

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

ELIAS HERNANDEZ AGUADO,

Petitioner,

v.

LADEON FRANCIS, Field Office  
Director of Enforcement and Removal  
Operations, Atlanta Field Office,  
TODD LYONS, in his official capacity  
as Acting director of Immigration and  
Customs Enforcement;  
KRISTI NOEM, Secretary, U.S.  
Department of Homeland Security; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY;  
PAMELA BONDI, U.S. Attorney  
General; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW;  
JASON STREEVAL, Warden of  
STEWART DETENTION CENTER,

Respondents.

Case No. 4:26-cv-403

**PETITION FOR WRIT OF  
HABEAS CORPUS**

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## INTRODUCTION

1. Petitioner ELIAS HERNANDEZ AGUADO brings this petition for a writ of habeas corpus to seek enforcement of his rights as 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. 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 the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. 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). On December 18, 2025, the district court issued a final judgment to the certified class. *Id.* On February 18, 2026, the district court granted petitioner's motion to enforce judgment.

3. 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.

4. Nonetheless, the Executive Office for Immigration Review and its subagencies the

1 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to  
2 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the  
3 opportunity to be released on bond.

4 5. Petitioner ELIAS HERNANDEZ AGUADO is a member of the Bond Eligible Class,  
5 as she:

6 a. does not have lawful status in the United States and is currently detained at the  
7 STEWART DETENTION CENTER. he was apprehended by immigration  
8 authorities on February 2, 2026;

9 b. entered the United States without inspection over twenty years ago and was not  
10 apprehended upon arrival; and

11 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

12 6. After apprehending Petitioner on February 2nd, 2026, the DHS placed him in removal  
13 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under  
14 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

15 7. The Court should expeditiously grant this petition.

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

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

1 *Bautista*, the Court should accordingly order that within one day, Respondent DHS must release  
2 Petitioner.

3 10. Although Respondents have distributed written notices and provided oral advisal  
4 referencing the February 18, 2026, order such actions have not resulted in actual release for  
5 detainees found eligible for bond. Instead, Respondents continue to invoke administrative stays  
6 and appeals to prevent release, rendering the purported availability of bond relief ineffective in  
7 practice. This demonstrates that further administrative remedies would be futile and that judicial  
8 intervention is necessary to remedy Petitioner's ongoing unlawful detention.

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

#### 11 JURISDICTION

12 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
13 STEWART DETENTION CENTER in Lumpkin, GEORGIA.

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

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

#### 19 VENUE

20 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500  
21 (1973), venue lies in the United States District Court for the MIDDLE DISTRICT OF  
22 GEORGIA, the judicial district in which Petitioner currently is detained.

23 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because

1 Respondents are employees, officers, and agencies of the United States, and because a  
2 substantial part of the events or omissions giving rise to the claims occurred in the MIDDLE  
3 DISTRICT OF GEORGIA.

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

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

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

13 **PARTIES**

14 19. Petitioner ELIAS HERNANDEZ AGUADO (“Mr. Hernandez”) is a citizen of Mexico  
15 who has been in immigration detention since the 2nd of February of 2026.

16 20. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE’s  
17 Enforcement and Removal Operations division; however, on information and belief, the DHS is  
18 rotating their Field Office Director without publishing a schedule of rotation. As such, Ladeon  
19 Francis or his unknown, unannounced provisional replacement is Petitioner’s immediate custodian  
20 and is responsible for Petitioner’s detention and removal. He or his acting counterpart is named in  
21 his or her official capacity. Respondent Francis’s address is 180 Ted Turner Dr Se, Ste 522. Atlanta  
22 GA 30303.

23 21. Respondent Todd Lyons is named in his official capacity as the Acting Director of the

1 Immigration and Customs Enforcement (“ICE”). As the senior Official Performing the duties of  
2 the Director of ICE, he is responsible for the administration and enforcement of the immigration  
3 laws of the United States; routinely transacts business in the Southern District of Georgia; is legally  
4 responsible for any effort to detain Petitioner; and as such is a custodian of the Petitioner. His  
5 address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900,  
6 Washington DC 20536-5900.

7 22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.  
8 She is responsible for the implementation and enforcement of the Immigration and Nationality Act  
9 (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate  
10 custodial authority over Petitioner and is sued in her official capacity. Respondent Noem’s address  
11 is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther  
12 King Jr Ave Se Washington DC 20528-0525.

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

16 24. Respondent Pamela Bondi is the Attorney General of the United States. She is  
17 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
18 and the immigration court system it operates is a component agency. She is sued in her official  
19 capacity. Respondent Bondi’s address is U.S. Department of Justice, 950 Pennsylvania Avenue,  
20 NW, Washington, DC 20530-0001.

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

1 26. Respondent, Jason Streeval, is employed by the private, for-profit detention  
2 corporation contracted by the Government as an agent to confine immigrants at Irwin Detention  
3 Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued  
4 in his official capacity. Respondent Warden's address is Warden, Warden, Stewart Detention Center,  
5 1116 S Washington Ave, Lumpkin, GA 39862.

6 **FACTS**

7 27. Mr. Hernandez is a citizen and national of Mexico.

8 28. Mr. Hernandez entered the United States in 2001 and has been present for over twenty  
9 years.

10 29. On February 2nd, 2026, Mr. Hernandez was stopped for a traffic violation and  
11 subsequently arrested for driving without a license. He was issued an ICE detainer and transferred  
12 to the Stewart Detention Center.

13 30. Mr. Hernandez remains detained at the Stewart Detention Center.

14 31. Mr. Hernandez detention has inflicted profound harm on his long-term U.S. citizen  
15 Partner—who is experiencing emotional and health related hardship in his absence.

16 32. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider  
17 Petitioner's bond request, and his unlawful detention cannot be litigated before that body, who  
18 collaborated with the DHS – who is a party to these contested proceedings – to adopt the DHS  
19 position wholesale, because such efforts would be futile.

20 33. On November 25, 2025, the district court certified a nationwide class and extended  
21 declaratory judgment to the certified class which Petitioner is a member of. *Maldonado Bautista*  
22 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D.  
23 Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners);  
24 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL

1 3288403, at \*9 (C.D. Cal. Nov. 25, 2025). Despite this Immigration Judges continue to deny bond  
2 for class members citing to a lack of jurisdiction. On February 18, 2026, the district court granted  
3 petitioner's motion to enforce judgment. *Id.* Given the past directives and action of Immigration  
4 Judges it is unclear whether Immigration Judges will continue to deny the enforcement of the  
5 certified class.

6 34. Petitioner acknowledges that Respondents have distributed written notices and on  
7 occasions provided oral advisal referencing the February 18, 2026, order however, such actions  
8 have not resulted in actual release for detainees found eligible for bond nor a procedurally adequate  
9 bond hearing. Instead, Respondents continue to invoke administrative stays and appeals to prevent  
10 release of individuals like the Petitioner, rendering bond relief inoperative in practice. This  
11 demonstrates that further administrative remedies would be futile and that judicial intervention is  
12 necessary to remedy Petitioner's ongoing unlawful detention.

13 35. Petitioner remain in detention. Without relief from this court, he faces the prospect of  
14 months, or even years, in immigration custody, separated from his family and community while  
15 his relief remains pending.

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**CLAIMS FOR RELIEF**  
**COUNT I**

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

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

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

38. 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.

39. 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.”

40. 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).

41. 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*.

1 **PRAYER FOR RELIEF**

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

- 3 a. Assume jurisdiction over this matter;
- 4 b. Issue a writ of habeas corpus requiring that within one day, Respondents release  
5 Petitioner;
- 6 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
7 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within  
8 seven days at which ICE bears the burden of proving by clear and convincing  
9 evidence that he is a danger to the community or irredeemable flight risk; or that  
10 the Court itself order him released;
- 11 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
12 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;  
13 and
- 14 e. Grant any other and further relief that this Court deems just and proper.  
15

16 DATED this 16th of March 2026.

17 /s/ Peter Tadeo, Esq.

18 Peter Tadeo, Esq.  
19 Attorney for Petitioner  
20 Georgia Bar No. 505253  
21 Tadeo and Silva Law  
22 P.O. Box 921249  
23 Peachtree Corners, Georgia 30010  
24 Telephone: (404)993-8941  
25 Email: Peter@tadeosilvalaw.com

26  
27 *Attorney for Petitioner*  
28  
29  
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**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the Petitioner because I am the  
Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various  
documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed  
the foregoing Petition and that the facts and statements made in this Petition and Complaint are  
true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

DATED this 16th of March 2026.

/s/ Peter Tadeo, Esq.

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