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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

SANTOS RIVERA ALONSO,



Petitioner,

v.

JASON STREEVAL, Warden of the  
Stewart Detention Center

Respondent.

Case No. 4:26-cv-158

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Mr. Santos Rivera Alonso is in the custody of Respondent at  
3 the Stewart Detention Center. Petitioner now faces unlawful detention because the  
4 Department of Homeland Security (DHS) and the Executive Office of Immigration  
5 Review (EOIR) have concluded Petitioner is subject to mandatory detention.  
6

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

9 3. Based on this allegation in Petitioner’s removal proceedings, DHS  
10 denied Petitioner release from immigration custody, consistent with a new DHS  
11 policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement  
12 (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e.,  
13 those who entered the United States without admission or inspection—to be subject  
14 to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for bond.  
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16 4. Similarly, on September 5, 2025, the Board of Immigration Appeals  
17 (BIA or Board) issued a precedent decision, binding on all immigration judges,  
18 holding that an immigration judge has no authority to consider bond requests for any  
19 person who entered the United States without admission. See *Matter of Yajure*  
20 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The BIA in *Yajure Hurtado* determined  
21 that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and  
22 therefore ineligible to be released on bond.  
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1           5.     Petitioner’s detention on this basis violates the plain language of the  
2 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to  
3 individuals like Petitioner who previously entered and now reside in the United  
4 States. Instead, such individuals are subject to a different statute, § 1226(a), that  
5 allows for release on conditional parole or bond.  
6

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

13           7.     Notably, Petitioner is a member of the certified class in *Lazaro*  
14 *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403  
15 (C.D. Cal. Nov. 25, 2025), which rejected Respondents’ interpretation of §  
16 1225(b)(2). Yet despite this class-wide decision, and despite this Court’s own  
17 holdings, the Stewart Immigration Court continues to refuse to find jurisdiction to  
18 conduct bond hearings for individuals like Petitioner—leaving habeas corpus as the  
19 only available mechanism for judicial review of Petitioner’s detention.  
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21           8.     Thus, Petitioner seeks a writ of habeas corpus requiring that he be  
22 released less Respondents provide a bond hearing under § 1226(a) within seven days.  
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**JURISDICTION**

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

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

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

**VENUE**

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

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

**REQUIREMENTS OF 28 U.S.C. § 2243**

14. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief.

1 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return  
2 “within three days unless for good cause additional time, not exceeding twenty days,  
3 is allowed.” *Id.*

4 15. Habeas corpus is “perhaps the most important writ known to the  
5 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases  
6 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963)  
7 (emphasis added). “The application for the writ usurps the attention and displaces  
8 the calendar of the judge or justice who entertains it and receives prompt action from  
9 him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120  
10 (9th Cir. 2000) (citation omitted).

### 11 **PARTIES**

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14 16. Petitioner Mr. Santos Rivera Alonso is native and citizen of Mexico  
15 who has been in immigration detention since January 24, 2026. After arresting  
16 Petitioner, ICE did not set bond. Petitioner is unable to obtain review of his custody  
17 by an Immigration Judge, pursuant to the Board’s decision in *Matter of Yajure*  
18 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

19  
20 17. Respondent Jason Streeval is employed by Core Civic Group as  
21 Warden of the Stewart Detention Center, where Petitioner is detained. Respondent  
22 has immediate physical custody of Petitioner. He is sued in his official capacity.

1 **LEGAL FRAMEWORK**

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

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

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

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

17 22. This case turns on the proper application of § 1226(a) versus §  
18 1225(b)(2) for a noncitizen like Petitioner—an individual who entered the United  
19 States years ago, resided here, and was apprehended within the interior, *not* at a port  
20 of entry.  
21

22 23. Historically, individuals who entered without inspection and were later  
23 placed in § 1229a removal proceedings were treated as detained under § 1226, not §  
24

1 1225. EOIR regulations following IIRIRA confirm that such individuals were not  
2 considered “arriving” and therefore were eligible for bond hearings. *See* 62 Fed.  
3 Reg. 10312, 10323 (Mar. 6, 1997).

4 24. For decades, consistent with this regulatory framework and prior  
5 immigration law, noncitizens who entered without inspection and were apprehended  
6 inside the United States received custody redeterminations unless subject to §  
7 1226(c). *See* former 8 U.S.C. § 1252(a) (1994); H.R. Rep. No. 104-469, pt. 1, at 229  
8 (1996).

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

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

15 26. On September 5, 2025, the BIA adopted this new position in *Matter of*  
16 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holding that any noncitizen who  
17 entered without admission is subject to § 1225(b)(2)(A) and categorically barred  
18 from a bond hearing.  
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#### 21 **This Court Has Rejected Respondents’ Interpretation**

22 27. This Court has already rejected the government’s reading of §  
23 1225(b)(2). In *J.A.M. v. Streeval*, Case No. 4:25-cv-342 (CDL), 2025 WL 3050094  
24

1 (M.D. Ga. Nov. 1, 2025), the Court held that § 1225(b)(2) applies only to noncitizens  
2 who are “seeking admission” in the context of an arrival inspection by an examining  
3 immigration officer.

4  
5 28. *J.A.M.* explained that “seeking admission” requires an affirmative act  
6 at or near the time of arrival to obtain legal entry, coupled with contemporaneous  
7 inspection. *J.A.M.* rejected DHS’s argument that individuals apprehended years  
8 after entering the United States may be treated as if they were seeking admission.

9 *Id.* at 3.

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

15 **The Bautista Class Action Confirms Petitioner’s Eligibility for Bond**

16 30. Petitioner is also a member of the certified class in *Lazaro Maldonado*  
17 *Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal.  
18 Nov. 25, 2025), which likewise held that § 1225(b)(2) mandatory detention does not  
19 apply absent an arrival inspection. DHS has acknowledged in other litigation that it  
20 is still “developing its decision” concerning the application of that ruling.  
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1 **Courts Nationwide Have Rejected the Government’s Theory**

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

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12  
13 32. These courts uniformly conclude that Respondents’ interpretation  
14 contradicts the statutory text, structure, and decades of agency practice.

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

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

20  
21 34. Because Petitioner has no administrative avenue to challenge his  
22 custody, habeas corpus is the only remedy capable of addressing the ongoing  
23 violation of federal law.  
24

**FACTUAL BACKGROUND**

1  
2 35. Petitioner entered the United States in 1991 without inspection. Since  
3 that time, he has established a life and family in the United States.

4  
5 36. Petitioner is presently 66 years old and entered the United States when  
6 he was 31 years old.

7  
8 37. Petitioner has one U.S. citizen son, age 43. He also has a legal  
9 permanent resident son: age 44, and two Deferred Action for Childhood Arrival  
10 (DACA) children: ages 37 and 38 years old.

11  
12 38. Petitioner is a widow as his wife passed away on August 12, 2010, after  
13 battling cancer.

14  
15 39. Petitioner is the primary emotional support to his children. Petitioner  
16 also assists his children in the family business of food preparation for catering.

17  
18 40. Petitioner has no criminal history other than traffic violations for  
19 driving without a license. Petitioner also has a pending charge for DUI stemming  
20 from a January 17, 2026, arrest in Floyd County, Georgia.

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

24  
25 42. Prior to his detention, Petitioner worked full-time in his family food  
26 catering business. Petitioner is known as a hard-working individual who supports  
27 his family and contributes to his community.

1 43. Petitioner poses no danger to the community and is not a flight risk.  
2 Petitioner's family ties, employment history, lack of significant criminal record, and  
3 consistent community involvement demonstrate that he is an appropriate candidate  
4 for release under § 1226(a).  
5

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

15 45. Likewise, Petitioner is a member of the certified class in *Lazaro*  
16 *Maldonado Bautista v. Santacruz*, which likewise held that § 1225(b)(2) mandatory  
17 detention cannot apply absent an arrival inspection. Nevertheless, ICE continues to  
18 detain Petitioner under § 1225(b)(2), and the Stewart Immigration Court refuses to  
19 exercise jurisdiction to conduct a bond hearing. Because Petitioner is a long-term  
20 resident with deep family ties, no significant criminal history, his prolonged  
21 imprisonment without any opportunity for individualized custody review violates  
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1 the fundamental requirements of due process and reinforces the necessity of habeas  
2 relief.

3 **CLAIMS FOR RELIEF**

4 **COUNT I**

5 **Violation of the INA**

6 46. Petitioner incorporates by reference the allegations of fact set forth in  
7 the preceding paragraphs.

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

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

19 **COUNT II**

20 **Violation of the Bond Regulations**

21 49. Petitioner incorporates by reference the allegations of fact set forth in  
22 preceding paragraphs.  
23  
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1 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690  
2 (2001).

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

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

9 **PRAYER FOR RELIEF**

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

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

1 DATED this 27th day of January, 2026.

2  
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20  
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23  
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1                   **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

2           I represent Petitioner, Mr. Santos Rivera Alonso, and submit this verification  
3 on his behalf. I hereby verify that the factual statements made in the foregoing  
4 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

5                   DATED this 27th day of January, 2026.

6  
7  
8                   /s/ Uriel N. Delgado

9                   Uriel N. Delgado

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