

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

CRISOFORO CAMPUZANO OLMOS,

Petitioner,

v.

DAVID PAULK, in his official capacity as the
Warden of Irwin County Detention Center;
GEORGE STERLING, in his official capacity
as the Field Office Director of Enforcement and
Removal Operations, Atlanta Field Office,
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S. Department of
Homeland Security; PAMELA BONDI, U.S.
Attorney General,

Respondents.

Case No. 7:26-cv-37

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Crisoforo Campuzano Olmos (“Mr. Campuzano”) is forced to file this habeas petition to obtain the bond hearing he is entitled to under 8 U.S.C. § 1226(a) because of Respondents’ unlawful and unprecedented policy to mandatorily detain any immigrant who is alleged to have entered the United States (“U.S.”) without inspection – including people who have resided in the United States for many years.

2. Mr. Campuzano is from Mexico originally and has lived in the United States since he was twelve years old. He is a father to three U.S.-citizen children and a stepfather to two more. He has worked hard, ever since he was a boy, to support himself and his family.

3. While working to complete his probation arising from a minor drug conviction, Mr. Campuzano was detained by ICE agents in Clinton, North Carolina, in November 2025.

4. Had ICE detained Mr. Campuzano before September 5, 2025 – indeed, at any time during the past three decades – he would have been entitled to seek a bond hearing before an Immigration Judge (“IJ”) under 8 U.S.C. §1226(a) (Section 236(a) of the Immigration and Nationality Act (“INA”)). However, in a dramatic reimagining of the law, the Board of Immigration Appeals (“BIA”) issued a decision holding that an IJ has *no jurisdiction* to consider bond requests for any noncitizen who is “present in the United States without admission,” finding that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A). *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025). Accordingly, Mr. Campuzano is currently being subjected to mandatory detention due to ICE’s and the BIA’s erroneous interpretation of law (an interpretation that has been roundly rejected by habeas courts across the country).

5. This Court has already soundly rejected the BIA’s flawed reasoning in numerous recent habeas decisions. *See, e.g., J.A.M. v. Streeval, et al.*, No. 4:25-CV-342 (CDL), 2025 WL

3050094, at *2-3 (M.D. Ga. Nov. 1, 2025); *see also* Order, ECF No. 12, *Patel v. Bondi et al.*, 4:25-cv-00277-CDL-AGH (Nov. 4, 2025); Order, ECF No. 5, *Garcia-Reynoso v. Streeval et al.*, 4:25-cv-00278-CDL-AGH (Nov. 4, 2025); Order, ECF No. 19, *Dominguez Rivera v. Streeval et al.*, 4:25-cv-00288-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6, *Pascual Pedro v. Streeval et al.*, 4:25-cv-00290-CDL-AGH (Nov. 4, 2025); Order, ECF No. 7, *Hernandez Gomez v. Streeval et al.*, 4:25-cv-00291-CDL-AGH (Nov. 4, 2025); Order, ECF No. 13, *Paredes Alvarez v. Streeval et al.*, 4:25-cv-00296-CDL-AGH (Nov. 4, 2025); Order, ECF No. 4, *Guzman Paulino v. Sterling et al.*, 4:25-cv-00297-CDL-AGH (Nov. 4, 2025); Order, ECF No. 7, *Ospina Capera v. Sterling et al.*, 4:25-cv-00298-CDL-AGH (Nov. 4, 2025); Order, ECF No. 9, *Escobar Olivares v. Sterling et al.*, 4:25-cv-00299-CDL-AGH (Nov. 4, 2025); Order, ECF No. 9, *Merino Ortiz v. Sterling et al.*, 4:25-cv-00300-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6, *Mauricio Campuzano v. Sterling et al.*, 4:25-cv-00302-CDL-AGH (Nov. 4, 2025); Order, ECF No. 7, *Guerra Guzman v. Sterling et al.*, 4:25-cv-00305-CDL-AGH (Nov. 4, 2025); Order, ECF No. 6, *Quistian Vazquez v. Sterling et al.*, 4:25-cv-00306-CDL-AGH (Nov. 4, 2025); Order, ECF No. 5, *Diaz-Baron v. Sterling et al.*, 4:25-cv-00309-CDL-AGH (Nov. 4, 2025).

6. And yet, Respondents maintain their disingenuous interpretation of the law and keep Mr. Campuzano needlessly detained hundreds of miles from his loved ones, without the opportunity to seek review of his custody before a neutral arbiter. To correct this injustice, this Court should grant this petition and order a bond hearing for Mr. Campuzano as soon as practicable.

JURISDICTION

7. Mr. Campuzano is in the physical custody of Respondents. Mr. Campuzano is detained at the Irwin County Detention Center (“ICDC”) in Ocilla, Georgia.

8. 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).

9. 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.

VENUE

10. 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 Mr. Campuzano currently is detained.

11. 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.

PARTIES

12. Petitioner Crisoforo Campuzano Olmos is a citizen of Mexico who has been in immigration detention since November 24, 2025.

13. Respondent David Paulk is employed by the private prison company LaSalle Corrections as the Warden at ICDC, where Mr. Campuzano is detained. He has immediate physical custody of Mr. Campuzano. He is sued in his official capacity.

14. Respondent George Sterling is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, George Sterling is Mr. Campuzano's immediate legal custodian and is responsible for Mr. Campuzano's detention and removal. He is sued in his official capacity.

15. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (“INA”), and oversees ICE, which is responsible for Mr. Campuzano’s detention. Ms. Noem has ultimate custodial authority over Mr. Campuzano and is sued in her official capacity.

16. Respondent Pamela Bondi is the Attorney General of the United States. She 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. She is sued in her official capacity.

STATEMENT OF FACTS

17. Mr. Campuzano is a 42-year-old native and citizen of Mexico and a resident of North Carolina.

18. Mr. Campuzano came to the United States while still a minor child more than two decades ago, in 1998. His father brought him. The two entered the United States without inspection and were not detained by immigration authorities at the time. Mr. Campuzano has never left the United States since then. He had never had contact with immigration authorities until being detained by ICE late last year.

19. His father returned to Mexico around six months after entering the United States, leaving Mr. Campuzano in the care of an uncle. While still a child, Mr. Campuzano was put to work to support himself and his family back in Mexico. He was not able to further his education in the United States. Still, he has worked hard to make a life for himself and his family in the United States. Before he was detained, his job was installing machines that process tobacco.

20. Mr. Campuzano has three U.S.-citizen children who are biologically his own. He has also raised two other U.S.-citizen children as his own with his domestic partner.

21. Mr. Campuzano was arrested in Wayne County, North Carolina, in July 2025 for possession of methamphetamine and possession of drug paraphernalia. Ex. 1, North Carolina (“NC”) Court Records. In September 2025, the charge for possession of methamphetamine was voluntarily dismissed without leave by the Wayne County District Attorney, and Mr. Campuzano pled guilty to possession of drug paraphernalia. *Id.* The Wayne County District Court sentenced him to 12 months of probation. *Id.*

22. In October 2025, Mr. Campuzano was again charged with possession of methamphetamine. Mr. Campuzano was released on \$2,000 bond to await the disposition of that charge.¹ Ex. 2, NC Court Records for Pending Charge.

23. While attending a probation appointment on November 24, 2025, in Sampson County, North Carolina, Mr. Campuzano was detained by ICE, who brought him to ICDC, where he remains detained today.

24. Upon detaining Mr. Campuzano, ICE served him with a Notice to Appear, charging him as removable under 8 U.S.C. § 1182(a)(6)(A)(i) (for being present without admission or parole) and § 1182(a)(7)(A)(i)(I) (not in possession of valid documents at time of entry). Ex. 3, Notice to Appear. ICE filed this NTA with the immigration court the same day, initiating removal proceedings against Mr. Campuzano more than twenty years after he initially entered the U.S.

25. As a defense against deportation, Mr. Campuzano has applied for cancellation of removal for certain nonpermanent residents. Mr. Campuzano’s individual merits hearing is

¹ Because ICE has detained him outside of North Carolina without any practicable mechanism to attend his criminal court proceedings, Mr. Campuzano has since had his criminal bond forfeited and an order for his arrest based on his “failure to appear” has been issued by the Wayne County District Court. Ex. 3.

scheduled for February 23, 2026, before Immigration Judge Blake Doughty of the Atlanta Immigration Court.

26. Because he is so far from his family and community in North Carolina, it is unclear whether his family will be able to testify in support of his applications for relief at his final immigration hearing. His detention is also hampering his ability to communicate with his immigration counsel in preparation for this hearing and has already prejudiced him in his pending criminal case in North Carolina, as noted above.

CLAIMS FOR RELIEF
COUNT I
VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond

1. Mr. Campuzano incorporates by reference the allegations set forth in paragraphs 1-26 herein.

2. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to those arrested in the interior of the U.S. who are not “seeking admission.” Such noncitizens are detained under § 1226(a) and are eligible for release on bond.

3. Therefore, Mr. Campuzano is neither an “applicant for admission” nor is he “seeking admission.” He is detained pursuant to § 1226(a) and eligible for bond.

4. DHS and the Immigration Courts have adopted a policy and practice of applying § 1225(b)(2) to people like Mr. Campuzano.

5. The application of § 1225(b)(2) to Mr. Campuzano unlawfully mandates his continued detention and violates the INA.

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COUNT II
VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT
Procedural Due Process

27. Mr. Campuzano incorporates by reference the allegations set forth in paragraphs 1-26 herein.

28. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts evaluate whether adjudicatory procedures sufficiently protect individuals' due process rights.

29. Respondents' erroneous application of § 1225(b)(2)(A) to Mr. Campuzano and deprivation of his ability to seek review of his custody before a neutral adjudicator violates his due process rights under *Mathews* because his liberty interest and the risk of erroneous deprivation of his liberty posed by mandatory detention under § 1225(b)(2)(A) outweigh Respondents' minimal interest in detaining Mr. Campuzano, who is not a flight risk or danger to the community.

PRAYER FOR RELIEF

WHEREFORE, Mr. Campuzano prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order, under the All Writs Act, 28 U.S.C. § 1651, that Respondents not transfer Mr. Campuzano outside of the jurisdiction of the U.S. District Court for the Middle District of Georgia during the pendency of this petition;
- c. Declare that Respondents' actions or omissions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution and/or the Immigration and Nationality Act;
- d. Issue a writ of habeas corpus requiring that, within one day, Respondents release Mr. Campuzano;

- e. Alternatively, issue a writ of habeas corpus requiring Respondents to release Mr. Campuzano unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- f. Award Mr. Campuzano attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 17th day of February, 2026.

Respectfully submitted,

/s/ F. Evan Benz

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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT
TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: February 17, 2026

Respectfully submitted,

/s/ F. Evan Benz

Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system, which will send a notice of electronic filing (NEM) to the U.S. Attorney's Office for the Middle District of Georgia.

Dated: February 17, 2026

Respectfully submitted,

/s/ F. Evan Benz

Pro Bono Counsel for Petitioner