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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Wilfredo Mejia ULLOA,

Petitioner,

v.

Kristen SULLIVAN, Field Office Director of
Enforcement and Removal Operations, Atlanta
Field Office, 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-206

**PETITION FOR WRIT OF
HABEAS CORPUS**

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INTRODUCTION

1. Petitioner Wilfredo Mejia ULLOA brings this petition for a writ of habeas corpus to seek enforcement of their right to seek release from custody under 8 U.S.C. §1226(a). Petitioner is in physical custody of Respondents at the Stewart Detention facility. The Petitioner has been detained since at least December 11, 2025. The Petitioner does not contest that they are an alien present in the United States that was not admitted to the United States.

2. The Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

3. The Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have refused to follow this Court's decisions in *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025) (concerning whether the petitioner is properly detained under 8 U.S.C. §1225(b)(2) or 8 U.S.C. §1226(a).

4. For these reasons, the Petitioner has not filed a motion for bond redetermination with the Immigration Court because doing so would be futile given *Matter of Yajure Hurtado*. The Board of Immigration Appeals ruled in that case that an immigration judge lacks jurisdiction to conduct a bond hearing for a non citizen who is subject to mandatory detention under INA §236(c). In other words bond jurisdiction is categorically barred and the Immigration Judge has no discretionary authority. This decision is binding on all Immigration Judges.

1 5. The Petitioner's case is similar to previous cases before this Court. In
2 *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025)
3 and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24,
4 2025) the Court held that the Petitioner is entitled to a discretionary bond hearing under 8
5 U.S.C. §1226(a) and rejected Respondents position that the Petitioner's detention was
6 mandatory under 8 U.S.C. §1225(b)(2) and was not eligible for a bond hearing.

7 6. Nonetheless, the Executive Office for Immigration Review and its
8 subagency the Immigration Court and the Department of Homeland Security (DHS) have
9 blatantly refused to abide by the declaratory relief and this Court's prior decisions.

1 7. Petitioner Wilfredo Mejia ULLOA is eligible for bond redetermination as
2 he:

- 3 a. does not have lawful status in the United States and is currently detained at the
4 Stewart Detention Facility. They were apprehended by immigration authorities on
5 or about December 11, 2025.
- 6 b. entered the United States without inspection over 4 years ago and was not
7 apprehended upon arrival, *cf. id.*; and
- 8 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

9 8. After apprehending Petitioner on December 11, 2025, the DHS placed
10 them in removal proceedings pursuant to 8 U.S.C. § 1229(a). DHS has charged Petitioner
11 as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the
12 United States without inspection.

13 9. The Court should expeditiously grant this petition.

14 10. Respondents continue to flagrantly defy the judgment of this Court and
15 others to subject similarly situated individuals as the Petitioner to unlawful detention
16 despite their clear entitlement to consideration for release on bond.

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

6 12. The Court should order Petitioner’s release unless Respondents provide a
7 bond hearing under 8 U.S.C. § 1226(a) within seven days.

8 JURISDICTION

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

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

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

6 VENUE

7 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
8 484, 493- 500 (1973), venue lies in the United States District Court for the Middle
9 District of Georgia, the judicial district in which Petitioner currently is detained.

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

REQUIREMENTS OF 28 U.S.C. § 2243

18. 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*. Similarly the issues have been addressed by this court in *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

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

PARTIES

20. Petitioner Wilfredo Mejia ULLOA is alleged to be a citizen of El Salvador who has been in immigration detention since December 29, 2025. After Petitioner was arrested, ICE did not set bond and Petitioner requested review of his custody by an IJ. On January 16, 2026, Petitioner was denied bond by an IJ at the Stewart Immigration Court because they were deemed an “applicant for admission” and under 8 U.S.C. §1225(b)(2)(A) the Immigration Judge lacked authority to hear bond requests.

21. Respondent Kristen SULLIVAN is the Director of the Atlanta Field Office of ICE’s Enforcement and Removal Operations division. As such, Kristen

1 SULLIVAN is Petitioner's immediate custodian and is responsible for Petitioner's
2 detention and removal. She is named in her official capacity.

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

8 23. Respondent Department of Homeland Security (DHS) is the federal
9 agency responsible for implementing and enforcing the INA, including the detention and
10 removal of noncitizens.

1 24. Respondent Pamela Bondi is the Attorney General of the United States.
2 She is responsible for the Department of Justice, of which the Executive Office for
3 Immigration Review and the immigration court system it operates is a component
4 agency. She is sued in her official capacity.

5 25. Respondent Executive Office for Immigration Review (EOIR) is the
6 federal agency responsible for implementing and enforcing the INA in removal
7 proceedings, including for custody redeterminations in bond hearings.

8 26. Respondent Jason STREEVAL is employed by Core Civic as Warden of
9 the Stewart Detention Center, where Petitioner is detained. They have immediate
10 physical custody of Petitioner. They are sued in their official capacity.

CLAIM FOR RELIEF

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

28. Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

29. The Petitioner's situation is almost identical to the Petitioners in *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

30. By denying similarly situated individuals as the Petitioner a bond hearing under § 1226(a) and asserting that they are subject to mandatory detention under § 1225(b)(2), Respondents violate the statutory rights under the INA and their constitutional rights as found in the previously mentioned cases. Further *Matter of Yurtado* forecloses any administrative review of similarly situated individuals detention by an immigration judge. Thereby removing any available avenue for the Petitioner to judicial review of their detention under the INA.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Grant any other and further relief that this Court deems just and proper.

DATED this ____ of February 2026.

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/s/Helen Parsonage
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* Pro hac vice application forthcoming