

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

CARLOS DAVID MONTOYA-VILLARREAL,

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; KEVIN  
STREEVAL, Warden of Stewart Detention  
Center,

Respondents.

Case No. 4:26-CV-261

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner CARLOS MONTOYA-VILLARREAL brings this petition for a writ  
3 of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class  
4 certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)  
5 Petitioner is in the physical custody of Respondents at the Stewart Detention Center. She now  
6 faces unlawful detention because the Department of Homeland Security (DHS) and the  
7 Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory  
8 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on  
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and  
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-  
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025)  
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*  
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D.  
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible  
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners’  
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained  
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §  
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the  
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to  
23  
24

1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the  
2 opportunity to be released on bond.

3 5. Petitioner CARLOS MONTOYA-VILLARREAL is a member of the Bond  
4 Eligible Class, as he:

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

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

14 7. The Court should expeditiously grant this petition.

15 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full  
16 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue  
17 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful  
18 detention despite her clear entitlement to consideration for release on bond as a Bond Eligible  
19 Class member.

20 9. Immigration judges have informed class members in bond hearings that they have  
21 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not  
22 controlling, even with respect to class members, and that instead IJs remain bound to follow the  
23 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).  
24

1 10. Because Respondents are detaining Petitioner in violation of the declaratory  
2 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,  
3 Respondent DHS must release Petitioner.

4 11. Alternatively, the Court should order Petitioner's release unless Respondents  
5 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

6 **JURISDICTION**

7 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
8 Stewart Detention Center, Lumpkin, GA.

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

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

14 **VENUE**

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

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

22 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

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

9 **PARTIES**

10 19. Petitioner CARLOS MONTOYA-VILLARREAL is a citizen of Venezuela who  
11 has been in immigration detention since January 2025. After Petitioner was arrested in Atlanta,  
12 ICE did not set bond, and Petitioner requested review of his custody by an IJ. On February 12,  
13 2026, Petitioner was denied bond by an IJ at the Stewart Immigration Court because he was  
14 deemed an “applicant for admission.” Petitioner has resided in the United States since 2021.  
15

16 20. Respondent Kristen Sullivan is the Director of the Atlanta Field Office of ICE’s  
17 Enforcement and Removal Operations division. As such, Kristen Sullivan is Petitioner’s  
18 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in  
19 her official capacity.

20 21. Respondent Kristi Noem is the Secretary of the Department of Homeland  
21 Security. She is responsible for the implementation and enforcement of the Immigration and  
22 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.  
23 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.  
24

1 22. Respondent Department of Homeland Security (DHS) is the federal agency  
2 responsible for implementing and enforcing the INA, including the detention and removal of  
3 noncitizens.

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

8 24. Respondent Executive Office for Immigration Review (EOIR) is the federal  
9 agency responsible for implementing and enforcing the INA in removal proceedings, including  
10 for custody redeterminations in bond hearings.

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

14 **CLAIM FOR RELIEF**

15 **Violation of the INA:**

16 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

21 28. The order granting partial summary judgment in *Maldonado Bautista* holds that  
22 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class  
23 members.  
24



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

DEADWYLER-HEUMAN LAW FIRM  
P.O. BOX 6255  
MACON, GA 31208  
ashley@deadwylerlaw.com

*Attorney for Petitioner*