

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Julio Cesar Hernandez Sanchez,

Petitioner,

v.

Kristen SULLIVAN, Field Office Director of
Enforcement and Removal Operations, Atlanta
Field Office, Immigration and Customs
Enforcement; Markwayne Mullin, Secretary,
U.S. Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Todd Blanche, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Jason
STREEVAL, Warden of STEWART
DETENTION CENTER

Respondents.

Case No. 4:26-cv-699

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Julio Cesar Hernandez Sanchez brings this petition for a writ of habeas corpus to seek enforcement of their right to seek release from custody under 8 U.S.C. §1226(a). Petitioner is in the physical custody of Respondents at the Stewart Detention facility. The Petitioner has been detained since at least March 28, 2026. The Petitioner does not contest that they are an alien present in the United States that was not admitted to the United States.

2. The Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

3. The Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have refused to follow this Court's decisions in *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025) (concerning whether the petitioner is properly detained under 8 U.S.C. §1225(b)(2) or 8 U.S.C. §1226(a).

4. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order

certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

5. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

6. The Petitioner's case is similar to previous cases before this Court. In *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025) the Court held that the Petitioner is entitled to a discretionary bond hearing under 8 U.S.C. §1226(a) and rejected Respondents position that the Petitioner's detention was mandatory under 8 U.S.C. §1225(b)(2) and was not eligible for a bond hearing.

7. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief, this Court's prior decisions, and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

8. Petitioner Julio Cesar Hernandez Sanchez is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at the Stewart Detention Facility. They were apprehended by immigration authorities on or about March 28, 2026.
- b. entered the United States without inspection over 10 years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

9. After apprehending Petitioner on March 28, 2026, the DHS placed them in removal proceedings pursuant to 8 U.S.C. § 1229(a). 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.

10. The Court should expeditiously grant this petition.

11. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite their clear entitlement to consideration for release on bond as a Bond Eligible Class member.

12. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

13. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

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

JURISDICTION

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

1 added). “The application for the writ usurps the attention and displaces the calendar of
2 the judge or justice who entertains it and receives prompt action from him within the four
3 corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation
4 omitted).

5 PARTIES

6 22. Petitioner Julio Cesar Hernandez Sanchez is alleged to be a citizen of El
7 Salvador who has been in immigration detention since March 28, 2026. After Petitioner
8 was arrested, ICE did not set bond and Petitioner requested review of his custody by an
9 IJ. On April 20, 2026, Petitioner was denied bond by an IJ at the Stewart Immigration
1 Court because they were deemed an “applicant for admission” and under 8 U.S.C.
2 §1225(b)(2)(A) the Immigration Judge lacked authority to hear bond requests.

3 23. Respondent Kristen SULLIVAN is the Director of the Atlanta Field
4 Office of ICE’s Enforcement and Removal Operations division. As such, Kristen
5 SULLIVAN is Petitioner’s immediate custodian and is responsible for Petitioner’s
6 detention and removal. She is named in her official capacity.

7 24. Respondent Markwayne Mullin is the Secretary of the Department of
8 Homeland Security. He is responsible for the implementation and enforcement of the
9 Immigration and Nationality Act (INA), and oversees ICE, which is responsible for
1 Petitioner’s detention. Mr. Mullin has ultimate custodial authority over Petitioner and is
2 sued in his official capacity.

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

1 26. Respondent Todd Blanche is the Attorney General of the United States.
2 He is responsible for the Department of Justice, of which the Executive Office for
3 Immigration Review and the immigration court system it operates is a component
4 agency. He is sued in his official capacity.

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

8 28. Respondent Jason STREEVAL is employed by Core Civic as Warden of
9 the Stewart Detention Center, where Petitioner is detained. They have immediate
1 physical custody of Petitioner. They are sued in their official capacity.

1
0 **CLAIM FOR RELIEF**

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

1 31. The order granting partial summary judgment in *Maldonado Bautista*
3 holds that Respondents violate the INA in applying the mandatory detention statute at
§ 1225(b)(2) to class members.

1 32. The order granting class certification in *Maldonado Bautista* further orders
4 that “[w]hen considering this determination with the MSJ Order, the Court extends the
1 same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

5 33. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
1 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
§ 2201(a).

34. Further the Petitioner's situation is almost identical to the Petitioners in *J.A.M v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

35. By denying Petitioner a bond hearing under § 1226(a) and asserting that they are subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and their constitutional rights as found in the previously mentioned cases.

PRAYER FOR RELIEF

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

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

DATED this _____ of April 2026.

Helen L. Parsonage, Esq.
NC Bar No. 35492
GA Bar No. 435330
Elliot Morgan Parsonage PLLC
328 N Spring St

Winston-Salem, NC 27101
Telephone: (336) 714 4480
hparsonage@emplawfirm.com
Attorney for Petitioner

Theodore A. Maloney*
N.C. Bar #: 29335
**The Law Office of Theodore A.
Maloney, PLLC**
4801 E. Independence Blvd. Suite
605
Charlotte, NC 28212
P: 704-535-6600
ted40762@aol.com

Attorneys for Petitioners-Plaintiffs

* Pro hac vice application forthcoming