

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

Agency # A 

RONY MARGARITO
MONTENEGRO GONZALEZ
Petitioner-Plaintiff

v.

DONALD J. TRUMP, President of the
United States;
MARKWAYNE MULLIN,
Secretary, United States Department of
Homeland Security;
TODD BLANCHE,
Acting Attorney General of the United States;
TODD M. LYONS, Acting Director, United
States Immigration and Customs
Enforcement;
NICK ANNAN, Director, United States
Immigration and Customs Enforcement
Atlanta Field Office;
JASON STREEVAL, Warden of Stewart
Detention Center
in his official capacities,

Respondents.

Civ. No. _____

PETITION FOR WRIT

INTRODUCTION

1. Petitioner, Rony Margarito MONTENEGRO GONZALEZ, by and through Counsel, brings this petition for a Writ of Habeas Corpus to seek

enforcement of his rights to due process. Petitioner is in the physical custody of Respondents and currently held at the Stewart Detention Center in Lumpkin, GA. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to follow the law and abide by individual review.

2. On April 14, 2026, Petitioner was the passenger in his vehicle that was caught in a bigger sweep targeting immigrants, and then detained and sent to Stewart Detention Center.

3. Petitioner fled his homeland of Guatemala as 16-year-old Unaccompanied Alien Child on February 13, 2018. He filed an I-360 Petition for Special Immigrant Juvenile Status on September 3, 2019, and was paroled into the United States following the I-360's approval and grant of Deferred Action on May 12, 2022 (see Ex 1).

4. Upon entry to the United States, Petitioner was placed in removal proceedings which were dismissed on July 21, 2021, following a Joint Motion to Dismiss and an Order signed by the Judge (See Ex 2).

5. Petitioner has a valid Work Permit (EAD) under C14 category (05/03/23 – 05/09/26) (see Ex 3).

6. Petitioner's priority date, September 3, 2019, is current, and Petitioner is eligible to apply for Adjustment of Status.

7. Petitioner has stable employment and residence as well as a wide support group of family and friends, and has absolutely NO tickets nor arrests since entry into the United States; nor any criminal issues in his homeland.

8. Petitioner is eligible for a Bond hearing as a matter of law and individual consideration must be given by an impartial immigration judge as to the merits of his case. § 1226(a)(2). Petitioner's case is similar in action to *J.A.M. v Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050092 (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), Respondents "shall provide this bond hearing within seven days," per the Standing Order of this Court dated January 1, 2026 (See Ex 4).

9. On April 27, 2026, the Immigration Law Judge Jerrica Harness sitting at the Immigration Court at Stewart Detention Center indicated that she lacked "power and authority" to hold an individual bond hearing without an Order from the "higher Court." Therefore, Counsel asked the Court to take no action indicating, Counsel will pursue Writ of Habeas with the U.S. District Court (see Ex 5).

10. Having previously dismissed removal proceedings and despite no changed circumstances, DHS has placed him in removal proceedings pursuant to 8 U.S.C. § 1229a, refused to provide a copy of any new charging documents

as the initial entry Notice To Appear (NTA) was never filed with the Court, frustrated his affirmative relief path through USCIS.

11. The Court should expeditiously grant this petition as Petitioner's removal proceedings continue forward at rocket speed in Georgia.

12. Because there are no changed circumstances, Petitioner should be released immediately.

13. 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

14. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Immigration Detention Center in Lumpkin, GA.

15. 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).

16. 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

17. 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 Middle District of Georgia, the judicial district in which Petitioner currently is detained.

18. Venue is also properly 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 Southern district of Georgia.

REQUIREMENTS OF 28 U.S.C. § 2243

19. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues are the same or similar to numerous prior failures of the Department of Homeland Security to ensure due process at detention centers across the country.

20. 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). “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

21. Petitioner, Rony Margarito MONTENEGRO GONZALEZ, is a citizen of Guatemala who has been held in immigration detention without bond since April 14, 2026. ICE refuses to set bond, and Petitioner requested review of his custody by an Immigration Law Judge. On April 27, 2026, Petitioner’s Counsel asked the Court not to take action on the bond redetermination request as the Immigration Judge was denying to conduct an individual bond hearing. Petitioner has resided in the safety of the United States since February 13, 2018, and has an approved I-360 Petition with current priority date which allows him to apply for Adjustment of Status, and maintains the right to due process protections through the affirmative USCIS process.

22. Respondent Nick Annan is the Director of the Atlanta Field Office of ICE’s Enforcement and Removal Operations division. As such Nick Annan is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

23. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (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.

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

25. 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 it operates is a component agency. He is sued in his official capacity.

26. 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.

27. Respondent Jason Streeval is employed by Core civic as Warden of the Stewart Immigration Detention center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Section 236(a) of the Immigration and Nationality Act (INA)*, codified at 8 U.S.C. 1226(a)

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

29. As an immigrant who has an approved I-360 Petition for SIJS and having been paroled with the grant of Deferred Action, without any changed

circumstances, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

30. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA.

31. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's Fifth Amendment right to a fair process before being deprived of liberty.

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 in light of no changed circumstances given his approved I-360 Petition for SIJS and immediate eligibility to apply for Adjustment of Status;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner on his own recognize 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 28d day of April, 2026.

_____/s/ Rebeca E Salmon

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Attorney for Petitioner

Exhibit List

Exhibit 1 I-360, Petition for Special Immigrant Juvenile Status, Approval, Dated May 12, 2022, with Priority Date September 3, 2019

Exhibit 2 Immigration Judge Order Dismissing Removal Proceedings, Dated July 21, 2021

Exhibit 3 EAD under C14 valid from 05/02/23 to 05/09/26

Exhibit 4 U.S. District Court for the Middle District of Georgia Standing Order, Dated January 29, 2026

Exhibit 5 Immigration Judge Order on Bond Redetermination Request, Dated April 27, 2026

VERIFICATION

Pursuant to 28 USC § 2242, the undersigned certifies under penalty of perjury that she has reviewed the foregoing petition and that the facts state therein concerning Petitioner are true and correct based on her knowledge or belief.

Dated: April 28, 2026

Respectfully submitted,

By:

_____/s/ Rebeca E Salmon

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of April 2026, I electronically filed the foregoing PETITION FOR WRIT OF HABEAS CORPUS with the clerk of court for the United States District Court for the Middle District of Georgia using the CM/ECF system which automatically serves

Assistant United States Attorney
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By:

_____/s/ Rebeca E Salmon

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