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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

WALTER CLAROS ARGUETA

Petitioner,

v.

Jason STREEVAL, Warden of Stewart
Detention Center; George STERLING Field
Office Director of Enforcement and Removal
Operations, Atlanta Field Office, Immigration
and Customs Enforcement;


Respondents.

Case No. 4:26-cv-508

**PETITION FOR WRIT OF
HABEAS CORPUS**

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INTRODUCTION

1. Petitioner Walter CLAROS ARGUETA () brings this petition for a writ of habeas corpus as an individual unlawfully detained and stripped of bond jurisdiction by an improvident and unlawful change in analysis as to who is “seeking admission” to the United States. *See, Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

2. Petitioner is in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by longstanding precedent regarding bond jurisdiction. Contrary to the assertions of DHS and EOIR, entrants to the United States without inspection are not properly “applicants for admission,” such that all such individuals be detained without jurisdiction for the courts to grant bond. Petitioner alleges that the continued classification of detention authority as pursuant to 8 U.S.C. § 1225 for all individuals present without inspection or admission, is erroneous and a violation of law.

3. The Executive Office for Immigration Review and its subagency, the Immigration Court, and the Department of Homeland Security (DHS) have unlawfully ordered that individuals similarly situated to Petitioner be denied the opportunity to be released on bond.

4. Petitioner was encountered by Immigration and Customs Enforcement officers consequent to an arrest for violation of a protection order that was issued against him. He entered the United States as an Unaccompanied Alien Child (“UAC”) on or about May 1, 2017, and after being trafficked into the United States without inspection, Petitioner was encountered by officers of Customs and Border Protection. DHS initially charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who is present in the United States without inspection,

1 admission, or parole; however, proceedings in that matter were dismissed in 2023. Petitioner was
2 present in the United States awaiting adjudication of his affirmative asylum application when
3 proceedings were commenced anew, at the present time.

4 5. The Court should expeditiously grant this petition.

5 6. Petitioner was not encountered at a port of entry, and thus, he is not “seeking
6 admission” to the United States and not subject to the framework at 8 U.S.C. § 1225(b). Rather,
7 he was in the United States for some period of time, and thereafter, was encountered by Border
8 Patrol Agents, and placed in the custody of the Department of Health and Human Services, due
9 to his minor age.

10 7. Respondents are bound by the statutory authority of the Immigration and
11 Nationality Act. The holding in *Yajure Hurtado* is plainly erroneous, as not all individuals who
12 entered without inspection are also “seeking admission.” Nevertheless, Respondents continue to
13 disregard a growing number of District Court decisions, and to subject Petitioner to unlawful
14 detention despite his clear entitlement to consideration for release on bond. Petitioner is not
15 properly an arriving alien, nor seeking admission, as he has been present in the United States
16 since May 1, 2017, and he was not arrested or charged “while arriving” in the United States at
17 the time of his initial encounter with immigration officials.

18 8. Immigration Judges have continued to remain bound to follow the agency’s prior
19 decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), despite its flawed legal
20 reasoning.

21 9. Because Respondents are detaining Petitioner in violation of the statutory
22 framework under the Immigration and Nationality Act, the Court should accordingly order that
23 within one day, Respondent DHS must release Petitioner.

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1 10. Alternatively, the Court should order Petitioner's release unless Respondents
2 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.
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5 JURISDICTION

6 11. Petitioner is in the physical custody of Respondents. Petitioner is detained at
7 Stewart Detention Center.

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

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

13 VENUE

14 14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
15 500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the
16 judicial district in which Petitioner currently is detained.

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

21 REQUIREMENTS OF 28 U.S.C. § 2243

22 16. The Court should grant the petition for writ of habeas corpus "forthwith," as this
23 Court has specifically ordered Respondents to accord bond hearings to similarly situated
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1 individuals, who have entered the United States without inspection in the past, but were not
2 encountered “entering” the United States. *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH, Order
3 15 (M.D. Ga. Oct. 31, 2025), ECF No. 12.

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

10 **PARTIES**

11 18. Petitioner Walter Claros Argueta is a citizen of El Salvador who has been in
12 immigration detention since March 2026. After Petitioner was arrested in Asheville, North
13 Carolina, ICE did not set a bond. Filing a motion for custody redetermination (bond) would be
14 futile in this situation as the immigration judges with jurisdiction over the detention center where
15 Petitioner is being held have continued to hold that *Matter of Yajure Hurtado* strips jurisdiction
16 for bond redetermination from all entrants to the United States without inspection. Petitioner will
17 undoubtedly be deemed an “applicant for admission” pursuant to DHS arguments. Petitioner has
18 resided in the United States continuously since approximately May 1, 2017.

19 19. Respondent Jason Streeval is employed by CCA as Warden of Stewart Detention
20 Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued
21 in his official capacity.

22 20. Respondent George Sterling is the Director of the Atlanta Field Office of ICE’s
23 Enforcement and Removal Operations division. As such, George Sterling is Petitioner’s
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1 immediate custodian and is responsible for Petitioner's detention and removal. He is named in
2 his official capacity.

3 **CLAIM FOR RELIEF**
4 **Violation of the INA:**
5 **Request for Relief Pursuant to the Unlawful Legal Characterization of Petitioner's**
6 **Detention**

7 **A. Petitioner is entitled to relief because Respondents are subjecting him to unlawful**
8 **detention pursuant to 8 U.S.C. § 1225(b), when he is properly an individual detained**
9 **pursuant to 8 U.S.C. § 1226(a).**

10 21. At the outset, there is no statutory requirement of administrative exhaustion
11 before immigration detention may be challenged in federal court by a writ of habeas corpus. *See*
12 8 U.S.C. § 1252(d)(1); *Garza-Garcia v. Moore*, 539 F. Supp. 2d 899, 904 (S.D. Tex. 2007)
13 (“Under the INA exhaustion of administrative remedies is only required by Congress for appeals
14 on final orders of removal.”). The Supreme Court has recognized that exhaustion is not required
15 where a plaintiff “may suffer irreparable harm if unable to secure immediate judicial
16 consideration of her claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). This is the case
17 here, where Plaintiff raises constitutional and statutory claims that the agency cannot redress, and
18 where each day that passes is one in which she is being unconstitutionally deprived of his liberty.

19 22. The Court has the authority to grant a writ of habeas corpus to a petitioner who
20 demonstrates that he is being held in custody in violation of federal law. 28 U.S.C. § 2241(a),
21 (c)(3); *see INS v. St. Cyr*, 533 U.S. 289, 301 (2001) (“[T]he writ of habeas corpus has served as a
22 means of reviewing the legality of Executive detention, and it is in that context that its
23 protections have been strongest.”); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (noting that §
24 2241 habeas corpus proceedings are available to challenge the lawfulness of immigration-related
detention).

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

1 24. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for
2 release on bond under 8 U.S.C. § 1226(a).

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

6 26. U.S.C. § 1225 covers "inadmissible arriving aliens" who are "applicants for
7 admission" "present in the United States who [have] not been admitted." *Gomes v. Hyde*, No.
8 25-cv-11571, 2025 WL 1869299, at *2 (D. Mass. July 7, 2025) (alteration in original; citation
9 and footnote call number omitted). Section 1225(a)(3) requires all applicants for admission,
10 including those "seeking admission," to be inspected by an immigration officer, see 8 U.S.C. §
11 1225(a)(3); and certain applicants for admission may be subject to removal proceedings under
12 section 1225(b). 8 U.S.C. § 1225(a) – (b); see also *Dep't of Homeland Sec. v. Thuraissigiam*,
13 591 U.S. 103, 108–09 (2020) (citations omitted). Relevant here, § 1225(b)(2) applies where an
14 arriving alien is "seeking admission" into the United States, and that provision mandates
15 detention for aliens who are "applicants for admission." 8 U.S.C. § 1225(b)(2)(A). "Because
16 Section 1225 is mandatory, a 'noncitizen detained under Section 1225(b)(2) may be released
17 only if he is paroled for urgent humanitarian reasons or significant public benefit.'" *Barrera v.*
18 *Tindall*, No. 25-cv-541, 2025 WL 2690565, at *2 (W.D. Ky. Sept. 19, 2025) (quoting *Gomes*,
19 2025 WL 1869299, at *1).

18 27. On the other hand, § 1226 has historically "authorize[d] the Government to detain
19 certain aliens *already in the country* pending the outcome of removal proceedings[.]" *Jennings v.*
20 *Rodriguez*, 583 U.S. 281, 289 (2018) (emphasis added).

21 28. In addition, courts around the country have given no weight to *how long*
22 noncitizen residents entered the United States when rejecting Respondent's interpretation of
23 § 1225(b)(2). *Garcia v. Noem, et. al.*, No. 1:25-CV-1271, 2025 WL 3017200, at *4 (W.D. Mich.
24 Oct. 29, 2025); *Diaz v. Olson, et. al.*, No. 25 CV 12141, 2025 WL 3022170, at *5 (N.D. Ill. Oct.

1 29, 2025); *Rodriguez v. Noem, et. al.*, No. 1:25-CV-1196, 2025 WL 3022212, at *6 (W.D. Mich.
2 Oct. 29, 2025); *Puga*, 2025 WL 2938369; *Lopez-Campos*, 2025 WL 2496379, at *8; *see also*
3 *Rodriguez*, 779 F. Supp. 3d at 1256–61; *Singh v. Lewis*, No. 4:25-cv-96, 2025 WL 2699219, at
4 *3–5 (W.D. Ky. Sept. 22, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337, 2025 WL 2691828,
5 at *7–12 (W.D. Tex. Sept. 22, 2025); *Campos Leon v. Forestal*, No. 1:25-cv-1774, 2025 WL
6 2694763, at *2–5 (S.D. Ind. Sept. 22, 2025); *Hasan v. Crawford*, No. 1:25-cv-1408, 2025 WL
7 2682255, at *5–9 (E.D. Va. Sept. 19, 2025); *Garcia Cortes v. Noem*, No. 1:25-cv-2677-CNS,
8 2025 WL 2652880, at *2–3 (D. Colo. Sept. 16, 2025); *Kostak v. Trump et al.*, No. 3:25-cv-
9 01093, 2025 WL 2472136, at *2–4 (W.D. La. Aug. 27, 2025); *Romero*, 2025 WL 2403827, at
10 *8–13 (D. Mass. Aug. 19, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142, 2025 WL 2374411,
11 at *9–16 (D. Minn. Aug. 15, 2025); *dos Santos v. Noem*, No. 1:25-cv-12052, 2025 WL 2370988,
12 at *6–9 (D. Mass. Aug. 14, 2025); *Lopez Benitez*, 2025 WL 2371588, at *3–9; *Rosado*, 2025 WL
13 2337099, at *6–11, report and recommendation adopted, 2025 WL 2349133 (D. Ariz. Aug. 13,
14 2025).

15 29. Because Petitioner in this matter was not encountered *at entry*, he should not be
16 detained pursuant to 1225(b). This is consistent with the charging document in the record before
17 the Executive Officer for Immigration Review. Rather, he should be entitled to release or, in the
18 alternative, a bond hearing, pursuant to 1226.

19 30. Thus, Petitioner should expeditiously be ordered released or, in the alternative, at
20 least accorded a bond hearing within seven days.

21 PRAYER FOR RELIEF

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

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

- 1 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
2 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
3 seven days;
- 4 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
5 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
6 law; and
- 7 e. Grant any other and further relief that this Court deems just and proper.

8
9 DATED this 30th of March, 2026.

10 /s/ Helen L. Parsonage

11 Helen L. Parsonage, Esq.

12 Elliot Morgan Parsonage PLLC

13 328 N Spring Street

14 Winston-Salem, NC 27101

15 hparsonage@emplawfirm.com

16 Tel: (336) 714 4480

17 /s/ Mary Lynn A. Tedesco

18 MARY LYNN ANNA TEDESCO, ESQ.

19 *Pro Hac Vice*

20 TEDESCO LEGAL PC

21 marylynn@tedescoimmigration.com

22 1515 MOCKINGBIRD LANE, STE 400

23 CHARLOTTE NC 28209

24 PHONE: 980-999-1253

Attorneys for Petitioner