

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


REYES SANCHEZ MARTINEZ,)
)
 Petitioner,)
)
 v.)
)
 JASON STREEVAL, Warden, Stewart)
 Detention Center; **KRISTEN SULLIVAN,**)
 Acting Director of Atlanta U.S. Immigration)
 and Customs Enforcement; **KRISTI**)
 NOEM, Secretary of the U.S. Department)
 of Homeland Security; and **PAMELA**)
 BONDI, Attorney General of the United)
 States, in their official capacities,)
)
 Respondents.)
 _____)

**PETITION FOR WRIT OF
HABEAS CORPUS**

Case No. _____

**PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Petitioner, Reyes Sanchez Martinez, (Agency No. ) is a citizen of Mexico and has been residing in the United States since 1999. He was apprehended and detained by immigration authorities on January 16, 2026 in Atlanta, GA in a widescale immigration enforcement action.
2. Petitioner is currently detained at the Stewart Detention Center, a private contract detention facility that houses detainees on behalf of U.S. Immigration

and Customs Enforcement (ICE) and is the subject of a pending removal hearing.

3. Petitioner was previously arrested by the Department of Homeland Security (DHS) in 2016. He was placed in Removal Proceedings before the Executive Office of Immigration Review and charged with having entered the United States without inspection and being present without valid immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i). See Exhibit 1, attached, Notice to Appear, dated March 5, 2016. He was subsequently released on bond pursuant to an Order by an Immigration Judge in Atlanta on May 12, 2016. See Exhibit 2, attached, Order of the Immigration Judge with Respect to Custody.
4. Petitioner was arrested outside his home by ICE officers on January 16, 2025. He sought a bond redetermination hearing before an Immigration Judge. On February 25, 2026 Immigration Judge Bianca Brown, found that she had no jurisdiction to make a bond redetermination hearing, despite this Court's Orders in numerous factually and legally identical cases previously.
5. Section 1225(b)(2)(A) states that an applicant for admission seeking admission shall be detained for a removal proceeding. It is the position of the Executive Office for Immigration Review (EOIR), which houses both the BIA and immigration judges, that 8 U.S.C. § 1225(b)(2)(A) applies to *all* individuals

who arrived in the United States without documents, regardless of how long they have lived in the United States and regardless of how far they were apprehended from the border.

6. However, § 1225(b)(2)(A) does not apply to individuals, like Petitioner, who are and have been present in the United States. Instead, such individuals are subject to detention under a different statute, § 1226(a), and eligible for release on bond.
7. Nevertheless, earlier in July 2025, ICE released a memorandum instructing its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject bond redetermination hearings for applicants who arrived in the United States without documents.¹
8. EOIR has already applied this reasoning in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) holding that all noncitizens who had been residing in the United States and had entered into the United States without documents were ineligible for bond.

¹ “ICE Says Many In Immigration Detention No Longer Qualify For Bond Hearings,” *CBS News* (Jul. 15, 2025) <https://www.cbsnews.com/news/ice-immigration-detention-bond-hearings/>; “ICE declares millions of undocumented immigrants ineligible for bond hearings,” *The Washington Post* (Jul. 15, 2025) <https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-immigrants-bond-hearings/>

9. Furthermore, despite a legal ruling in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL, 2025 U.S. Dist. LEXIS 215437 *; 2025 LX 418115 (MDGA Nov. 1, 2025) and *PRS v. Streeval*, 4:25-cv-330 (P.R.S.); 4:25-cv-337 (J.A.C.C.); 4:25-cv-343 (M.M.M.); 4:25-cv-347 (G.A.G.C.) 2025 U.S. Dist. LEXIS 230228 *; 2025 LX 558693; 2025 WL 3269947 (MDGA Nov. 25, 2025) which clearly and unequivocally reject this position, Respondents continue to maintain that noncitizens who entered the United States without inspection are not eligible for bond redetermination hearings, because they are applicants for admission within the meaning of 8 U.S.C. § 1225(b)(2)(A).
10. The aforementioned holding of the BIA in *Yajure Hurtado* and the continued reading in alignment of said holding is a violation of the aforementioned statute and due process.
11. As such, Petitioner has petitioned this Court under Federal Habeas statute and seeks an order of declaratory and injunctive relief and set aside relief under the Administrative Procedure Act requiring that Respondents release the Petitioner on his previous bond and/or he be provided a bond redetermination hearing before a different Immigration Judge pursuant to the proper statutory and constitutional standard.

JURISDICTION AND VENUE

12. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute);

28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United States Constitution Article I, Section 9 (Suspension Clause) and 5 U.S.C. § 701 et seq. (Administrative Procedure Act).

13. Venue properly lies within the Middle District of Georgia under 28 U.S.C. § 1391, because this is a civil action in which Respondents are agencies of the United States, Petitioner is detained in this District, and a substantial part of the events or omissions giving rise to this action occurred in the District.

PARTIES

14. Petitioner Reyes Sanchez Martinez resides in Duluth, GA and is currently detained at the Stewart immigration detention center.
15. Respondent Jasson Streeval is the Warden of Stewart Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Streeval is the physical and legal custodian of Petitioner.
16. Respondent Kristen Sullivan is sued in her official capacity as the Acting Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement which has jurisdiction over the Stewart Detention Center. Respondent Sullivan is a legal custodian of Petitioner and has authority to

release him.

17. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
18. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

LEGAL BACKGROUND

19. The Immigration and Nationality Act (INA) prescribes three basic forms of detention for noncitizens in removal proceedings.
20. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a),

1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

21. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).
22. Last, the Act also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
23. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
24. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
25. Following enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *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).

26. Thus, in the decades that followed, most people who entered without inspection—unless they were subject to some other detention authority—received bond hearings. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).
27. Respondents’ new policy turns this well-established understanding on its heads and violates the statutory scheme.
28. Indeed, this legal theory that noncitizens who entered the United States without admission or parole are ineligible for bond hearings was already rejected by practically every U.S. District Court that has considered this issue including this Honorable Court.
29. Despite multiple decisions by U.S. District Courts, the Board of Immigration Appeals [hereinafter “BIA”], the appellate board of the Executive Office for Immigration Review [hereinafter “EOIR”] which is a

branch of the Department of Justice, in *Matter of Yajure Hurtado* held that all non-citizens who entered the United States without inspection are in essence “applicants for admission” and thus “arriving aliens” and ineligible for consideration for bond. This was subsequent to a July 2025 memorandum released by ICE instructing its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject bond redetermination hearings for applicants who arrived in the United States without documents.

30. This is now a widespread position applying across the United States.
31. This interpretation defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
32. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, which “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
33. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection

- (a). Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.
34. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A).
35. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner who are alleged to have entered the United States without admission or parole.

FACTS

36. Petitioner Reyes Sanchez Martinez has resided in the United States since 1999 and when not detained lives in Duluth, GA.
37. Petitioner is the father of four children, two of whom are U.S. Citizens for whom he has constantly provided for and cared financially, emotionally and physically, has a pending Form EOIR 42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents, before the Court since 2016. See Exhibit 3, receipt notices for EOIR-42B and copy of application filed and pending with the Atlanta Immigration Court. He has worked in the construction industry and filed tax returns since 2004.

38. Petitioner was previously arrested by the Department of Homeland Security (DHS) in 2016. He was placed in Removal Proceedings before the Executive Office of Immigration Review and charged with having entered the United States without inspection and being present without valid immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i). See Exhibit 1. He was subsequently released on bond pursuant to an Order by an Immigration Judge in Atlanta on May 12, 2016. See Exhibit 2.
39. Despite the fact that he has been released on bond since 2016 and no material events have occurred which would warrant Petitioner's re-arrest was recently arrested outside his home by ICE officers on January 16, 2025. When he sought a bond redetermination hearing before an Immigration Judge. On February 25, 2026 Immigration Judge Bianca Brown, despite having been ordered by this very Court multiple times in multiple other cases that she did in fact have jurisdiction to consider individuals in Petitioner's situation eligible for bond, found that she had no jurisdiction to make a bond redetermination hearing. See Exhibit 4, Order of the Immigration Judge February 25, 2026.
40. Petitioner is neither a danger to others nor a flight risk and has complied with the conditions of his previous bond ordered by a prior Immigration Judge since 2016.
41. Any appeal to the Board of Immigration Appeals is futile as they and the DOJ

continue to maintain *Matter of Yajure Hurtado* is good law.

CAUSES OF ACTION

Count 1 Violation of 8 U.S.C. § 1226(a)

Unlawful Denial of Bond Hearing

42. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being admitted or paroled. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.
44. The improper and incorrect application of § 1225(b)(2) to bar Petitioner from receiving a bond redetermination hearing before an immigration judge violates the Immigration and Nationality Act.

COUNT TWO

Violation of the Administrative Procedure Act Unlawful Denial of Bond

45. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
46. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to

noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

47. The application of § 1225(b)(2) to bar Petitioner from receiving a bond redetermination hearing before an immigration judge is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

COUNT THREE

Violation of Procedural Due Process

48. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
49. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “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 v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).
50. Petitioner has a fundamental interest in liberty and being free from official

restraint.

51. The government's re-detention of Petitioner, when he was previously released on bond without despite not violating any of the conditions of his release on bond and refusing to either reinstate his current bond or provide him with a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process. It is noteworthy that the U.S. District Court for the Southern District of Georgia, in deciding an identical fact pattern as the instant case, ordered Respondents to release the Petitioner under the same conditions as his previous bond. See *Villa v. Normand*, Case No.: 5:25-cv-89 2025, GASD (Nov. 14, 2025) U.S. Dist. LEXIS 224656.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Declare that Defendants' re-arrest of Petitioner without his violation of the conditions of his previous bond is a violation of due process;
- (3) Declare that Defendants' refusal of jurisdiction consider Petitioner for a bond redetermination hearing before an Immigration Judge violates the INA, APA, and Due Process;

- (4) Issue a writ of habeas corpus requiring that Defendants release immediately him on his previous bond;
- (5) In the alternative, provide Petitioner the bond hearing to which he is entitled within 7 days under the appropriate Constitutional standard, to wit: the Government has the burden of proof by clear and convincing evidence that Petitioner is either a danger to the community or a flight risk to the extent no amount of bond can assure his appearance at future court hearings;
- (6) Set aside Respondents' unlawful detention policy under the APA, 5 U.S.C. § 706(2);
- (7) Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and
- (8) Order further relief as this Court deems just and appropriate.

Dated: March 27, 2026

Respectfully Submitted,

The Fogle Law Firm, LLC

/S/ H. Glenn Fogle, Jr.

by: H. Glenn Fogle, Jr.
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, the undersigned, H. Glenn Fogle, Jr., represent Petitioner, Reyes Sanchez Martinez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 20th day of March 2026.

The Fogle Law Firm, LLC

A handwritten signature in black ink, appearing to be 'H. Glenn Fogle, Jr.', written over a horizontal line.

by: H. Glenn Fogle, Jr.
Georgia Bar. No. 266963

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