be treated as if they were seeking admission. *Id.* at 3.

14 29. Applying that interpretation, the Court concluded that § 1225(b)(2)  
15 does not apply to individuals like Petitioner, whose alleged inadmissibility is based  
16 on conduct occurring long after entry and not in connection with an arrival  
17 inspection.  
18

19  
20 **The Bautista Class Action Confirms Petitioner's Eligibility for Bond**

21 30. Petitioner is also a member of the certified class in *Lazaro Maldonado*  
22 *Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal.  
23 Nov. 25, 2025), which likewise held that § 1225(b)(2) mandatory detention does not  
24

1 apply absent an arrival inspection. DHS has acknowledged in other litigation that it  
2 is still “developing its decision” concerning the application of that ruling.

3 **Courts Nationwide Have Rejected the Government’s Theory**

4  
5 31. Federal courts across the country have agreed that § 1226(a)—not §  
6 1225(b)—governs detention of individuals apprehended inside the United States,  
7 even when they originally entered without inspection. *See, e.g., Rodriguez Vazquez*  
8 *v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, 2025 WL  
9 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, 2025 WL 2084238 (D.  
10 Mass. July 24, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11,  
11 2025); *Ramirez Clavijo v. Kaiser*, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025);  
12 *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Pizarro*  
13 *Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025).

14  
15 32. These courts uniformly conclude that Respondents’ interpretation  
16 contradicts the statutory text, structure, and decades of agency practice.

17 **Stewart Immigration Court’s Continued Refusal to Exercise Jurisdiction**

18  
19 33. Despite this Court’s binding precedent and the *Bautista* class decision,  
20 the Stewart Immigration Court continues to decline jurisdiction over custody  
21 redeterminations for noncitizens like Petitioner, based on the BIA’s erroneous  
22 decision in *Matter of Yajure Hurtado*.

1 34. Because Petitioner has no administrative avenue to challenge her  
2 custody, habeas corpus is the only remedy capable of addressing the ongoing  
3 violation of federal law  
4

5 **FACTUAL BACKGROUND**

6 35. Petitioner entered the United States in 2007 without inspection. Since  
7 that time, she has established a life and family in the United States.

8 36. Petitioner is a 44-year-old Mexican national.

9 37. Petitioner is a single mother and proud mother of three United States  
10 citizen children.

11 38. Petitioner's children are the following ages: 16, 16, and 10.

12 39. Petitioner is the primary and sole financial support to her children. The  
13 youngest child attends elementary school and both 16 year-olds attends High School.  
14

15 40. Petitioner has no criminal history other than traffic violations for no  
16 license.

17 41. Petitioner was arrested two blocks from her home on December 15,  
18 2025, after driving back home from picking up her child from school. She was pulled  
19 over for a nonoperating blinker and driving while unlicensed.  
20

21 42. Petitioner's ongoing detention imposes severe financial and emotional  
22 hardship on her U.S. citizen family.  
23  
24

1 43. Prior to her detention, Petitioner worked full-time in a restaurant and  
2 has a history of steady employment. She is known as a hard-working individual who  
3 supports her family and contributes to her community.  
4

5 44. Petitioner poses no danger to the community and is not a flight risk. Her  
6 family ties, employment history, lack of criminal record, and consistent community  
7 involvement demonstrate that he is an appropriate candidate for release under §  
8 1226(a).

9 45. Petitioner's continued detention also violates **due process** because it is  
10 based on an unlawful statutory interpretation already rejected by this Court and by a  
11 certified nationwide class action. In *J.A.M. v. Streeval*, this Court held that 8 U.S.C.  
12 § 1225(b)(2) applies only when a noncitizen is "seeking admission" in the context  
13 of an **arrival inspection** by an examining immigration officer. Petitioner, however,  
14 was apprehended inside the United States years after her entry and therefore falls  
15 squarely within the detention framework of § 1226(a), which entitles her to a bond  
16 hearing.  
17

18 46. Likewise, Petitioner is a member of the certified class in *Lazaro*  
19 *Maldonado Bautista v. Santacruz*, which likewise held that § 1225(b)(2) mandatory  
20 detention cannot apply absent an arrival inspection. Nevertheless, ICE continues to  
21 detain Petitioner under § 1225(b)(2), and the Stewart Immigration Court refuses to  
22 exercise jurisdiction to conduct a bond hearing. Because Petitioner is a long-term  
23  
24

1 resident with deep family ties, no criminal history, her prolonged imprisonment  
2 without any opportunity for individualized custody review violates the fundamental  
3 requirements of due process and reinforces the necessity of habeas relief.  
4

## 5 **CLAIMS FOR RELIEF**

### 6 **COUNT I**

#### 7 **Violation of the INA**

8 47. Petitioner incorporates by reference the allegations of fact set forth in  
9 the preceding paragraphs.

10 48. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not  
11 apply to all noncitizens residing in the United States who are subject to the grounds  
12 of inadmissibility. As relevant here, it does not apply to those who previously  
13 entered the country and have been residing in the United States prior to being  
14 apprehended and placed in removal proceedings by Respondents. Such noncitizens  
15 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or  
16 § 1231.  
17

18 49. The application of § 1225(b)(2) to Petitioner unlawfully mandates her  
19 continued detention and violates the INA.  
20

### 21 **COUNT II**

#### 22 **Violation of the Bond Regulations**

23 50. Petitioner incorporates by reference the allegations of fact set forth in  
24 preceding paragraphs.



1 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690  
2 (2001).

3 56. Petitioner has a fundamental interest in liberty and being free from  
4 official restraint.

5 57. The government’s detention of Petitioner without a bond  
6 redetermination hearing to determine whether she is a flight risk or danger to others  
7 violates her right to due process.  
8

9 **PRAYER FOR RELIEF**

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

- 11
- 12 a. Assume jurisdiction over this matter;
  - 13 b. Order that Petitioner shall not be transferred outside the Middle District  
14 of Georgia while this habeas petition is pending;
  - 15 c. Issue an Order to Show Cause ordering Respondents to show cause why  
16 this Petition should not be granted within three days;
  - 17 d. Issue a Writ of Habeas Corpus requiring that Respondents release  
18 Petitioner or, in the alternative, provide Petitioner with a bond hearing  
19 pursuant to 8 U.S.C. § 1226(a) within seven days;
  - 20 e. Declare that Petitioner’s detention is unlawful;
  - 21 f. Award Petitioner attorney’s fees and costs under the Equal Access to  
22 Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other  
23 basis justified under law; and
  - 24 g. Grant any other and further relief that this Court deems just and proper.

1 DATED this 27th day of January, 2026.

2  
3 /s/ Matthew K. Winchester

4 Matthew K. Winchester  
5 Georgia Bar No. 399094  
6 Garland Law Building  
7 3151 Maple Drive, NE  
8 Atlanta, Georgia 30305  
9 T: (678) 517-6894  
10 E: K.Winchestercb@gmail.com

11 /s/ Uriel N. Delgado

12 Uriel N. Delgado  
13 GA BAR 832306  
14 Delgado Law Firm LLC  
15 6050 Peachtree Pkwy, Suite 240  
16 Box 200, Norcross, GA 30092  
17 T: (770) 815-7597  
18 F: (678) 819-4410  
19 E: uriel@delgadolaw.law

20 *Attorneys for Petitioner*

