I

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

ERLIN RODRIGUEZ MEJIA Petitioner, v. **JASON STREEVAL,** WARDEN, STEWART DETENTION CENTER **KRISTEN SULLIVAN,** DIRECTOR OF ATLANTA FIELD OFFICE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; **KRISTI NOEM,** SECRETARY OF THE U.S. DEPARTMENT OF HOMELAND SECURITY; AND **PAMELA BONDI,** ATTORNEY GENERAL OF THE UNITED STATES IN THEIR OFFICIAL CAPACITIES, Respondents.	PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR ORDER TO SHOW CAUSE

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioner, through counsel, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and urgently moves for an Order to Show Cause why a such petition should not be granted. In support, Petitioner alleges as follows: Petitioner, Erlin Rodriguez Mejia, challenges his ongoing unlawful detention by U.S. Immigration and Customs Enforcement

("ICE") at the Stewart Detention Center in Lumpkin, Georgia. Petitioner is neither a flight risk nor a danger to the community. The Stewart Detention Center is within the jurisdiction of this Court. Petitioner has been continuously detained since February 14, 2026.

6. [illegible] Petitioner

seeks a declaratory judgment from this Court affirming that his detention should be under 8 U.S.C. § 1226(a). The Petitioner requests an order for his immediate release without restrictions or conditions due to his unlawful arrest. Alternatively, the Petitioner seeks an order for a discretionary bond hearing under § 1226(a) before an Article III judge, where the government must prove by clear and convincing evidence that he is a danger to the community or a flight risk. Additionally, the Petitioner requests that Respondents be prohibited from re-detaining him or put any restraints on his liberty unless they can meet the same evidentiary standard.

7.

INTRODUCTION

1. Petitioner, ERLIN RODRIGUEZ MEJIA (Mr. Rodriguez Mejia), brings this petition for a writ of habeas corpus declaring that Respondent's detention is unlawful without any individualized finding of danger or flight risk.

2. Mr. Rodriguez Mejia is a twenty-nine-year-old citizen and national of Honduras who entered the United States without inspection on or about February 6, 2012 as an unaccompanied minor child ("UAC"). *See* Exhibit A, Notice to Appear.

3. On or about 2016, Mr. Rodriguez Mejia applied as a UAC with the United States Citizenship and Immigration Services (USCIS). Petitioner's application was referred to immigration court approximately nine years later.

4. On August 19, 2025, Petitioner was placed into removal proceedings.

5. On or about February 14, 2026, Mr. Rodriguez Mejia was arrested and detained by ICE after his family posted bond on a criminal case for driving under the influence.

6. Petitioner is in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia. *See* Exhibit C, I-830 Notice to EOIR Alien Address.

7. Petitioner is currently being detained without the possibility of bond under 8 U.S.C. § 1225(b)(2)(A), based on DHS's argument that he is "an Applicant seeking Admission under the provisions of Sec. 235(b)(2)(A) of the Immigration and Nationality Act ('INA')."

8. Petitioner now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) will not take jurisdiction over his case to consider whether or not he qualifies for bond. .

9. On September 5, 2025, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board of Immigration Appeals issued a decision which purports to require the Immigration Court to unlawfully deny a bond hearing to all persons such as Petitioner.

10. The responsible administrative agency has therefore predetermined that Petitioner will be denied a bond hearing.

11. The Immigration Court lacks jurisdiction to adjudicate the constitutional claims raised by Petitioner, and any attempt to raise such claims would be futile. *See Flores-Powell*, 677 F. Supp. 2d at 463 (holding "exhaustion is excused by the BIA's lack of authority to adjudicate constitutional questions and its prior interpretation" of the relevant statute).

12. After apprehending Petitioner on February 14, 2026, DHS continued removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

13. Nevertheless, Respondents continue to detain Petitioner any deny any opportunity for bond under § 1226.

14. Because Respondents are detaining Petitioner under § 1225 mandatory detention provisions, the Court should order the Respondents to provide a bond hearing under 8 U.S.C. § 1226(a).

JURISDICTION

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

16. 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).

17. 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.

VENUE

18. 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 eleventh district, the judicial district in which Petitioner currently is detained.

19. Venue is proper in this District under 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241 because Petitioner is presently detained within this District at the Stewart Detention Center in Lumpkin, Georgia which is within the jurisdiction of this Court.

20. Venue is also proper 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 eleventh district.

REQUIREMENTS OF 28 U.S.C. § 2243

21. 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).

22. "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 ERLIN RODRIGUEZ MEJIA is a citizen of Honduras who has been in immigration detention since February 14, 2026, without bond.

24. Respondent KRISTEN SULLIVAN is the Acting Field Office 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 KRISTI NOEM is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

26. Respondent PAMELA BONDI is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

27. Respondent JASON STREEVAL is the warden of the Stewart Detention Center where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

A. Section 1226(a) Governs Petitioner's Detention

28. Petitioner is currently being detained without the possibility of bond under 8 U.S.C. § 1225(b)(2)(A), based on DHS's argument that he is "an Applicant seeking Admission under the provisions of Sec. 235(b)(2)(A) of the Immigration and Nationality Act ('INA')."

29. In *Villa v. Normand*, No. 5:25-cv-89, 2025 U.S. Dist. LEXIS 217348, at *11 (S.D. Ga. Nov. 4, 2025), the Court analyzed the statutory framework between mandatory and discretionary detention. The Court noted that § 1226 has historically "authorized the Government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings." *Id.* at * 14.

30. Lastly, the Court held that the plain language of the statute supports petitioner's construction of § 1226(a) and that the petitioner was not an arriving alien "seeking admission" for purposes of § 1225's mandatory detention. *Id.* at *27.

31. Also, in *J.A.M. v. Streeval*, No. 4:25-cv-342, 2025 U.S. Dist. LEXIS 215437, at *11 (M.D. Ga. Nov. 1, 2025), this Court held that noncitizens who are in the country unlawfully and are arrested, an immigration officer or immigration judge has the discretion not to detain such noncitizens and instead grant them release on bond.

32. The Court also ruled that §1225(b)(2)(A) applies to aliens in the United States who have not been admitted ("applicants for admission" definition) and who are attempting to obtain lawful admission to the United States. *Id.* at * 8.

33. Both *J.A.M.* and *Villa* held that petitioners were not detained under § 1225 and instead entitled to a bond hearing under the provisions of § 1226(a)(2).

B. The TVPRA Governs the Detention and Release of Unaccompanied Children

1. Because noncitizen youth who come to the United States without a parent are especially vulnerable, Congress granted them special protections through the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"). See 8 U.S.C. § 1232.

2. An unaccompanied child is a child who (A) lacks lawful immigration status in the United States; (B) is under the age of 18; and (C) has no available parent or legal guardian in the United States, or no such parent or legal guardian is available to provide care and physical custody. 6 U.S.C. § 279(g)(2).

3. Through the TVPRA, Congress amended the INA to guarantee unaccompanied children access to removal proceedings before an immigration judge, protecting them from expedited removal by an immigration officer without a hearing. 8 U.S.C. § 1232(a)(5)(D). Therefore, 8 U.S.C. § 1229a is the only process for determining whether an unaccompanied child can stay in the United States or be removed. 8 U.S.C. § 1229a(a)(3).

4. The TVPRA requires the Department of Health and Human Services, through the Office of Refugee Resettlement ("ORR"), to manage the care and custody of unaccompanied children. 8 U.S.C. § 1232(c)(2). The statute requires ORR to place unaccompanied children "in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A).

5. Before releasing an unaccompanied child from its custody, the government must "consider danger to self, danger to the community, and risk of flight." *Id.; see also* 6 U.S.C. § 279(b)(2)(A). ORR may release the unaccompanied child to a "sponsor" who already lives in the United States, so long as these and other criteria are satisfied. *Id.; see also* 45 C.F.R. § 410.1201.

6. When such individuals "age out" of ORR custody (i.e., reach the age of 18), they are transferred to Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE") custody. 8 U.S.C. § 1232(c)(2)(B). Under § 1232(c)(2)(B):

> If a minor . . . reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight. Such aliens shall be eligible to participate in alternative to detention programs, utilizing a continuum of alternatives based on the alien's need for supervision, which may include placement of the alien with an individual or an organizational sponsor, or in a supervised group home. 8 U.S.C. § 1232(c)(2)(B).

7. Accordingly, persons who have aged out are afforded certain protections upon their transfer to ICE custody. *Garcia Ramierz v. U.S. Immigration and Customs Enforcement*, -- F. Supp. 3d --, No. 18-508 (RC) 2025 WL 3563183, at * 2 (D.D.C. Dec. 12, 2025).

8. Those protections require all persons who have aged out to be considered for placement in the least restrictive setting. *Lopez v. Sessions*, No. 18 Civ. 4189 (RWS), 2018 WL 2932726, at *9–10 (S.D.N.Y. June 12, 2018) (holding that individuals who age out while on physical release but in legal custody of HHS are entitled to TVPRA protections); *F.S.S.M. v. Wofford*, No. 1:25-cv-01518-TLN-AC, Slip Op., 2025, WL 3526671, at *4–5 (E.D. Cal. Dec. 9, 2025) (holding that the petitioner who aged out was subject to the TVPRA, not § 1225(b)(2)).

CLAIM FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act and Procedural Due Process
(Misapplication of Mandatory Detention Statute)

9. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

10. Petitioner is currently being detained without the possibility of bond under 8 U.S.C. § 1225(b)(2)(A), based on DHS's argument that he is "an Applicant seeking Admission".

11. Such argument is legally erroneous. Section 1225 applies to noncitizens actively "seeking admission" at the border or its immediate functional equivalent. By contrast, § 1226 governs the arrest and detention of those "already in the country" pursuant to a warrant issued by the Attorney General. The two provisions are mutually exclusive. *See Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018); *Matter of M-S-*, 27 I. & N. Dec. 509, 516 (A.G. 2019).

12. Respondents claim that Mr. Rodriguez Mejia is mandatorily detained under 8 U.S.C. § 1225(b)(2)(A). But this statute does not apply to Mr. Rodriguez Mejia, who entered the country without inspection as an unaccompanied child, and has resided in this country for fifteen years.

13. Courts throughout the United States have overwhelmingly rejected Respondents' expansive interpretation of 8 U.S.C. § 1225(b)(2)(A). *See, e.g., Barco Mercado v. Francis*, No. 25-cv-6582, 2025 WL 3295903, at *13– 14 (S.D.N.Y. Nov. 26, 2025) (tallying more than 350 cases reaching the same conclusion, and only 12 going the other way); *Guerrero Orellana v. Moniz*, No. 25-cv-12664, 2025 WL 3687757 (D. Mass. Dec. 19, 2025) (granting summary judgment and extending declaratory relief to Massachusetts-based class of noncitizens wrongly subject to mandatory detention under the government's recent interpretation of § 1225(b)(2)(A)); *Maldonado*

Bautista v. Santacruz, No. 25- cv-0187, 2025 WL 3678485 (C.D. Cal. Dec. 19, 2025) (similar, extending declaratory relief to nationwide class); *Maldonado v. Olson*, No. 25-cv-3142 (SRN/SGE), 2025 WL 2374411, at *12 (D. Minn. Aug. 15, 2025); *Velasquez Salazar v. Dedos*, No. 25-cv-00835, 2025 WL 266729, at *4 (D.N.M. Sept. 17, 2025). This renders Mr. Rodriguez Mejia's current detention unlawful from its inception, in violation of the Immigration and Nationality Act ("INA") and his due process rights.

14. An unaccompanied child's initial detention is governed by the TVPRA, which requires unaccompanied children—even those who turn 18 and age out of ORR custody— to be placed in the "least restrictive setting available." 8 U.S.C. § 1232(c)(2)(B); *Id.* § 1232(c)(2)(A).

15. The TVPRA strongly favors release of unaccompanied to a "sponsor" who already lives in the United States, so long as these and other criteria are satisfied. *Id.*; *see also* 6 U.S.C. § 279(b)(2)(A); 45 C.F.R. § 410.1201.

16. This is entirely inconsistent with mandatory detention under 8 U.S.C. § 1225(b)(2)(A). So is the fact of a released unaccompanied child spending years building a life in the United States before being re-detained in the interior. *See, e.g., Portillo Martinez v. Hyde*, No. 25-cv-11909, 2025 WL 3152847 at *8 (D. Mass. Nov. 12, 2025); *Maldonado*, 2025 WL 2374411 at *12.

17. Petitioner plainly falls within § 1226. He has resided in the United States for over 14 years, with deep community ties, employment, and no serious criminal record. He was arrested in Saint Lucie County, Florida -- hundreds of miles from any border or port of entry—and immediately transferred to Lumpkin, Georgia where DHS generated paperwork to continue removal proceedings.

18. Taken together, these contradictions underscore the arbitrariness of Petitioner's detention and the government's mischaracterization of his case.

19. Recent precedent confirms that long-term residents like Petitioner are detained under § 1226, not § 1225. In *Lopez Benitez v. Francis*, No. 25-cv-10960, 2025 WL 4094843 (D. Mass. July 8, 2025), the court held that a noncitizen who had lived in the U.S. just over two years was governed by § 1226, rejecting the government's argument that unlawful presence alone made him "seeking admission."

20. Similarly, in *Martinez v. Hyde*, No. 25-cv- 11613, 2025 WL 2084238 (D. Mass. July 24, 2025), the court concluded that § 1225(b) "had no application" to a person already residing in the U.S., even though she was charged as inadmissible under INA § 212(a)(6)(A)(i). And in *Rodriguez v. Bostock*, No. 25-cv-524, 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025), the court emphasized that interior arrests for inadmissibility grounds are necessarily governed by § 1226.

21. To hold otherwise would effectively erase the statutory line between §§ 1225 and 1226, converting virtually all noncitizens present without admission into mandatory detainees and rendering § 1226(a) a dead letter. Courts have consistently rejected this outcome. *See Martinez*, 2025 WL 2084238, at *7 (rejecting interpretation that would "nullify" Congress's amendment to § 1226(c)); *Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025) (noting that §§ 1225 and 1226 "apply to different classes" of noncitizens).

22. In sum, Petitioner was not "seeking admission" within the meaning of § 1225(b) but was "already in the country" within the meaning of *Jennings*, 583 U.S. at 288–89. His custody is governed by § 1226(a), under which detention is discretionary and subject to individualized bond hearings. DHS's argument is contrary to law, unsupported by the record, and must be set aside.

COUNT TWO
Violation of Fifth Amendment Right to Due Process

23. On information and belief, Petitioner is currently being arrested and detained by federal agents without cause and in violation of his constitutional rights to due process of law.

24. The Fifth Amendment's Due Process Clause applies to "all 'persons' within the United States," regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). It prohibits the federal government from depriving any person of liberty without due process of law.

25. Even in the immigration context, due process requires that when detention is discretionary, the individual is entitled to an individualized custody determination before a neutral decisionmaker, supported by reliable evidence, and applying the correct legal standards. *See Matter of Siniauskas*, 27 I. & N. Dec. 207, 207 (B.I.A. 2018) (citing *Matter of Fatahi*, 26 I. & N. Dec. 791, 793–94 (B.I.A. 2016); *Matter of Adeniji*, 22 I. & N. Dec. 1102, 1112–13 (B.I.A. 1999), modified on other grounds, *Matter of Garcia Arreola*, 25 I. & N. Dec. 267 (B.I.A. 2010)).

26. DHS's own records highlight the arbitrariness of Petitioner's detention. On one hand, the charging document expressly alleges that he is "present in the United States who has not been admitted or paroled," language that presumes interior residence and confirms his custody should fall under § 1226.

27. DHS denied him the process to which he is entitled — including consideration for release on bond — and exemplified the arbitrary government action the Fifth Amendment prohibits.

28. In sum, DHS's refusal to release the Petitioner and deprive him of liberty and denying his release violates due process of law. This Court should order Petitioner's bond hearing.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

c. Declare that Petitioner is not an "applicant for admission "1225(b), seeking admission" or an "arriving alien" and that Petitioner's detention is unlawful;

d. Grant Petitioner a Writ of Habeas Corpus and order Respondents to immediately release Petitioner from custody, or, in the alternative, order Respondents to conduct a bond hearing for Petitioner pursuant to 8 U.S.C. § 1226(a) within 3 days, before an Article III judge, where the *government* bears the burden to prove, by clear and convincing evidence, that Petitioner is a flight risk or a danger to the community;

e. Order Respondents to return to Petitioner all belongings and papers that were in his possession at the time of his detention;

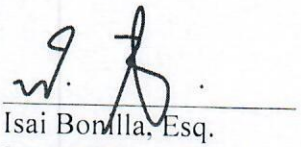
f. Order that Respondents cannot re-detain Petitioner without notice and a predeprivation hearing before this Court where the government bears the burden of justifying re-detention by clear and convincing evidence; and

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

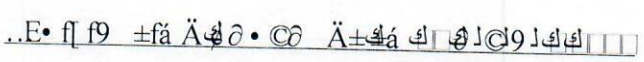
March 31, 2026

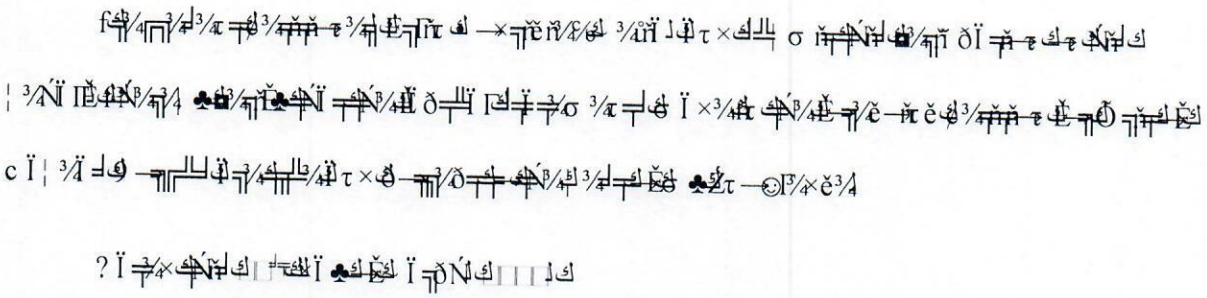
Respectfully Submitted

Rachel Effron Sharma
DreamPath Law, LLC
5425 Peachtree Parkway NW
Norcross, GA 30092
rachel@dreampathlaw.com
Tel: (470) 273-3444
local counsel



Isai Bonilla, Esq.
Law Office of Isai Bonilla, P.L.
201 South 2nd Street, Suite 209
Fort Pierce, FL 34950
Tel: (772) 899-8356
Email: isai@bonillalawyer.com
Fla. Bar No.: 1028212
Lead counsel





Isai Bonilla, Esq.
Law Office of Isai Bonilla, P.L.
201 South 2nd Street, Suite 209
Fort Pierce, FL 34950
Tel: (772) 899-8356
Email: isai@bonillalawyer.com