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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Jackeline Duran Posadas,

Petitioner,

v.

Jason STREEVAL, *in his official capacity as
Warden of Stewart Detention Center*, and Todd
LYONS, *in his official capacity as Acting
Director of Immigration and customs
Enforcement*, and Ladeon FRANCIS, *Field
Office Director ICE Atlanta Field Office*, and
Markwayne MULLIN, *Secretary of Homeland
Security*, and Pamela BONDI, *in her official
capacity as Attorney General, United States
Department of Justice*

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Alien File No.



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INTRODUCTION

1. Petitioner, Jackeline Duran Posadas, is a twenty-year-old native and citizen of Honduras who entered the United States without inspection in 2009 when she was thirteen years old. She has lived in the United States since that time.

2. Petitioner is in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia. She now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

3. Upon information and belief, 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).

4. Upon information and belief, based on this allegation in Petitioner’s removal proceedings, DHS denied the Petitioner 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.

5. 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.

1 6. Petitioner’s detention on this basis violates the plain language of the Immigration
2 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
3 previously entered and are now residing in the United States. Instead, such individuals are
4 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.
5 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
6 having entered the United States without inspection.

7 7. Respondents’ new legal interpretation is plainly contrary to the statutory
8 framework and contrary to decades of agency practice applying § 1226(a) to people like
9 Petitioner.

10 8. Also, on December 18, 2025, the District Court of Central California entered
11 Final Judgment in the nationwide class action *Maldonado Bautista v. Santacruz*. See *Maldonado*
12 *Bautista v. Santacruz*, 2025 U.S. Dist. LEXIS 262265 (C.D. Cal. Dec. 18, 2025). This final
13 judgment certified Bond Eligible Class members and declared that *Yajure-Hurtado* was no
14 longer tenable. See *Order Granting in Part and Denying in Part Petitioner’s Ex Parte*
15 *Application for Reconsideration or Clarification [DKT. No. 87]*, 5:23-cv-01873-SSS-BFM, EC
16 No. 92 at 6 (C.D. Cal. Dec. 18, 2025). The judgment holds that Bond Denial Class members are
17 detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond
18 under § 1225(b)(2)(A). The District Court Order granting petitioners’ motion to enforce the
19 judgment was recently temporarily stayed. See *Order Granting Administrative Stay*, *Maldonado*
20 *Bautista v. U.S. Dep’t of Homeland Security*, *DKT. No. 5.1J*, No. 26-1044 (9th Cir. Mar. 6,
21 2026).

22 9. The Court should order Petitioner’s release unless Respondents provide a bond
23 hearing under 8 U.S.C. § 1226(a) within seven days.
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JURISDICTION

10. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Detention Center in Lumpkin, Georgia.

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

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

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VENUE

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

14. Respondent Streeval is her immediate custodian.

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

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REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court should grant the petition for writ of habeas corpus forthwith, as the legal issues presented have already been resolved by this Court, which has recognized that most similarly situated petitioners are entitled to the relief sought. *See e.g. J.A.M. v. Streeval, No.*

1 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-
2 cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

3 17. 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 18. Petitioner Jackeline Duran Posadas is a citizen and national of Honduras who has
11 been in immigration detention since March 24, 2026. After detaining Petitioner, ICE did not set
12 bond and Petitioner is unable to obtain review of her custody by an immigration judge, pursuant
13 to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Petitioner
14 is currently detained at the Stewart Detention Center in Lumpkin, Georgia.

15 19. Respondent Jason Streeval is the Warden of the Stewart Detention Center. As
16 such, Respondent Streeval is responsible for the operation of the Detention Center where
17 Petitioner is detained. As ICE contracts with prisons such as the Stewart Detention Center to
18 house immigration detainees such as the Petitioner, Respondent Streeval has immediate physical
19 custody of the Petitioner.

20 20. Respondent Todd Lyons is the Director of the Field Office of ICE’s Enforcement
21 and Removal Operations division. As such, Respondent Lyons is being sued in his official
22 capacity.

1 26. 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 27. 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 28. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

7 **FACTS**

8 29. Petitioner is a twenty-year-old native and citizen of Honduras. *See Exhibit 1,*
9 *Petitioner's Passport.*

10 30. Petitioner has resided in the United States since the age of thirteen. She attended
11 both middle and high school in the United States, and graduated from Independence High School
12 in Charlotte, North Carolina. She currently has a valid grant of deferred action. Following her
13 graduation, she obtained her Pharmacy Technician license and has maintained steady
14 employment. She possesses a valid employment authorization document and a valid state
15 driver's license. Petitioner's sister is a United States citizen. *See Exhibit 2, School Records,*
16 *Pharmacy Technician Certificate, Sister's birth certificate.*

17 31. Petitioner was placed in removal proceedings shortly after entering the United
18 States and, to date, has fully complied with all requirements associated with those proceedings.
19 She has various pending applications for relief and she is currently under a valid grant of
20 deferred action and, as such, is not accruing unlawful presence. Petitioner has consistently
21 reported to ICE as required. Notably, she was taken into custody while appearing for her routine
22 annual check-in, in full compliance with ICE's reporting requirements. Petitioner has no
23 criminal history, no prior issues, no removal order, and no history of non-compliance. She was
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1 subsequently transferred to the Stewart Detention Center. See **Exhibit 3**, *Online Detainee*
2 *Locator*.

3 32. Petitioner has strong family and community ties, having lived here since age 13
4 and having attended her local high school, graduating in 2024. She works in her community and
5 has no criminal history. In fact, she is currently in the United States pursuant to a grant of
6 deferred action (no unlawful presence).

7 33. Petitioner is neither a flight risk nor a danger to the community. She has a long
8 and consistent history of complying with all reporting requirements, including regular check-ins
9 with ICE, which demonstrates her reliability and commitment to appearing as required. She has
10 no criminal history.

11 34. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
12 Petitioner's bond request.

13 35. As a result, Petitioner remains in detention. Without relief from this court, she
14 faces the prospect of months, or even years, in immigration custody, separated from her family
15 and community.

16 **CLAIMS FOR RELIEF**

17 **COUNT 1**

18 **Violation of the INA:**

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

21 37. Petitioner is entitled to consideration for release on bond under 8 U.S.C.
22 § 1226(a).

1 38. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
2 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory
3 rights under the INA.

4 **COUNT II**

5 **Violation of the Bond Regulations**

6 39. Petitioner incorporates by reference the allegations of fact set forth in preceding
7 paragraphs.

8 40. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
9 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.
10 Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the
11 agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present
12 without having been admitted or paroled (formerly referred to as [noncitizens] who entered
13 without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323
14 (emphasis added). The agencies thus made clear that individuals who had entered without
15 inspection were eligible for consideration for bond and bond hearings before Immigration Judges
16 under 8 U.S.C. § 1226 and its implementing regulations.

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

19 42. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued
20 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

21 **COUNT III**

22 **Violation of Fifth Amendment Right to Due Process**

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

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

7 45. Petitioner has a fundamental interest in liberty and being free from official
8 restraint.

9 46. The government’s detention of Petitioner without a bond redetermination hearing
10 to determine whether he is a flight risk or danger to others violates her right to due process.

11 **PRAYER FOR RELIEF**

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

- 13 a. Assume jurisdiction over this matter;
- 14 b. Order that Petitioner shall not be transferred outside the Middle District of
15 Georgia while this habeas petition is pending;
- 16 c. Issue an Order to Show Cause ordering Respondents to show cause why this
17 Petition should not be granted within three days;
- 18 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in
19 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §
20 1226(a) within seven days;
- 21 e. Declare that Petitioner’s detention is unlawful;
- 22 f. Order Respondents to return Petitioner’s valid employment authorization
23 document and state-issued driver’s license;
- 24

1 g. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
2 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law; and

4 h. Grant any other and further relief that this Court deems just and proper.

5 DATED this 30th day of March of 2026.

6 By: /s/ Rebecca Rojas
7 Rebecca Rojas, Esq.
8 *The Rojas Firm, LLC*
9 Attorney for the Respondent
10 4994 Lower Roswell Rd. Suite 11
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12 678-310-0289 (tel.)
13 678-866-2333 (fax.)
14 rrojas@therojasfirm.com
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3 I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition
4 for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and
5 belief.

6 /s/ Rebecca Rojas

Date: March 30, 2026

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CERTIFICATE OF SERVICE

This is to certify that on this 30th day of March 2026, the foregoing **PETITION FOR A WRIT OF HABEAS CORPUS** and its accompanying Exhibits were submitted to the Federal District Court for the Middle District of Georgia to be served upon Respondent's in accordance with established court procedure.

The Rojas Firm, LLC

/s/ Rebecca Rojas

Rebecca Rojas, Esq.

GA Bar #: 306532

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List of Exhibits

<u>Exhibit</u>	<u>Description</u>
1.	<i>Petitioner's Passport</i>
2.	<i>School Records, Pharmacy Technician Certificate, Sister's birth certificate, deferred action grant</i>
3.	<i>Online Detainee Locator</i>