


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

SELVIN SOSA-SAMAYOA)
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, Markwayne Mullin,)
Secretary of Homeland Security, Pamela)
BONDI, in her official capacity as Attorney)
General, United States Department of)
Justice)
Respondents.)

Case No. 4:26-cv-385

PETITION FOR
WRIT OF HABEAS CORPUS

Alien File No. 

INTRODUCTION

1. Petitioner, Selvin Sosa-Samayoa (“Mr. Sosa”), is a 29-year-old Guatemalan national who has lived in the Atlanta, Georgia, area for approximately 12 years. He is employed as a construction worker and has no criminal history other than traffic violations.

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

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

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

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

6. Petitioner Sosa is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at the Stewart Detention Center in Lumpkin, Georgia. He was apprehended by immigration authorities in November 2025;
- b. entered the United States as a minor over 10 years ago and was sent to the Office of Refugee Resettlement upon arrival, and released to his sponsor *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7. After apprehending Petitioner on November 20, 2025, DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229(a). DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

8. Undersigned counsel for Respondent filed an immigration court bond motion that could not move forward, as the assigned judge explained he did not have jurisdiction to hear the motion. The immigration judge had been hearing bond motions until the 9th Circuit Bautista court issued a stay of its decision due to the government's emergency motion for a stay pending appeal of Bautista.

9. The Court should expeditiously grant this petition.

10. The final judgment in *Maldonado Bautista*, issued on December 18, 2025, is limited to the Central District of California due to the government's emergency motion for a stay pending appeal; however, the Petitioner in this action argues the logic of the final order of Bautista has been upheld by the Middle District of Georgia for several months. The emergency stay issued in Bautista should not automatically trigger subsequent jurisdictional arguments for immigration judges to consider.

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

JURISDICTION

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

13. 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).

14. 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

15. 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 Petitioner is currently detained.

16. 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.

REQUIREMENTS OF 28 U.S.C. § 2243

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

18. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

19. Petitioner Sosa is a citizen of Guatemala who has been in immigration detention since November 20, 2025. After Petitioner was arrested in Atlanta, Georgia, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On March 11, 2026, Petitioner was denied the opportunity to argue for bond by an IJ at the Stewart Immigration Court because the court no

longer had jurisdiction. The IJ opined that because the judge issued an order on the government's emergency stay of the *Bautista* class action, the Court would not have jurisdiction until the emergency stay was resolved by the appellate court.

20. Respondent Ladeon Francis is the Field Office Director of the ICE Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, Ladeon Francis is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

21. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

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

23. 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.

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

25. Respondent Jason Streeval is employed by Core Civic as the Warden of the Stewart Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is being sued in his official capacity.

CLAIM FOR RELIEF
Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

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

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

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

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

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

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

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;

- 2) Grant Petitioner a writ of habeas corpus directing Respondents to immediately release him from custody, under reasonable conditions of supervision;
- 3) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this court during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;
- 4) Order Respondents to file a response within 7 days of the filing of this petition;
- 5) Award attorneys' fees to Petitioner; and
- 6) Grant any other and further relief which this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this 11th day of March, 2026

/s/ Michael A. Edmunds
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Verification

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/ Michael A. Edmunds

Date: March 11, 2026