UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

DAOUDA DIALLO
A# [redacted],

Petitioner,

v.

JASON STREEVAL, Warden of Stewart Detention Center,
LADEON FRANCIS, Field Office Director of Enforcement and Removal Operations, Atlanta Field Office;
TODD LYONS, in his official capacity as Acting director of Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S. Department of Homeland Security; and
PAMELA BONDI, U.S. Attorney General.

Respondents.

Civile Action No.:

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. Petitioner DAOUDA DIALLO ("Petitioner") brings this petition for a writ of habeas corpus. He is a non-citizen who has been residing in the United States since April 26, 2023. He entered the United States with parole on or about April 26, 2023 and removal proceedings were initiated. **(Exhibit A, Notice to Appear)** Petitioner has resided continuously within the borders of the United States since then. Petitioner submitted Form I-589 and has maintained lawful employment pursuant to employment authorization. **(Exhibit B, I-589 Receipt & Work Permit).** Petitioner has a Lawful Permanent Resident ("LPR") sister. After almost three years of living freely in the United States and maintaining lawful employment status, Petitioner was apprehended by immigration officials in the interior during her check-in appointment with Immigration and Customs Enforcement ("ICE") on or about December 23, 2025. Petitioner has not engaged in any disqualifying criminal activity or conducted any activity that would warrant re-detention.

2. To date, Petitioner is held at the Stewart Detention Center ("SDC"). **(Exhibit C, ICE Detainee Locator)**.

3. Petitioner's re-detention violates the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment. Petitioner possessed a protected liberty interest arising from her conditional parole under 8 U.S.C. § 1226(a), and the Government extinguished that liberty without notice, without a hearing, and without any opportunity to be heard. Because the deprivation of liberty occurred in the complete absence of constitutionally required procedures, Respondent lacked lawful authority to re-detain Petitioner. As such, Petitioner's detention is unlawful, her continued detention is without justification, and immediate release is the only adequate remedy.

4. Under the Immigration and Nationality Act ("INA"), individuals arrested in the interior and placed in § 240 removal proceedings are detained, if at all, under 8 U.S.C. § 1226(a), with a right to a custody redetermination by an Immigration Judge ("IJ").

5. DHS and the BIA assert because Petitioner is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and ineligible for bond. That position contravenes the statute, the implementing regulations, decades of pattern & practice, and a judge of this Court rejected the same theory recently in ordering a § 1226(a) bond hearing for another Folkston detainee. *J.A.M. v. Streeval et al,* No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025).

6. Courts have also rejected the Government's position on a class-wide basis as well. In *Maldonado Bautista v. Santacruz*, the Central District of California granted partial summary judgment declaring that 8 U.S.C. § 1226(a)—not § 1225(b)(2)—governs detention for long-present interior arrestees placed directly into § 240 proceedings, and days later certified a nationwide Bond-Eligible Class and ordered access to § 236(a) bond hearings for class members. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (partial summary judgment); *id.* (Nov. 25, 2025) (class certification and injunctive relief).

7. Despite the federal court order, DHS counsel and immigration judges at Stewart Immigration Court continue to follow *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) ("*Matter of Yajure Hurtado*"). It is futile to request a bond redetermination with the Immigration Court because immigration judges take the position that they remain bound by *Matter of Yajure Hurtado*. Thus, Petitioner remains improperly detained under Section 1225(b)(2)(A) without eligibility for release on bond. **(Exhibit D, January 13, 2026 Email from Chief Immigration Judge)**.

8. Petitioner challenges her detention as a violation of the INA and the Due Process Clause of the Fifth Amendment. Without an order from this Court, Petitioner is subject to continued detention in violation of his constitutional rights.

9. Petitioner seeks a writ of habeas corpus directing Respondents to release Petitioner immediately. Immediate release is the only remedy, because as of January 2026, immigration judges across the country have stopped giving meaningful bond hearings following grants of writs of habeas corpus. Immigration Judge Bianca Brown at the Stewart Immigration Court has, upon information and belief, categorically denied all post-habeas grant bonds for flight risk since January 2026. Immigration Judge Jerrica Harness has at the Stewart Immigration Court has, starting January 2026, upon information and belief, denied most post-habeas grant bonds for flight risk or set an unreasonably high bond in the amount of $30,000 or more. Immigration Judge Andrew Hewitt presiding over the Folkston detained docket has since January 2026, upon information and belief, denied all bonds for flight risk or set bonds in the amount of $40,000. It appears that a Petitioner's chances of getting released on bond depend on his or her immigration judge assignment following a habeas grant. This is an aberration from due process. **(Exhibit E, Attorney Affidavits)**

10. Alternatively, Petitioner seeks a provide Petitioner a prompt, individualized bond hearing before a neutral adjudicator under § 1226(a) (within 7 days), at which the Government bears the burden to show by clear and convincing evidence that he is a danger or flight risk, or, in the alternative, an order for his immediate release under reasonable conditions. He also seeks an order prohibiting transfer outside this District during the pendency of these proceedings.

II. JURISDICTION

11. 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).

12. 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.

III. VENUE

13. 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, the judicial district in which Petitioner currently is detained. **(Exhibit C, ICE Detainee Locator)**

14. 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.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

15. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved by this Court in *J.A.M. v. Streeval et al,* No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025).

16. The Central District of California in *Maldonado Bautista v. Santacruz* has additionally issued a nationwide class certification declaring that class members, including Petitioner, are for all eligible class-members, including Petitioner, are eligible to have an individualized bond hearing. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20 & 25, 2025).

17. 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).

V. PARTIES

18. Petitioner DAOUDA DIALLO is a citizen of Mauritania who entered the United States in April 26, 2023, was paroled upon entry, and was arrested in the interior on or about December 23, 2025. He has been detained at the Stewart Detention Center since December 23, 2025. After Petitioner was arrested. ICE did not set bond. Petitioner has resided in the United States since at least April 26, 2023. To date, Petitioner, remains detained at the Stewart Detention Center.

19. Respondent JASON STREEVAL is employed by The GEO Group, Inc. as Warden of the Stewart Detention Center, where Petitioner is detained. Respondent JASON STREEVAL has immediate physical custody of Petitioner. Respondent JASON STREEVAL is sued in his official capacity.

20. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, Ladeon Francis is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

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

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

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

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

VI. EXHAUSTION AND FUTILITY

25. No statute imposes an exhaustion requirement for habeas petitions under 28 U.S.C. § 2241 in this context. Any prudential exhaustion is excused because Immigration Judges are bound by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and have been declining bond jurisdiction for entrants without inspection, rendering any motion futile.

26. On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that: "*Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay or enjoin *Yajure Hurtado*." **(Exhibit D, January 13, 2026 Email from Chief Immigration Judge Teresa Riley)**. In the January 13, 2026 email, Immigration judges are instructed to follow the BIA's decision in *Matter of Yajure Hurtado* as binding precedent. Accordingly, guidance from the Chief Immigration Judge states that the *Maldonado Bautista v. Santacruz* "declaratory judgment" is not binding and does not have the authority to compel specific action.

27. The question presented is purely legal and urgent, and Petitioner faces ongoing deprivation of physical liberty absent judicial intervention. It is Petitioner's position that *Maldonado Bautista v. Santacruz* is binding and that futility is further underscored. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20 & 25, 2025). *Maldonado Bautista v. Santacruz* has already required § 236(a) bond access for similarly situated interior arrestees nationwide, reinforcing that the Government's § 1225(b)(2) position is unlawful and is currently being ignored by DHS counsel and immigration judges. *Id.*

VII. STATEMENT O FACTS

28. Petitioner is a Mauritanian national born on [redacted], 1984. Petitioner entered the United States on or about April 26, 2023 and has resided continuously in the interior of the United States since April 26, 2023.

29. Petitioner's sister Oumou Diallo is a lawful permanent resident and Petitioner's brother-in-law is a U.S. Citizen.

30. Prior to Petitioner's detention, Petitioner resided in Atlanta, Georgia, and has had stable employment. He is not a flight risk.

31. Petitioner has no disqualifying criminal convictions and is not a danger to the community. Specifically, Petitioner has no criminal convictions.

32. On or about December 23, 2025, DHS placed petitioner in removal proceedings under 8 U.S.C. § 1228 (INA § 240) by filing a Notice to Appear (NTA), charging Petitioner as removable under 8 U.S.C. § 1182(a)(6)(A)(i) (INA § 212(a)(6)(A)(i)) and under 8 U.S.C. § 1182(a)(67(A)(i) (INA § 212(a)(7)(A)(i)) **Exhibit A (Notice to Appear)**

33. Petitioner is not a flight risk, given her many long-standing community ties and lawful permanent resident and U.S. Citizen family members.

34. On December 23, 2025, ICE apprehended Petitioner during Petitioner's ICE check-in appointment. There were no material changes in Petitioner's circumstances that would have warranted Petitioner's detention. ICE transported Petitioner to the Stewart Detention Center and has kept Petitioner detained without a bond hearing at the Stewart Detention Center.

35. DHS has never processed Petitioner for § 235 admission or expedited removal under § 235(b)(1).

36. Petitioner has not requested a custody redetermination, because DHS and the BIA have taken the position that he is categorically ineligible for bond because he is an "applicant for admission" under § 235(b)(2)(A). Requesting a custody redetermination would be futile. Upon information and belief, if an IJ hearing occurred, the IJ would invoke *Yajure* and ignore *Maldonado Bautista.*

VIII. LEGAL FRAMEWORK

37. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

38. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

39. Section 235(b)(2) of the INA, 8 U.S.C. § 1225(b)(2), governs detention in the inspection context and the classes designated for expedited removal—settings that occur at or near the border and, by regulation, only for individuals described in published Federal Register

notices. *See* 8 C.F.R. § 235.3(b)(1)–(2). Interior expedited removal is limited to certain encounters and, at most, to those who cannot show two years' continuous presence. 84 Fed. Reg. 35,409 (July 23, 2019). Individuals—like Petitioner—who were arrested in the interior long after entry and placed in § 240 proceedings are detained, if at all, under § 1226(a).

40. In *J.A.M. v. Streeval et al,* No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025), the court rejected the government's *Yajure* theory and held that § 1226(a) governs interior arrests charged into § 240, not § 1225(b)(2). The court concluded that "aliens who are found in the country unlawfully and are arrested, an immigration officer or immigration judge has the discretion, after considering all the circumstances, not to detain such aliens and instead grant them release on bond" subject to exceptions for mandatory detainees delineated in 8 U.S.C. § 1226(c). *Id.* at 10. The court found *Matter of Yajure Hurtado* "unpersuasive," aligned with the already large and still growing district-court consensus, and concluded the petitioner is entitled to discretionary bond under § 1226(a).

41. The same statutory reading has now been adopted in class-wide relief. In *Maldonado Bautista v. Santacruz*, the court held that detention for interior arrests charged into § 240 is governed by § 1226(a) and not § 1225(b)(2), and it directed that class members be afforded individualized bond hearings before an immigration judge under § 236(a) on a prompt timeline. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (partial summary judgment); *id.* (Nov. 25, 2025) (class certification). That class relief confirms the statute's two-track structure: § 235 governs the inspection/expedited-removal track; § 236(a) governs detention during § 240 removal proceedings for long-present interior arrestees.

IX. CAUSES OF ACTION

COUNT ONE

STATUTORY CLAIM (Detention Governed by INA § 236(a))

42. Petitioner incorporates paragraphs 1 through 41 as if fully set out herein.

43. Section 235(b)(2)(A) does not govern Petitioner's detention because he was not encountered during inspection and is not within any class designated for expedited removal by published notice. Reading § 1225(b)(2)(A) to govern all never admitted noncitizens regardless of when and where they were arrested would nullify Congress's express two-year limit on interior expedited removal and collapse the statute's two-track scheme. Under § 1226(a) and its implementing regulations, Petitioner is entitled to a prompt bond hearing before a neutral adjudicator.

COUNT TWO
PROCEDURAL DUE PROCESS (U.S. Const. amend. V)

44. Petitioner incorporates paragraphs 1 through 41 as if fully set out herein.

45. Prolonged civil detention without a neutral bond hearing violates procedural due process. If Respondents' position categorically forecloses any IJ bond review for interior arrestees like Petitioner, it denies a meaningful opportunity to be heard and invites arbitrary confinement. At minimum, due process requires a prompt bond hearing at which the Government bears the burden to justify detention by clear and convincing evidence.

COUNT THREE
SUBSTANTIVE DUE PROCESS (U.S. Const. amend. V)

46. Petitioner incorporates paragraphs 1 through 41 as if fully set out herein.

47. Civil detention must remain reasonably related to its purposes of ensuring appearance and protecting the community. Detaining Petitioner without any individualized

assessment, solely on a categorical theory rejected by this Court days ago, bears no reasonable relation to any legitimate aim and is excessive in relation to its purposes.

PRAYER FOR RELIEF

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

1.) Assume jurisdiction over this matter;
2.) Issue a writ of habeas corpus directing Respondents to release Petitioner from detention.
3.) Alternatively, issue a writ of habeas corpus directing Respondents to provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) before an Immigration Judge within 7 days of the Court's order, with the Government bearing the burden to establish that Petitioner is a danger to the community or a flight risk, and to consider alternatives to detention (consistent with *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025));
4.) Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of these proceedings;
5.) Order Respondents to answer the petition within 3 business days; and
6.) Grant such other relief as the Court deems just and proper.

Respectfully submitted this 15th day of February, 2026.

//Eszter Bardi//

Eszter Bardi
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed the foregoing Petition and that the facts and statements made in this Petition and Complaint are true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

Respectfully submitted this 15th day of February, 2026.

//Eszter Bardi//

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CERTIFICATE OF COMPLIANCE

I hereby certify that the document to which this certificate is attached has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1 for documents prepared by computer.

Respectfully submitted this 15th day of February, 2026.

//s// Eszter Bardi
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Attorney for Petitioner

DECLARATION OF SHIRLEY ZAMBRANO

I, Shirley Zambrano, declare under penalty of perjury pursuant to the laws of the United States as follows:

I. PROFESSIONAL BACKGROUND AND QUALIFICATIONS

1. I am an attorney licensed to practice law in the State of Georgia and admitted to practice before the United States District Courts for the Northern, Middle, and Southern Districts of Georgia.

2. I have practiced immigration law for approximately twelve (12) years.

3. For the past decade, I have been in private practice as an immigration attorney specializing in detention and removal defense, including routine representation of detained individuals in bond proceedings before Immigration Judges at the Atlanta and Stewart Immigration Courts in the Middle and Southern Districts of Georgia.

4. Through this work, I have developed extensive familiarity with immigration enforcement, detention practices, removal proceedings, and the standards, practices, and norms governing bond determinations in this jurisdiction.

II. PURPOSE OF THIS DECLARATION

5. I submit this declaration to provide the Court with my direct, firsthand observations of a dramatic and systemic change in immigration bond hearing outcomes that has occurred over the past several weeks in Georgia, particularly on the detained docket.

6. This declaration is based on:
   a. My personal observations of bond hearings I have attended;
   b. My review of written bond decisions issued to my clients;
   c. Communications with numerous immigration attorneys practicing in this district and nationwide; and
   d. My professional knowledge of historical bond practices in this jurisdiction over more than twelve years.

7. I authorize any attorney representing detained individuals in habeas corpus proceedings or emergency motions for release to use and file this declaration in support of their clients' cases.

III. SYSTEMATIC SHIFT IN POST-HABEAS BOND DETERMINATIONS

8. Historically, prior to 2025, the majority of noncitizens in removal proceedings were not detained, except for individuals subject to mandatory detention under 8 U.S.C. § 1226(c) due to serious criminal convictions.

9. When a detained individual sought bond, Immigration Judges applied the factors articulated in *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006), including residence, family ties, employment, court appearance history, criminal history, immigration violations, and manner of entry. Although the likelihood of relief could be considered, Immigration Judges historically did not conduct merits determinations at the bond stage. Findings were required to be based on reasonable inferences from the record—not speculation or conjecture.

10. Beginning in or around January 2026, I began observing a profound and abrupt shift in bond outcomes for individuals who had been granted federal habeas relief and ordered § 1226(a) bond hearings by federal district courts.

11. Prior to this shift, bond—though increasingly expensive—was routinely granted where individuals demonstrated minimal or no criminal history, strong family and community ties, lengthy residence, stable employment and housing, and prima facie eligibility for relief.

12. Beginning approximately January 7, 2026, this pattern abruptly ceased. In numerous cases I personally observed or learned about through colleagues, Immigration Judges denied bond in circumstances that would have resulted in release only weeks earlier.

13. The timing, uniformity, and consistency of these denials cannot reasonably be explained by coincidence or case-specific factual differences. Instead, they suggest a systemic and coordinated change in adjudicatory practice.

14. Previously, Immigration Judges appeared to conduct meaningful individualized assessments and to act as neutral adjudicators in post-habeas cases.

15. Since January 2026, Immigration Judges on the detained docket have largely ceased questioning the government's blanket detention positions and have routinely adopted DHS's assertions without independent analysis.

16. Based on my observations, bond is now being systematically denied—or set at extraordinarily high amounts—in post-habeas cases, suggesting the existence of an internal mandate to ensure continued detention regardless of individual circumstances.

IV. PRETEXTUAL AND LEGALLY INSUFFICIENT GROUNDS FOR DENIAL OF BOND

17. Over the past several weeks, Immigration Judges have relied on a narrow and repetitive set of rationales to deny bond—rationales that bear little relation to genuine individualized risk assessment and that previously would not have justified denial.

18. These rationales include, but are not limited to:
    a. Treating the absence of a financial sponsor as dispositive of flight risk despite overwhelming countervailing equities;
    b. Rejecting non-financial sponsors despite no legal requirement of financial guarantees;
    c. Inferring lack of compliance from the timing of relief applications filed after detention;
    d. Dismissing asylum or cancellation claims as "speculative," contrary to established bond standards;
    e. Treating unlawful entry alone as proof of flight risk;
    f. Treating unlawful presence—a civil violation—as evidence of danger or disregard for law;
    g. Treating unauthorized employment as a significant negative factor;
    h. Characterizing minor address discrepancies as "deceit";
    i. Questioning tax filings based on subjective lifestyle assessments without evidence;
    j. Imposing an impossible burden on respondents to prove future appearance; and
    k. Treating driving-without-a-license offenses as danger to the community despite no evidence of reckless conduct.

19. In my professional judgment, these rationales function as pretexts designed to ensure denial of bond rather than legitimate assessments of danger or flight risk.

20. These practices represent a marked departure from BIA precedent and from the same Immigration Judges' prior decisions.

21. The categorical exclusion of respondents based on status violations common to nearly all detained individuals is inconsistent with the individualized, fact-specific analysis required by governing law.

V. OBSERVATIONS FROM SPECIFIC BOND PROCEEDINGS

22. On January 20, 2026, I personally observed bond hearings before Immigration Judge Andrew Hewitt at the Stewart Immigration Court.

23. Multiple cases that would have resulted in bond weeks earlier were denied based on the same repetitive rationales described above.

24. In one case denied by Immigration Judge Andrew Hewitt, the respondent, my client, has resided in the United States for nearly three decades, having entered as a child. He has no criminal history, owns and operates a successful construction company, and has deep and longstanding community ties. His wife, a U.S. citizen, suffers from lupus and is currently undergoing a clinical trial for her condition. Despite these extraordinary equities and the absence of any factors traditionally associated with flight risk or danger to the community, bond was denied.

25. In another case denied during the same period, the respondent, also my client, has likewise lived in the United States for approximately thirty years, has consistently paid taxes, and maintains stable employment. He is the father of three U.S. citizen children and the stepfather of a U.S. citizen stepdaughter who suffers from depression and panic attacks. The record reflected no criminal history and substantial evidence of family dependence and hardship. Nonetheless, bond was denied.

26. Under the bond standards that governed this district for years—and as recently as late 2025—both of these individuals would have been considered paradigmatic candidates for release on bond. The denial of bond in these cases further confirms that the current adjudicatory framework no longer reflects individualized risk assessment, but instead operates to ensure continued detention regardless of compelling humanitarian, medical, family, and community equities.

27. The hearings appeared perfunctory and outcome-driven, lacking meaningful individualized analysis and functioning as a veneer of due process.

28. The respondents had no criminal history or only minor traffic offenses, strong family ties, stable housing and employment, and viable relief. Under long-standing standards in this district, they would have been granted bond.

VI. CORROBORATION FROM THE IMMIGRATION BAR

29. My observations are corroborated by numerous immigration attorneys across the country who report identical experiences.

30. Attorneys consistently report systematic bond denials in post-habeas cases using rationales that previously would not have sufficed.

31. Bond hearings are now described as "pro forma," employing boilerplate reasoning and predetermined outcomes.

32. The breadth and consistency of these reports strongly suggest institutional coordination rather than independent judicial discretion.

VII. PROFESSIONAL ASSESSMENT AND CONCLUSION

33. Based on my experience, the abrupt, uniform denial of bond—combined with judge reassignments and the abandonment of prior practices—strongly suggests coordinated action by EOIR and the Department of Justice to undermine federal habeas relief.

34. Independent adjudication does not produce such uniformity across judges and cases in such a short timeframe.

35. The bond hearings now provided do not appear to be genuine adjudications under 8 U.S.C. § 1226(a) and 8 C.F.R. §§ 236.1 and 1236.1, but rather illusory remedies designed to preserve detention.

36. This practice effectively nullifies constitutional protections recognized by federal courts through habeas corpus.

37. As an attorney committed to the fair administration of immigration law, I find this apparent circumvention of judicial authority deeply troubling.

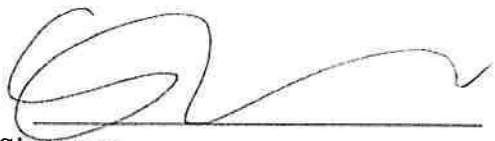
38. The individuals affected are human beings with families, children, and lives in this country—many detained under the wrong statutory authority and later found entitled to bond hearings that are no longer meaningful.

39. In my observation, continued detention is no longer based on danger or flight risk, but on an institutional decision to circumvent federal court orders.

40. I submit this declaration to assist the Court in understanding these realities and to ensure that habeas relief is not rendered meaningless.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

2/2/26
Date


Signature

DECLARATION OF JORGE E. ARTIEDA

I, Jorge E. Artieda, declare as follows under penalty of perjury pursuant to 28 U.S.C. § 1746:

I. PROFESSIONAL BACKGROUND AND QUALIFICATIONS

1. I am an attorney licensed to practice law in the Commonwealth of Virginia and am admitted to practice before the United States District Courts for the Eastern and Western Districts of Virginia.

2. I have over two decades of experience in immigration law and federal law enforcement, including:

a. Service as a prosecutor in New York City;

b. Service as legal counsel to Immigration and Customs Enforcement (ICE) Headquarters in Washington, D.C.;

c. Service as Assistant Chief Counsel for ICE in Virginia;

d. Service as a Special Assistant United States Attorney in Virginia; and

e. For the past decade, private practice as an immigration attorney specializing in detention and removal defense, including routine representation of detained individuals in bond proceedings before Immigration Judges in the Eastern District of Virginia.

3. I am proud of my years of service as a government attorney. My time working within the City of New York, Immigration and Customs Enforcement, and as a federal prosecutor was among the most meaningful work of my career. I remain grateful for the opportunity to have served the public in those capacities and continue to hold deep respect for the dedicated public servants who work within these institutions to faithfully administer our immigration laws.

4. Based on this extensive experience on both sides of immigration enforcement and litigation, I am intimately familiar with the standards, practices, and norms governing bond determinations in immigration proceedings in this district.

II. PURPOSE OF THIS DECLARATION

5. I submit this declaration to provide the Court with direct, firsthand observations of a dramatic and systematic change in bond hearing outcomes that have occurred over the past three weeks in immigration proceedings in Virginia and Maryland, particularly before Immigration Judges assigned to the detained docket.

6. This declaration is based on: (a) my personal observations of bond hearings I have attended; (b) my review of written bond decisions issued to clients; (c) communications with numerous immigration attorneys practicing in this district; and (d) my professional knowledge of historical bond practices in this jurisdiction spanning more than a decade.

7. I authorize any attorney representing detained individuals in habeas corpus proceedings or emergency motions for immediate release to use and file this declaration in support of their clients' cases.

III. THE SEISMIC SHIFT: SYSTEMATIC DENIAL OF BOND IN POST-HABEAS CASES

8. Beginning in or around the first week of January 2026, I began observing what can only be described as a seismic shift in bond hearing outcomes for individuals who had been granted federal habeas relief and ordered § 1226(a) bond hearings by this Court and other judges in the Eastern District of Virginia.

9. Prior to this shift, while bond amounts had increased in recent months, bond was *routinely granted* in post-habeas cases where individuals demonstrated: (a) lack of significant criminal history; (b) strong family ties in the United States; (c) lengthy residence in the country; (d) viable claims for relief from removal; and (e) community support including stable housing and employment prospects.

10. Beginning approximately three weeks ago, this pattern *abruptly and uniformly ceased*. In numerous cases I have personally observed or learned about from colleagues, Immigration Judges have denied bond in circumstances that, weeks earlier, would have resulted in bond being set.

11. In my professional observation, the consistency, timing, and uniformity of these denials cannot be readily explained by coincidence, changes in individual case facts, or independent judicial decision-making. The pattern appears systematic and suggests coordinated institutional direction.

IV. THE REASSIGNMENT OF IMMIGRATION JUDGES CHOI AND DONOSO-STEVENS

12. What I believe to be compelling evidence of possible institutional coordination occurred in early January 2026, when two Immigration Judges who had been assigned to the Annandale detained docket for years—Immigration Judge Raphael Choi and Immigration Judge Karen Donoso-Stevens—were abruptly reassigned to the non-detained docket.

13. Prior to their reassignment from the detained docket, these judges were conducting what appeared to be meaningful individualized bond assessments in

post-habeas cases. They were granting bond in appropriate cases and, critically, had begun questioning—*on the record*—the government's blanket detention positions and the Department of Justice's insistence on maintaining detention under circumstances that appeared not to justify continued custody.

14. The timing and circumstances of their reassignment are, in my view, extraordinary. Judges who appeared to be fulfilling their duty to conduct individualized bond assessments and who were openly questioning government positions were removed from the very docket where such assessments are most critical.

15. Since their reassignment, the Immigration Judges who replaced them on the detained docket have, based on my observations, *systematically denied bond* in post-habeas cases. This pattern suggests that the reassignment may not have been administrative happenstance but rather a deliberate effort to ensure predetermined outcomes—continued detention—regardless of individual circumstances.

V. PRETEXTUAL AND LEGALLY INSUFFICIENT RATIONALES FOR DENYING BOND

16. Over the past three weeks, Immigration Judges have, in my observation, relied on a remarkably narrow and predictable set of rationales to deny bond—rationales that appear to bear little relationship to genuine individualized risk assessment and that would not have been deemed sufficient to justify denial just weeks earlier.

17. These rationales, which I believe to be pretextual, include but are not limited to:

a. Treating the absence of a financial sponsor as dispositive of flight risk, even when other equities (family ties, length of residence, employment history, community support) overwhelmingly favor release;

b. Finding that a sponsor who is not a *financial* sponsor is insufficient, despite no legal requirement that sponsors provide financial guarantees;

c. Treating the fact that an individual did not seek relief from removal until after being detained as evidence of lack of intent to comply with immigration proceedings;

d. Finding that applications for relief under INA § 240A(b) (cancellation of removal) are "speculative" and therefore do not mitigate flight risk, despite the fact that all immigration relief applications involve some degree of uncertainty and merit assessment;

e. Characterizing unlawful entry into the United States—*by itself*—as establishing flight risk, a rationale that would render bond impossible for the vast majority of detained individuals;

f. Treating the accumulation of unlawful presence (which is a civil violation, not a crime) as evidence of danger or disregard for the law;

g. Finding that unauthorized employment—a status violation shared by millions of undocumented immigrants—constitutes a significant negative factor warranting denial of bond;

h. Treating minor discrepancies in addresses listed on various documents as evidence of "deceitfulness," even when such discrepancies are readily explained and do not reflect any intent to mislead;

i. Questioning the accuracy of tax returns and suggesting "underreporting" based on subjective assessments of lifestyle (such as photographs showing children at Disneyland or a respondent in a vehicle), without any actual evidence of fraud or misrepresentation;

j. Imposing on respondents the burden of proving that they *will* appear for future court proceedings—an impossible burden that requires proving a negative—even though many respondents have never failed to appear for any prior proceeding because *they have never been required to appear* until being placed in removal proceedings; and

k. Dismissing applications for cancellation of removal as "pro forma" when they have not been fully completed or developed, even though detained individuals often lack access to the resources and legal support necessary to perfect such applications while in custody.

18. In my professional assessment, these rationales do not appear to be grounded in legitimate risk assessment. They appear to be pretexts designed to ensure denial of bond regardless of the individual facts of each case.

19. The rationales being employed to deny bond appear to depart significantly from the standards articulated in BIA precedent governing bond determinations.

20. The rationales I have observed over the past three weeks—treating unlawful entry alone as establishing flight risk, dismissing relief applications as inherently "speculative," requiring financial sponsorship as a prerequisite, and treating any immigration violation as dispositive—appear to represent a departure from these precedential standards. BIA case law requires that Immigration Judges consider the *specific circumstances* of each case and weigh multiple factors in reaching bond

determinations. The systematic application of categorical exclusions based on status violations common to the detained population does not appear consistent with the individualized, fact-specific analysis that BIA precedent mandates.

VI. OBSERVATIONS FROM JANUARY 14 and JANUARY 28, 2026, DETENTION DOCKET

21. On January 14 and January 28, 2026, I personally observed bond hearings before Immigration Judge Gardey at the Annandale Immigration Court. What I witnessed confirmed the systematic pattern of denial that has emerged over the past three weeks.

22. Multiple cases that would have resulted in bond being set just weeks earlier were denied. The denials were based on the same rationales I have described above: lack of financial sponsors, unauthorized work, the "speculative" nature of relief applications, and immigration violations that are endemic to the detained population.

23. In each instance I observed, the Immigration Judge appeared to apply factors that, if consistently applied, would make bond impossible for virtually any detained individual in removal proceedings. There did not appear to be meaningful individualized assessment. The hearings appeared to be perfunctory exercises designed to create a veneer of due process while ensuring predetermined outcomes.

24. The cases I observed on the above dates, involved individuals with no criminal history, or only minor criminal history unrelated to violence or flight. These individuals had family members present in court, stable housing, employment prospects, and pending applications for relief. Under the standards that prevailed in this district for years—and indeed, as recently as three weeks ago—these individuals would have been granted bond.

VII. CORROBORATION FROM THE IMMIGRATION LEGAL COMMUNITY

25. My observations are not isolated. In recent weeks, I have communicated with numerous immigration attorneys practicing all over the United States who handle detention cases. These conversations have confirmed that the pattern I have observed is widespread and consistent.

26. Colleagues have reported the same experience: clients who were granted federal habeas relief and ordered § 1226(a) bond hearings are now being systematically denied bond based on rationales that would not have been deemed sufficient weeks earlier.

27. These attorneys have described bond hearings as appearing to be "pro forma" exercises where the outcome seems predetermined. Meaningful individualized

review appears to have been replaced by boilerplate language and cookie-cutter denials.

28. The consistency of these reports across multiple practitioners, representing different clients before different Immigration Judges, suggests that this is not a matter of individual judicial discretion or case-specific circumstances. It appears to be a coordinated institutional effort.

VIII. PROFESSIONAL ASSESSMENT AND CONCLUSION

29. Based on my two decades of experience in immigration law, including my service within the ICE, the pattern of events over the past three weeks—the abrupt reassignment of judges who were granting bond and questioning government positions, the immediate and uniform shift to systematic denial of bond, and the reliance on a narrow set of rationales across multiple judges and cases—suggests what appears to be a coordinated effort by the Executive Office for Immigration Review (EOIR) and the Department of Justice to undermine federal habeas relief.

30. In my professional judgment, this apparent coordination is the most plausible explanation for what I and my colleagues have observed. Independent adjudication does not typically produce this level of uniformity in outcome and reasoning across multiple judges and cases in such a compressed timeframe.

31. The bond hearings being provided to individuals who have been granted federal habeas relief do not appear to be genuine adjudications. They appear to be illusory remedies—proceedings designed to create the appearance of due process while ensuring that individuals remain detained indefinitely.

32. What I have witnessed over the past three weeks appears to be a systematic effort to nullify the constitutional protections that federal courts have recognized and enforced through habeas corpus. It appears to be a deliberate campaign to render meaningless the bond hearings that this Court and others have ordered.

33. I am profoundly concerned by what I have witnessed. As an attorney who has dedicated my career to the fair administration of immigration law—having served both as a government attorney enforcing those laws and as a private practitioner defending individuals subject to them—I find what appears to be a coordinated effort to undermine judicial authority and deny due process to be deeply troubling and inconsistent with the values I learned and embraced during my years of public service.

34. The individuals affected by this systematic denial of bond are not abstractions. They are human beings with families, with children, with jobs, with lives in this country. They have been found by federal courts to be entitled to bond hearings.

They are now being denied those hearings in any meaningful sense, held in detention not because they pose a danger or a flight risk, but because, in my observation, the Executive Branch appears to have decided to circumvent federal court orders through institutional means.

35. I submit this declaration in the hope that it will assist courts in understanding the reality of what appears to be occurring in immigration proceedings in this district and in ensuring that the constitutional right to habeas corpus is not rendered meaningless.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of January 2026, in Arlington, Virginia.

Jorge E. Artieda, Esq.
Va. Bar # 82963