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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

PABLO CORONA GARCIA,



Petitioner,

v.

JASON STREEVAL, Warden of the  
Stewart Detention Center

Respondent.

Case No. 4:26-cv-244

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner Pablo Corona Garcia is in the custody of Respondent at the  
3 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.  
15

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). *Yajure Hurtado* determined that such  
21 individuals are subject to detention under § 1225(b)(2)(A) and therefore ineligible  
22 to be released on bond.  
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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 Pablo Corono Garcia is native and citizen of Mexico who  
8 has been in immigration detention since January 28, 2026. After arresting Petitioner,  
9 ICE did not set bond and Petitioner is unable to obtain review of his custody by an  
10 Immigration Judge, pursuant to the Board’s decision in *Matter of Yajure Hurtado*,  
11 29 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).

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 §  
23  
24

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. The 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, this Court concluded that § 1225(b)(2)  
5 does not apply to individuals like Petitioner, whose alleged inadmissibility is based  
6 on conduct occurring long after entry and not in connection with an arrival  
7 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

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

### 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, born in Mexico, entered the United States in 1996 without  
10 inspection. Since that time, he has established a life and family in the United States.

11 34. Petitioner has one United States citizen children in the United States.

12 35. Petitioner is the primary financial support to his family.

13 36. Petitioner is a 59-year-old man that suffers from high blood pressure  
14 and diabetes.  
15

16 37. Petitioner has no criminal history other than traffic violations.

17 38. Petitioner was arrested by Tifton PD after a traffic stop for faulty  
18 headlights and transferred to DHS detention.

19 39. Petitioner’s ongoing detention imposes severe financial and emotional  
20 hardship on his U.S. citizen family.  
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1 40. Prior to his detention, Petitioner worked full-time as a construction  
2 worker and has a history of steady employment. Petitioner is known as a hard-  
3 working individual who supports her family and contributes to his community.

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

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

15 43. Nevertheless, ICE continues to detain Petitioner under § 1225(b)(2),  
16 and the Stewart Immigration Court refuses to exercise jurisdiction to conduct a bond  
17 hearing. Because Petitioner is a long-term resident with deep family ties, no criminal  
18 history, his prolonged imprisonment without any opportunity for individualized  
19 custody review violates the fundamental requirements of due process and reinforces  
20 the necessity of habeas relief.  
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1 **CLAIMS FOR RELIEF**

2 **COUNT I**

3 **Violation of the INA**

4 44. Petitioner incorporates by reference the allegations of fact set forth in  
5 the preceding paragraphs.

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

14 46. The application of § 1225(b)(2) to Petitioner unlawfully mandates his  
15 continued detention and violates the INA.  
16

17 **COUNT II**

18 **Violation of the Bond Regulations**

19 47. Petitioner incorporates by reference the allegations of fact set forth in  
20 preceding paragraphs.

21 48. In 1997, after Congress amended the INA through IIRIRA, EOIR and  
22 the then-Immigration and Naturalization Service issued an interim rule to interpret  
23 and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and  
24

1 Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants  
2 for admission, [noncitizens] who are present without having been admitted or  
3 paroled (formerly referred to as [noncitizens] who entered without inspection) will  
4 be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis  
5 added). The agencies thus made clear that individuals who had entered without  
6 inspection were eligible for consideration for bond and bond hearings before IJs  
7 under 8 U.S.C. § 1226 and its implementing regulations.

9 49. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy  
10 and practice of applying § 1225(b)(2) to individual like Petitioner.

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

13  
14 **COUNT III**  
15 **Violation of Due Process**

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

18 52. The government may not deprive a person of life, liberty, or property  
19 without due process of law. U.S. CONST. AMEND. V. “Freedom from  
20 imprisonment—from government custody, detention, or other forms of physical  
21 restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*,  
22 533 U.S. 678, 690 (2001).

1 53. Petitioner has a fundamental interest in liberty and being free from  
2 official restraint.

3 54. The government's detention of Petitioner without a bond  
4 redetermination hearing to determine whether he is a flight risk or danger to others  
5 violates his right to due process.  
6

7 **PRAYER FOR RELIEF**

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

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

21 DATED this 10th day of February, 2026.

22 /s/ Matthew K. Winchester  
23 Matthew K. Winchester  
24 Georgia Bar No. 399094

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*Attorneys for Petitioner*

12 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

13 I represent Petitioner, Mr. Pablo Corona Garcia, and submit this verification  
14 on his behalf. I hereby verify that the factual statements made in the foregoing  
15 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

16 DATED this 10th day of February, 2026.

17  
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