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6 UNITED STATES DISTRICT COURT
7 MIDDLE DISTRICT OF GEORGIA
8 COLUMBUS DIVISION

9 **WILLENDER JACIELL CARMONA ACUNA,**

10 **Petitioner,**

11 **v.**

12 **JASON STREEVAL, Warden of Stewart**
13 **Detention Center; KRISTEN SULLIVAN,**
14 **Field Office Director of Enforcement and**
15 **Removal Operations, Atlanta Field Office,**
16 **Immigration and Customs Enforcement; TODD M.**
17 **LYONS, Acting Director, U.S. Immigrations &**
18 **Customs Enforcement; KRISTI NOEM, Secretary,**
19 **U.S. Department of Homeland Security; U.S.**
20 **Department of Homeland Security; PAMELA**
21 **BONDI, U.S. Attorney General; and DAREN K.**
22 **MARGOLIN, Director, Executive Office for**
23 **Immigration Review,**

24 **Respondents.**

Case No.:

VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241

1 INTRODUCTION

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

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

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

21 4. Nevertheless "Respondents have violated and continue to violate the law by
22 detaining Bond Eligible Class members in contravention of the Final Judgment." *Maldonado*
23 *Bautista*, Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026), at 13.

1 5. On February 18, 2026, the district court issued an Order Granting Plaintiff
2 Petitioners' Motion to Enforce Judgment. *Maldonado Bautista*, Case No. 5:25-cv-01873-SSS-
3 BFM (C.D. Cal. Feb. 18, 2026). In its Order, the district court vacated *Matter of Yajure Hurtado*
4 under the Administrative Procedures Act ("APA"). *Maldonado Bautista*, Case No. 5:25-cv-
5 01873-SSS-BFM (C.D. Cal. Feb. 18, 2026), at *16.

6 6. The Executive Office for Immigration Review and its subagency the Immigration
7 Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the
8 declaratory relief and have unlawfully ordered those detained noncitizens, who entered the
9 United States without inspection, be denied the opportunity to be released on bond. We
10 anticipate the Executive Office for Immigration Review and DHS will also blatantly refuse to
11 abide by declaratory relief and unlawfully deny Petitioner the opportunity to be released on
12 bond.

13 7. Petitioner is a member of the Bond Eligible Class, as Petitioner:

- 14 a. does not have lawful status in the United States and is currently detained
15 at the Stewart Detention Center in Lumpkin, Georgia;
- 16 b. was apprehended by immigration authorities on or about December 7,
17 2025, in the United States;
- 18 c. entered the United States without inspection approximately three (3) years
19 ago and was not apprehended upon arrival, *cf. id.*; and
- 20 d. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
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8. After apprehending Petitioner on or about December 7, 2025, the DHS placed Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I), as someone who entered the United States without inspection.

9. The Court should expeditiously grant this petition.

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

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

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

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

JURISDICTION

14. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Detention Center in Lumpkin, Georgia.

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

4 16. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
5 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
6

7 **VENUE**

8 17. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
9 500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the
10 judicial district in which Petitioner currently is detained.

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

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

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

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

3
4 **PARTIES**

5 21. Petitioner is a citizen of Venezuela who has been in immigration detention since
6 approximately December 7, 2025. After Petitioner was apprehended by ICE, ICE did not set
7 bond. Petitioner has resided in the United States since 2022.

8 22. Respondent Jason Streeval is employed by CoreCivic as Warden of the Stewart
9 Detention Center, where Petitioner is detained. The Warden of the Stewart Detention Center has
10 immediate physical custody of Petitioner. The Warden of the Stewart Detention Center is sued in
11 his official capacity.

12 23. Respondent Kristen Sullivan is the Acting Director of the Atlanta Field Office of
13 ICE’s Enforcement and Removal Operations division. As such, Director Sullivan is Petitioner’s
14 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in
15 her official capacity.

16 24. Respondent Todd M. Lyons is the acting Director of U.S. Immigration &
17 Customs Enforcement (ICE). He is responsible for the administration of ICE and the
18 implementation and enforcement of the immigration laws, including immigrant detention. As
19 such, Mr. Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

20 25. Respondent Kristi Noem is the Secretary of the Department of Homeland
21 Security. She is responsible for the implementation and enforcement of the Immigration and
22 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.
23 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
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1 26. Respondent Department of Homeland Security (DHS) is the federal agency
2 responsible for implementing and enforcing the INA, including the detention and removal of
3 noncitizens.

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

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

11 29. Respondent Daren K. Margolin is the Director of EOIR, which is the federal
12 agency responsible for implementing and enforcing the INA in removal proceedings, including
13 for custody redeterminations in bond hearings. Respondent Margolin is sued in his official
14 capacity.

15
16 **CLAIM FOR RELIEF**

17 **Violation of the INA:**

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

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

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

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

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

7 34. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
8 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
9 § 2201(a).

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

13 36. Assuming, *arguendo*, that *Maldonado Bautista* does not apply, find that Petitioner
14 is currently detained under § 1226(a) and therefore not subject to mandatory detention as
15 required by § 1225(b)(2). *See J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094
16 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D.
17 Ga. Nov. 24, 2025).

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19 **PRAYER FOR RELIEF**

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

- 21 a. Assume jurisdiction over this matter;
- 22 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
- 23 Petitioner;
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- 1 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
2 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
3 seven days;
- 4 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
5 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
6 law; and
- 7 e. Grant any other and further relief that this Court deems just and proper.
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10 DATED this 25th of February 2026.

11 *//s// Colin Robert Nisbet*

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

I represent Petitioner, **Willender Jaciell Carmona Acuna**, and submit this verification on Petitioner's behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 25th day of February 2026.

Respectfully submitted,

//s// Colin Robert Nisbet, Esq.

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