UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

JUAN CARLOS SAAVEDRA GONZALEZ,
[redacted]

Petitioner,

v.

JASON STREEVAL, Warden of Stewart Detention Center,
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; and
PAMELA BONDI, U.S. Attorney General.

Respondents.

Civile Action No.:

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. Petitioner JUAN CARLOS SAAVEDRA GONZALEZ ("Petitioner") brings this petition for a writ of habeas corpus. He is a non-citizen who has been residing in the United States since 2006. He entered the United States undetected in 2006 and has resided continuously within the borders of the United States since then. Petitioner was apprehended by immigration officials in the interior on or about January 8, 2026 and removal proceedings were initiated. **(Exhibit A, Notice to Appear)**. Petitioner has not engaged in any disqualifying criminal activity.

2. Under the Immigration and Nationality Act ("INA"), individuals arrested in the interior and placed in § 240 removal proceedings are detained, if at all, under 8 U.S.C. § 1226(a), with a right to a custody redetermination by an Immigration Judge ("IJ").

3. DHS and the BIA assert that because Petitioner was never formally admitted, he is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and ineligible for bond. That position contravenes the statute, the implementing regulations, decades of pattern & practice, and a judge of this Court rejected the same theory recently in ordering a § 1226(a) bond hearing for another Folkston detainee. *J.A.M. v. Streeval et al,* No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025).

4. Courts have also rejected the Government's position on a class-wide basis as well. In *Maldonado Bautista v. Santacruz*, the Central District of California granted partial summary judgment declaring that 8 U.S.C. § 1226(a)—not § 1225(b)(2)—governs detention for long-present interior arrestees placed directly into § 240 proceedings, and days later certified a nationwide Bond-Eligible Class and ordered access to § 236(a) bond hearings for class members. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (partial summary judgment); *id.* (Nov. 25, 2025) (class certification and injunctive relief). Despite the federal court order, DHS counsel and immigration judges at Stewart

Immigration Court continue to follow *Yajure*. On February 18, 2026, the *Maldonado Bautista v. Santacruz* court struck down *Yajure Hurtado*. On March 6, 2026, the Ninth Circuit Court of Appeals issued an Emergency Stay, preventing *Maldonado Bautista* class members from seeking bond hearings from immigration judges.

5. Petitioner seeks a writ of habeas corpus directing Respondents to provide Petitioner a prompt, individualized bond hearing before a neutral adjudicator under § 1226(a) (within 7 days), at which the Government bears the burden to show by clear and convincing evidence that he is a danger or flight risk, or, in the alternative, an order for his immediate release under reasonable conditions. He also seeks an order prohibiting transfer outside this District during the pendency of these proceedings.

II. JURISDICTION

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.

III. 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 Middle 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 MIDDLE DISTRICT of Georgia. . **(Exhibit B, ICE Detainee Locator)**

IV. REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved by this Court in *J.A.M. v. Streeval et al,* No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025).

11. The Central District of California in *Maldonado Bautista v. Santacruz* has additionally issued a nationwide class certification declaring that class members, including Petitioner, are for all eligible class-members, including Petitioner, are eligible to have an individualized bond hearing. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20 & 25, 2025).

12. 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. 2006) (citation omitted).

V. PARTIES

13. Petitioner JUAN CARLOS SAAVEDRA GONZALEZ is a citizen of Mexico who entered the United States undetected in 2006 and was arrested in the interior on or about January 8, 2026. He has been detained at the Stewart Detention Center since January 8, 2026. After Petitioner was arrested, ICE did not set bond. Petitioner has resided in the United States since at least 2006. To date, Petitioner, remains detained at the Stewart Detention Center.

14. Respondent JASON STREEVAL is employed by The GEO Group, Inc. as Warden of the Stewart Detention Center, where Petitioner is detained. Respondent JASON STREEVAL has immediate physical custody of Petitioner. Respondent JASON STREEVAL is sued in his official capacity.

15. Respondent Ladeon Francis is the Director of the 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.

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

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

18. 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.

19. 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.

VI. EXHAUSTION AND FUTILITY

20. No statute imposes an exhaustion requirement for habeas petitions under 28 U.S.C. § 2241 in this context. Any prudential exhaustion is excused because Immigration Judges are bound by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and have been declining bond jurisdiction for entrants without inspection, rendering any motion futile.

21. On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that: "*Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay or enjoin *Yajure Hurtado*." **(Exhibit C, January 13, 2026 Email from Chief Immigration Judge Teresa Riley)**. In the January 13, 2026 email, Immigration judges are instructed to follow the BIA's decision in *Matter of Yajure Hurtado* as binding precedent. Accordingly, guidance from the Chief Immigration Judge states that the *Maldonado Bautista v. Santacruz* "declaratory judgment" is not binding and does not have the authority to compel specific action.

22. On March 6, 2026, the Ninth Circuit Court of Appeals issued an Emergency Stay, holding that the *Maldonado Bautista v. Santacruz* holding is stayed. **(Exhibit D, Emergency Stay Order 3/6/2026).**

23. The question presented is purely legal and urgent, and Petitioner faces ongoing deprivation of physical liberty absent judicial intervention. It is Petitioner's position that *Maldonado Bautista v. Santacruz* is binding and that futility is further underscored. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20 & 25, 2025). *Maldonado Bautista v. Santacruz* has already required § 236(a) bond access for similarly situated interior arrestees nationwide, reinforcing that the Government's § 1225(b)(2) position is unlawful and is currently being ignored by DHS counsel and immigration judges. *Id.*

VII. STATEMENT OF FACTS

24. Petitioner is a Mexican national born on [redacted], 1993. Petitioner entered the United States undetected on or about 2006 and has resided continuously in the interior of the United States since 2006.

25. Petitioner is father to of four U.S. Citizen child. Three of the U.S. Citizen children are minors. Without Petitioner, the U.S. Citizen children remain in an untenable position.

26. Prior to Petitioner's detention, Petitioner resided in Fort Payne, Alabama, and has had stable employment working to remodel homes.

27. Petitioner has no disqualifying criminal convictions and is not a danger to the community. Specifically, Petitioner has one Driving Under the Influence conviction from 2022 and a pending Driving Without License charge from December 29, 2025.

28. On or about January 8, 2026, DHS placed petitioner in removal proceedings under 8 U.S.C. § 1228 (INA § 240) by filing a Notice to Appear (NTA), but no charges were brought against the Petitioner. (**Exhibit A, Notice to Appear)**

29. Petitioner is not a flight risk, given his many long-standing community ties.

30. On January 8, 2026, ICE apprehended Petitioner during an immigration enforcement action. ICE transported Petitioner to the Stewart Detention Center and has kept Petitioner detained without a bond hearing at the Stewart Detention Center.

31. DHS has never processed Petitioner for § 235 admission or expedited removal under § 235(b)(1).

32. Petitioner has not requested a custody redetermination, because DHS and the BIA have taken the position that he is categorically ineligible for bond because he is an "applicant for admission" under § 235(b)(2)(A). Requesting a custody redetermination would be futile. Upon information and belief, if an IJ hearing occurred, the IJ would invoke *Yajure* and ignore *Maldonado Bautista.*

VIII. LEGAL FRAMEWORK

33. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on removal,

unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

34. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

35. Section 235(b)(2) of the INA, 8 U.S.C. § 1225(b)(2), governs detention in the inspection context and the classes designated for expedited removal—settings that occur at or near the border and, by regulation, only for individuals described in published Federal Register notices. *See* 8 C.F.R. § 235.3(b)(1)–(2). Interior expedited removal is limited to certain encounters and, at most, to those who cannot show two years' continuous presence. 84 Fed. Reg. 35,409 (July 23, 2019). Individuals—like Petitioner—who were arrested in the interior long after entry and placed in § 240 proceedings are detained, if at all, under § 1226(a).

36. In *J.A.M. v. Streeval et al,* No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025), the court rejected the government's *Yajure* theory and held that § 1226(a) governs interior arrests charged into § 240, not § 1225(b)(2). The court concluded that "aliens who are found in the country unlawfully and are arrested, an immigration officer or immigration judge has the discretion, after considering all the circumstances, not to detain such aliens and instead grant them release on bond" subject to exceptions for mandatory detainees delineated in 8 U.S.C. § 1226(c). *Id.* at 10. The court found *Matter of Yajure Hurtado* "unpersuasive," aligned with the already large and still growing district-court consensus, and concluded the petitioner is entitled to discretionary bond under § 1226(a).

37. The same statutory reading has now been adopted in class-wide relief. In *Maldonado Bautista v. Santacruz*, the court held that detention for interior arrests charged into

§ 240 is governed by § 1226(a) and not § 1225(b)(2), and it directed that class members be afforded individualized bond hearings before an immigration judge under § 236(a) on a prompt timeline. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (partial summary judgment); *id.* (Nov. 25, 2025) (class certification). That class relief confirms the statute's two-track structure: § 235 governs the inspection/expedited-removal track; § 236(a) governs detention during § 240 removal proceedings for long-present interior arrestees.

General Principles

38. The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020); *see also Schlup v. Delo*, 513 U.S. 298, 319 (1995) ("[H]abeas corpus is, at its core, an equitable remedy"). This Court should order a remedy that fully addresses the statutory and constitutional violations in this case and is efficient to administer. *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968) (the habeas statute "does not limit the relief that may be granted to discharge of the applicant from physical custody. Its mandate is broad with respect to the relief that may be granted").

Immediate Release

39. Release is the customary remedy in habeas proceedings. *See* 28 U.S.C. § 2243 (the habeas should shall "dispose of the matter as law and justice require."); *Preiser v. Rodriguez,* 411 U.S. 475, 484 (1973) (finding "that the traditional function of the writ is to secure release from illegal custody"). The most appropriate remedy in a case like this, where Petitioner was has been detained in violation of both the INA and due process, is release on recognizance without further conditions of release. *See Ambroladze v. Maldonado,* No. 26-CV-00474 (HG), 2026 WL 280182, at *3 (E.D.N.Y. Feb. 3, 2026) (given that the typical remedy for

unlawful detention is release, "the government's ongoing detention of Petitioner, in the face of yet another complete failure of process, entitles him to immediate release.")

40. Dozens of courts across the country have agreed. *See, e.g., Munoz Materano v. Arteta*, 2025 WL 2630826, at *20 (S.D.N.Y. Sept. 12, 2025) (ordering immediate release); *Chipantiza-Sisalema v. Francis*, 2025 WL 1927931, at *4 (S.D.N.Y. July 13, 2025) (same); *Rueda Torres v. Francis*, No. 25-cv-8408, 2025 WL 3168759, at *6 (S.D.N.Y. Nov. 13, 2025) (same); *Cifuentes v. Soto*, No. 25-cv-18029, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025) (same); *Gonzalez Centeno v. Lowe*, No. 3:25-cv-2518, 2026 WL 94642, at *4 (M.D. Pa. Jan. 13, 2026) (same); *Feisal O. v. Noem,* No. 26-cv-81, 2026 WL 92857, at *3 (D. Minn. Jan. 13, 2026) (same); *Garcia Covarrubias v. Holston*, No. 2:25-cv-02445, 2026 WL 25970, at *4 (D. Nev. Jan. 5, 2026) (same) *Kenzhebaev v. Noem*, No. 1:25-cv-1786, 2025 WL 3737975, at *9 (W.D. Mich. Dec. 29, 2025) (same); *Kobilov v. O'Neill*, No. 26-cv-0058, 2026 WL 73475, at *3 (E.D. Pa. Jan. 8, 2026) (same, finding a bond hearing unnecessary where there was no indication petitioner was a danger or flight risk); *Ortega-Aguirre v. Noem*, No. 4:25-cv-04332, 2025 WL 3684697, at *4 (S.D. Tex. Oct. 10, 2025) (same); *Bumbila Iza v. Arnott*, No. 6:25-cv-3392, 2026 WL 67152, at *5 (W.D. Mo. Jan. 8, 2026) (same); *see also Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 154 (W.D.N.Y. 2025) (ordering release and that petitioner could not be detained without a pre-deprivation hearing); *Gil v. Warden, Otay Mesa Det. Ctr.*, No. 3:25-cv-03279, 2025 WL 3675153, at *4 (S.D. Cal. Dec. 17, 2025) (same); *Sekhon v. Warden of Golden State Annex Det. Facility*, No. 1:25-cv-1692, 2026 WL 74151, at *4 (E.D. Cal. Jan. 9, 2026) (same).

41. Release is the only appropriate remedy for the constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Petitioner's arrest, which cannot be remedied by a post-deprivation hearing. *See Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (given that petitioner had

been previously released by ICE and holding a bond hearing would prolong his unlawful detention, "[r]espondents' violations of Petitioner's rights are best remedied by ordering Petitioner's immediate release from immigration detention."); *Qasemi v. Francis*, No. 25-cv-10029, 2025 WL 3654098 at *14, (S.D.N.Y. Dec. 17, 2025) (a bond hearing would not be an adequate remedy for the due process violations in petitioner's sudden arrest and detention); *Noyola v. Bondi*, --- F.Supp.3d ---, No. 1:26-CV-405-RP, 2026 WL 607266, at *5 (W.D. Tex. Mar. 4, 2026) (same); *Bethancourth v. Tate*, --- F.Supp.3d ---, No. 4:26-CV-01169, 2026 WL 638482, at *5 (S.D. Tex. Mar. 6, 2026) (same, where the government alleged no changed circumstances justifying re-detention); *Crespo Tacuri v. Genalo*, No. 25-cv-06896, 2026 WL 35569, at *7 (E.D.N.Y. Jan. 6, 2026) (finding that post-deprivation review cannot remedy the due process violation of detaining petitioner with no process or individualized assessment); *Diallo v. Trump*, 25-cv-2012-JE-JMP (W.D.L.A. Mar. 5, 2026) (granting immediate release as the appropriate remedy for illegal re-detention, and in light of medical hardship petitioner was suffering in detention); *Moctezuma Macias v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government's repeated use of unlawful detention policies across the country, causing petitioners to "sit in jail waiting for a judicial decision," the court would order immediate release instead of causing additional delay through a bond hearing); *see also Garrison G. v. Bondi*, No. 26-CV-172, 2026 WL 157677, at *4 (D. Minn. Jan. 17, 2026) (finding that ICE's violation of the Fourth Amendment by entering petitioner's home without a warrant or consent alone also warranted immediate release).

Bail Hearing by the Habeas Court

42. In the alternative, the habeas court can hold its own custody hearing and determine whether ICE can prove by clear and convincing evidence that Petitioner must remain in custody, or whether he may be released on recognizance, an appropriate bond in light of his

ability to pay, or supervised release. This is a more efficient and effective remedy than ordering an immigration judge to conduct a hearing, which may lead to additional enforcement proceedings and delays before the unlawful detention in this case is remedied. *See L.G.M. v. LaRocco*, 788 F.Supp.3d 401, 405-07 (E.D.N.Y. 2025) (ordering a bond hearing held by the habeas court, as this would be more efficient than delegating the task to the agency and ensure proper constitutional oversight); *Flores-Powell v. Chadbourne*, 677 F.Supp.2d 474-78 (D. Mass 2010) (granting petition and discussing at length habeas court's equitable power, which includes power to hold its own bail hearing); *see also Santos v. Lowe*, No. 1:18-CV-1553, 2020 WL 4530728, at *4 (M.D. Pa. Aug. 6, 2020) (finding that habeas court-ordered bond hearing was not individualized and did not comport with due process, and granting motion to enforce to hold the court's own bond determination); *Ramirez v. Watkins*, No. 10-cv-126, 2010 WL 6269226, at *19-20 (S.D. Tex. Nov. 3, 2010), *rep. and rec not reached,* (S.D. Tex. Dec. 8, 2010) (dismissing case as moot) (recommending the habeas court conduct its own bail inquiry, as it would be more efficient, ensure supervision over any compliance issues, and avoid further proceedings).

Enforcement Problems in Court-Ordered Bond Hearings

43. A bond hearing by an immigration judge (IJ) is not the most appropriate or efficient use of this court's equitable authority. Recent actions by ICE attorneys and immigration judges during and after habeas court-ordered bond hearings have necessitated enforcement proceedings across the country, creating significant extra work for the court and the parties while petitioners' unlawful detention continues.

A. ICE's Use of the "Automatic Stay" of an IJ Bond Grant

44. In the last year, ICE has frequently appealed the IJ's grant of bond to the Board of Immigration Appeals (BIA) and invoked the "automatic stay" regulation, 8 C.F.R. § 1003.19(i)(2). This stay, which keeps the petitioner detained despite an IJ bond grant, was rarely

invoked in prior years but has now become common. Dozens of habeas courts have ruled that the automatic stay violates due process and have ordered Respondents to allow a petitioner to post his bond. *See, e.g.*, *Merchan-Pacheo v. Noem*, No. 1:25-cv-03860, 2026 WL 88526, at *16 (D. Colo. Jan. 12, 2026) (finding automatic stay violates due process); *M.P.L. v. Arteta*, No. 25-cv-5307, 2025 WL 3288354, at *7 (S.D.N.Y. Nov. 25, 2025) (same, noting that "at least 50 district court decisions across the United States in the last 6 months alone" have found that DHS's use of the automatic stay provision violates or likely violates due process, and collecting cases at n.6); *see also Garvey v. Noem*, No. 6:26-CV-3109-MDH, 2026 WL 612302, at *3 (W.D. Mo. Mar. 4, 2026) (granting TRO and ordering immediate release given the "blatant absence of procedural due process" in ICE's use of automatic stay); *Otilio B.F. v. Andrews*, No. 1:25-cv-01398, 2025 WL 3152480, at *11 (E.D. Cal. Nov. 11, 2025) (finding the automatic stay likely violates due process and granting preliminary injunction); *Guasco v. McShane*, No. 1:25-cv-1650, 2025 WL 3270201, at *2 (M.D. Pa. Nov. 24, 2025) (noting that other habeas courts have "assailed the Government's practice of acting both as the prosecution and the judge in making a unilateral and unreviewed decision as to detention") (internal citation omitted).

B. ICE Unilaterally Imposing GPS Ankle Monitors and Conditions of Release Ordered By No Judge

45. In other cases, ICE has applied onerous electronic GPS ankle monitors or other unnecessary conditions of release that neither the habeas court nor the immigration court ordered, requiring additional litigation. *See Gonzalez Centeno v. Lowe,* No. 3:25-cv-2518, 2026 WL 196513, at *2 (M.D. Pa. Jan. 26, 2026) (ordering ICE to remove ankle monitor it imposed after habeas court had ordered immediate release, noting "the government continues to provide unsupported or even Kafkaesque arguments to justify DHS's noncompliance with court orders"); *Diahn v. Lowe*, No. 1:24-cv-1936, 2026 WL 84576, at *5 (M.D. Pa. Jan. 12, 2026) (ordering ICE to remove ankle monitor it had unilaterally imposed after IJ granted bond without further

conditions); *Montes Aguillon v. Bondi*, No. EP-26-CV-71-KC, 2026 WL 531899, at *2 (W.D. Tex. Feb. 25, 2026) (same, and collecting cases); *Batz Barreno v. Baltasar*, --- F.Supp.3d. ---, No. 25-CV-03017, 2026 WL 120253, at *3 (D. Colo. Jan. 15, 2026) (same, noting that removal of the ankle monitor was required by "[f]undamental fairness and compliance with the rule of law" and the general notion of "fairness and fairplay"); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 70 (D. Mass. 2025) (same, finding this presented a "real constitutional risk" and defeated the purpose of neutral third-party review of custody); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187, 2025 WL 3089712, at *9 (E.D. Cal. Nov. 5, 2025) (same, in preliminary injunction context); *N- N- v. McShane*, No. 25-cv-5494, 2025 WL 3143594, at *4 (E.D. Pa. Nov. 10, 2025) (finding ICE's imposition of an ankle monitor, check-ins, and travel restrictions, which the IJ did not order in setting bond, violated due process and the *Accardi* doctrine); *da Silva v. LaForge*, No. 25-cv-17095, 2026 WL 45165, at *4 (D.N.J. Jan. 7, 2026) (requiring ICE to vacate its imposed conditions including electronic monitoring, home confinement days, unscheduled ICE home visits, and travel restrictions, as their imposition violated the bond regulations and substantially prejudiced petitioner).

C. Widespread Noncompliance with Federal Habeas Court Orders

46. Hundreds of other cases have involved Respondents' outright refusal, inability, or failure to hold a timely bond hearing after being ordered to do so. *See Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *4 (C.D. Cal. Feb. 18, 2026) (granting motion to enforce classwide declaratory judgment that thousands of noncitizens are eligible for bond, noting that "Respondents' noncompliance with the Final Judgment has taken a toll on wrongfully detained noncitizens, courts, and government and Petitioners' attorneys," and noting over 400 individual habeas petitions that were granted for individuals who should have benefited from class membership); *Rodriguez Vazquez v. Hermosillo*, No. 3:25-CV-05240-TMC, 2026 WL 102461, at *1 (W.D. Wash. Jan. 14, 2026) (granting in part motion for further relief in similar

class action concerning a single ICE facility and noting that "more than 100 unlawfully detained noncitizens—left with no other recourse due to Defendants' noncompliance"— had to file habeas petitions to access the bond hearings the court had already ordered for the class); *Juan T.R. v. Noem*, No. 26-CV-0107 (PJS/DLM), 2026 WL 555601, at *1 (D. Minn. Feb. 26, 2026) (habeas court attaching appendices cataloging 210 court orders the Department of Justice had violated in 143 habeas cases, which included over 15 instances of failing to provide a court-ordered bond hearing);[1] *Kumar v. Soto*, No. 26-cv-777, Dkt. No. 21. (D.N.J. Feb. 13, 2026) (filing from the New Jersey U.S. Attorney's Office admitting to violating 56 orders in habeas cases, including holding bond hearings in the required time period, and failing to file 16 required status updates); *Fernandez Alvarez v. Noem*, No. 2:26-CV-00313-SPC-DNF, 2026 WL 598614, at *1 (M.D. Fla. Mar. 4, 2026) (ordering immediate release after immigration judge found petitioner was detained under 8 U.S.C. 1225(b)(2) and ineligible for bond even after habeas court had explicitly ordered otherwise); *Cartagena Hueso v. Soto*, No. 26-cv-1455 (ZNQ), 2026 WL 539271, at *3 (D.N.J. Feb. 26, 2026) (granting immediate release after Respondents failed to comply with two court orders to hold a bond hearing within 10 days and to prevent petitioner's transfer out of state).

47. Government attorneys have also tried to disavow responsibility for ensuring their clients will comply with future court orders. *See, e.g., Gomez Rodriguez v. Noem*, No. 2:25-cv-

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[1] The other violations in *Juan T.R.* and other cases around the country include failure, after being ordered to: prevent transfer of a petitioner out of state; return a petitioner to his or her home state; timely release a petitioner; return a petitioner's personal ID cards and property; and file status updates to the Court showing compliance. *See also* Kyle Cheney, *How ICE defies judges' orders to release detainees, step by step,* Politico, Feb. 10, 2026, *available at* https://www.politico.com/news/2026/02/10/ice-immigration-detention-court-orders-00771727; Maria Sacchetti, *How ICE officers defied court orders as immigrant arrests soared in Minneapolis*, Washington Post, March 9, 2026, *available at* https://www.washingtonpost.com/immigration/2026/03/10/trump-immigration-detention-minneapolis-courts/.

01115, 2025 WL 3771268, at *2 (M.D. Fla. Dec. 31, 2025) (noting that "[i]n other cases before this Court, the respondents have claimed they cannot direct the EOIR when to conduct a bond hearing," and ordering release if the government does not comply); *Khogiani v. Raycraft*, No. 25-cv-13744, 2025 WL 3753532, at *4 (E.D. Mich. Dec. 29, 2025) (noting the government's argument that given the "overwhelming caseload" in the immigration courts, it likely could not comply with an order to hold a bond hearing within five days, but re-setting a short deadline anyway given the petitioner's five months of unlawful detention); *Vargas v. Bondi*, No. 25-cv-1023, 2025 WL 3300446, at *5 (W.D. Tex. Nov. 12, 2025), *report and recommendation adopted*, No. 25-cv-1023, 2025 WL 3300141 (W.D. Tex. Nov. 26, 2025) (recommending immediate release, in part because respondents argued that "if this Court ordered a hearing, it would require the immigration judge to do that which, in light of BIA precedent, the judge would not believe he had any authority to do"); *O.F.C. v. Almodovar*, No. 25-cv-9816, 2026 WL 74262, at *16 (S.D.N.Y. Jan. 9, 2026) (expressing concern that at oral argument, government counsel refused to guarantee that in a court-ordered bond hearing, ICE would not invoke the automatic stay or argue that the IJ lacked jurisdiction to set bond; either action "would render the Court's intended relief illusory").

48. As one example, government counsel in the Southern District of New York have often asserted that an immigration court bond hearing is an appropriate remedy, citing *Romero Perez v. Francis*, No. 25-cv-8112, 2025 WL 3110459 (S.D.N.Y. Nov. 6, 2025). However, that case alone demonstrates why such bond hearings are often futile. In *Romero Perez*, notwithstanding the court's order that a burden-shifted bond hearing be held within seven days, the immigration judge refused to hold a hearing on the merits, denying bond on a lack of jurisdiction. *See* No. 25-cv-8112, ECF No. 31 (Nov. 10, 2025) (first motion to enforce). After petitioner filed an emergency motion to enforce, the immigration judge held a second hearing

and granted bond.

49. ICE then immediately invoked the automatic stay provision to bar the Petitioner's release. *Id.*, ECF No. 33 (Nov. 13, 2025) (second motion to enforce). Only after the second emergency motion was filed did ICE withdraw the automatic stay and permit release. *Id.*, ECF No. 34 (status update).

50. This is not an isolated incident, as many cases have presented the same ICE actions frustrating the court's orders. *See Diahn,* 2026 WL 84576, at *2 (explaining that petitioners had filed two motions to enforce, first when ICE invoked the automatic stay after the IJ granted bond, and second when ICE withdrew the stay but placed a painful ankle monitor on the petitioner that the IJ had not ordered); *M.P.L.,* 2025 WL 3288354, at *1 (granting motion to enforce where DHS invoked automatic stay after habeas court-ordered bond hearing); *J.M.P. v. Arteta*, No. 25-cv-4987, 2025 WL 2984913, at *2 (S.D.N.Y. Oct. 23, 2025) (finding DHS's use of multiple "one-sided" stay mechanisms to prevent release after habeas-court ordered bond hearing violated due process, and granting motion to enforce).[2]

D. Immigration Judge Failures to Conduct a Bond Hearing As Ordered

51. Finally, in some cases, Immigration Judges have failed to conduct a neutral, individualized bond hearing or to place the burden of proof as ordered by the habeas court. *See Ulloa Bueno v. Soto*, No. 26-CV-896, 2026 WL 509102, at *2 (D.N.J. Feb. 24, 2026) (granting immediate release after immigration judges *twice* failed to conduct a neutral bond hearing with the burden on DHS: "Continued detention in the face of repeated noncompliance with explicit judicial directives constitutes an ongoing deprivation of liberty without constitutionally sufficient process."); *Pedroso de Oliveira v. Freden*, No. 6:25-CV-6663 2025 WL 3554686, at *1

[2] In *J.M.P.*, the DHS attorney at the habeas-ordered bond hearing continued to insist the IJ lacked jurisdiction to consider bond in the face of the habeas court's order. 2025 WL 2984913, at *5.

(W.D.N.Y. Dec. 11, 2025) (granting motion to enforce where "the IJ wholly failed to follow the Court's directions to require Respondents to bear the clear and convincing evidence burden of proof at the bond hearing, nor did the IJ even attempt to consider alternatives to detention."); *Mathon v. Searls*, 623 F. Supp. 3d 203, 208 (W.D.N.Y. 2022) (granting motion to enforce and ordering immediate release after the IJ did not hold DHS to his habeas court-ordered burden of proof or properly consider alternatives to detention, and thus "failed to provide him with the bond hearing to which he was constitutionally entitled"); *Akhemedov v. Pittman*, No. CV 25-13734 (MCA), 2026 WL 323404, at *4 (D.N.J. Feb. 6, 2026) (ordering second bond hearing because at the first court-ordered hearing, the IJ did not clearly put the burden of proof on DHS as the habeas court had required); *A.D. v. Oddo*, 3:25-cv-460-SLH-MPK, Dkt. No. 40 (W.D.P.A. Feb. 12, 2026) (granting motion to enforce and ordering immediate release where IJ did not provide correct interpreter, then incorrectly called the petitioner "evasive" in denying bond); *Said v. Noem*, 3:25-cv-938-MOC (W.D.N.C, Feb. 4, 2026) (granting TRO where immigration judge's refusal to consider testimony and declarations, or let petitioner defend himself against unauthenticated assertion he had not complied with a prior condition of release, likely violated due process).

52. These failures include immigration judges denying bond in numerous cases without explanation or based on generic factors common to millions of people, such as merely being undocumented or having had any criminal contact, regardless of severity or proof of guilt.[3] *See, e.g., Aguilon Fuentes v. Bondi,* No 1:26-cv-167-AJT-WEF (E.D.V.A. Feb. 24, 2026) (granting motion to enforce after immigration judge denied bond based on "flight risk" factors that were "so lacking in probative value" that they violated due process and would result in

[3] *See* Kyle Cheney, *Judges keep ordering immigration hearings – but say the results are a sham*, Politico, Mar. 6, 2016, *available at* https://www.politico.com/news/2026/03/06/immigration-case-hearings-judges-00815660.

denying bond to most undocumented persons); *Lozhkina v. Noem*, 6:26-cv-3001-MDH (W.D.Mo. Feb. 10, 2026) (granting motion to enforce where immigration judge's denial of bond based on flight risk lacked any record support and had "indications of predetermined outcome based on disagreement over [habeas court's] previous order"); *Picado v. Hyde*, 26-cv-65-JJM-PAS (D.R.I. Feb. 9, 2026) (granting immediate release where Picado had "two bond hearings that two separate judges have found to be deficient," including an immigration judge finding that an uncorroborated police report that Picado was speeding constituted clear and convincing evidence he was a danger to the community); *Santos v. Lowe*, No. 1:18-cv-1553, No. 2020 WL 4530728, at *3 (M.D. Pa. Aug. 6, 2020) (after court-ordered bond hearing for § 1226(c) prolonged detention claim, finding that "[m]echanistic reliance on factors that are common to all 1226(c) detainees will not suffice"); *Luciano-Jimenez v. Doll*, 543 F. Supp. 3d 69, 72 (M.D. Pa. 2021) (finding court-ordered bond hearing was not individualized and granting federal court hearing); *see also Chi Thom Ngo v. I.N.S.*, 192 F.3d 390, 398 (3d Cir. 1999) ("The fact that some aliens posed a risk of flight in the past does not mean that they will forever fall into that category. Similarly, presenting danger to the community at one point by committing crime does not place them forever beyond redemption. Measures must be taken to assess the risk of flight and danger to the community on a current basis.").

53. To avoid a wasteful round of enforcement proceedings – or even two – while unlawful detention continues, this court should grant release or hold any bail hearing itself.

E. Strong Procedural Protections If the Court Orders an Immigration Court Bond Hearing

54. As a final option, this court could grant an immigration court bond hearing that follows clear guidelines and keep jurisdiction over this case to until satisfied that an individualized, constitutionally adequate review was held. *See Hernandez-Fernandez v. Lyons*, No. 5:25-CV-00773, 2025 WL 2976923, at *10 (W.D. Tex. Oct. 21, 2025) (holding that the

proper remedy given the due process concerns is a bond hearing where the government bears the burden of proof); *Gomez v. Olson*, No. 25-cv-15300, 2025 WL 3768242, at *6 (N.D. Ill. Dec. 31, 2025) (noting the "overwhelming consensus" that the burden in a court-ordered bond hearing should be placed on the government).

55. The court should order that in that hearing, DHS bears the burden of proof to justify continued detention by clear and convincing evidence, and DHS is barred from invoking the automatic stay regulation if the immigration judge grants bond. *See, e.g., O.F.C,* 2026 WL 74262, at *16 (to ensure due process, ordering DHS to justify detention by clear and convincing evidence, and enjoining DHS from invoking the automatic stay on a bond grant or arguing that the IJ lacked jurisdiction); *Lopez-Romero v. Lyons*, No. 2:25-cv-01113, 2026 WL 92873, at *7 (D.N.M. Jan. 13, 2026) (to ensure due process, requiring the government justify detention by clear and convincing evidence, and that the immigration judge consider petitioner's ability to pay bond); *Perez-Regalado v. Feeley*, No. 2:25-cv-02409, 2026 WL 36112, at *6 (D. Nev. Jan. 6, 2026) (enjoining ICE from invoking an automatic stay after a bond grant); *Rueda Torres,* 2025 WL 3168759, at *6 (same); *Garay v. Perry*, No. 1:25-CV-2215, 2025 WL 3540070, at *4 (E.D. Va. Dec. 10, 2025) (releasing petitioner immediately, ordering a bond hearing within 14 days, and enjoining ICE from arguing the IJ lacks jurisdiction or from invoking the automatic stay).

56. The parties should submit a status update to the Court promptly after any hearing. *See Dominguez v. Noem*, 25-cv-0074, 2026 WL 67200, at *4 (W.D. Tex. Jan. 8, 2026) (ordering bond hearing with burden on the government by clear and convincing evidence, and ordering "an expedited timeline for compliance" given multiple past cases where the government had violated the court's orders). However, because this may still be inefficient and result in additional litigation, release or a detention hearing held by this court are the most appropriate and efficient

remedies.

IX. CAUSES OF ACTION

COUNT ONE
STATUTORY CLAIM (Detention Governed by INA § 236(a))

57. Petitioner incorporates paragraphs 1 through 56 as if fully set out herein.

58. Section 235(b)(2)(A) does not govern Petitioner's detention because he was not encountered during inspection and is not within any class designated for expedited removal by published notice. Reading § 1225(b)(2)(A) to govern all never admitted noncitizens regardless of when and where they were arrested would nullify Congress's express two-year limit on interior expedited removal and collapse the statute's two-track scheme. Under § 1226(a) and its implementing regulations, Petitioner is entitled to a prompt bond hearing before a neutral adjudicator.

COUNT TWO
PROCEDURAL DUE PROCESS (U.S. Const. amend. V)

59. Petitioner incorporates paragraphs 1 through 56 as if fully set out herein.

60. Prolonged civil detention without a neutral bond hearing violates procedural due process. If Respondents' position categorically forecloses any IJ bond review for interior arrestees like Petitioner, it denies a meaningful opportunity to be heard and invites arbitrary confinement. At minimum, due process requires a prompt bond hearing at which the Government bears the burden to justify detention by clear and convincing evidence.

COUNT THREE
SUBSTANTIVE DUE PROCESS (U.S. Const. amend. V)

61. Petitioner incorporates paragraphs 1 through 56 as if fully set out herein.

62. Civil detention must remain reasonably related to its purposes of ensuring appearance and protecting the community. Detaining Petitioner without any individualized assessment, solely on a categorical theory rejected by this Court days ago, bears no reasonable relation to any legitimate aim and is excessive in relation to its purposes.

PRAYER FOR RELIEF

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

1.) Assume jurisdiction over this matter;
2.) Issue a writ of habeas corpus directing Respondents to release Petitioner immediately.
3.) Alternatively, hold a bail hearing in the Middle District of Georgia, with the Government bearing the burden to establish that Petitioner is a danger to the community or a flight risk, and to consider alternatives to detention (consistent with *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025));
4.) Alternatively, issue a writ of habeas corpus directing Respondents to provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) before an Immigration Judge within 7 days of the Court's order, with the Government bearing the burden to establish that Petitioner is a danger to the community or a flight risk, and to consider alternatives to detention (consistent with *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025));
5.) Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of these proceedings;
6.) Order Respondents to answer the petition within 3 business days; and
7.) Grant such other relief as the Court deems just and proper.

Respectfully submitted this 17th day of March, 2026.

//Eszter Bardi//

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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.

Respectfully submitted this 17th day of March, 2026.

//Eszter Bardi//

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CERTIFICATE OF COMPLIANCE

I hereby certify that the document to which this certificate is attached has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1 for documents prepared by computer.

Respectfully submitted this 17th day of March, 2026.

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