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DETAINED

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

MARIA CLAUDIA ROJAS MORA

Petitioner,

Vs.

JASON STREEVAL, WARDEN Of THE STEWART DETENTION CENTER IN LUMPKIN, GEORGIA, *in his official capacity* as Warden of the Stewart Detention Center in Lumpkin, Georgia

CORECIVIC, INC., a foreign profit company, in its *official* capacity as

Civil Action No. 4:26-CV-00510

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

the private owner and operator of THE STEWART DETENTION CENTER IN LUMPKIN, GEORGIA, and in its *official capacity* as the Registered / Designated Agent for Service FOR: **JASON STREEVAL,** *in his official capacity* as Warden of the Stewart Detention Center in Lumpkin, Georgia

KRISTEN SULLIVAN, who is sued in her *official* capacity as Acting Field Office Director of the ICE Atlanta Field Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, and Removal Operations (ERO) in Atlanta, GA.
TODD M. LYONS, *in his official capacity* as Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security

STEVEN SCHRANK, *in his official capacity* as Special Agent in Charge of Homeland Security in Atlanta, covering the fields of Georgia, Florida and North Carolina

MARKWAYNE MULLIN, *in his official capacity* as Secretary, U.S. Department of Homeland Security; and

PAMELA BONDI, *in her official capacity* as the Attorney General of the United States,
Respondents.

INTRODUCTION

1. Petitioner, **Maria Claudia Rojas Mora** (hereinafter "Petitioner"), is a citizen of Mexico who has resided continuously in the United States for more than twenty years and has established deep and substantial ties to this country.
2. Petitioner is currently detained at the Stewart Detention Center located in Lumpkin, Georgia. ***See Exhibit A, ICE Detainee Locator Results***.
3. On September 5, 2025, the Board of Immigration Appeals issued a precedential decision that reinterpreted the Immigration and Nationality Act. See Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). Prior to this decision, individuals apprehended within the interior of the United States were detained pursuant to **8 U.S.C. § 1226(a)** and were entitled to seek bond hearings before Immigration Judges.
4. On March 13, 2026, Petitioner requested a custody redetermination before the Immigration Court. The Immigration Judge denied Petitioner's request for a bond hearing, finding that the Immigration Court lacked jurisdiction to consider bond under Matter of Yajure Hurtado. See **Decision of Immigration Judge, *Exhibit B***.
5. Petitioner's continued detention under **8 U.S.C. § 1225(b)(2)(A)** violates the statutory framework and applicable regulations. She is **not an applicant for**

admission and should be detained, if at all, under **8 U.S.C. § 1226(a)**, which permits release on bond.

6. Federal courts, including courts within this Circuit, have rejected the interpretation set forth in Matter of Yajure Hurtado and have held that individuals apprehended within the United States are entitled to bond hearings. See J.A.M. v. Streeval, 2025 WL 3050094, at *5 (M.D. Ga. Nov. 1, 2025).

7. Petitioner seeks declaratory and injunctive relief, as well as immediate habeas relief, **including immediate release or, in the alternative, a prompt and constitutionally adequate bond hearing.**

CUSTODY

8. Petitioner is currently in the custody of the Stewart Detention Center, located at 146 CCA Road, Lumpkin, Georgia 31815. *See* ***Exhibit A***. She is therefore in the "'custody' of [the DHS] within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

JURISDICTION

9. This Court has jurisdiction under **28 U.S.C. § 2241**, **28 U.S.C. § 1331**, Article I, § 9, cl. 2 of the United States Constitution (the *Suspension Clause*), and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241

et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the All-Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, including 8 U.S.C. § 1252(e)(2).

11. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging both the **lawfulness and constitutionality of their detention**. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *J.A.M. v. Streeval*, 2025 WL 3050094, at *1 (M.D. Ga. Nov. 1, 2025).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

13. Petitioner is "in custody" for the purpose of § 2241 because Petitioner was arrested and detained by Respondents.

VENUE

14. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees or officers of the United States acting in their official capacity and because Petitioner is currently detained in the Stewart Detention Center, located at 146 CCA Road, Lumpkin, Georgia 31815. *See*

Exhibit A.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. Administrative exhaustion is unnecessary as it would be futile. *See, e.g., Aguilar v. Lewis*, 50 F. Supp. 2d 539, 542–43 (E.D. Va. 1999).

16. It would be futile for Petitioner to seek a custody redetermination hearing before an IJ because of the *Hurtado* BIA recent decision holding that anyone who has entered the U.S. without inspection is now considered an "applicant for admission" who is "seeking admission" and therefore subject to mandatory detention under § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); *see also Zaragoza Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025) (noting that BIA's decision in *Yajure Hurtado* renders exhaustion futile). Petitioner sought a bond determination, and the Honorable Immigration Judge Bianca H. Brown refused her bond on March 13, 2026, finding that she lacked jurisdiction to review the issue of bond eligibility. *See* Decision of Immigration Judge, ***Exhibit B***.

17. Additionally, the agency does not have jurisdiction to review Petitioner's claim of unlawful custody in violation of her due process rights, and it would therefore be futile for her to pursue administrative remedies. *Reno v American-Arab Anti-Discrimination Committee.*, 525 U.S. 471, 119 S.Ct.

936, 142 L.Ed.2d 940 (1999) (finding exhaustion to be a "futile exercise because the agency does not have jurisdiction to review" constitutional claims).

PARTIES

18. Petitioner is a citizen of Mexico and has resided in, and been continuously present in the U.S., for more twenty years. She is currently detained at the Stewart Detention Center, located at 146 CCA Road, Lumpkin, Georgia 31815.

19. Respondent Warden, Jason Streeval is sued in his official capacity as Warden of the Stewart Detention Center located in Lumpkin, Georgia. In his *official* capacity, Respondent Warden Streeval is Petitioner's immediate custodian.

20. CoreCivic, Inc., a foreign profit company, is sued in its *official* capacity as the private owner and operator of THE STEWART DETENTION CENTER IN LUMPKIN, GEORGIA, and is sued in its *official* capacity as the Registered / Designated Agent for Service FOR:

21. Respondent **JASON STREEVAL,** who is sued in his *official* capacity as Warden of the Stewart Detention Center located in Lumpkin, Georgia.

22. Respondent **KRISTEN SULLIVAN,** who is sued in her *official* capacity as Acting Field Office Director of the ICE Atlanta Field Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, and

Removal Operations (ERO) in Atlanta, GA.

23. Respondent **TODD M. LYONS** is sued in his *official* capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Petitioner.

24. Respondent **MARKWAYNE MULLIN** is sued in his *official* capacity as Secretary of Homeland Security. As the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, Secretary Noem is Petitioner's ultimate legal custodian.

25. Respondent **PAMELA A. BONDI** is sued in her *official* capacity as the Attorney General of the United States. As Attorney General, she has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

LEGAL BACKGROUND AND ARGUMENT

26. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.

27. First, individuals detained pursuant to 8 U.S.C. § 1226(a) are generally entitled to a bond hearing, unless they have been arrested, charged with, or convicted of certain crimes and are subject to mandatory detention. *See* 8 U.S.C. §§ 1226(a), 1226(c) (listing grounds for mandatory detention); *see also* 8 C.F.R. §§ 1003.19(a) (immigration judges may review custody

determinations made by DHS), 1236.1(d) (same).

28. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) as well as other recent arrivals deemed to be "seeking admission" under § 1225(b)(2).

29. Third, the INA authorizes detention of noncitizens who have received a final order of removal, including those in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

30. 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, 300-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

31. Following the enactment of the IIRIRA, the U.S. Department of Justice's Executive Office of Immigration Review ("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) ("Despite being

applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

32. Thus, in the decades that followed, most people who entered without inspection and were thereafter detained and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an Immigration Judge ("IJ"), unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an IJ or other hearing officer. In contrast, those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

33. For decades, long-term residents of the U.S. who entered without inspection and were subsequently apprehended by ICE in the interior of the country have been detained pursuant to § 1226 and entitled to bond hearings before an IJ, unless barred from doing so due to their criminal history.

34. In July 2025, however, ICE began asserting that all individuals who entered without inspection should be considered "seeking admission" and therefore

subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

35. On September 5, 2025, the BIA issued a precedential decision adopting this interpretation, departing from the INA's text, federal precedent, and existing regulations. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

36. Respondents' new legal interpretation is plainly contrary to the statutory framework and its implementing regulations. Indeed, for decades, Respondents / Defendants had applied § 1226(a) to people just like the Petitioner. Respondents' new policies are thus not only contrary to law but are arbitrary and capricious in violation of the Administrative Procedure Act ("APA"). They were also adopted without complying with the procedural requirements of the APA.

37. This Court has joined the broad consensus among Federal District Courts rejecting BIA's reasoning in *Matter of Yajure Hurtado*, and instead concluding that § 1226, not § 1225(b)(2), authorizes detention of noncitizens who entered without inspection and were later apprehended in the interior of the country. *See J.A.M. v. Streeval*, 2025 WL 3050094 *5 (M.D. Ga. Nov. 1, 2025) (holding that petitioner was entitled to a bond hearing) ("*Under the statutory definition, "applicant for admission" means an alien in the United States who has not been lawfully admitted. 8 U.SC Section 1225 (a)(1) That is the definition that must be compared to an "alien seeking admission." But*

the Court is constrained by the specific definition Congress gave to "applicant for admission. Under the statutory definition, "applicant for admission" means an alien in the United States who has not been lawfully admitted. 8 U.S.C. Section 1225(a)(1). That is the definition that must be compared to an "alien seeking admission." And under no reasonable interpretation is "alien seeking admission" synonymous with "any alien present in the United States who has not been admitted." The second phrase, "seeking admission," modifies and narrows the first, "an alien present in the United States who has not been admitted." It does not simply restate it. Counsel and Yajure Hurtado's expansive understanding of "synonym" would make an experienced grammarian, or even a rookie 7th grade teacher, wince.) see also Villa v. Normand, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025) (disagreeing with reasoning in *Yajure Hurtado*), *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting court's disagreement with BIA's analysis in *Yajure Hurtado*); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9, 2025); *see also Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO (HC) (E.D.

Cal. Sept. 23, 2025), *Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM (M.D. Fla. Sept. 25, 2025), and *Chafla v. Scott*, No. 2:25-cv-00437-SDN (D. Maine Sept. 21, 2025).

38. Under the Supreme Court's recent decision in *Loper Bright v. Raimondo*, this Court should independently interpret the statute and give the BIA's expansive interpretation of § 1225(b)(2) no weight, as it conflicts with the statute, regulations, and precedent. 603 U.S. 369 (2024).

39. 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. Following IIRIRA, the Executive Office for Immigration Review ("EOIR") issued regulations clarifying that individuals who entered the country without inspection were not considered detained under § 1225, but rather 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) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

40. The statutory context and structure also make clear that § 1226 applies to individuals who have not been admitted and entered without inspection. In 2025, Congress added new mandatory detention grounds to § 1226(c) that apply only to noncitizens who have not been admitted. *See* The Laken Riley Act, Pub. L. No. 119-1, § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. § 1226(c)(1)(E)).

41. By specifically referencing inadmissibility for entry without inspection under 8 U.S.C. § 1182(6)(A), Congress made clear that such individuals are otherwise covered by § 1226(a). Thus, § 1226 plainly applies to noncitizens charged as inadmissible, including those present without admission or parole.

42. The Supreme Court has explained that § 1225(b) is concerned "primarily [with those] seeking entry," and is generally imposed "at the Nation's borders and ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 297-98 (2018). In contrast, Section 1226 "authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings." *Id.* at 289 (emphases added).

43. Furthermore, § 1225(b)(2) specifically applies only to those "seeking admission," and the implementing regulations at 8 C.F.R. § 1.2 addresses noncitizens who are "coming or attempting to come into the United States." The use of the present progressive tense would exclude noncitizens **like**

Petitioner, who are apprehended in the interior *years* after they entered, *as they are no longer "seeking admission"* or *"coming [...] into the United States*." *See Martinez v. Hyde*, 2025 WL 2084238 at *6 (D. Mass. July 24, 2025) (citing the use of present and present progressive tense to support conclusion that INA § 1225(b)(2) does not apply to individuals apprehended in the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200 (S.D. Cal. 2019) (construing "is arriving" in INA § 235(b)(1)(A)(i) and observing that "[t]he use of the present progressive, like use of the present participle, denotes an ongoing process").

44. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to Petitioner, who had entered the U.S. approximately twenty (20) years ago.

STATEMENT OF FACTS

45. Petitioner is a citizen of Mexico.

46. Upon information and belief, Petitioner has resided in the United States and has been continuously present in this country for more than twenty years.

47. Upon information and belief, Petitioner has no significant criminal history and poses no danger to the community.

48. She is now detained at the Stewart Detention Center, located at 146 CCA Road, Lumpkin, Georgia 31815. *See* ***Exhibit A***.

49. On March 13, 2026, an Immigration Judge denied the Petitioner's bond request and stated that the Immigration Court did not have jurisdiction to grant bond under *Matter of Yajure Hurtado*, *supra*. *See* ***Exhibit B***.

50. Without relief from this Court, she faces continued detention without a bond hearing.

COUNT I

Violation of 8 U.S.C. § 1226(a)

Unlawful Denial of Release on Bond

51. Petitioner restates and realleges all preceding paragraphs as if fully set forth herein.

52. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a), which governs the detention of noncitizens who are present in the United States and not arriving at a port of entry.

53. Under § 1226(a) and its implementing regulations, including 8 C.F.R. §§ 236.1(d) and 1003.19(a), Petitioner is entitled to an individualized bond hearing before an Immigration Judge.

54. Respondents have unlawfully subjected Petitioner to mandatory detention and denied her access to a bond hearing based on an erroneous interpretation of the statute.

55. Because Petitioner has not been, and will not be, provided with the bond

hearing required by law, her continued detention is unlawful.

COUNT II

Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19

Unlawful Denial of Release on Bond

56. Petitioner restates and realleges all preceding paragraphs as if fully set forth herein.

57. Following the enactment of IIRIRA, federal regulations made clear that noncitizens present in the United States without having been admitted or paroled are eligible for custody determinations and bond hearings.

58. Specifically, the governing regulations provide that such individuals may seek release on bond and are entitled to custody redetermination before an Immigration Judge.

59. Respondents' application of mandatory detention under § 1225(b)(2) to Petitioner directly contravenes these binding regulations.

60. As a result, Petitioner has been unlawfully deprived of the procedural protections guaranteed by 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III

Violation of 8 U.S.C. § 1225(b)(2)

Unlawful Detention Under This Provision

61. Petitioner restates and realleges all preceding paragraphs as if fully set forth

herein.

62. Section 1225(b)(2) applies **only** to noncitizens *who are seeking admission to the United States at or near the border or a port of entry*.

63. Petitioner, however, is not an arriving noncitizen and is not presently seeking admission. She has been residing within the United States for approximately 20 years and was apprehended in the interior of the country.

64. Accordingly, the statutory framework governing arriving applicants for admission does not apply to her.

65. Respondents' application of § 1225(b)(2) to Petitioner is therefore contrary to the plain language of the statute, its implementing regulations, and longstanding federal precedent.

66. Because § 1225(b)(2) does not apply to Petitioner, her detention under that provision is unlawful.

COUNT IV

Violation of Fifth Amendment Right to Due Process

67. Petitioner restates and realleges all preceding paragraphs as if fully set forth herein.

68. The Fifth Amendment's Due Process Clause prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V.

66. The Supreme Court has repeatedly emphasized that the Constitution generally requires a meaningful hearing before the government may deprive a person of liberty. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

69. Petitioner has been deprived of her liberty through civil immigration detention without being afforded a constitutionally adequate opportunity to challenge the legality and necessity of that detention.

70. Under the balancing framework established in *Mathews v. Eldridge*, 424 U.S. 319 (1976), the factors weigh overwhelmingly in favor of Petitioner.

71. First, Petitioner's private interest in freedom from physical detention is profound. The interest in being free from physical restraint is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); see also *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.").

72. Second, the risk of erroneous deprivation is exceptionally high. Petitioner has been categorically denied a bond hearing based on an erroneous legal interpretation, without any individualized determination regarding flight risk or danger to the community. Upon information and belief, Petitioner has no criminal history (and certainly no violent criminal history), and possesses significant ties

to the community, further underscoring the likelihood of an unjustified deprivation of liberty.

73. Third, the Government's interest in detaining Petitioner without providing basic procedural safeguards is minimal. Immigration detention is civil in nature and not punitive and may only be justified to prevent danger to the community or to ensure appearance at proceedings. See *Zadvydas*, 533 U.S. at 690.

74. Moreover, the fiscal and administrative burdens associated with providing Petitioner a bond hearing are minimal, particularly when weighed against the substantial liberty interests at stake. See *Mathews*, 424 U.S. at 334–35.

75. The categorical denial of a bond hearing, based solely on an erroneous statutory interpretation, violates fundamental principles of due process and results in arbitrary and prolonged detention.

76. Accordingly, Petitioner's continued detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment.

77. Considering these factors, Petitioner respectfully requests that this Court order her immediate release from custody or, in the alternative, provide her with a prompt and meaningful bond hearing.

IRREPARABLE HARM

78. Petitioner is suffering and will continue to suffer irreparable harm absent immediate judicial intervention. Continued detention without access to a bond

hearing deprives her of her fundamental liberty interest, which constitutes irreparable injury as a matter of law. The deprivation of physical liberty constitutes irreparable harm per se.

79. Petitioner's detention is causing ongoing and severe harm to her United States citizen children, who depend on her for emotional and financial support. The separation of a parent from her minor children constitutes a profound and irreparable injury that cannot be remedied by monetary damages.

80. Moreover, each additional day of unlawful detention exacerbates the constitutional injury suffered by Petitioner, further underscoring the urgent need for immediate relief from this Court.

LIKELIHOOD OF SUCCESS ON THE MERITS

81. Petitioner has demonstrated a strong likelihood of success on the merits of her claims. As set forth above, her detention under 8 U.S.C. § 1225(b)(2)(A) is contrary to the plain language of the statute, its implementing regulations, and controlling federal precedent.

82. Multiple federal courts, including courts within this Circuit, have rejected the interpretation adopted in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and have held that individuals apprehended within the United States are subject to detention under 8 U.S.C. § 1226(a), not § 1225(b)(2).

83. Accordingly, Petitioner is likely to prevail on her claim that she is entitled to a bond hearing as a matter of law.

BALANCE OF EQUITIES AND PUBLIC INTEREST

84. The balance of equities weighs overwhelmingly in Petitioner's favor. Petitioner faces continued unlawful detention and separation from her family (including and especially her minor children), while Respondents suffer no cognizable harm from providing a bond hearing or releasing Petitioner under appropriate conditions.

85. The public interest strongly favors the protection of constitutional rights and adherence to statutory limits on government authority. Ensuring that detention complies with the INA and the Constitution serves the public interest.

HABEAS ACTIONS AND BAIL DETERMINATIONS

86. Lastly, it should be noted that, through undersigned counsel, Petitioner has provided appropriate notice to the United States Attorney's Office of her intent to file a Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, together with a Motion for a Temporary Restraining Order, a Memorandum of Law in support thereof, and a Proposed Order.

87. The request for temporary restraining relief is particularly warranted in this case because federal courts possess inherent authority to grant release on bond where such relief is necessary to render the habeas remedy effective. See *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001).

88. Following *Mapp*, courts have recognized that release is appropriate where a petitioner presents substantial claims and where extraordinary circumstances render continued detention incompatible with meaningful judicial review. See *Elkimya v. DHS*, 484 F.3d 151 (2d Cir. 2007); *Basank v. Decker*, 613 F. Supp. 3d 776, 794–95 (S.D.N.Y. 2020).

89. While some courts have declined to extend such authority in narrowly defined contexts involving arriving aliens, see *Bolante v. Keisler*, 506 F.3d 618 (7th Cir. 2007), those limitations are inapplicable here, where Petitioner was apprehended within the interior of the United States, some 20 years after she entered the country, and is not an arriving alien.

90. Under these circumstances, this Court possesses both the authority and the obligation to ensure that the writ of habeas corpus remains an effective remedy.

91. Accordingly, this Honorable Court should grant Petitioner an immediate release on bond, an immediate and meaningful bond redetermination hearing on the merits, followed by a release on bond, or order her

immediate release without setting a bond amount, pending resolution of her Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order.

92. Such relief imposes no cognizable harm whatsoever upon Respondents and ensures that Petitioner may meaningfully assist counsel, support her family, and continue contributing to her community while these proceedings remain pending.

93. Finally, the undersigned would note that, while the 9th and Circuits continue to uphold *Hurtado,* doing so is entirely misguided and completely undermines that Constitution of the United States. ***See*** **J.A.M. vs. Streeval,** No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and **P.R.S. vs. Streeval**, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025) (***See also*** **Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et al.**, No. 5:25-CV-01873-SSS-BFM (C.D. Ca. February 18, 2026), wherein that Court **VACATES** *Matter of Yajure Hurtado*, and **ORDERS** class wide notice of its Final Judgment to all Bond-Eligible Class Action members) ("***Respondents have far crossed the boundaries of constitutional conduct. Somehow, even after the judicial declaration of law that the DHS was misguided in its act of legal interpretation that nullified portions of a congressionally enacted***

statute, Respondents still insist they can continue their campaign of illegal action. The shameless submission that is Respondents' Opposition deliberately seeks to erode any separation of powers . . .. Respondents can only do so in a world where the Constitution does not exist. The Constitution makes no apology in condemning Respondents").

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

(1) Assume jurisdiction over this matter;

(2) Order that Petitioner not be transferred outside of this District during the pendency of these proceedings;

(3) Issue an Order to Show Cause directing Respondents to demonstrate, within three days, why this Petition should not be granted;

(4) Declare that Petitioner's continued detention is unlawful under the Immigration and Nationality Act and the Constitution of the United States;

(5) Issue a Writ of Habeas Corpus ordering Respondents to **immediately release Petitioner from custody**, or, in the alternative, to provide her with a **prompt and meaningful bond hearing on the merits** before an Immigration Judge pursuant to 8 U.S.C. § 1226(a) and the Due Process Clause, within a time certain not to exceed seven days;

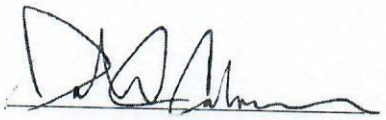
(6) Grant such **temporary and preliminary injunctive relief**, including a Temporary Restraining Order, as may be necessary to preserve the Court's jurisdiction and prevent irreparable harm pending final adjudication of this matter;

(7) Award Petitioner her attorney's fees and costs pursuant to the Equal Access to Justice Act and any other applicable provisions of law; and

(8) Grant such other and further relief as this Court deems just and proper.

Dated: March 30th, 2026

Respectfully Submitted,



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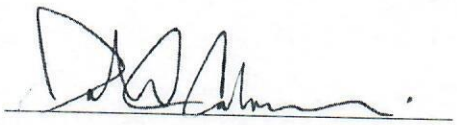
VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent the Petitioner, **Maria Claudia Rojas Mora**, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 and under the U.S. Constitution are true and correct to the best of my knowledge.

Dated this 30th day of March 2026.



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