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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

Carolina OLIVA FLORES,

Petitioner,

v.

Jason STREEVAL, *in his official capacity as  
Warden of Stewart Detention Center*, and Todd  
LYONS, *in his official capacity as Acting  
Director of Immigration and customs  
Enforcement*, and Ladeon FRANCIS, *Field  
Office Director ICE Atlanta Field Office*, and  
Kristi NOEM, *Secretary of Homeland Security*,  
and Pamela BONDI, *in her official capacity as  
Attorney General, United States Department of  
Justice*

Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

Alien File No.



1 **INTRODUCTION**

2 1. Petitioner, Carolina Oliva Flores, is a forty-three-year-old native and citizen of  
3 Mexico who entered the United States without inspection in or around February 1998 and has  
4 resided in the United States for twenty-eight years.

5 2. Petitioner is in the physical custody of Respondents at the Stewart Detention  
6 Center in Lumpkin, Georgia. She now faces unlawful detention because the Department of  
7 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have  
8 concluded Petitioner is subject to mandatory detention.

9 3. Petitioner is charged with, inter alia, having entered the United States without  
10 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

11 4. Based on this allegation in Petitioner’s removal proceedings, DHS denied the  
12 Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8,  
13 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone  
14 inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without  
15 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and  
16 therefore ineligible to be released on bond.

17 5. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or  
18 Board) issued a precedent decision, binding on all immigration judges, holding that an  
19 immigration judge has no authority to consider bond requests for any person who entered the  
20 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).  
21 The Board determined that such individuals are subject to detention under 8 U.S.C. §  
22 1225(b)(2)(A) and therefore ineligible to be released on bond.

1           6.       Petitioner’s detention on this basis violates the plain language of the Immigration  
2 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who  
3 previously entered and are now residing in the United States. Instead, such individuals are  
4 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.  
5 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for  
6 having entered the United States without inspection.

7           7.       Respondents’ new legal interpretation is plainly contrary to the statutory  
8 framework and contrary to decades of agency practice applying § 1226(a) to people like  
9 Petitioner.

10          8.       Further, on February 18, 2026, the District Court of Central California vacated  
11 *Matter of Yajure Hurtado. Maldonado Bautista v. Santacruz*, [Dkt. No. 116], No. 5:25-cv-  
12 01873-SSS-BFM (C.D. Cal. Feb. 18, 2026). This ruling restored jurisdiction for bond hearings  
13 for members of the certified class of noncitizens in the United States without lawful status who  
14 entered the United States without inspection and were not apprehended upon arrival.

15          9.       However, on March 6, 2026, this ruling was appealed to the Ninth Circuit Court  
16 of Appeals. An emergency motion for a stay was filed by the Department of Homeland Security  
17 which was granted, temporarily staying the declaratory judgment from *Maldonado Bautista* as  
18 well the order vacating *Matter of Yajure Hurtado*. See *Bautista v. U.S. Dep’t Homeland Sec.*,  
19 [Dkt. No. 5.1], No. 26-1044 (9th Cir. Mar. 6, 2026).

20          10.       The judgment in the District Court held that Bond Denial Class members are  
21 detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond  
22 under § 1225(b)(2)(A).

23          11.       Petitioner is a member of the Bond Eligible Class, as she:  
24

- 1 a. does not have lawful status in the United States and is currently detained at the  
2 Stewart Detention Center. She was apprehended by immigration authorities in  
3 January 2026;
- 4 b. entered the United States without inspection over ten years ago and was not  
5 apprehended upon arrival, *cf. id.*; and
- 6 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7 12. DHS has charged Petitioner as being inadmissible under 8 U.S.C. §  
8 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

9 13. The Court should expeditiously grant this petition.

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

### 12 JURISDICTION

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

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

18 17. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
19 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### 20 VENUE

21 18. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
22 500 (1973), venue lies in the United States District Court for the Middle District of Georgia  
23 within the Columbus Division, the judicial district in which Petitioner currently is detained.

24 19. Respondent Streeval is her immediate custodian.



1           24.     Respondent Jason Streeval is the Warden of the Stewart Detention Center. As  
2 such, Respondent Streeval is responsible for the operation of the Detention Center where  
3 Petitioner is detained. As ICE contracts with price prisons such as the Stewart Detention Center  
4 to house immigration detainees such as the Petitioner, Respondent Streeval has immediate  
5 physical custody of the Petitioner.

6           25.     Respondent Todd Lyons is the Director of the Field Office of ICE's Enforcement  
7 and Removal Operations division. As such, Respondent Lyons is being sued in his official  
8 capacity.

9           26.     Respondent Ladeon Francis is the Atlanta Field Office Director for Immigration  
10 and Customs Enforcement. As such, Respondent Francis is responsible for the oversight of ICE  
11 operations at the Stewart Detention Center. Respondent Francis is being sued in his official  
12 capacity.

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

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

1 **LEGAL FRAMEWORK**

2 29. The INA prescribes three basic forms of detention for the vast majority of  
3 noncitizens in removal proceedings.

4 30. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
5 proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a)  
6 detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§  
7 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of  
8 certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

9 31. Second, the INA provides for mandatory detention of noncitizens subject to  
10 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
11 referred to under § 1225(b)(2).

12 32. Last, the INA also provides for detention of noncitizens who have been ordered  
13 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

14 33. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).  
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16 **FACTS**

17 34. Petitioner is a forty-three-year-old native and citizen of Mexico. *See Exhibit 1,*  
18 *Petitioner's Passport.*

19 35. Petitioner has resided in the United States since 1998 and lives in Georgia.

20 36. In January 2025, Petitioner was detained by ICE after being arrested for domestic  
21 violence. Please note that this charge is currently pending and is being reduced to disorderly  
22 conduct.  
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1 37. Petitioner is the mother of three (2) United States citizen (USC) children, ages 10,  
2 19, and 25. See **Exhibit 2**, *Birth Certificates for Petitioner's USC Children*.

3 38. Petitioner's criminal history consists of her most recent charge for disorderly  
4 conduct, a charge from 2010 for driving without a license and false information that was  
5 dismissed, and a 2002 charge for simple battery that did not result in a conviction.

6 39. Petitioner is neither a flight risk nor a danger to the community.

7 40. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider  
8 Petitioner's bond request.

9 41. As a result, Petitioner remains in detention. Without relief from this court, she  
10 faces the prospect of months, or even years, in immigration custody, separated from her family  
11 and community.

12 **CLAIMS FOR RELIEF**

13 **COUNT I**  
14 **Violation of the INA**

15 42. Petitioner incorporates by reference the allegations of fact set forth in the  
16 preceding paragraphs.

17 43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all  
18 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As  
19 relevant here, it does not apply to those who previously entered the country and have been  
20 residing in the United States prior to being apprehended and placed in removal proceedings by  
21 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to  
22 § 1225(b)(1), § 1226(c), or § 1231.

23 44. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued  
24 detention and violates the INA.

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**COUNT II**  
**Violation of the Bond Regulations**

45. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

46. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before immigration judges under 8 U.S.C. § 1226 and its implementing regulations.

47. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individual like Petitioner.

48. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

**COUNT III**  
**Violation of Due Process**

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



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g. Grant any other and further relief that this Court deems just and proper.

DATED this 11th day of March, 2026.

By: /s/ Carlos E. Solomiany  
Carlos E. Solomiany, Esq.  
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I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ Carlos E. Solomiany

Date: March 11, 2026