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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

Jose Chavarria Sibrian,

Petitioner,

v.

Kristen SULLIVAN, Field Office Director of  
Enforcement and Removal Operations, Atlanta  
Field Office, Immigration and Customs  
Enforcement; Markwayne MULLIN,  
Secretary, U.S. Department of Homeland  
Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; Pamela BONDI,  
U.S. Attorney General; EXECUTIVE  
OFFICE FOR IMMIGRATION REVIEW;  
Jason STREEVAL, Warden of STEWART  
DETENTION CENTER

Respondents.

Case No. 4:26-CV-461

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Jose Chavarria Sibrian brings this petition for a writ of habeas  
3 corpus to seek enforcement of their right to seek release from custody under 8 U.S.C.  
4 §1226(a). Petitioner is in the physical custody of Respondents at the Stewart Detention  
5 facility. The Petitioner has been detained since at least February 18, 2026. The Petitioner  
6 does not contest that they are an alien present in the United States that was not admitted  
7 to the United States.

8 2. The Department of Homeland Security (DHS) and the Executive Office  
9 for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued  
10 on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

11 3. The Department of Homeland Security (DHS) and the Executive Office of  
12 Immigration Review (EOIR) have refused to follow this Court's decisions in *J.A.M v.*  
13 *Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S.*  
14 *v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025)  
15 (concerning whether the petitioner is properly detained under 8 U.S.C. §1225(b)(2) or 8  
16 U.S.C. §1226(a).

17 4. On November 20, 2025, the district court granted partial summary  
18 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a  
19 nationwide class and extended declaratory judgment to the certified class. *Maldonado*  
20 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL  
21 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to  
22 named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-  
23 SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order

1 certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating  
2 and extending declaratory judgment from Order Granting Petitioners' Motion for Partial  
3 Summary Judgment).

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

7 6. While the Ninth Circuit Court of Appeals temporarily stayed the ruling in  
8 *Maldonado Bautista* on March 6, 2026, the ruling has not been overturned and the  
9 holding remains persuasive.

1 7. The Petitioner's case is similar to previous cases before this Court. In  
2 *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025)  
3 and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24,  
4 2025) the Court held that the Petitioner is entitled to a discretionary bond hearing under 8  
5 U.S.C. §1226(a) and rejected Respondents position that the Petitioner's detention was  
6 mandatory under 8 U.S.C. §1225(b)(2) and was not eligible for a bond hearing.

7 8. Nonetheless, the Executive Office for Immigration Review and its  
8 subagency the Immigration Court and the Department of Homeland Security (DHS) have  
9 blatantly refused to abide by the declaratory relief, this Court's prior decisions, and have  
1 unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

2 9. Petitioner Jose Chavarria Sibrian is a member of the Bond Eligible Class,  
3 as he:

- 4 a. does not have lawful status in the United States and is currently detained at the  
5 Stewart Detention Facility. They were apprehended by immigration authorities on  
6 or about February 18, 2026.

1 b. entered the United States without inspection over 13 years ago and was not  
apprehended upon arrival, *cf. id.*; and

2 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

3 10. After apprehending Petitioner on February 18, 2026, the DHS placed them  
4 in removal proceedings pursuant to 8 U.S.C. § 1229(a). DHS has charged Petitioner as  
5 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the  
6 United States without inspection.

7 11. The Court should expeditiously grant this petition.

8 12. Respondents are bound by the judgment in *Maldonado Bautista*, as it has  
9 the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless,  
10 Respondents continue to flagrantly defy the judgment in that case and continue to subject  
11 Petitioner to unlawful detention despite their clear entitlement to consideration for release  
12 on bond as a Bond Eligible Class member.

13 13. Immigration judges have informed class members in bond hearings that  
14 they have been instructed by “leadership” that the declaratory judgment in *Maldonado*  
15 *Bautista* is not controlling, even with respect to class members, and that instead IJs  
16 remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. &  
17 N. Dec. 216 (BIA 2025).

18 14. Because Respondents are detaining Petitioner in violation of the  
19 declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order  
20 that within one day, Respondent DHS must release Petitioner.

21 15. Alternatively, the Court should order Petitioner’s release unless  
22 Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

### JURISDICTION



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

**PARTIES**

23. Petitioner Jose Chavarria Sibrian is alleged to be a citizen of El Salvador who has been in immigration detention since February 18, 2026. After Petitioner was arrested, ICE did not set bond and Petitioner requested review of his custody by an IJ. On March 13, 2026, Petitioner was denied bond by an IJ at the Stewart Immigration Court because they were deemed an “applicant for admission” and under 8 U.S.C. §1225(b)(2)(A) the Immigration Judge lacked authority to hear bond requests.

24. Respondent Kristen SULLIVAN is the Director of the Atlanta Field Office of ICE’s Enforcement and Removal Operations division. As such, Kristen SULLIVAN is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. She is named in her official capacity.

25. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.



1           33.     The order granting class certification in *Maldonado Bautista* further orders  
2 that “[w]hen considering this determination with the MSJ Order, the Court extends the  
3 same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

4           34.     Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
5 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
6 § 2201(a).

7           35.     Further the Petitioner’s situation is almost identical to the Petitioners in  
8 *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025)  
9 and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24,  
10 2025).

1           36.     Petitioner further notes that, in prior cases involving similarly situated  
2 detainees represented by undersigned counsel, bond hearings conducted before  
3 Immigration Judge Bianca H. Brown at the Stewart Detention Center following habeas  
4 relief have consistently resulted in denial of bond. In light of these circumstances,  
5 additional procedural safeguards are necessary to ensure that Petitioner receives a full and  
6 fair bond hearing consistent with due process

7           37.     By denying Petitioner a bond hearing under § 1226(a) and asserting that  
8 they are subject to mandatory detention under § 1225(b)(2), Respondents violate  
9 Petitioner’s statutory rights under the INA and their constitutional rights as found in the  
10 previously mentioned cases.

**PRAYER FOR RELIEF**

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

- 2           a.     Assume jurisdiction over this matter;
- 3           b.     Issue a writ of habeas corpus requiring that within one day, Respondents release  
4                 Petitioner;

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- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Petitioner respectfully requests that any Court-ordered bond hearing be conducted before a different Immigration Judge to ensure a full and fair hearing consistent with due process;
- e. 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
- f. Grant any other and further relief that this Court deems just and proper.

DATED this 25th of March 2026.

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*Attorneys for Petitioners-Plaintiffs*

\* Pro hac vice application forthcoming