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

ENEDINO TORRES RIOS, Petitioner, v. JASON STREEVAL, in his official capacity as WARDEN, STEWART DETENTION CENTER, *et al.*, Respondent.	Case No.: **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Enedino Torres Rios (Mr. Torres Rios) is a forty-eight year old citizen of Mexico who has resided in the United States for over twenty-eight years since his last entry in 1998. Petitioner has a wife and two U.S. citizen children. Except for various convictions for traffic violaions including driving without a liscence, Petitioner has no other known criminal history. He is currently detained at the Stewart Detention Facility, an immigration detention facility, where he faces significant harm to his physical and mental health.

2. Petitioner is in the immediate physical custody of Respondent Jason Streeval at the Stewart Dentention Facility in Lumpkin, Georgia. Petitioner faces unlawful detention because the Department of Homeland Security ("DHS") and the Executive Offic for Immigration Review ("EOIR") have concluded that Petitioner is subject to mandatory

detention under 8 U.S.C. § 1226(a).

3. It is futile to request a bond redetermination with the Immigration Court because the immigration judge is bound by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) ("*Matter of Yajure Hurtado*"). Thus, Petitioner remains improperly detained under Section 1225(b)(2)(A) without eligibility for release on bond.

4. This case presents a pure question of law regarding whether Petitioner's detention is governed by Section 1225(b)(2)(A), which mandates detention for noncitizens "seeking admission" at ports of entry, or by 8 U.S.C. § 1226(a), which provides discretionary detention with bond hearings for noncitizens already present in the United States. Nearly every federal district court to address this question has held that Section 1226(a) applies to long-term residents like Petitioner who entered without inspection but were apprehended years later while living in the interior. *J.A.M. v. Streeval,* No. 4:25-cv-342(CDL), 2025 U.S. Dist. LEXIS 215437, at *2 (M.D. Ga. November 1, 2025) (Land, J.). Such individuals are subject to discretionary detention under Section 1226(a), which allows for release on bond. *Id.*

5. For nearly three decades, Respondents applied Section 1226(a)'s discretionary detention framework to noncitizens who entered without inspection and were later detained for removal proceedings. In 2025, Respodnents abruptly reversed this longstanding practice and now claim that all such individuals --- regardless of how long they have lived in the United States --- are "seeking admission" under Section 1225(b)(2)(A) and, thus, ineligible for bond.

6. Respondents' continued deprivation of Petitioner's liberty interest is significant. Petitioner challenges his detention as a violation of the Due Process Clause of the Fifth

Amendment and the Administrative Procedures Act (APA) --- not any discretionary determination by Respondents or the Immigration Judge ("IJ"), nor any aspect of the merits of his removal proceedings.

7. Accordingly, Petitioner respectfully requests that this Court grant him a Writ of Habeas Corpus and order his immediate release, or in the alternative, order the government to provide him with a bond hearing before the Immigration Court.

CUSTODY

8. Petitioner is in the physical custody of Respondents. He is detained at the Stewart Detention Center ("SDC"), an immigration detention facility, located in Lumpkin, Georgia. Petitioner is detained in Georgia and under the direct control of DHS and its agents.

JURISDICTION

9. This action arises under the Constitution of the United States and under the INA, 8 U.S.C. § 1101 *et seq.*

10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeaus corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, clause 2 of the United States Constitution (the Suspension Clause), as Petitioner is presently in custody under or by color of the authority of the United States, and he challenges his custody as in violation of the Constitution, laws, or treaties of the United States.

11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the APA, 5 U.S.C. § 701, *et seq.*, and the All Writes Act, 28 U.S.C. § 1651.

12. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(a)(5), 1252(b)(9), 1252(f)(1), 1225(g), or 1226(e). Congress has preserved judicial

review by district courts for challenges regarding the lawfulness or constitutionality of their civil immigration detention. *See Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018); *Demore v. Kim,* 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis,* 533 U.S. 678, 687 (2001).

13. Challenges to the "fact or duration of confinement fall within the core of habeas corpus." *Vaz v. Skinner,* 634 F. App'x 778, 780 (11th Cir. 2015); *see Preiser v. Rodriguez,* 411 U.S. 475, 486 (1973). Petitioner's challenge is to the fact of his detention --- not any aspect of his removal proceedings. Specifically, Petitioner seeks this Court's determination on the appropriate legal authority governing his detention and consequently whether he may be released on bond. The Supreme Court determined that Section 1252 does not preclude judicial review of noncitizens' claims regarding their eligibility for bond hearings pending resolution of their immigration proceedings. *Jennings,* 583 U.S. at 292-95, *Johnson v. Guzman Chavez,* 594 U.S. 523, 533 n.4 (2021) (finding jurisdiction and citing *Jennings*).

14. Likewise Section 1226(e) does not bar habeas review, such as here, where Petitioner asserts a statutory or constitutional challenge to detention. *See, e.g., Demore,* 538 U.S. 510, 517 (2003) (finding that "Section 1226(e) contains no explicit provisions barring habeas review"); *J.G. v. Warden,* No. 7:20-CV093 (HL), 2021 U.S. Dist. LEXIS 227248, at *4 (M.D. Ga. Jan. 15, 2021) (analyzing Section 1226(e) and holding habeas review is not barred). *Mehmood v. Sessions,* No. 18-CV-21095-Scola, 2018 U.S. Dist. LEXIS 202463, at *27 n.20 (S.D. Fla. Nov. 28, 2018) (same, collecting cases).

VENUE

15. Venue is proper in the Middle District of Georgia, Columbus Division, pursuant to 28

U.S.C. §§ 1391 and 2241(d) because Petitioner was detained at SDC in Lumpkin, Georgia at the time he initiated this habeas action, and said facility is within the jurisdiction of this District. *See Ex parte Endo,* 323 U.S. 283 (1944) (jurisdiction continues in former district of confinement if a habeas petitioner is moved after a petition is properly filed); *Ibarra v. Warden, SDC,* No. 4:18-CV-167-CDL-MSH, 2018 WL 8370330, at *1 (M.D. Ga, Dec. 12, 2018) (citing *Rumsfeld v. Padilla,* 542 U.S. 426, 441 (2006)) (same). In addition, venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) Respondents are employees, officers, and agencies in the United States, and because a substantial part of the events giving rise to Petitioner's claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

16. 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, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

EXHAUSTION OF ADMINISTRATIVE REMEDIES

17. There is no statutory exhaustion requirement for habeas challenges under 28 U.S.C. § 2241. In the absence of a statutory exhaustion requirement, "sound judicial discretion governs." *McCarthy v. Madigan,* 503 U.S. 140, 144 (1992). As a matter of discretion, exhaustion of administrative remedies should be waived, "(1) where prejudice to the prisoner's subsequent court action may result, for example, from an unreasonable or indefinite timeframe for administrative action; (2) where the administrative agency may not have the authority to grant effective relief; or (3) where the administrative body is shown to be biased or has otherwise predetermined the issue before it." *Jones v. Zenk,* 495

F. Supp. 2d 1289, 1297 (N.D. Ga. 2007) (cleaned up) (citing *McCarthy,* 503 U.S. at 146-48).

18. First, Petitioner's attempt to seek a bond decision from the IJ at either the Immigration Court or a subsequent appeal from said decision to the Board of Immigration Appeals ("BIA") would be futile given the BIA's erroneous interpretation in *Matter of Yajure Hurtado,* which is binding on Immigration Courts, but has almost unanimously been rejected by federal courts as contrary to the INA. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Second, the BIA lacks authority to adjudicate Petitioner's substantial constitutional claims regarding Respondents' violations of her rights. *See Frazile v. United States AG*, 236 F. App'x 541, 544 (11th Cir. 2007). Requiring futile administrative steps serves no legitimate purpose while Petitioner --- a father of two children---languishes in detention. *See Houghton v. Shafer,* 392 U.S. 639, 640 (1968). [1]

PARTIES

19. Petitioner Enedino Torres Rios has been in ICE custody since March 10, 2026, when he was arrested and subsequently transferred to U.S. Immigration and Customs Enforcement ("ICE"). He remains detained at SDC in Lumpkin, Georgia. Before detention, Petitioner resided in Hazelhurst, Georgia with his wife and two children.

20. Respondent Jason Streeval, Warden of Stewart Detention Center ("SDC"), *et, al.,* is sued in his official capacity as the person in charge of the immigration detention facility

[1] Petitioner is not attempting to "bypass the administrative process in hopes that he will find a more sympathetic forum in Court." *Sequeira-Balmaceda v. Reno,* 79 F. Supp. 1378, 1382 (N.D. Ga. 2000). Rather, this Petition is a necessary last resort, as both a bond request with the immigration court and a subsequent appeal to the BIA offers Petitioner no adequate or effective relief. *See Gibson v. Berryhill,* 411 U.S. 564, 575 n.14 (1973).

where Petitioner is currently detained. Pursuant to a contract with ICE, Respondent Jason Streeval is responsible for the operation of the SDC. At the time this habeas action was initiated, Respondent Jason Streeval had control over Mr. Torres Rios as his immediate custodian and has the authority to release him.

LEGAL FRAMEWORK

8 U.S.C. Section 1225 v. 1226

21. There are three statues that govern civil immigration detention. *See* 8 U.S.C. §§ 1225, 1226, 1231.

22. Section 1226(a) authorizes discretionary detention of noncitizens in standard removal proceedings under 8 U.S.C. § 1229a. Noncitizens in detention under Section 1226(a) are entitled to an initial bond hearing. *Jennings*, 583 U.S. at 306 (noting "[f]ederal regulations provide that aliens detained under §1226(a) receive bond hearings at the outset of detention."); 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a). Within Section 1226 is a carve-out provision that subjects noncitizens with applicable criminal history to mandatory detention. 8 U.S.C. § 1226(c).

23. Section 1225 authorizes mandatory detention of individuals subject to expedited removal, 8 U.S.C. § 1225(b)(1), and individuals who seek admission into the United States. *Id.* § 1225(b)(2).

24. Finally, Section 1231 authorizes detention of noncitizens subject to a final or reinstated order of removal. *Id.* § 1231(a)(2), (5).

25. This Petition presents a pure legal question regarding whether Petitioner's detention is governed by 8 U.S.C. §§ 1225 or 1226.

a) Mandatory Detention Under 8 U.S.C. § 1225

26. Section 1225 imposes mandatory detention on noncitizens subject to its provisions. 8 U.S.C. § 1225(b)(1)(B)(iii)(IV), (b)(2)(A). The statute begins by defining an "applicant for admission" as a noncitizen "who has not been admitted or who arrives in the United States." *Id.* § 1225(a)(1).

27. Under Section 1225(b)(1) certain applicants for admission are subject to expedited removal. The first category pertains to noncitizens "arriving in the United States" and are inadmissible based on two specific grounds of inadmissibility. *Id.* § 1225(b)(1)(A). Among other things, implementing regulations define an "arriving alien" as an applicant for admission "coming or attempting to come into the United States at a port-of-entry." 8 C.F.R. § 1.2.

28. The second category involves noncitizens designated by DHS and must meet each of the following criteria: (1) inadmissible due to willful misrepresentation or lack of valid entry documents; (2) not continuously physically present in the United States for 2 years immediately prior to inadmissibility determination; and (3) are within the group DHS has designated for expedited removal. 8 U.S.C. § 1225(b)(1)(A)(iii).

29. With limited exceptions not applicable here, Section 1225(b)(2) applies to all other applicants for admission outside of Section 1225(b)(1). *Id.* § 1225(b)(2)(A).

30. Applicants for admission under Section 1225(b)(2)(A) must be detained during removal proceedings "if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted." *Id.*

b) <u>Discretionary Detention Under 8 U.S.C. § 1226(a)</u>

31. Section 1226(a) detention applies when a noncitizen is arrested under "a warrant issued by the Attorney General" and "detained pending a decision on whether the alien is to be

removed from the United States." 8 U.S.C. § 1226(a). Pending a decision on removal, the noncitizen may be detained or released on bond or conditional parole. *Id.* § 1226(a)(1)-(2).

32. Under this framework, ICE makes an initial determination on release based on a showing that "release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding." 8 C.F.R. 1236.1(c)(8). After ICE's initial determination, the noncitizen has the right to seek bond redetermination before an IJ and can appeal the IJ's decision to the Board of Immigration Appeals. *Id.* § 1236.1(d)(1), (3).

33. Discretionary detention under Section 1226(a) is often referred to as the "default rule" for noncitizens already present in the United States. *Jennings,* 583 U.S. at 288. Section 1226(a) requires a bond hearing at the start of detention. 8.C.F.R. § 1236.1(d)(1), 1003.19(a).

c) **Statutory Interpretation of Section 1225 and 1226**

34. EOIR drafted regulations explaining that, in general, people who enter the United States without inspection are not considered detained under Section 1225; rather, detention under section 1226(a) applies. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

35. Consistent with EOIR regulations, the longstanding interpretation of Section 1225 is that it applies to "certain aliens seeking admission into the country." *Jennings*, 583 U.S. at 289. Admission refers to a determination that "generally begins at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible." *Id.* at 287. By comparison, Section 1226(a) detention applies to inadmissible noncitizens who are already present in the United States and placed in

removal proceedings. *See id.* at 289.

36. In practice, this meant that individuals who entered without inspection and were subsequently placed in removal proceedings were granted bond hearings if detained by ICE, except in cases where their criminal history required mandatory detention under Section 1226(c).

37. This interpretation aligns with the statutory framework governing immigration detention and ensures no provision is rendered meaningless. *Corley v. United States*, 556 U.S. 303, 314 (2009) (reiterating rule that statutes should be construed as a whole so that effect is given to all its provisions). The opposite construction renders Section 1226(c) inoperable. If Section 1225 authorizes mandatory detention of all noncitizens in the United States without admission or parole, there would be no need for mandatory detention under Section 1226(c) for criminal noncitizens in removal proceedings. *See Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1277 (W.D. Wash. 2025) (analyzing the very same interpretation advanced by Respondents and concluding it "would render significant portions of Section 1226(c) meaningless.").

38. Such a reading also collapses the distinction between Sections 1225(b)(2) and 1226(c) and renders superfluous amendments to Section 1226(c) that Congress enacted through the Laken Riley Act. *Id.* at 1279–80; 8 U.S.C. § 1226(c)(1)(E), *as amended* by Pub. L. 119-1, 139 Stat. 3 (2025).

39. The text of Section 1226(c) explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Logically, the Laken Riley Act's reference to individuals who entered without inspection makes clear that, by default, those individuals *are* afforded a bond hearing under Section 1226(a).

d) **Respondents' Abrupt Reversal**

40. Despite the long-established statutory construction of Sections 1225 and 1226, and Respondents' own historical practice of providing bond hearings to noncitizens like Petitioner, ICE reversed course in July 2025 and now mandates detention without bond for all noncitizens present in the United States without admission or parole---regardless of their length of residence.

41. On September 3, 2025, the BIA, seemingly following ICE's lead, issued *Matter of Yajure Hurtado*, a precedential decision holding that any noncitizen present in the United States without having been inspected and admitted is subject to mandatory detention under Section 1225(b)(2)(A). *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *Matter of Yajure Hurtado* strips Immigration Courts' authority to hear bond requests or grant bond for noncitizens who have lived in the United States for years. *Id.* at 216, 229.

42. The Government's overly broad interpretation of Section 1225(b)(2)(A) is not supported by their own prior practice or longstanding construction of the detention framework. Nearly every district court across the nation to address the issue has rejected Respondents' interpretation and position on availability of bond for noncitizens who entered without admission or parole and resided in the United States for years. *See, e.g.*, *Arce v. Trump*, 2025 U.S. Dist. LEXIS 183049, at *8 n.3 (collecting cases); *but see Pena v. Hyde*, 2025 U.S. Dist. LEXIS 144234, at *2.

43. Respondents' deprivation of Petitioner's fundamental liberty interest is significant given Petitioner's significant ties to his community and close ties to his wife and young family. Thus, the deprivation of Petitioner's fundamental interest is directly caused and exacerbated by the BIA's erroneous interpretation in *Matter of Yajure Hurtado* and the

Respondents' position that Section 1225(b)(2)(A) mandates detention of noncitizens like Petitioner.

Due Process Claus

44. The Due Process Clause of the Fifth Amendment provides Petitioner with important protections regarding his detention. As the Supreme Court has explained, "[f]reedom from imprisonment --- from government custody, detention, or other forms of physical restraint--- lies at the heart of the liberty" that the Due Process Clause protects. *Zedvydas,* at 690 (2001).

45. Under the three part test to justify immigration detention, the government bears the burden, by clear and convincing evidence. *Mathews v. Eldridge,* 424 U.S. 319, 335 (1976).

46. Under said three-part test of *Mathews,* 424 U.S., the balance overwhelmingly favors Petitioner. His interest in liberty and family unity is paramount; the Government's blanket detention policy under *Yajure Hurtado* creates an extreme risk of erroneous deprivation by denying him any opportunity to demonstrate eligibility for release, and the Government's interest in ensuring appearance can be served by far less restrictive means. Accordingly, due process requires an individualized bond hearing under Section 1226(a).

47. Immigration detainees face severe hardships while incarcerated. Immigration detainees are held in lock-down facilities, with limited freedom of movement and access to their families: "the circumstances of their detention are similar, so far as we can tell, to those in many prisons and jails." *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting); accord *Chavez-Alvarez*, 783 F.3d at 478; Ngo v. INS, 192 F.3d 390, 397-98 (3d Cir. 1999); *Sopo*, 825 F.3d at 1218, 1221. "And in some cases[,] the conditions of their confinement are inappropriately poor." *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting) (citing Dept. of

Homeland Security (DHS), Office of Inspector General (OIG), DHS OIG Inspection Cites Concerns With Detainee Treatment and Care at ICE Detention Facilities (2017) (reporting instances of invasive procedures, substandard care, and mistreatment, *e.g.*, indiscriminate strip searches, long waits for medical care and hygiene products, and, in the case of one detainee, a multiday lock down for sharing a cup of coffee with another detainee)).

48. These conditions and obstacles only further underscore the serious due process concerns that prolonged immigration detention pose for noncitizens like the Petitioner and reflect the need for a decision before a neutral decisionmaker regarding continued detention.

49. Here, the Respondents can not show that the continued detention of Petitioner following his detention is reasonable.

50. Similarly, courts in other states have ruled that automatically stayed release from detention is a violation of the Fifth Amendment. *See Mohammed H. v. Trump*, 781 F. Supp. 3d 886, 895 (D. Minn. 2025) (finding that it "does not require any showing of dangerousness or flight risk. Nor is it subject to immediate review by an immigration judge. It operates by fiat and has the effect of prolonging detention even after a judicial officer has determined that release on bond is appropriate. That mechanism's operation here—in the absence of any individualized justification—renders the continued detention arbitrary as applied). Cf. *Zadvydas*, 533 U.S. at 699–700, 121 S.Ct. 2491 (recognizing that removal must be reasonably foreseeable for continued post-removal detention to remain reasonable); *Bridges*, 326 U.S. 135, 152–53, 65 S.Ct. 1443 (administrative rules are designed to afford due process and to serve as "safeguards against essentially unfair procedures"). Without introducing evidence, the Government has wholly deprived Petitioner of notice and the chance to rebut its case for continued detention. *Mathews*, 424

U.S. at 348–49, 96 S.Ct. 893 ("The essence of due process is the requirement that a person in jeopardy of serious loss (be given) notice of the case against him and opportunity to meet it.").

FACTUAL ALLEGATIONS

51. Petitioner Enedino Torres Rios is forty-eight years old native and citizen of Mexico. He has resided in the United States since his last entry in 1998. Outside of various traffic violations, Petitioner has no known criminal history. Petitioner has a wife and two U.S. citizen children (ages 20 and 15). Before ICE detained him at SDC, Petitioner had a steady job, was a model employee, and resided in Hazelhurst, Georgia.

52. ICE took custody of Mr. Torres Rios on or around March 10, 2026.

53. Petitioner faces significant hardship and serious deprivation of his fundamental right to be free from unlawful detention.

54. Petitioner's civil immigration detention occurs under the same restrictive conditions as federal criminal incarcerations: visitation rules, requiring detainees to undergo strip searches with metal detection equipment before and after family visits, must wear prison-issued uniforms during visitation, is prohibited from possessing money or personal property in the visiting room, and faces the same security protocols --- including disciplinary segregation and non-contact visiting --- applied to federal prisoners. *See* Bureau of Prisons, Atlanta Institution Supplement – Visiting Regulations, https://www.bop.gov/locations/institutions/atl/atl_visit.pdf?v=1.0.0 (last accessed January 27, 2026).

55. Petitioner's physical and mental health suffers in the prison-like setting under which he is detained. Since his detention, Petitioner has suffered, and continues to suffer, greatly.

Thus, continued custody exceeds the Government's lawful authority under 8 U.S.C. § 1231 and related provisions.

CLAIMS FOR RELIEF

COUNT ONE
FIFTH AMENDMENT DUE PROCESS VIOLATION
(Procedural Due Process)

56. Petitioner alleges and incorporates by reference the paragraphs 1-55 above.

57. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V. The Supreme Court has long-established that non-citizens are afforeded due process rights. *Reno v. Flores,* 507 U.S. 292, 306 (1993); *Demore,* 538 U.S. at 523.

58. To determine whether civil detention violates an individual's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, courts weigh three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335.

59. Petitioner has a significant liberty interest in being free from detention.

60. Respondents' assertion of the wrong detention authority presents a significant risk of erroneous deprivation of Petitioner's liberty interest. Respondents' position lacks support in the plain text of the INA and contravenes longstanding interpretation and prevailing case law.

61. Any attempt to seek a bond from the immigration court or appeal to the BIA would be futile because the BIA has adopted the same erroneous interpretation of the law as Respondents. In essence, Petitioner has no meaningful opportunity, outside of this Petition, to challenge the fact of his detention based on an incorrect reading of the law.

62. There is no significant governmental interest in keeping Petitioner detained. To the extent that the government has an interest in ensuring Petitioner is not a danger and will appear at future immigration hearings, there are numerous available options to Respondents that are less restrictive than detention and would ensure Petitioner's compliance.

63. Petitioner's continued detention without procedureal due process amounts to a serious deprevation of his constitutional rights and violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
FIFTH AMENDMENT DUE PROCESS VIOLATION
(Substantive Due Process)

64. Petitioner alleges and incorporates by reference the paragraphs 1-63 above.

65. "Freedom from imprisonment---from government custody, detention, or other forms of physical restraint---lies at the heart of the liberty that the Clause protects." *Zadvydas*, 533 U.S. at 690. Due process "applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

66. Civil immigration detention is only permissible where it bears a "reasonable relation to the purpose for which the individual was committed." *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *Zadvydas*, 533 U.S. at 690. Those purposes are limited: preventing flight and protecting the community. *Demore v. Kim*, 538 U.S. 510, 528 (2003).

67. Neither community protection nor flight risk applies to the Petitioner, and therefore, the detention no longer bears a reasonable relation to the purpose for which it was committed. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *Zadvydas*, 533 U.S. at 690. There is no removal order, his removal is not imminent., and there are lesser avenues to ensure Petitioner's compliance with court attendance.

68. As a 28-year resident of the United States with established community ties, Petitioner has a fundamental interest in freedom from arbitrary detention.

69. Respondents' continued detention of Petitioner based on the erroneous statutory interpretation presented in *Matter of Yajure Hurtado* and Respondents' position that 8 U.S.C. § 1225(b)(2)(A) applies to long-term residents constitutes arbitrary government action that violates Petitioner's substantive due process rights.

70. Petitioner has no meaningful avenue before Respondents or the BIA to challenge his continued detention.

71. Petitioner's continued detention, when he is indeed subject to discretionary detention under 8 U.S.C. § 1226(a) and is neither dangerous, nor a flight risk, does not serve a compelling governmental interest.

72. These cumulative actions render his detention even more constitutionally suspect, as they reflect punitive conduct rather than civil processing.

73. Accordingly, Petitioner's continued detention constitute a deprevation of liberty without due process of law. The Court should order his release.

COUNT THREE
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT
(Agency Actions in Excess of Statutory Authority)

74. Petitioner alleges and incorporates by reference the paragraphs 1-73 above.

75. The Administrative Procedure Act ("APA") requires courts to hold unlawful and set aside agency action found to be "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C).

76. ICE continues to unlawfully detain Petitioner without bond based on an incorrect interpretation of the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

77. Section 1225(b)(2)(A) applies only when three conditions are met: (1) the individual is an "applicant for admission"; (2) the individual is "seeking admission"; and (3) an "examining immigration officer" determines the individual is "not clearly and beyond a doubt entitled to be admitted."

78. The phrase "seeking admission" requires present-tense action and cannot be interpreted to apply to individuals who entered the country decades ago and are seeking to remain here.

79. Petitioner is not "seeking admission" within the meaning of 8 U.S.C. § 1225(b)(2)(A) because he was not actively seeking lawful entry into the United States having resided here continuously for 28 years prior to being apprehended and placed in removal proceedings by ICE.

80. The Government's interpretation of Section 1225(b)(2)(A) exceeds statutory authority by applying mandatory detention provisions designed for border and port-of-entry encounters to long-term interior residents, thereby eliminating the discretionary detention framework that Congress established in section 1226(a) for individuals already present in the United States.

81. The Government's position is not supported by the text of the INA or the long-held interpretation of INA's statutory detention framework. ICE's most recent position is contrary to the government's own established practice with respect to which statute

governs detention for someone like Petitioner.

82. Instead, Petitioner is subject to discretionary detention under Section 1226(a) and has a statutory right to a bond hearing.

83. By applying Section 1225(b)(2)(A) to Petitioner, Government acts in excess of statutory authority and deprive him of the custody determination procedures that Section 1226(a) and 8 C.F.R. § 1236.1(d)(1) mandate for individuals in his circumstances.

84. Petitioner is being denied this statutory right based on an erroneous interpretation of section 1225(b)(2)(A) that conflicts with the statute's plain language, long-held construction of the INA's statutory detention framework, and the Government's own longstanding practice.

85. As a direct and proximate result of Respondents' violation of section 1226(a), Petitioner has been unlawfully denied the rights to which he is statutorily entitled.

COUNT FOUR
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT
(Arbitrary and Capricious Agency Action)

86. Petitioner alleges and incorporates by reference the paragraphs 1-85 above.

87. In the alternative, even if Section 1225(b)(2)(A) were susceptible to multiple interpretations, the Government's actions against Petitioner based on a contruction of that provision is arbitrary and capricious agency action under 5 U.S.C. § 706(2)(A).

88. The Government and the BIA in *Matter of Yajure Hurtado* failed to address fundamental principles of statutory construction, Supreme Court guidance on the proper interpretation of the detention statutes, and the government's prior agency practice.

89. Courts must "exercise independent judgment in determining the meaning of statutory provisions," and they "may not defer to an agency interpretation of the law simply because

a statute is ambiguous." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394 (2024). However, longstanding agency practice can inform a court's determination on the proper construction of the law. *See id.* at 386.

90. Respondents' arbitrary and capricious actions violate the APA and subjects Petitioner to unjustifiable detention.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause within three days why this Petition should not be granted;
3. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this District pending the resolution of this case;
4. Declare that 8 U.S.C. § 1226(a)— not 8 U.S.C. § 1225(b)(2)(A) — is the appropriate statutory provision governing Petitioner's detention and eligibility for bond because he is not a recent arrival "seeking admission" to the United States, and instead was already residing in the United States when he was apprehended;
5. Declare that Petitioner's detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
6. Issue a Writ of Habeas Corpus ordering the Respondents' to release Petitioner from custody; hold a hearing if warranted; determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that he presents a risk of flight or a danger to the community

in light of the available alternatives;

7. Declare that Petitioner's continued detention is unconstitutional and unlawful, as it is not reasonably related to any valid purpose of immigration detention and violates the Fifth Amendment guarantee of due process;
8. Declare that Respondents' conduct violates the Administrative Procedure Act, 5 U.S.C. §§ 702 and 706, as arbitrary, capricious, and not in accordance with law;
9. In the alternative, should the Court determine that immediate release is not warranted, order Respondents to provide Mr. Torres Rios an individualized bond hearing before an impartial immigration judge within 14 days, at which the government bears the burden to justify continued detention by clear and convincing evidence;
10. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
11. Grant any further relief this Court deems just and proper.

This 17th day of March, 2026.

/s/ Cornel Potra

Cornel Potra (GA 585515)
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Attorney for Petitioner

VERIFICATION

I am submitting this verification on behalf of Petitioner Enedino Torrres Rios as his attorney. I have discussed with Mr. Jose Enedino Torrres Rios the events described in this Petition and have examined all documents referenced herein. On the basis of those discussions and upon my review of those documents, on information and belief, I hereby verify that the factual statements made in the foregoing Verified Writ of Habeas Corpus under 28 U.S.C. § 2241 are true and correct to the best of my knowledge.

This 17th day of March, 2026.

/s/ Cornel Potra
Cornel Potra (GA 585515)
Cornel@potralawfirm.com

Attorney for Petitioner

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

ENEDINO TORRES RIOS, Petitioner, v. JASON STREEVAL, in his official capacity as WARDEN, STEWART DETENTION CENTER, *et al.* Respondents.	Case No.: **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

CERTIFICATE OF SERVICE

This is to certify that on March 17th, 2026, undersigned counsel served this petition via U.S. Mail to the Respondents at the address below:
Office of the Chief Counsel

United States Attorney General's Office
Middle District of Georgia
Post office Box 1702
Macon, GA 31202

This 17th day of March, 2026.

/s/ Cornel Potra

Cornel Potra (GA 585515)
Cornel@potralawfirm.com

Attorney for Petitioner