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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

EULALIO SANCHEZ PRADO,



Petitioner,

v.

JASON STREEVAL, Warden of the
Stewart Detention Center

Respondent.

Case No. 4:26-cv-243

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner Eulalio Sanchez Prado is in the custody of Respondent at the
3 Stewart Detention Center. Petitioner 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 to be released
15 on bond.
16

17 4. Similarly, on September 5, 2025, the Board of Immigration Appeals
18 (BIA or Board) issued a precedent decision, binding on all immigration judges,
19 holding that an immigration judge has no authority to consider bond requests for any
20 person who entered the United States without admission. *See Matter of Yajure*
21 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). *Yajure Hurtado* determined that such
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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 5. Petitioner’s detention on this basis violates the plain language of the
4 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to
5 individuals like Petitioner who previously entered and are now residing in the United
6 States. Instead, such individuals are subject to a different statute, § 1226(a), that
7 allows for release on conditional parole or bond.
8

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

15 7. Thus, Petitioner seeks habeas corpus requiring that he be released
16 unless Respondent provides a bond hearing under § 1226(a) within seven days.
17

18 **JURISDICTION**

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

21 9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas
22 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the
23 United States Constitution (the Suspension Clause).
24

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

5 **PARTIES**

6
7 15. Petitioner Mr. Eulalio Sanchez Prado is native and citizen of Mexico
8 who has been in immigration detention since January 27, 2026. After arresting
9 Petitioner, ICE did not set bond and Petitioner is unable to obtain review of his
10 custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29
11 I. & N. Dec. 216 (BIA 2025).

12
13 16. Respondent Jason Streeval is employed by Core Civic Group as
14 Warden of the Stewart Detention Center, where Petitioner is detained. He has
15 immediate physical custody of Petitioner. He is sued in his official capacity.

16 **LEGAL FRAMEWORK**

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

19
20 18. First, 8 U.S.C. § 1226 governs the detention of individuals placed in
21 standard removal proceedings under § 1229a. Noncitizens detained under § 1226(a)
22 are generally entitled to a custody redetermination before an Immigration Judge
23 unless they fall into the narrow mandatory-detention categories of § 1226(c).
24

1 19. Second, 8 U.S.C. § 1225(b)(1)–(2) provides for mandatory detention of
2 certain individuals seeking admission who are inspected at the border and
3 determined not “clearly and beyond a doubt entitled to be admitted.” This detention
4 framework is tied to the process of arrival inspection performed by an examining
5 immigration officer.
6

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

9 21. This case turns on the proper application of § 1226(a) versus §
10 1225(b)(2) for a noncitizen like Petitioner—an individual who entered the United
11 States years ago, resided here, and was apprehended within the interior, not at a port
12 of entry.
13

14 22. Historically, individuals who entered without inspection and were later
15 placed in § 1229a removal proceedings were treated as detained under § 1226, not §
16 1225. EOIR regulations following IIRIRA confirm that such individuals were not
17 considered “arriving” and therefore were eligible for bond hearings. *See* 62 Fed.
18 Reg. 10312, 10323 (Mar. 6, 1997).
19

20 23. For decades, consistent with this regulatory framework and prior
21 immigration law, noncitizens who entered without inspection and were apprehended
22 inside the United States received custody redeterminations unless subject to §
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1 1226(c). *See* former 8 U.S.C. § 1252(a) (1994); H.R. Rep. No. 104-469, pt. 1, at 229
2 (1996).

3 **The Government’s Recent Policy Shift**

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

9 25. On September 5, 2025, the BIA adopted this new position in *Matter of*
10 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holding that any noncitizen who
11 entered without admission is subject to § 1225(b)(2)(A) and categorically barred
12 from a bond hearing.
13

14 **This Court Has Rejected Respondents’ Interpretation**

15 26. This Court has already rejected the government’s reading of §
16 1225(b)(2). In *J.A.M. v. Streeval*, Case No. 4:25-cv-342 (CDL), 2025 WL 3050094
17 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL
18 3269947 (M.D. Ga. Nov. 24, 2025), the Court held that § 1225(b)(2) applies only to
19 noncitizens who are “seeking admission” in the context of an arrival inspection by
20 an examining immigration officer.
21

22 27. *J.A.M.* and *P.R.S.* explained that “seeking admission” requires an
23 affirmative act at or near the time of arrival to obtain legal entry, coupled with
24

1 contemporaneous inspection. This Court rejected DHS’s argument that individuals
2 apprehended years after entering the United States may be treated as if they were
3 seeking admission. *Id.* at 3.

4 28. Applying that interpretation, *J.A.M.* and *P.R.S.* concluded that §
5 1225(b)(2) does not apply to individuals like Petitioner, whose alleged
6 inadmissibility is based on conduct occurring long after entry and not in connection
7 with an arrival inspection.
8

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

10 29. Federal courts across the country have agreed that § 1226(a)—not §
11 1225(b)—governs detention of individuals apprehended inside the United States,
12 even when they originally entered without inspection. *See, e.g., Rodriguez Vazquez*
13 *v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, 2025 WL
14 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, 2025 WL 2084238 (D.
15 Mass. July 24, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11,
16 2025); *Ramirez Clavijo v. Kaiser*, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025);
17 *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Pizarro*
18 *Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025).
19

20 30. These courts uniformly conclude that Respondent’s interpretation
21 contradicts the statutory text, structure, and decades of agency practice.
22

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

1 31. Despite this Court’s recent decisions, the Stewart Immigration Court
2 continues to decline jurisdiction over custody redeterminations for noncitizens like
3 Petitioner, based on the BIA’s erroneous decision in *Matter of Yajure Hurtado*.

4 32. Because Petitioner has no administrative avenue to challenge his
5 custody, habeas corpus is the only remedy capable of addressing the ongoing
6 violation of federal law
7

8 **FACTUAL BACKGROUND**

9 33. Petitioner entered the United States in 2002 without inspection. Since
10 that time, he has established a life and family in the United States.

11 34. Petitioner has three United States citizen children in the United States.
12 Petitioner’s children are the following ages: 4, 12, and 15.

13 35. Petitioner is the primary financial support to his children.

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

17 37. Petitioner was replacing a flat tire on the side of the highway when
18 Gwinnett County PD stopped at the scene and took him into custody resulting in a
19 DHS detainer and transferred to DHS custody.
20

21 38. Petitioner’s ongoing detention imposes severe financial and emotional
22 hardship on his U.S. citizen family.
23
24

1 39. Prior to his detention, Petitioner worked full-time as a construction
2 worker and has a history of steady employment. He is known as a hard-working
3 individual who supports her family and contributes to his community.

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

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

18 **COUNT I**

19 **Violation of the INA**

20 42. Petitioner incorporates by reference the allegations of fact set forth in
21 the preceding paragraphs.

22 43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not
23 apply to all noncitizens residing in the United States who are subject to the grounds
24

1 of inadmissibility. As relevant here, it does not apply to those who previously
2 entered the country and have been residing in the United States prior to being
3 apprehended and placed in removal proceedings by Respondents. Such noncitizens
4 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or
5 § 1231.
6

7 44. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
8 continued detention and violates the INA.

9 **COUNT II**

10 **Violation of the Bond Regulations**

11 45. Petitioner incorporates by reference the allegations of fact set forth in
12 preceding paragraphs.
13

14 46. In 1997, after Congress amended the INA through IIRIRA, EOIR and
15 the then-Immigration and Naturalization Service issued an interim rule to interpret
16 and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and
17 Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants
18 for admission, [noncitizens] who are present without having been admitted or
19 paroled (formerly referred to as [noncitizens] who entered without inspection) will
20 be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis
21 added). The agencies thus made clear that individuals who had entered without
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1 inspection were eligible for consideration for bond and bond hearings before IJs
2 under 8 U.S.C. § 1226 and its implementing regulations.

3 47. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy
4 and practice of applying § 1225(b)(2) to individual like Petitioner.
5

6 48. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
7 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

8 **COUNT III**
9 **Violation of Due Process**

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

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

18 51. Petitioner has a fundamental interest in liberty and being free from
19 official restraint.

20 52. The government’s detention of Petitioner without a bond
21 redetermination hearing to determine whether he is a flight risk or danger to others
22 violates his right to due process.
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1 **PRAYER FOR RELIEF**

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

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

15 DATED this 10th day of February, 2026.

16 /s/ Matthew K. Winchester
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8 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

9 I represent Petitioner, Mr. Eulalio Sanchez Prado, and submit this verification
10 on his behalf. I hereby verify that the factual statements made in the foregoing
11 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

12 DATED this 10th day of February, 2026.

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