

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

EDWIN ALEXIS PADILLA HERNANDEZ

Petitioner,

v.

Warden, D. Ray James Correctional Facility,  
George STERLING Field Office Director of  
Enforcement and Removal Operations, Atlanta  
Field Office, Immigration and Customs  
Enforcement,

Respondents.

Case No. 5:26-cv-326

**PETITION FOR WRIT OF  
HABEAS CORPUS**

## INTRODUCTION

1. Petitioner Edwin Alexis Padilla Hernandez brings this petition for a writ of habeas corpus as an individual unlawfully detained and stripped of bond jurisdiction by an improvident and unlawful change in analysis as to who is “seeking admission” to the United States. *See, Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

2. Petitioner is in the physical custody of Respondents at the D. Ray James Correctional Facility in Folkston, Georgia. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by longstanding precedent regarding bond jurisdiction. Contrary to the assertions of DHS and EOIR, entrants to the United States without inspection are not properly “applicants for admission,” such that all such individuals be detained without jurisdiction for the courts to grant bond. Respondent alleges that the continued classification of detention authority as pursuant to 8 U.S.C. § 1225 for all individuals present without inspection or admission, is erroneous and a violation of law.

3. The Executive Office for Immigration Review and its subagency, the Immigration Court, and the Department of Homeland Security (DHS) have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

4. After apprehending Petitioner, the DHS placed him 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), as someone who is present in the United States without inspection, admission, or parole.

5. The Court should expeditiously grant this petition.

6. Respondent was not encountered at a port of entry at any time, and thus, he is not "seeking admission" to the United States.

7. Respondents are bound by the statutory authority of the Immigration and Nationality Act. The holding in *Yajure Hurtado* is plainly erroneous, as not all individuals who entered without inspection are also “seeking admission.” Nevertheless, Respondents continue to disregard a growing number of District Court decisions, and to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond.

8. Immigration Judges have continued remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), despite its flawed legal reasoning.

9. Because Respondents are detaining Petitioner in violation of the statutory framework under the Immigration and Nationality Act, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

10. 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

11. Petitioner is in the physical custody of Respondents. Petitioner is detained at the D. Ray James Correctional Facility in Folkston, Georgia.

12. 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).

13. 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**

14. 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 Southern District of Georgia, the judicial district in which Petitioner currently is detained.

15. 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 Southern District of Georgia.

**REQUIREMENTS OF 28 U.S.C. § 2243**

16. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for individuals similarly situated to Petitioner. This Court has specifically ordered Respondents to accord bond hearings to similarly situated individuals, who have entered the United States without inspection in the past, but were not encountered at entry. *Aguirre Villa v. Normand*, 5:25-cv-89 (S.D.G.A. Nov 4 2025).

17. 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**

18. Petitioner Edwin Alexis Padilla is a citizen of Mexico who has been in immigration detention since December 2025. Petitioner was detained in Charlotte, North

1 Carolina while presenting himself at the Mecklenburg County Courthouse for a hearing on a  
 2 pending charge of Driving Under the Influence. Petitioner has filed a bond motion, which is  
 3 pending with the Executive Office for Immigration Review (EOIR), however, doing so will be  
 4 futile. EOIR Judges are consistently holding that there is a stay of the *Maldonado Class* and  
 5 vacature of *Yajure Hurtado*. Thus, Judges are unequivocally holding that *Yajure Hurtado* is  
 6 binding precedent, will deny bond on jurisdiction alone. Petitioner will be deemed an “applicant  
 7 for admission” pursuant to DHS’s anticipated arguments. Petitioner has resided in the United  
 8 States since approximately December 1999, and until now, has never been encountered by  
 9 immigration agents. Respondent also has been granted Deferred Action due to a pending U  
 10 Nonimmigrant Visa application, which is very near adjudication.

11 19. Respondent Warden of the D. Ray James Correctional Facility is the custodian of  
 12 the location in which Petitioner is detained. He has immediate physical custody of Petitioner. He  
 13 is sued in his official capacity.

14 20. Respondent George Sterling is the Director of the Atlanta Field Office of ICE’s  
 15 Enforcement and Removal Operations division. As such, George Sterling is Petitioner’s  
 16 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in  
 17 his official capacity.

18 21. The Executive Office for Immigration Review (EOIR) is the federal agency  
 19 responsible for implementing and enforcing the INA in removal proceedings, including for  
 20 custody redeterminations in bond hearings.

21 **CLAIM FOR RELIEF**

22 **Violation of the INA:**

23 **Request for Relief Pursuant to the Unlawful Legal Characterization of Petitioner’s**  
 24 **Detention**

1       **A. Petitioner is entitled to relief because Respondents are subjecting him to unlawful**  
2       **detention pursuant to 8 U.S.C. § 1225(b), when he is properly an individual detained**  
3       **pursuant to 8 U.S.C. § 1226(a).**

4       22. At the outset, there is no statutory requirement of administrative exhaustion  
5 before immigration detention may be challenged in federal court by a writ of habeas corpus. *See*  
6 8 U.S.C. § 1252(d)(1); *Garza-Garcia v. Moore*, 539 F. Supp. 2d 899, 904 (S.D. Tex. 2007)  
7 (“Under the INA exhaustion of administrative remedies is only required by Congress for appeals  
8 on final orders of removal.”). The Supreme Court has recognized that exhaustion is not required  
9 where a plaintiff “may suffer irreparable harm if unable to secure immediate judicial  
10 consideration of her claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). This is the case  
11 here, where Plaintiff raises constitutional and statutory claims that the agency cannot redress, and  
12 where each day that passes is one in which she is being unconstitutionally deprived of his liberty.

13       23. The Court has the authority to grant a writ of habeas corpus to a petitioner who  
14 demonstrates that he is being held in custody in violation of federal law. 28 U.S.C. § 2241(a),  
15 (c)(3); *see INS v. St. Cyr*, 533 U.S. 289, 301 (2001) (“[T]he writ of habeas corpus has served as a  
16 means of reviewing the legality of Executive detention, and it is in that context that its  
17 protections have been strongest.”); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (noting that §  
18 2241 habeas corpus proceedings are available to challenge the lawfulness of immigration-related  
19 detention).

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

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

25       26. U.S.C. § 1225 covers “inadmissible arriving aliens” who are “applicants for  
26 admission” “present in the United States who [have] not been admitted.” *Gomes v. Hyde*, No.  
27 25-cv-11571, 2025 WL 1869299, at \*2 (D. Mass. July 7, 2025) (alteration in original; citation  
28

1 and footnote call number omitted). Section 1225(a)(3) requires all applicants for admission,  
 2 including those “seeking admission,” to be inspected by an immigration officer, see 8 U.S.C. §  
 3 1225(a)(3); and certain applicants for admission may be subject to removal proceedings under  
 4 section 1225(b). 8 U.S.C. § 1225(a) – (b); see also *Dep’t of Homeland Sec. v. Thuraissigiam*,  
 5 591 U.S. 103, 108–09 (2020) (citations omitted). Relevant here, § 1225(b)(2) applies where an  
 6 arriving alien is “seeking admission” into the United States, and that provision mandates  
 7 detention for aliens who are “applicants for admission.” 8 U.S.C. § 1225(b)(2)(A). “Because  
 8 Section 1225 is mandatory, a ‘noncitizen detained under Section 1225(b)(2) may be released  
 9 only if he is paroled for urgent humanitarian reasons or significant public benefit.’” *Barrera v.*  
 10 *Tindall*, No. 25-cv-541, 2025 WL 2690565, at \*2 (W.D. Ky. Sept. 19, 2025) (quoting *Gomes*,  
 2025 WL 1869299, at \*1).

11 27. On the other hand, § 1226 has historically “authorize[d] the Government to detain  
 12 certain aliens *already in the country* pending the outcome of removal proceedings[.]” *Jennings v.*  
 13 *Rodriguez*, 583 U.S. 281, 289 (2018) (emphasis added).

14 28. In addition, courts around the country have given no weight to *how* longtime  
 15 noncitizen residents entered the United States when rejecting Respondent’s interpretation of  
 16 § 1225(b)(2). *Garcia v. Noem, et. al.*, No. 1:25-CV-1271, 2025 WL 3017200, at \*4 (W.D. Mich.  
 17 Oct. 29, 2025); *Diaz v. Olson, et. al.*, No. 25 CV 12141, 2025 WL 3022170, at \*5 (N.D. Ill. Oct.  
 18 29, 2025); *Rodriguez v. Noem, et. al.*, No. 1:25-CV-1196, 2025 WL 3022212, at \*6 (W.D. Mich.  
 19 Oct. 29, 2025); *Puga*, 2025 WL 2938369; *Lopez-Campos*, 2025 WL 2496379, at \*8; *see also*  
 20 *Rodriguez*, 779 F. Supp. 3d at 1256–61; *Singh v. Lewis*, No. 4:25-cv-96, 2025 WL 2699219, at  
 21 \*3–5 (W.D. Ky. Sept. 22, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337, 2025 WL 2691828,  
 22 at \*7–12 (W.D. Tex. Sept. 22, 2025); *Campos Leon v. Forestal*, No. 1:25-cv-1774, 2025 WL  
 23 2694763, at \*2–5 (S.D. Ind. Sept. 22, 2025); *Hasan v. Crawford*, No. 1:25-cv-1408, 2025 WL  
 24 2682255, at \*5–9 (E.D. Va. Sept. 19, 2025); *Garcia Cortes v. Noem*, No. 1:25-cv-2677-CNS,  
 2025 WL 2652880, at \*2–3 (D. Colo. Sept. 16, 2025); *Kostak v. Trump et al.*, No. 3:25-cv-

01093, 2025 WL 2472136, at \*2–4 (W.D. La. Aug. 27, 2025); *Romero*, 2025 WL 2403827, at \*8–13 (D. Mass. Aug. 19, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142, 2025 WL 2374411, at \*9–16 (D. Minn. Aug. 15, 2025); *dos Santos v. Noem*, No. 1:25-cv-12052, 2025 WL 2370988, at \*6–9 (D. Mass. Aug. 14, 2025); *Lopez Benitez*, 2025 WL 2371588, at \*3–9; *Rosado*, 2025 WL 2337099, at \*6–11, report and recommendation adopted, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025).

29. Because Petitioner in this matter was not encountered *at entry*, he should not be detained pursuant to 1225(b). Rather, he should be entitled to release or, in the alternative, a bond hearing, pursuant to 1226. That is consistent with the Notice to Appear, in which Petitioner is not charged as an “arriving alien.”

30. Thus, Petitioner should expeditiously be ordered released or, in the alternative, at least accorded a bond hearing within seven days.

#### PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, requiring that Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. 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
- e. Grant any other and further relief that this Court deems just and proper.

DATED this 16th of March, 2026.

*H.L. Page*

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