

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF GEORGIA

3 JUAN BARRIENTO GALDAMEZ

4 *Petitioner,*

5 v.

6 TONY NORMAND, in his official capacity as
7 Warden of the Folkston Detention Center,
8 LADEON FRANCIS, Field Office Director of
9 the Immigration and Customs Enforcement,
10 Atlanta Field Office; KRISTI NOEM, in her
11 official capacity as Secretary of U.S.
Department of Homeland Security; and
PAMELA BONDI, in her official capacity as
U.S. Attorney General.

11 *Respondents.*

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Juan Barriento Galdamez is a 46-year-old man who has lived, worked, paid taxes, and raised a family in the United States for about 24 years. He has resided continually in the United States during that time and has never left the United States.

2. Petitioner has no criminal history.

3. Petitioner was abruptly detained on or about February 28, 2026 in Howard County, Maryland as he was driving to church by Immigration and Customs Enforcement (ICE) Agents. He was not asked for identification or questioned at the time of arrest. No traffic citations were issued, and he has not been accused of violating any laws or ordinances.

4. Petitioner's ongoing detention is unlawful as it violates the plain language of the statute as well as his constitutional rights. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released, or at a minimum, ordering Respondents to provide Petitioner with a custody determination.

JURISDICTION

5. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Folkston Detention Center in Folkston, Georgia.

6. 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).

7. 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

8. 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.

9. 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

10. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

11. 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

12. Petitioner, Juan Ramon Barriento, is a citizen of Guatemala who has been in immigration detention since approximately February 28, 2026. Following the arrest in Maryland, Petitioner was transferred to the ICE’s Holding Room in Baltimore, Maryland. ICE arbitrarily determined Petitioner was to be detained and refused to set bond or other conditions. On or about

1 March 4, 2026, Petitioner was transferred to the Folkston Main Detention Facility in Folkston,
2 Georgia.

3 13. Respondent Tony Normand is employed as Warden of the Folkston Detention
4 Center where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued
5 in his official capacity.

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

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

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

18 LEGAL FRAMEWORK

19 17. 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
20 proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a)
21 detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§
22 1003.19(a), 1236.1(d). Meanwhile, 8 U.S.C. § § 1225(b)(2) provides for mandatory detention of
23 certain recent arrivals seeking admission.
24

1 18. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
2 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-
3 -208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a)
4 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat.
5 3 (2025).

6 19. Following the enactment of the IIRIRA, the Executive Office for Immigration
7 Review (EOIR) drafted new regulations explaining that, in general, people who entered the country
8 without inspection were not considered detained under § 1225 and that they were instead detained
9 under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of
10 Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar.
11 6, 1997).

12 20. Thus, in the decades that followed, most people who entered without inspection
13 and were placed in standard removal proceedings received bond hearings, unless their criminal
14 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with
15 many more decades of prior practice, in which noncitizens who were not deemed “arriving” were
16 entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994);
17 *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
18 detention authority previously found at § 1252(a)).

19 21. On July 8, 2025, ICE, “in coordination with” the Department of Justice, announced
20 a new policy that rejected well-established understanding of the statutory framework and reversed
21 decades of practice.
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1 22. The new policy, entitled “Interim Guidance Regarding Detention Authority for
2 Applicants for Admission,”¹ (“DHS Policy”) claims that all persons who entered the United States
3 without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A).
4 The policy applies regardless of when a person is apprehended, and affects those who have resided
5 in the United States for months, years, and even decades.

6 23. On September 5, 2025, the Board of Immigration Appeals (Board or BIA) adopted
7 this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that
8 all noncitizens who entered the United States without admission or parole are subject to detention
9 under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

10 24. Petitioner’s detention pursuant to § 1225(b)(2)(A) violates the plain language of the
11 INA and its implementing regulations. Petitioner, who has resided in the U.S. for 24 years and
12 who was apprehended in the interior of the United States, should not be considered an “applicant
13 for admission” who is “seeking admission.” Rather, Petitioner’s detention should be pursuant to
14 § 1226(a) and its implementing regulations, which allow for release on bond.

15 25. Section 1226(a) applies by default to all persons “pending a decision on whether
16 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
17 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

18 26. Section 1226 applies to people who face charges of being inadmissible to the United
19 States, including those who are present without admission or parole.

20 27. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
21 recently entered the United States. The statute’s entire framework is premised on inspections at
22 the border of people who are “seeking admission” to the United States. 8 U.S.C.

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24 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
2 applies “at the Nation’s borders and ports of entry, where the Government must determine whether
3 a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281,
4 287 (2018).

5 28. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply
6 to people like Petitioner, who have already entered and were residing in the United States at the
7 time they were apprehended. *See Villa v. Normand*, No. 5:25-cv-00089, 2025 WL 3188406 (S.D.
8 Ga. Nov. 14, 2025) (finding § 1225(b)(2)(A) inapplicable in similar situations).

9 FACTS

10 29. Petitioner is a Guatemalan citizen who initially entered the United States sometime
11 in 2002.

12 30. On February 28, 2026, Petitioner was pulled over and detained by ICE agents in
13 Maryland. Respondent received a Notice to Appear (DHS Form I-862). In it, Respondent was not
14 charged as an arriving noncitizen.

15 31. He has been charged as being inadmissible for being present in the United States
16 without being admitted or paroled pursuant to 8 U.S.C. § 1182 (a)(6)(A)(i).

17 32. Petitioner is neither a danger to the community nor a flight risk. Petitioner has not
18 been accused of committing any crimes or offenses since his arrival in the United States 24 years
19 ago. Petitioner has a fixed address as he has been a homeowner since 2023. He has fixed
20 employment. In fact, he has worked for the same company for 19 years. Furthermore, he has strong
21 familial and community ties, including his wife and U.S. citizen daughter, who is only 13 years
22 old.

1 33. Petitioner's arrest and detention is arbitrary and thus his detention violates his right
2 to due process.

3 34. IJs do not have authority to hear constitutional claims and would not be able to
4 release Petitioner on parole or conditions of parole after his unconstitutional arrest.

5 35. As a result, Petitioner remains in detention. Without relief from this court, he faces
6 the prospect of months, or even years, in immigration custody, separated from his family and
7 community.

8 **CLAIMS FOR RELIEF**

9 **COUNT I**

10 **Violation of the INA**

11 36. Petitioner incorporates by reference the allegations of fact set forth in the preceding
12 paragraphs.

13 37. Petitioner's detention is unlawful. The mandatory detention provision at 8 U.S.C.
14 § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to
15 grounds of inadmissibility.

16 38. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
17 detention and violates the INA. Instead, § 1226(a) applies in this instance.

18 39. Respondents' ongoing detention of Petitioner does not serve any of the possible
19 justifications for civil immigration detention. Petitioner's continued detention is essentially
20 detention for the sake of detention, which is inherently punitive.

21 40. Petitioner has no criminal history that would render him a danger to the community.
22 To the extent Respondents have cursorily determined that Petitioner is a flight risk, this cannot be
23 reconciled with reality: Petitioner has been a law-abiding member of his community and has
24 strong family and community ties in Maryland.

COUNT II

Violation of the Bond Regulations

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

42. 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 IJs under 8 U.S.C. § 1226 and its implementing regulations.

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

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

45. Respondents’ clear violations of applicable regulations and failure to provide notice, explanation, or a meaningful opportunity to object infringed on Petitioner’s due process rights and calls for this Court to conduct an individualized analysis of his detention.

COUNT III

Violation of Due Process

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

51. Thus, Due Process requires Respondents to bear the burden of proving Petitioner is either a danger by clear and convincing evidence or a risk of flight by a preponderance of the evidence. *See Foucha v. Louisiana*, 504 U.S. 71, 81-82 (1992) (finding that due process requires the Government to demonstrate detention is necessary in the non-criminal context); *Addington v. Texas*, 441 U.S. 418, 427 (1979) (“We conclude that the individual's interest in the outcome of a civil commitment proceeding is of such weight and gravity that due process requires the state to justify confinement by proof more substantial than a mere preponderance of the evidence.”).

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

a. Assume jurisdiction over this matter;

- b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- c. Declare that Petitioner's detention is unlawful and thus Petitioner should be released;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner;
- e. In the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within three days, with the government bearing the burden to show that Petitioner is a flight risk and/or a danger to the community;
- f. 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
- g. Grant any other and further relief that this Court deems just and proper.

Respectfully Submitted,

/s/ Thomas Evans
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner and submit this verification on his behalf. I hereby 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.

/s/ Thomas Evans

Thomas Evans, Esq.