

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

MARCELINO NICOLAS-DIONISIO

(A )

Petitioner,

v.


PAMELA BONDI, Attorney General of the  
United States; LADEON FRANCIS, Field  
Office Director of Immigration and Customs  
Enforcement, Atlanta Field Office; JASON  
STREEVAL, Warden Stewart Detention  
Center; MARKWAYNE MULLIN, Secretary  
of The Department of Homeland Security; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW,

Respondents.

Case No. 4:26-cv-532

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. 2241**

Petitioner, Marcelino Nicolas-Dionisio (A ) , brings this writ of habeas corpus to seek enforcement of his rights to a bond hearing in the U.S. Immigration Court. Petitioner is in the physical custody of Respondents at the Stewart Detention Center, Stewart County, Georgia. He now faces unlawful detention because the Respondents have taken a posture that Petitioner is not entitled to a bond hearing pursuant to 8 USC § 1226(a).

## **JURISDICTION and VENUE**

Petitioner is detained at the Stewart Detention Center, Stewart County, Georgia. The Stewart Detention Center is in the Middle District of Georgia. This court has jurisdiction to grant a writ of habeas corpus to a petitioner who demonstrates that he is being held in custody in violation of federal law 28 USC § 2241(a), (c)(3). Venue is proper in the United States District Court for the Middle District of Georgia, the judicial district in which the petitioner is being detained. Venue is also proper in this court pursuant to 28 USC § 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.

## **PARTIES**

Petitioner is a citizen of Mexico who has been in immigration detention since on or about March 16, 2026. Petitioner entered the United States without inspection on or around 2005. Petitioner was placed in removal proceedings and charged under 212 (a)(A)(i) of the Immigration and Nationality Act (INA), as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

On or about March 14, 2026, Respondent was stopped while driving home from work due to a traffic infraction and was subsequently taken into custody by

Immigration and Customs Enforcement (ICE) and remains detained at the Stewart Detention Center in Stewart County, Georgia, pending removal proceedings. To date, no bond has been set in his case.

The Executive Office for Immigration Review (EOIR), through the Immigration Court, and the Department of Homeland Security (DHS) have declined to schedule bond hearings for individuals who entered the United States without admission or inspection, asserting that immigration judges lack jurisdiction to conduct such proceedings. As a result of this refusal to afford Petitioner a bond hearing pursuant to 8 U.S.C. § 1226(a), Petitioner is left with no adequate remedy other than to seek relief through a writ of habeas corpus.

Petitioner has resided continuously in the United States for more than twenty (20) years. During his time in the United States, Petitioner has developed significant equities, including stable employment, secure housing, and close family ties, demonstrating meaningful community integration and strong connections to this country.

Respondent LaDeon Francis, Field Office Director, is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, LaDeon Francis, Field Office Director, is Petitioner's immediate custodian

and is responsible for Petitioner's detention and removal. He is named in his official capacity.

Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the 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.

Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including detention and removal of noncitizens.

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 are component agencies. She is sued in her official capacity.

Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

Respondent Jason Streeval is employed as the Warden of the Stewart Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is being sued in his official capacity.

### **CLAIM FOR RELIEF**

Petitioner seeks habeas corpus relief based on Respondents' refusal to provide Petitioner with a bond hearing pursuant to 8 USC § 1226(a) and the opportunity for pre-removal release while the removal proceedings are pending. Petitioner is entitled to a discretionary bond hearing under 8 USC § 1226(a). *R.C.M. v. Warden, Stewart Detention Center*, 4:26-CV-056-CDL, 2026 WL 147698 (M.D. Ga., 2026); *J.A.M. v. Streeval*, 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga., 2025).

Petitioner is currently being detained under 8 USC § 1226(a); therefore petitioner is not subject to mandatory detention.

By denying petitioner a bond hearing under 8 USC § 1226(a) and asserting that he is subject to mandatory detention, respondents violate petitioner's statutory rights.

### **PRAYER FOR RELIEF**

Petitioner requests that this Court grant the following relief:

- (a) Assume jurisdiction over this matter;
- (b) Issue an order requiring Respondent to conduct a bond hearing under 8 USC § 1226(a) within seven days;
- (c) In the alternative, order Petitioner's immediate release from Immigration and Customs Enforcement Custody;

- (d) Award petitioner attorney's fees and costs under the Equal Access to Justice Act and on any other bases justified; and
- (e) Any other relief this Court feels is fair and just.

Respectfully submitted,

/s/Noemi Puntier

---

Noemi Puntier  
Attorney for Petitioner  
Georgia Bar: 661434

Puntier Law Firm, LLC  
5300 Oakbrook Pkwy, Suite 390  
Norcross, Georgia 30093  
Tel:404-902-6004  
Email: Noemi@puntierlaw.com

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that I caused the attached Entry of Appearance to be served electronically to the United States and the attorneys for the other parties.

This April 1, 2026.

Respectfully submitted,

/s/Noemi Puntier

---

Noemi Puntier  
Attorney for Petitioner  
Georgia Bar: 661434

Puntier Law Firm, LLC  
5300 Oakbrook Pkwy, Suite 390  
Norcross, Georgia 30093  
Tel:404-902-6004  
Email: Noemi@Puntierlaw.com

LIST OF RESPONDENTS

- (1) U.S. ATTORNEY GENERAL, PAMELA BONDI;
- (2) ICE, FIELD OFFICE DIRECTOR, LADEON FRANCIS;
- (3) WARDEN, STEWART DETENTION CENTER, JASON STREEVAL;
- (4) SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY,  
U.S., MARKWAYNE MULLIN;
- (5) DEPARTMENT OF HOMELAND SECURITY;
- (6) EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.