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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

VILLEDA ARITA, JOSE MANUEL,

Petitioner,

v.

LADÉON FRANCIS, Field Office Director of  
Enforcement and Removal Operations,  
ATLANTA Field Office, Immigration and  
Customs Enforcement; Kristi NOEM,  
Secretary, U.S. Department of Homeland  
Security; Pamela BONDI, U.S. Attorney  
General; Warden of IRWIN COUNTY  
DETENTION CENTER, *in their official  
capacities*

Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

Agency number: A



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## INTRODUCTION

1. Petitioner JOSE M VILLEDA ARITA (“Petitioner”) is in the physical custody of Respondents at the IRWIN COUNTY DETENTION CENTER. He faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) will conclude that Petitioner is subject to mandatory detention.

2. Petitioner is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

3. Based on this allegation in Petitioner’s removal proceedings, DHS will certainly deny Petitioners release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Petitioner’s detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.

1 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for  
2 having entered the United States without inspection.

3 6. Respondents' new legal interpretation is plainly contrary to the statutory  
4 framework and contrary to decades of agency practice applying § 1226(a) to people like  
5 Petitioner.

6 7. Moreover, on November 20, 2025, the district court granted partial summary  
7 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide  
8 class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*,  
9 No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d--- , 2025 WL 3289861, at \*11 (C.D. Cal. Nov.  
10 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado*  
11 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d--- , 2025 WL 3288403, at  
12 \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond  
13 Eligible Class, incorporating and extending declaratory judgment from Order Granting  
14 Petitioners' Motion for Partial Summary Judgment).

15 8. The declaratory judgment held that the Bond Denial Class members are detained  
16 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §  
17 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

18 9. On March 6, 2026, the Ninth Circuit temporarily stayed the district court's  
19 Declaratory judgement insofar as it extends beyond the Central District of California. EOIR also  
20 issued nationwide guidance stating that *Maldonado Bautista* was not a nationwide injunction and  
21 *Matter of Yajure Hurtado* remains binding on Immigration Judges despite decades of contrary  
22 caselaw.  
23

1 10. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
2 unless Respondents provide a bond hearing under § 1226(a) within seven days.

3 **JURISDICTION**

4 11. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
5 IRWIN COUNTY DETENTION CENTER located in Ocilla, Georgia.

6 12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
7 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
8 Constitution (the Suspension Clause).

9 13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
10 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

11 **VENUE**

12 14. 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  
14 GEORGIA, the judicial district in which Petitioner currently is detained.

15 15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
16 Respondents are employees, officers, and agencies of the United States, and because a  
17 substantial part of the events or omissions giving rise to the claims occurred in the MIDDLE  
18 DISTRICT OF GEORGIA.

22  
23 **REQUIREMENTS OF 28 U.S.C. § 2243**  
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1 27. Second, the INA provides for mandatory detention of noncitizens subject to  
2 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
3 referred to under § 1225(b)(2).

4 28. Last, the INA also provides for detention of noncitizens who have been ordered  
5 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

6 29. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

7 30. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
8 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.  
9 104--208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section  
10 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1,  
11 139 Stat. 3 (2025).

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

17 32. Thus, in the decades that followed, most people who entered without inspection  
18 and were placed in standard removal proceedings received bond hearings, unless their criminal  
19 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent  
20 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”  
21 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)  
22 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply  
23 “restates” the detention authority previously found at § 1252(a)).  
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1 33. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that  
2 rejected well-established understanding of the statutory framework and reversed decades of  
3 practice.

4 34. The new policy, entitled “Interim Guidance Regarding Detention Authority for  
5 Applicants for Admission,”<sup>1</sup> claims that all persons who entered the United States without  
6 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The  
7 policy applies regardless of when a person is apprehended, and affects those who have resided in  
8 the United States for months, years, and even decades.

9 35 On September 5, 2025, the BIA adopted this same position in a published  
10 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the  
11 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are  
12 ineligible for IJ bond hearings.

13 36. Since Respondents adopted their new policies, dozens of federal courts have  
14 rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected  
15 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

16 37. Even before ICE or the BIA introduced these nationwide policies, IJs in the  
17 Tacoma, Washington, immigration court stopped providing bond hearings for persons who  
18 entered the United States without inspection and who have since resided here. There, the U.S.  
19 District Court in the Western District of Washington found that such a reading of the INA is  
20 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not  
21 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d  
22 1239 (W.D. Wash. 2025).

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

1           38.       Subsequently, court after court has adopted the same reading of the INA’s  
2 detention authorities and rejected ICE and EOIR’s new interpretation. *See, e.g., Gomes v. Hyde*,  
3 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,  
4 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);  
5 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,  
6 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL  
7 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025  
8 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,  
9 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-  
10 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-  
11 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),  
12 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-  
13 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-  
14 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-  
15 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051  
16 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*  
17 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);  
18 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,  
19 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.  
20 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.  
21 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.  
22 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at \*2  
23 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §  
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1 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL  
2 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-  
3 RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025) (same).

4 39. Courts have uniformly rejected DHS's and EOIR's new interpretation because it  
5 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the  
6 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

7 40. Section 1226(a) applies by default to all persons "pending a decision on whether  
8 the [noncitizen] is to be removed from the United States." These removal hearings are held under  
9 § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

10 41. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
11 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph  
12 (E)'s reference to such people makes clear that, by default, such people are afforded a bond  
13 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress  
14 creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions,  
15 the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*  
16 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025  
17 WL 1869299, at \*7.

18 42. Section 1226 therefore leaves no doubt that it applies to people who face charges  
19 of being inadmissible to the United States, including those who are present without admission or  
20 parole.

21 43. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
22 recently entered the United States. The statute's entire framework is premised on inspections at  
23 the border of people who are "seeking admission" to the United States. 8 U.S.C.  
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1 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme  
2 applies “at the Nation’s borders and ports of entry, where the Government must determine  
3 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583  
4 U.S. 281, 287 (2018).

5 44. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not  
6 apply to people like Petitioner, who have already entered and were residing in the United States  
7 at the time they were apprehended.

8 45. Finally as mentioned above, on November 20, 2025, the district court granted  
9 partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified  
10 a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista*  
11 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11  
12 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-  
13 Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d --  
14 --, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’  
15 proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment  
16 from Order Granting Petitioners’ Motion for Partial Summary Judgment).

17 46. Despite this declaratory judgment holding that the Bond Denial Class members  
18 are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on  
19 bond under § 1225(b)(2)(A), class members were being blatantly refused bond hearings across the  
20 country, and then the Ninth Circuit temporarily stayed the judgement insofar as it applies outside  
21 of the Central District of California. EOIR has also issued nationwide guidance stating that Maldonado  
22 Bautista is not a nationwide injunction and that *Matter of Yajure Hurtado* is still binding on Immigration  
23 Judges, which is contrary to decades of case law.

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**FACTS**

47. Petitioner has resided in the United States since December 2013 and lives in Charlotte, North Carolina.

48. On or about February 26, 2026, Petitioner was arrested for a traffic-related matter. Petitioner is a dedicated father of three United States Citizen minor children, two biological and one stepchild. He is a hardworking member of his community who was out providing for his wife and kids when he was detained. Petitioner is not a flight risk, nor a danger to his community.

49. DHS placed Petitioner in removal proceedings before the Stewart Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

50. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is jurisdictionally barred from granting Petitioner a bond at the conclusion of a custody redetermination hearing. As such, a bond hearing was scheduled for March 17, 2026, but the Immigration Judge refused jurisdiction pursuant to *Matter of Yajure Hurtado*.

51. As a result, Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and his community despite being eligible to apply for 42B Cancellation of Removal as a result of his over ten years of continuous presence, his good moral character, and the exceptional and extremely unusual hardship that his three United States Citizen children will suffer if he is removed from the United States.

52. Petitioner's children have already been experiencing substantial hardship, his youngest son has been refusing to eat since his father's detention.

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**CLAIMS FOR RELIEF**

**COUNT I**  
**Violation of the INA**

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

54. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

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

**COUNT II**  
**Violation of the Bond Regulations**

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

57. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present

1 without having been admitted or paroled (formerly referred to as [noncitizens] who entered  
2 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323  
3 (emphasis added). The agencies thus made clear that individuals who had entered without  
4 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §  
5 1226 and its implementing regulations.

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

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

10 **COUNT III**  
11 **Violation of Due Process**

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

14 61. The government may not deprive a person of life, liberty, or property without due  
15 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,  
16 detention, or other forms of physical restraint—lies at the heart of the liberty that the  
17 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

18 62. Petitioner has a fundamental interest in liberty and being free from official restraint.

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

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**PRAYER FOR RELIEF**

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

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

Respectfully submitted,

Date: March 24, 2026

/s/Matthew Boles

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**Verification**

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/Matthew Boles

Date: March 24, 2026

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