

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

EDWIN GABRIEL MOLINA ZELAYA

(A )

Petitioner,

v.

TODD BLANCHE, Acting Attorney General
of the United States; KRISTEN SULLIVAN,
Acting 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-00694

**PETITION FOR WRIT OF
HABEAS CORPUS**

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

Petitioner, Edwin Gabriel Molina Zelaya (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 Honduras who has been in immigration detention since on or about April 21, 2026. Petitioner entered the United States without inspection on or around January 10, 2017. 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. However, his removal proceedings were terminated on June 14, 2021. The Petitioner has an approved Special Immigrant Juvenile petition (Form I-360) and a pending adjustment of status application

(Form I-485). He also holds a valid employment authorization document, which is valid through September 15, 2027, granting him legal authorization to work in the United States.

The Petitioner is employed as a painter and had been working at Fort Benning for numerous weeks. On April 21, 2026, during a routine check, after presenting his valid driver's license and work permit—something he does every five days—an officer at Fort Benning contacted ICE, and the Petitioner was 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.

The Petitioner has continuously resided in the United States for more than nine (9) years. During this time, he has established substantial equities, including

consistent employment, stable housing, and strong family ties, all of which reflect meaningful integration into the community and deep-rooted connections to this country. Additionally, the Petitioner has a viable path to lawful permanent residence, as demonstrated by his pending Form I-485 application for adjustment of status with USCIS.

Respondent Kristen Sullivan, Acting Field Office Director, is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, Kristen Sullivan, Field Office Director, is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. She is named in her 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, the Department of Homeland Security (DHS), is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

Respondent Todd Blanche is the Acting Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive

Office for Immigration Review and the immigration court system are component agencies. He is sued in his 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,

This April 27, 2026.

/s/Noemi Puntier

Noemi Puntier
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CERTIFICATE OF SERVICE

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

This April 27, 2026.

Respectfully submitted,

/s/Noemi Puntier

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LIST OF RESPONDENTS

- (1)U.S. ATTORNEY GENERAL, TODD BLANCHE;
- (2)ICE, FIELD OFFICE DIRECTOR, KRISTEN SULLIVAN;
- (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.