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LUIS ULLAURI LLIVICOTA

68 Whittlesey Avenue
West Orange, NJ 07052

Currently detained at:
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815

Petitioner, Pro Se

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

LUIS ULLAURI LLIVICOTA,

Petitioner,

v.

JASON STREEVAL, Warden, Stewart
Detention Center;
SEAN GALLAGHER, Field Office Director,
ERO Atlanta Field Office, U.S.
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security; and
PAM BONDI, Attorney General of the
United States,
in their official capacities,

Respondents.

)
) Case No. _____
)

) **PETITION FOR WRIT OF**
) **HABEAS CORPUS**
)

INTRODUCTION

1. Petitioner Luis Ullauri Llivicota ("Petitioner"), appearing pro se, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is a thirty-seven (37)-year-old native and citizen of Ecuador who has resided in the United States continuously for more than twenty-one (21) years. He is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Stewart Detention Center in Lumpkin, Georgia. Petitioner's detention is unlawful because he is being held without

access to a bond hearing in violation of 8 U.S.C. § 1226(a), the Immigration and Nationality Act, and the Due Process Clause of the Fifth Amendment to the United States Constitution.

2. On December 4, 2025, ICE detained Petitioner in the interior of the United States. Petitioner had no pending removal case, no final order of removal, and no criminal convictions. Prior removal proceedings had been dismissed on June 27, 2022, by the Newark, New Jersey Immigration Court. Despite these facts, on January 6, 2026, Immigration Judge Bianca Brown of the Stewart Immigration Court denied Petitioner's Motion for Bond and Custody Redetermination, without making any findings as to flight risk or danger to the community stating the sole basis: "No jurisdiction pursuant to Matter of Hurtado." The Immigration Judge effectively treated Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2) pursuant to the Department of Homeland Security's ("DHS") July 8, 2025 policy classifying all individuals who entered without inspection as "applicants for admission."
3. This classification is unlawful. The U.S. District Court for the Central District of California, in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), entered a final judgment declaring that members of the nationwide "Bond Eligible Class" are detained under 8 U.S.C. § 1226(a)—not § 1225(b)(2)—and are entitled to individualized bond hearings before an immigration judge. Petitioner is a member of the Bond Eligible Class.
4. Petitioner asks this Court to: (a) declare that his detention without a full bond hearing violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment; (b) order Respondents to provide Petitioner with an individualized bond hearing before an immigration judge within seven (7) days; and (c) order Petitioner's release on reasonable conditions if no hearing is timely provided.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*
6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
8. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), (f)(1), or 1226(e). Congress has preserved judicial review of challenges to immigration detention through habeas corpus. See *Jennings v. Rodriguez*, 583 U.S. 281, 293–96 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar habeas review of detention challenges).
9. This Court's jurisdiction attached upon the filing of this petition. Under Federal Rule of Appellate Procedure 23(a), once habeas corpus proceedings have commenced, the person

having custody of the petitioner “must not transfer custody to another unless a transfer is directed in accordance with this rule.” Fed. R. App. P. 23(a). The Supreme Court has long held that a court’s habeas jurisdiction, once properly invoked, is not defeated by a subsequent transfer of the petitioner to a location outside the court’s territorial jurisdiction. See *Ex parte Endo*, 323 U.S. 283, 304–06 (1944). Respondents are therefore prohibited from transferring Petitioner out of this District for the purpose of defeating this Court’s jurisdiction. This Court has authority under the All Writs Act, 28 U.S.C. § 1651, to issue all orders necessary to preserve its jurisdiction over this matter, including orders restraining Respondents from transferring Petitioner pending resolution of this petition.

VENUE

10. Venue is proper in this District because Petitioner is detained at the Stewart Detention Center, located at 146 CCA Road, Lumpkin, Georgia 31815, which is within the jurisdiction of the Middle District of Georgia, Columbus Division.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

13. Petitioner Luis Ullauri Llivicota is a native and citizen of Ecuador. He is currently detained at the Stewart Detention Center in Lumpkin, Georgia, and is in removal proceedings before the Lumpkin, Georgia Immigration Court under File No. [REDACTED]. He is in the custody and under the direct control of Respondents and their agents. Petitioner appears pro se and requests that all documents be served upon him at his home address: [REDACTED]
14. Respondent Jason Streeval is the Warden of the Stewart Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens. Respondent Streeval is a legal custodian of Petitioner and is sued in his official capacity.
15. Respondent Sean Gallagher is the Field Office Director for ICE Enforcement and Removal Operations (“ERO”) Atlanta Field Office. The ERO Atlanta Field Office oversees immigration enforcement operations in the states of Georgia, North Carolina, and South

Carolina, including the Stewart Detention Center. Respondent Gallagher has authority to release Petitioner and is a legal custodian of Petitioner. He is sued in his official capacity.

16. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the INA and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and is sued in her official capacity.
17. Respondent Pam Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that capacity, she has the authority to adjudicate removal cases and oversees the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA"). Respondent Bondi is a legal custodian of Petitioner and is sued in her official capacity.

STATEMENT OF FACTS

A. Petitioner's Background and Ties to the United States

18. Petitioner is a thirty-seven (37)-year-old native and citizen of Ecuador. He first entered the United States in or around 2005 as a minor and has continuously resided in this country for more than twenty-one (21) years. He was not apprehended upon entry. The majority of Petitioner's life has been spent in the United States, where he has established deep family, emotional, and community ties.
19. Petitioner was brought to the United States by his aunt under false promises of a safe and stable home, adequate food, and lawful employment. Upon arrival, his aunt instead demanded rent despite Petitioner's age and lack of resources, restricted his access to food by chaining the refrigerator, and forced him to work to pay rent and repay a debt of approximately \$22,000 allegedly owed to individuals who facilitated his entry. This environment of psychological coercion and forced labor caused Petitioner significant trauma. After approximately one month, Petitioner was expelled from the home and left homeless, unsupported, and alone in a foreign country as a minor.
20. Petitioner is currently engaged to Ms. Andrea Santos, who entered the United States in 2001 under the Visa Waiver Program and has held Deferred Action for Childhood Arrivals ("DACA") status since 2012. Ms. Santos recently suffered a stroke and is presently ill and unable to work. She relies heavily on Petitioner for financial support and daily emotional care.
21. Petitioner is the father of an eleven (11)-year-old United States citizen daughter, [REDACTED] who has experienced significant emotional distress as a result of her father's detention. Petitioner has also served as a parental figure to two stepchildren—Jheremy Sarmiento (age 18) and [REDACTED] (age 14)—whom he has raised since they were young.
22. Petitioner maintains a stable and long-term residence with his domestic partner and children at [REDACTED] where he has lived continuously. Multiple community members have submitted sworn declarations and letters

attesting to Petitioner's reliability, integrity, strong moral character, and positive contributions to his community.

B. Immigration History and Detention

23. Petitioner was previously placed in removal proceedings on March 28, 2013, before the Newark, New Jersey Immigration Court. Those proceedings were dismissed on June 27, 2022. At the time of the events leading to his current detention, Petitioner had no pending removal case and no reason to believe that he was subject to enforcement action.
24. On December 4, 2025, ICE officers detained Petitioner in the interior of the United States. Petitioner is currently detained at the Stewart Detention Center in Lumpkin, Georgia, far from his family and community in New Jersey.
25. Petitioner has no criminal convictions. Although he has had two limited encounters with law enforcement, the resulting charges were both dismissed. He has no history of violence, no felony convictions, no weapon possession, and no pattern of criminal conduct.

C. Bond Proceedings and Denial

26. Through counsel, Petitioner filed a Motion for Bond and Custody Redetermination on December 29, 2025, before the Lumpkin, Georgia Immigration Court. The bond decision was rendered by Immigration Judge Bianca Brown. The motion was supported by extensive evidence of Petitioner's community ties, family responsibilities, lack of criminal history, employment history, and the significant hardship his detention causes to his United States citizen child and ill fiancée. The motion requested a minimal bond of \$1,500.
27. On January 6, 2026, Immigration Judge Bianca Brown denied Petitioner's bond motion. The order stated the sole basis for denial: "No jurisdiction pursuant to *Matter of Hurtado*." The Immigration Judge did not conduct any individualized assessment of Petitioner's flight risk or dangerousness. DHS waived its right to appeal the bond decision. Petitioner reserved his right to appeal, with appeal due February 5, 2026. The denial was based entirely on the position that the Immigration Court lacked jurisdiction to conduct a bond hearing because Petitioner, as an individual who entered without inspection, is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2), pursuant to the DHS July 8, 2025 Interim Guidance and the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
28. Petitioner has no adequate remedy at law. The BIA's position in *Matter of Yajure Hurtado* forecloses relief within the immigration court system. An appeal to the BIA would be futile, as the BIA would apply its own precedent to deny jurisdiction. Accordingly, this habeas petition is the only available avenue to vindicate Petitioner's statutory and constitutional rights.

LEGAL FRAMEWORK

29. Under the INA, noncitizens detained pending removal proceedings who are not subject to mandatory detention under 8 U.S.C. § 1226(c) are governed by § 1226(a), which authorizes release on bond or conditional parole following an individualized custody determination. See 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1, 1236.1, 1003.19.

30. In July 2025, DHS issued Interim Guidance directing that all individuals who entered the United States without inspection be classified as “applicants for admission” detained under 8 U.S.C. § 1225(b)(2)—a provision that does not authorize bond hearings before immigration judges. The BIA subsequently adopted this position in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that immigration judges lack jurisdiction to conduct bond hearings for such individuals.
31. Multiple federal courts have rejected this interpretation. Most significantly, the U.S. District Court for the Central District of California in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), granted partial summary judgment on November 20, 2025, certified a nationwide Bond Eligible Class on November 25, 2025, and entered final judgment on December 18, 2025, declaring that Bond Eligible Class members are detained under § 1226(a) and are entitled to individualized bond hearings.
32. The Bond Eligible Class is defined as: “All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.” *Maldonado Bautista*, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).

CLAIMS FOR RELIEF

COUNT ONE

Violation of 8 U.S.C. § 1226(a) and Implementing Regulations

33. The allegations in the above paragraphs are realleged and incorporated herein.
34. Petitioner is a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*. Petitioner (1) entered the United States without inspection in 2005 as a minor; (2) was not apprehended upon arrival but rather lived in the United States continuously for over two decades before being detained in the interior; and (3) is not subject to mandatory detention under 8 U.S.C. § 1226(c) (as he has no criminal convictions), § 1225(b)(1) (as he is not in expedited removal proceedings), or § 1231 (as there is no final order of removal).
35. Accordingly, Petitioner is detained under 8 U.S.C. § 1226(a), and not § 1225(b)(2). Under § 1226(a), Petitioner is entitled to an individualized custody determination and, if not released by ICE, a custody redetermination hearing before an immigration judge. See 8 C.F.R. §§ 236.1, 1236.1, 1003.19.
36. Respondents have denied Petitioner a bond hearing by misclassifying him as detained under § 1225(b)(2). This classification violates the plain text of the INA, the implementing regulations, and the declaratory judgment entered in *Maldonado Bautista*. Petitioner’s detention without access to bond is therefore unlawful under 8 U.S.C. § 1226(a) and 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT TWO

Violation of Fifth Amendment Right to Due Process

37. The allegations in the above paragraphs are realleged and incorporated herein.
38. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. Petitioner is a “person” within the meaning of the Fifth Amendment and is entitled to its protections. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
39. Petitioner has been detained since December 4, 2025, without any individualized determination that his detention is justified by flight risk or danger to the community. He has been categorically denied a bond hearing based solely on his manner of entry into the United States over two decades ago. This blanket denial of any individualized hearing violates the fundamental due process principle that civil detention requires a meaningful opportunity to challenge the government’s justification for confinement.
40. Petitioner has strong ties to the community, a fixed residence, a United States citizen child, an ill fiancée who depends on him, no criminal convictions, and viable forms of immigration relief including cancellation of removal and a T visa. The categorical denial of a bond hearing, without any consideration of these individualized circumstances, violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;
- (3) Declare that Petitioner is a member of the nationwide Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025);
- (4) Declare that Petitioner’s detention is governed by 8 U.S.C. § 1226(a), not § 1225(b)(2), and that Petitioner is entitled to an individualized bond hearing before an immigration judge;
- (5) Declare that Petitioner’s detention without a bond hearing violates the Due Process Clause of the Fifth Amendment;
- (6) Issue a Writ of Habeas Corpus ordering Respondents to schedule a bond hearing before an immigration judge within seven (7) days and, at such hearing, apply the standards of 8 U.S.C. § 1226(a) and *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006);
- (7) In the alternative, order Petitioner’s immediate release on reasonable conditions of supervision if Respondents fail to timely provide a bond hearing;
- (8) Issue an order, pursuant to the All Writs Act, 28 U.S.C. § 1651, and Federal Rule of Appellate Procedure 23(a), prohibiting Respondents from transferring Petitioner out of this

District or otherwise altering his custody for the purpose of defeating this Court's jurisdiction, pending final resolution of this petition; and

(9) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Luis M. Ullauri Llivicota

LUIS ULLAURI LLIVICOTA

Petitioner, Pro Se



Currently detained at:
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815

Dated: February 17, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Luis Ullauri Llivicota, am the Petitioner in this action and submit this verification. I hereby verify under penalty of perjury that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Dated this 17th day of February, 2026.

Luis M. Ullauri Llivicota

LUIS ULLAURI LLIVICOTA

Petitioner, Pro Se

REQUEST FOR SERVICE OF ALL DOCUMENTS

Petitioner respectfully requests that this Court direct all parties and the Clerk of Court to serve all pleadings, orders, and other documents in this matter upon Petitioner at his home address:

Luis Ullauri Llivicota



Petitioner is currently detained at the Stewart Detention Center and has limited and unreliable access to mail at the detention facility. Service at the above home address will ensure that Petitioner's family can promptly communicate all filings and orders to Petitioner and take any necessary action on his behalf to protect his rights in this proceeding.

***Note:** This petition was prepared with the assistance of Tamika Grace Jude, Esq., Jude Law LLC, who represents Petitioner in his immigration proceedings before the Executive Office for Immigration Review. Ms. Jude is not admitted to practice in this Court and does not represent Petitioner in this habeas corpus action. Petitioner's home address is designated as his mailing address due to his detained status and limited access to facility mail.*