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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

DJIBRIL THIAM,

Petitioner,

v.

JASON STREEVAL, *in their official capacity*  
as Warden of Stewart Detention;

LADEON FRANCIS, *in the official capacity as*  
Field Office Director of ICE, Atlanta, Field  
Office;

TODD M. LYONS, *in his official capacity as*  
Acting director of Immigration and Customs  
Enforcement;

KRISTI NOEM, *in her official capacity as*  
Secretary, U.S. Department of Homeland  
Security; and

PAMELA BONDI, *in her official capacity as*  
Attorney General of the United States;

Respondents.

Civil Action No. 4:26-cv-412

**VERIFIED PETITION FOR WRIT OF  
HABEAS CORPUS**

**INTRODUCTION**

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2 1. Petitioner Djibril Thiam has resided in the United States since on or about  
3 November 23, 2023, while his removal proceedings have remained pending.

4 2. Petitioner is in the physical custody of Respondents at Stewart Detention Center  
5 in Lumpkin, Georgia. He is unlawfully detained following the Immigration Judge’s denial of his  
6 request for a custody redetermination on the ground that the Immigration Court lacked  
7 jurisdiction to conduct a bond hearing. (“Exhibit A”, IJ Order).

8 3. Petitioner is charged under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as  
9 a noncitizen present in the United States without being admitted or paroled, or who arrived in the  
10 United States at a time or place not designated by the Attorney General.

11 4. Petitioner was initially apprehended near Lukeville, Arizona, on or about  
12 November 23, 2023, issued a Notice to Appear, and released on an Order of Release on  
13 Recognizance (“Exhibit B, I-220A”, Order of Release on Recognizance). He was later detained  
14 by Immigration and Customs Enforcement on December 11, 2025, at a scheduled check-in and  
15 transferred to Stewart Detention Center.

16 5. Petitioner’s detention is unlawful because 8 U.S.C. § 1225(b)(2)(A) does not  
17 apply to individuals like Petitioner who had already entered and were residing in the United  
18 States before their later arrest. Instead, such individuals are detained, if at all, under 8 U.S.C. §  
19 1226(a), which permits release on bond or conditional parole.

20 6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
21 unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.  
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1 **JURISDICTION**

2 7. Petitioner is in the physical custody of Respondents and is detained at the Stewart  
3 Detention Center in Lumpkin, Stewart County, Georgia.

4 8. This Court has jurisdiction under 28 U.S.C. §§ 2241(a), 2241(c)(3), and 1331,  
5 because Petitioner is in custody in violation of the Constitution and laws of the United States.

6 9. This Court has authority to grant habeas relief under 28 U.S.C. § 2241 and to  
7 grant such other relief as may be appropriate.

8 **VENUE**

9 10. Petitioner is detained at Stewart Detention Center in Lumpkin, Stewart County,  
10 Georgia, which lies within the Columbus Division of the Middle District of Georgia. The  
11 Columbus Division serves Stewart County.

12 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
13 500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the  
14 judicial district in which Petitioner currently is detained.

15 12. This Court is the proper forum for this habeas action because Petitioner  
16 challenges his present physical custody, and the proper respondent is Petitioner's immediate  
17 custodian in the district of confinement.

18 13. Venue is also proper in this Court under 28 U.S.C. § 1391(e) because  
19 Respondents are officers or employees of the United States and a substantial part of the events or  
20 omissions giving rise to Petitioner's claims occurred in this District.

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

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

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

9 **PARTIES**

10 16. Petitioner DJIBRIL THIAM is a citizen of Senegal and resided in the United  
11 States since November 23, 2023. He is currently detained in the Stewart Immigration Detention  
12 Center in Lumpkin, Georgia.

13 17. Respondent, Warden JASON STREEVALIS, is employed by the private, for-  
14 profit detention corporation contracted by the Government as an agent to confine immigrants  
15 Stewart Detention Center, where Petitioner is detained. He has immediate physical custody of  
16 Petitioner. He is named in his official capacity.

17 18. Respondent, LADEON FRANCIS is the Director of the Atlanta Field Office of  
18 ICE’s Enforcement and Removal Operations division; however, on information and belief, the  
19 DHS is rotating their Field Office Director without publishing a schedule of rotation. As such,  
20 LADEON FRANCIS or his unknown, unannounced provisional replacement is Petitioner’s  
21 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in  
22 his official capacity.

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1 19. Respondent, KRISTI NOEM is the Secretary of the Department of Homeland  
2 Security. She is responsible for the implementation and enforcement of the Immigration and  
3 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.  
4 Noem has ultimate custodial authority over Petitioner and is named in her official capacity.

5 20. Respondent, PAMELA BONDI is the Attorney General of the United States. She  
6 is responsible for the Department of Justice, of which the Executive Office for Immigration  
7 Review and the immigration court system it operates is a component agency. She is named in her  
8 official capacity.

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10 **LEGAL FRAMEWORK**

11 21. The INA prescribes three basic forms of detention for the vast majority of  
12 noncitizens in removal proceedings.

13 22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
14 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally  
15 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),  
16 while noncitizens who have been arrested, charged with, or convicted of certain crimes are  
17 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

18 23. Second, the INA provides for mandatory detention of noncitizens subject to  
19 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
20 referred to under § 1225(b)(2).

21 24. Third, the INA also provides for detention of noncitizens who have been ordered  
22 removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

23 25. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).  
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1           26.     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.  
3 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section  
4 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1,  
5 139 Stat. 3 (2025).

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

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

18           29.     On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy  
19 entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” That  
20 policy adopted the position that noncitizens inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i),  
21 including those present without admission or parole, are subject to detention under 8 U.S.C. §  
22 1225(b)(2)(A) and therefore ineligible for bond.

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1           30.     On September 5, 2025, the Board of Immigration Appeals adopted the same  
2 position in a published precedential decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216  
3 (BIA 2025), holding that immigration judges lack authority to consider bond requests for  
4 noncitizens treated as subject to detention under § 1225(b)(2)(A). *Matter of Yajure Hurtado*  
5 remains a published BIA precedent.

6           31.     Federal district courts subsequently issued a number of decisions rejecting or  
7 questioning that interpretation of the INA's detention provisions and concluding that § 1226(a),  
8 not § 1225(b)(2), governs detention for noncitizens who had already entered and were residing in  
9 the United States before their later arrest.

10          32.     In *Maldonado Bautista v. Santacruz*, the district court granted partial summary  
11 judgment to the named petitioners on November 20, 2025, later certified a nationwide class, and  
12 in subsequent orders expressed the view that the reasoning of *Matter of Yajure Hurtado* could  
13 not be reconciled with its interpretation of the INA.

14          33.     Although *Maldonado Bautista* remains persuasive authority, the Ninth Circuit  
15 entered an administrative stay on March 6, 2026, temporarily staying the district court's  
16 December 18, 2025 declaratory judgment insofar as it extends beyond the Central District of  
17 California pending further ruling on the government's emergency stay motion. *Lazaro*  
18 *Maldonado Bautista v. U.S. Dep't of Homeland Sec.*, No. 26-1044, slip op. at 1 (9th Cir. Mar. 6,  
19 2026) (order).

20          34.     Appellate litigation also remains ongoing elsewhere. On February 6, 2026, the  
21 Fifth Circuit issued a published decision adopting the government's view that certain unadmitted  
22 noncitizens may be detained under 8 U.S.C. § 1225(b)(2)(A).  
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1 35. Even so, substantial authority supports the conclusion that the better reading of  
2 the statute is that 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b), applies to noncitizens who had  
3 already entered and were residing in the United States before their later arrest.

4 36. Section 1226(a) applies by default to persons “pending a decision on whether the  
5 alien is to be removed from the United States.” Those proceedings are conducted under 8 U.S.C.  
6 § 1229a to determine inadmissibility or deportability.

7 37. The text of 8 U.S.C. § 1226 also expressly applies to certain noncitizens charged  
8 as inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E).  
9 That specific carveout confirms that, absent a mandatory-detention exception, such individuals  
10 fall within § 1226(a).

11 38. Section 1226 therefore applies to noncitizens placed in standard removal  
12 proceedings, including those charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), unless  
13 another detention provision specifically applies.

14 39. By contrast, 8 U.S.C. § 1225(b) applies to applicants for admission and others  
15 encountered in the border-inspection framework. The statute is directed to persons who are  
16 “arriving” or “seeking admission” to the United States. The Supreme Court has described this  
17 detention scheme as operating “at the Nation’s borders and ports of entry, where the Government  
18 must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v.*  
19 *Rodriguez*, 583 U.S. 281, 287 (2018).

20 40. Accordingly, the mandatory detention provision of 8 U.S.C. § 1225(b)(2)(A) does  
21 not apply to people like Petitioner, who had already entered and were residing in the United  
22 States at the time of their later arrest.

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**FACTS**

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2 41. Petitioner Djibril Thiam is a citizen of Senegal. He has been present in the United  
3 States since on or about November 23, 2023, and is currently detained at Stewart Detention  
4 Center in Lumpkin, Georgia.

5 42. On or about November 23, 2023, Petitioner was apprehended by immigration  
6 authorities at or near Lukeville, Arizona. On November 26, 2023, DHS issued Petitioner a Notice  
7 to Appear charging him under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), and alleging  
8 that he had arrived in the United States at or near Lukeville, Arizona, and was not admitted or  
9 paroled after inspection by an immigration officer.

10 43. On November 26, 2023, DHS also issued Petitioner an Order of Release on  
11 Recognizance, Form I-220A, releasing him on his own recognizance pursuant to section 236 of  
12 the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of  
13 Federal Regulations. The Order of Release on Recognizance states that Petitioner had been  
14 arrested and placed in proceedings and that his release was conditioned on compliance with the  
15 listed reporting and other release conditions.

16 44. After his release, Petitioner remained in the United States while his removal  
17 proceedings continued to pend and attended all of the required reporting and check-ins.

18 45. On December 11, 2025, Petitioner reported to the Charlotte ICE ERO non-  
19 detained unit for a scheduled check-in. DHS arrested him at that check-in and re-detained him.  
20 He was thereafter transferred to Stewart Detention Center, where he remains in custody.

21 46. DHS's own records reflect that Petitioner was initially encountered on November  
22 23, 2023, later released on an Order of Release on Recognizance, and then re-arrested on  
23 December 11, 2025, after reporting to ICE for a scheduled check-in.

1 47. Petitioner is in removal proceedings under 8 U.S.C. § 1229a. DHS charges  
2 Petitioner under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as a noncitizen present in  
3 the United States without being admitted or paroled, or who arrived in the United States at a time  
4 or place other than as designated by the Attorney General.

5 48. Following Petitioner's re-arrest and transfer to Stewart Detention Center, ICE  
6 continued his detention without affording him an opportunity to post bond or otherwise obtain  
7 release through an administrative custody determination.

8 49. On March 8, 2026, Petitioner filed a motion for bond redetermination in the  
9 Immigration Court in Lumpkin, Georgia.

10 50. On March 12, 2026, the Immigration Judge denied Petitioner's request for a  
11 custody redetermination, concluding that the Immigration Court lacked jurisdiction to conduct a  
12 bond hearing. The Immigration Judge relied on Matter of Yajure Hurtado and, in the alternative,  
13 Matter of Q. Li.

14 51. As a result of that ruling, Petitioner remains detained without a bond hearing.  
15 Absent relief from this Court, he faces continued immigration detention for an extended period  
16 while his removal proceedings remain pending.

17 **CLAIMS FOR RELIEF**

18 **COUNT I**

19 **Violation of the INA**

20 52. Petitioner incorporates by reference the allegations of fact set forth in the  
21 preceding paragraphs.

22 53. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all  
23 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As  
24

1 relevant here, it does not apply to those who previously entered the country and have been  
2 residing in the United States prior to being apprehended and placed in removal proceedings by  
3 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to  
4 § 1225(b)(1), § 1226(c), or § 1231.

5 54. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued  
6 detention and violates the INA.

7  
8 **COUNT II**

9 **Violation of Due Process**

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

12 56. The government may not deprive a person of life, liberty, or property without due  
13 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government  
14 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the  
15 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653  
(2001).

16 57. Petitioner has a fundamental interest in liberty and being free from official  
17 restraint.

18 58. The government’s detention of Petitioner without a bond redetermination hearing  
19 to determine whether he is a flight risk or danger to others violates his right to due process.

20 **PRAYER FOR RELIEF**

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

22 a. Assume jurisdiction over this matter;  
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- 1 b. Order that Petitioner shall not be transferred outside the Middle District of  
2 Georgia while this habeas petition is pending;
- 3 c. Issue an Order to Show Cause ordering Respondents to show cause why this  
4 Petition should not be granted within three days;
- 5 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in  
6 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §  
7 1226(a) within seven days;
- 8 e. Declare that Petitioner's detention is unlawful;
- 9 f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
10 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
11 law; and
- 12 g. Grant any other and further relief that this Court deems just and proper.

13 DATED this 17th of March, 2026.

14 *s/Arash Ebrahimi*  
15 Arash Ebrahimi, Esq.  
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19 Lawrenceville, Georgia 30046  
20 Tel: (678) 835-7560  
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22 *Attorney for Petitioner*  
23  
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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner Djibril Thiam and submit this verification in lieu of Petitioner on his behalf, because the Petitioner is currently detained. I hereby verify that the factual statements made in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 17th day of March, 2026.

**s/Arash Ebrahimi**  
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