

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

JOSE JULIAN RAMIREZ PENA,

Petitioner,

v.

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; U.S.
DEPARTMENT OF HOMELAND
SECURITY;
PAMELA BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW;
JASON STREEVAL, Warden of
STEWART DETENTION CENTER,

Respondents.

Case No. 4:26-cv-294

**PETITION FOR WRIT OF
HABEAS CORPUS**

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PETITION FOR HABEAS CORPUS
ARISING FROM UNLAWFUL DETENTION WITHOUT A BOND HEARING
UNDER LAKEN RILEY ACT

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INTRODUCTION

1. Petitioner JOSE JULIAN RAMIREZ PENA is in the physical custody of Respondents at the STEWART DETENTION CENTER. He now faces unlawful detention because the Department of Homeland Security (DHS), in direct collaboration with the adjudicative body with jurisdiction over immigrants (the Executive Office of Immigration Review) (EOIR) have concluded Petitioner is subject to mandatory detention under new DHS policy and in accordance with the Laken Riley Act despite not having been charged with a crime enumerated under the Act.

2. On January 22, 2026, Petitioner was stopped for a traffic violation in Toccoa, Georgia. The Respondent was later transferred to Hall County and accused of having a bench warrant for Theft by Taking by police officers. After being fingerprinted, it was revealed that the Respondent was not the accused named on the bench warrant therefore, an accusation was never filed. *See Exhibit 1.*

3. Accordingly, Petitioner has not been arrested, charged with or convicted of any theft related crime. The Respondent was then transferred to civil immigration detention.

4. Petitioner is presently detained at the Stewart Immigration Court in Lumpkin Georgia.

5. Upon information and belief, Petitioner is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182 (a)(6) (A)(i).

6. Presumably, Petitioner will also be found ineligible for custody redetermination pursuant to the Laken Riley Act given the erroneous *arrest* for Theft by Taking.

7. Based on the allegations in Petitioner's removal proceedings consistent with a new DHS

1 policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE)
2 employees to consider anyone inadmissible under §1182(a)(6)(A)(i) to be subject to detention
3 under 8 U.S.C. § 1225(b)(2)(A) and allegations of Petitioner's arrest for Theft by Taking
4 mandating his detention under INA § 236 (c)(1)(E); Petitioner will be deemed ineligible to be
5 released on bond.

6 8. Accordingly, Petitioner is erroneously held as a mandatory detainee without access to a
7 bond hearing for the duration of any immigration proceedings.

8 9. Such proceedings are likely to last a prolonged period of time.

9 10. Petitioner's continued loss of liberty without individualized process violates the Due
10 process Clause of the Fifth Amendment to the United States Constitution. Unless, the Court acts,
11 this unlawful deprivation of Petitioner's liberty will likely last for months and potentially years.

12 11. Additionally, Petitioner brings this petition for a writ of habeas corpus to seek enforcement
13 of his rights as member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*,
14 No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at
15 the STEWART DETENTION CENTER. He faces unlawful detention because the Department of
16 Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused
17 to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista*
18 *v. Santacruz*.

19 12. On November 20, 2025, the district court granted partial summary judgment on behalf
20 of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended
21 declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-
22 SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting
23 partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No.

1 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25,
2 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class,
3 incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for
4 Partial Summary Judgment).

5 13. The declaratory judgment held that the Bond Denial Class members are detained under
6 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under §
7 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

8 14. On December 18, 2025, the Court issued a final judgement in favor of the class.
9 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Dec. 18, 2025 C.D. Cal.).

10 15. Nonetheless, the Executive Office for Immigration Review and its subagencies the
11 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
12 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
13 opportunity to be released on bond.

14 16. Petitioner, JOSE JULIAN RAMIREZ PENA, is a member of the Bond Eligible Class, as
15 he:

- 16 a. does not have lawful status in the United States and is currently detained at the
17 STEWART DETENTION CENTER. He was apprehended by immigration
18 authorities on January 26, 2026;
- 19 b. Entered the United States without inspection over twenty years ago and was not
20 apprehended upon arrival; and
- 21 c. is not detained under 8 U.S.C. § 1226(c)¹, § 1225(b)(1), or § 1231.

22 17. After apprehending Petitioner on January 26, 2026, the DHS placed him in removal

¹ Petitioner contends he is not detained under 8 U.S.C. § 1226(c) as he was not arrested, charged, or convicted of any of the enumerated crimes. Petitioner conceded there was a confusion on his identification but no accusation was ever filed against him.

1 proceedings pursuant to 8 U.S.C. § 1229a. On information and belief, DHS has charged Petitioner
2 inter alia as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the
3 United States without inspection.

4 18. The Court should expeditiously grant this petition.

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

9 20. Immigration judges have informed class members in bond hearings that they have been
10 instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling,
11 even with respect to class members, and that instead IJs remain bound to follow the agency’s prior
12 decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Because Respondents are
13 detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the
14 Court should accordingly order that within one day, Respondent DHS must release Petitioner.

15 21. Alternatively, the Court should order Petitioner’s release unless Respondents provide
16 a bond hearing under 8 U.S.C. § 1226(a) within seven days.

17 JURISDICTION

18 22. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
19 STEWART DETENTION CENTER in LUMPKIN, GEORGIA.

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

23 24. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act,

1 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

2 **VENUE**

3 25. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500
4 (1973), venue lies in the United States District Court for the MIDDLE DISTRICT OF GEORGIA,
5 the judicial district in which Petitioner currently is detained.

6 26. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents
7 are employees, officers, and agencies of the United States, and because a substantial part of the
8 events or omissions giving rise to the claims occurred in the MIDDLE DISTRICT OF GEORGIA.

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

10 27. The Court must grant the petition for writ of habeas corpus or order Respondents to show
11 cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to
12 show cause is issued, Respondents must file a return “within three days unless for good cause
13 additional time, not exceeding twenty days, is allowed.” *Id.*

14 28. Habeas corpus is “perhaps the most important writ known to the constitutional law . . .
15 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.”
16 *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the
17 attention and displaces the calendar of the judge or justice who entertains it and receives prompt
18 action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120
19 (9th Cir. 2000) (citation omitted).

20 **PARTIES**

21 29. Petitioner JOSE JULIAN RAMIREZ PENA is a citizen of Mexico who has been in
22 immigration detention since the 26th of January 2026.

23 30. Respondent LADEON FRANCIS is the Director of the Atlanta Field Office of ICE’s

1 Enforcement and Removal Operations division; however, on information and belief, the DHS is
2 rotating their Field Office Director without publishing a schedule of rotation. As such, LADEON
3 FRANCIS or his unknown, unannounced provisional replacement is Petitioner's immediate
4 custodian and is responsible for Petitioner's detention and removal. He or his acting counterpart is
5 named in his or her official capacity. Respondent Francis's address is 180 Ted Turner Dr Se, Ste
6 522. Atlanta GA 30303.

7 31. Respondent Todd Lyons is named in his official capacity as the Acting Director of the
8 Immigration and Customs Enforcement ("ICE"). As the senior Official Performing the duties of
9 the Director of ICE, he is responsible for the administration and enforcement of the immigration
10 laws of the United States; routinely transacts business in the Southern District of Georgia; is legally
11 responsible for any effort to detain Petitioner; and as such is a custodian of the Petitioner. His
12 address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900,
13 Washington DC 20536-5900.

14 32. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is
15 responsible for the implementation and enforcement of the Immigration and Nationality Act
16 (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate
17 custodial authority over Petitioner and is sued in her official capacity. Respondent Noem's address
18 is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther
19 King Jr Ave Se Washington DC 20528-0525.

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

22 34. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible

1 for the Department of Justice, of which the Executive Office for Immigration Review and the
2 immigration court system it operates is a component agency. She is sued in her official capacity.
3 Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW,
4 Washington, DC 20530-0001.

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

8 36. Respondent, Jason Streeval is employed by the private, for-profit detention corporation
9 contracted by the Government as an agent to confine immigrants at Stewart Detention Center,
10 where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his
11 official capacity. Respondent Warden's address is Warden, Stewart Detention Center, 1116 S
12 Washington Ave, Lumpkin, GA 39862.

13 LEGAL FRAMEWORK

14 37. The Due Process Clause of the Fifth Amendment protects both citizens and noncitizens.
15 *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (Fifth Amendment protections apply to
16 noncitizens "whether their presence here is lawful, unlawful, temporary, or permanent").

17 38. Section 236 of the Immigration and Nationality Act, codified at 8 U.S.C. § 1226,
18 provides for the civil detention of noncitizens during the pendency of their removal proceedings
19 in certain circumstances and subject to important Due Process safeguards. These procedural
20 safeguards are critically important not only because detention involves depriving a person of their
21 liberty and separating them from their home and family, but also because § 1226 detention is
22 frequently prolonged.

23 39. Accordingly, the baseline Due Process requirement for civil immigration detention is that

1 the detainee receive an individualized bond hearing to determine whether the individual can be
2 released on bond or must be detained due to flight risk or dangerousness. *See Sopo v. U.S. Attorney*
3 *General*, No. 14-11421 (11th Cir. 2016). This requirement is implemented via Section 1226(a) and
4 its associated regulations, which provide for detention or release depending on the outcome of a
5 bond hearing at which an Immigration Judge considers the individuals' particular facts and
6 circumstances. *See* 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1).

7 40. The Supreme Court has recognized only one exception to this baseline Due Process
8 requirement. In *Demore v. Kim*, 538 U.S. 510 (2003), the Supreme Court held that noncitizens
9 who were convicted of certain serious crimes and who conceded removability could be
10 categorically detained for the brief period necessary for their removal proceedings. This exception
11 is implemented via Section 1226(c), which provides for mandatory detention for noncitizens who
12 have committed certain serious criminal offenses (or are involved in terrorism).

13 41. The statutory scheme under Section 1226 changed on January 29, 2025, when the
14 President signed the Laken Riley Act (the "LRA").

15 42. The LRA purports to expand Section 1226(c) by adding a new subsection (c)(1)(E) that
16 imposes mandatory detention on certain noncitizens, including those who have not been
17 convicted of any crime. Rather, the new subsection (c)(1)(E) requires detention for certain
18 noncitizens who are merely "charged with" or "arrested for" certain crimes, including alleged
19 theft crimes.

20 43. On its face, the new subsection 1226(c)(1)(E) requires detention without any individualized
21 process, even if the person is not a flight risk and is not dangerous. The new subsection appears to
22 require detention even if the charge is still pending, was ultimately dismissed, or resulted in an
23 acquittal. The new subsection appears to require detention if the noncitizen has never been

1 adjudicated guilty of any crime. Indeed, the new subsection appears to mandate detention even
2 where (as here) the noncitizen was erroneously arrested for a crime but has not actually been
3 charged with any crime.

4 44. Neither the Supreme Court nor the Eleventh Circuit has ever recognized an exception to
5 the baseline Due Process requirement for a bond hearing where the noncitizen has not been
6 convicted of a criminal offense. For good reason. No person in the United States may be subjected
7 to prolonged civil detention, without a hearing, based solely on unproven accusations.

8 **FACTS**

9 45. Petitioner, JOSE JULIAN RAMIREZ PENA (“Mr. Ramirez”), is a citizen of Mexico who
10 has been in immigration detention since the 26th of January 2026.

11 46. After detaining Petitioner for a minor traffic stop in Toccoa, Georgia on January 22, 2026,
12 he was detained for driving without a license.

13 47. Following his detention, Respondent was accused of having a bench warrant for Theft by
14 Taking in Hall County and transferred to the Hall County jail where he was fingerprinted and
15 processed.

16 48. Upon receiving the fingerprints results, the state filed a notice that no accusation will be
17 filed. *See Exhibit 1.*

18 49. The Petitioner was then transferred to the Stewart Detention Center, ICE did not set bond
19 and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision
20 in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Due to this erroneous decision, it
21 would be futile for Petitioner to apply to EOIR without the intervention of this honorable Court.

22 50. Further, without the intervention of this Court Petitioner will not receive individualized

1 custody determination due to his arrest for Theft by Taking despite no accusation ever being
2 filed under the LRA.

3 51. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
4 Petitioner's bond request, and his unlawful detention cannot be litigated before that body, who
5 collaborated with the DHS – who is a party to these contested proceedings – to adopt the DHS
6 position wholesale, because such efforts would be futile.

7 52. As a result, Petitioner remains in detention. Without relief from this court, he faces the
8 prospect of months, or even years, in immigration custody, separated from his family and
9 community while his relief remains pending.

10 **CLAIMS FOR RELIEF**
11 **COUNT I**

12 **Violation of the Fifth Amendment Right to Due Process**
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15 53. The government may not deprive a person of life, liberty, or property without due process
16 of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,
17 detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause
18 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

20 55. The government's detention of Petitioner without a bond redetermination hearing to
21 determine whether he is a flight risk or danger to others violates his right to due process.

22 56. The government is detaining Mr. Ramirez for a prolonged period of time without a bond
23 hearing, based solely on unproven accusations, and without any finding that he actually presents a
24 danger or flight risk.

25 57. Mr. Ramirez's detentions absent any form of individualized process violates the Due
26 Process Clause of the Fifth Amendment to the United States Constitution.

1 58. Mr. Ramirez’s detention regardless of whether he presents a danger or flight risk, based
2 solely on unproven accusations, does not serve the purposes of civil immigration detention, is
3 arbitrary and punitive in nature, and violates the Due Process Clause of the Fifth Amendment to
4 the United States Constitution

5 **CLAIMS FOR RELIEF**
6 **COUNT II**
7

8 **Violation of the INA:**
9 **Request for Relief Pursuant to *Maldonado Bautista***
10

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

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

15 61. The order granting partial summary judgment in *Maldonado Bautista* holds that
16 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
17 members.

18 62. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen
19 “considering this determination with the MSJ Order, the Court extends the same declaratory relief
20 granted to Petitioners to the Bond Eligible Class as a whole.”

21 63. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory
22 judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

23 64. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject
24 to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under
25 the INA and the Court’s judgment in *Maldonado Bautista*.

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PRAAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Middle District of Georgia while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner is not subject to Mandatory Detention under the Laken Riley Act and is entitled to an individualized bond hearing, and may not be detained absent such hearing;
- f. Declare that Petitioner's detention is unlawful and violates the Due Process Clause of the Fifth Amendment;
- g. Award Petitioner 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
- h. Grant any other and further relief that this Court deems just and proper.

1 DATED this 11th of February 2026.

2 /s/ Peter Tadeo, Esq.

3 Peter Tadeo, Esq.

4 Attorney for Petitioner

5 Georgia Bar No. 505253

6 Tadeo and Silva Law

7 P.O. Box 921249

8 Peachtree Corners, Georgia 30010

9 Telephone: (404)993-8941

10 Email: Peter@tadeosilvalaw.com

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12 *Attorney for Petitioner*
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28 U.S.C. § 2242 VERIFICATION STATEMENT

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

8
9
10 DATED this 11th of February 2026.

11 /s/ Peter Tadeo, Esq.

12 Peter Tadeo, Esq.

13 Attorney for Petitioner

14 Georgia Bar No. 505253

15 Tadeo and Silva Law

16 P.O. Box 921249

17 Peachtree Corners, Georgia 30010

18 Telephone: (404)993-8941

19 Email: Peter@tadeosilvalaw.com

20
21 *Attorney for Petitioner*
22
23