

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

Pedro HERNANDEZ PALOMINO,

Petitioner,

v.

Jason STREEVAL, *in his official capacity as
Warden of Stewart Detention Center*, and Todd
LYONS, *in his official capacity as Acting
Director of Immigration and customs
Enforcement*, and Ladeon FRANCIS, *Field
Office Director ICE Atlanta Field Office*, and
Kristi NOEM, *Secretary of Homeland Security*,
and Pamela BONDI, *in her official capacity as
Attorney General, United States Department of
Justice*

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Alien File No.



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

INTRODUCTION

1. Petitioner, Pedro Hernandez Palomino, is a sixty-seven-year-old native and citizen of Mexico who entered the United States without inspection in or around 2010 and has resided in the United States for over fifteen years.

2. Petitioner is in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

3. 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).

4. Based on this allegation in Petitioner’s removal proceedings, DHS denied the Petitioner 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.

5. Similarly, 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.

1 6. Petitioner's detention on this basis violates the plain language of the Immigration
2 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
3 previously entered and are now residing in the United States. Instead, such individuals are
4 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.
5 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
6 having entered the United States without inspection.

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

10 8. Further, on December 18, 2025, the District Court of Central California entered
11 Final Judgment in the nationwide class action *Maldonado Bautista v. Santacruz*. See *Maldonado*
12 *Bautista v. Santacruz*, 2025 U.S. Dist. LEXIS 262265 (C.D. Cal. Dec. 18, 2025). This final
13 judgment certified Bond Eligible Class members and declared that *Yajure-Hurtado* was no
14 longer tenable. See *Order Granting in Part and Denying in Part Petitioner's Ex Parte*
15 *Application for Reconsideration or Clarification [DKT. No. 87]*, 5:23-cv-01873-SSS-BFM, EC
16 No. 92 at 6 (C.D. Cal. Dec. 18, 2025).

17 9. The judgment holds that Bond Denial Class members are detained under 8 U.S.C.
18 § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A).

19 10. However, the Executive Office for Immigration Review and its subagency the
20 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
21 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
22 opportunity to be released on bond.

23 11. Petitioner is a member of the Bond Eligible Class, as he:
24

- 1 a. does not have lawful status in the United States and is currently detained at the
2 Stewart Detention Center. he was apprehended by immigration authorities on or
around January 20, 2026;
- 3 b. entered the United States without inspection over fifteen years ago and was not
apprehended upon arrival, *cf. id.*; and
- 4 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

5 12. After apprehending Petitioner on or about January 20, 2026, the DHS placed him
6 in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
7 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
8 without inspection. *See Exhibit 1, Petitioner's I-862, Notice to Appear.*

9 13. The Court should expeditiously grant this petition.

10 14. Respondents are bound by the judgment in *Maldonado Bautista*. Nevertheless,
11 Respondents continue to flagrantly defy the judgment in that case and continue to subject
12 Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond
13 as a Bond Eligible Class member.

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

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

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

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

JURISDICTION

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

19. 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).

20. 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

21. 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 within the Columbus Division, the judicial district in which Petitioner currently is detained.

22. Respondent Streeval is his immediate custodian.

23. 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

24. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

25. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
2 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
3 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
4 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5 **PARTIES**

6 26. Petitioner Pedro Hernandez Palomino is a citizen and national of Mexico who
7 has been in immigration detention since on or about January 20, 2026. After detaining Petitioner
8 in Doraville, Georgia, ICE did not set bond and Petitioner is unable to obtain review of his
9 custody by an immigration judge, pursuant to the Board’s decision in *Matter of Yajure Hurtado*,
10 29 I. & N. Dec. 216 (BIA 2025). Petitioner is currently detained at the Stewart Detention Center
11 in Lumpkin, Georgia.

12 27. Respondent Jason Streeval is the Warden of the Stewart Detention Center. As
13 such, Respondent Streeval is responsible for the operation of the Detention Center where
14 Petitioner is detained. As ICE contracts with price prisons such as the Stewart Detention Center
15 to house immigration detainees such as the Petitioner, Respondent Streeval has immediate
16 physical custody of the Petitioner.

17 28. Respondent Todd Lyons is the Director of the Field Office of ICE’s Enforcement
18 and Removal Operations division. As such, Respondent Lyons is being sued in his official
19 capacity.

20 29. Respondent Ladeon Francis is the Atlanta Field Office Director for Immigration
21 and Customs Enforcement. As such, Respondent Francis is responsible for the oversight of ICE
22 operations at the Stewart Detention Center. Respondent Francis is being sued in his official
23 capacity.

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

FACTS

37. Petitioner is a sixty-seven-year-old native and citizen of Mexico. *See Exhibit 2, Petitioner's Passport.*

38. Petitioner has resided in the United States since 2010 and lives in Norcross, Georgia.

39. In January 2026, Petitioner was detained by ICE as a collateral arrest.

40. Petitioner is neither a flight risk nor a danger to the community.

41. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider Petitioner's bond request.

42. As a result, Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

**Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista***

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

44. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

45. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

1 46. 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 47. 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 48. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
8 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 **PRAYER FOR RELIEF**

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

- 12 a. Assume jurisdiction over this matter;
- 13 b. Order that Petitioner shall not be transferred outside the Middle District of
14 Georgia while this habeas petition is pending;
- 15 c. Issue an Order to Show Cause ordering Respondents to show cause why this
16 Petition should not be granted within three days;
- 17 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in
18 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §
19 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 Justice Act
22 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
23 law; and
24

1 g. Grant any other and further relief that this Court deems just and proper.

2 DATED this 2nd day of February, 2026.

3 By: Carlos E. Solomiany
4 Carlos E. Solomiany, Esq.
5 *Ross and Pines, LLC*
6 Attorneys for the Respondent
7 5555 Glenridge Connector, Suite 435
8 Atlanta, Ga. 30342
9 404-812-4300 (tel.)
10 404-812-4303 (fax.)
11 carlos@rossandpines.com

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

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ Carlos E. Solomiany

Date: February 2, 2026