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

JULIO RUEDA ZAVEDRA,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; LADEON FRANCIS, Atlanta Field Office Director, U.S. Immigration and Customs Enforcement, and Warden, Irwin County Detention Center,

Respondents.

C.A.F.N.
Agency#: [redacted]

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner Julio Rueda Zavedra, through undersigned counsel, files this Petition for Writ of Habeas Corpus to remedy his unlawful detention by enjoining Respondents from continuing to detain him and to release him from custody. As good cause, Petitioner states the following:

1. Petitioner Julio Rueda Zavedra is in the physical custody of Respondents at the Irwin County Detention Center. **Exhibit A – ICE Online Detainee Locator Results for Petitioner.** He now faces unlawful detention because the Department of Homeland Security ("DHS") and the Executive Office of Immigration Review ("EOIR") have concluded Petitioner is subject to mandatory detention.

2. Upon information and belief, Petitioner has resided in the United States for approximately 20 years. His claim to relief is like the circumstances in *J.A.M v. Streeval*,

where this Court found that a noncitizen who entered the United States years prior to their detention is subject to 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b). No. 4:25-cv-342 (CDL), 2025 LX 418115 (M.D. Ga. Nov. 1, 2025).

3. Upon information and belief, Petitioner is charged with, *inter alia*, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

4. Based on this charge, DHS denies Petitioner release from immigration custody. This decision is consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement ("ICE") employees to consider anyone inadmissible under § 1182(a)(6)(A)(i) — i.e., those who entered the United States without admission or inspection — to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Further, on September 5, 2025, the Board of Immigration Appeals ("BIA") affirmed the DHS policy by issuing a precedent decision, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The BIA held that an immigration judge ("IJ") does not have jurisdiction to consider bond requests for any person who entered the United States without admission, as such a person is subject to mandatory detention.

6. Although the U.S. District Court for the Central District of California issued a class-wide notice of final judgment on February 18, 2026, vacating *Matter of Yajure Hurtado* as contrary to law under the Administrative Procedure Act, the vacatur has been stayed pending an appeal by the government. *See* Order, *Lazaro Maldonado Bautista v. U.S. Department of Homeland Security,* No. 26-1044 (9th Cir. Mar. 6, 2026); *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2026 LX 23536, at *19 (C.D. Cal. Feb. 18,

2026). Thus, any request by Petitioner for bond redetermination before EOIR would be futile.

7. Petitioner's detention under 8 U.S.C. § 1225(b)(2)(A) violates the plain language of the Immigration and Nationality Act ("INA"). This section does not apply to individuals like Petitioner, who had already entered and lived in the United States for years before being apprehended. Instead, such individuals are subject to 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond.

8. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying 8 U.S.C. § 1226(a) to those like Petitioner. Thus, Petitioner challenges his detention as a violation of the INA and the Due Process Clause of the Fifth Amendment.

9. Accordingly, Petitioner respectfully requests that this Court grant a Writ of Habeas Corpus and order Respondents to release him from custody unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

10. Petitioner is in Respondents' physical custody. Petitioner is detained at Irwin County Detention Center in Ocilla, Georgia. **Exhibit A – ICE Online Detainee Locator Results for Petitioner.**

11. This court has jurisdiction to entertain this habeas petition under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas corpus), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

12. 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.

13. Congress has preserved judicial review of challenges to detention. *See Jennings v. Rodriguez*, 138 U.S. 830, 841 (2018).

VENUE

14. Venue in the Middle District of Georgia is appropriate under 28 U.S.C. § 1391(e) because at least one Respondent is in this District, Petitioner is detained in this District, Petitioner's immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("[T]he proper respondent to a habeas petition is 'the person who has custody over the petitioner'") (citing 28 U.S.C. § 2242) (citation modified).

REQUIREMENTS OF 28 U.S.C. § 2243

15. The court must "forthwith" grant the petition for writ of habeas corpus or order Respondents to show cause unless Petitioner is ineligible for relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

16. 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

17. Petitioner Julio Rueda Zavedra is a citizen of Mexico who is currently detained by Respondents at Irwin County Detention Center. He has been in ICE custody since April 9, 2026. ICE did not set bond after detaining Petitioner, and Petitioner is unable to obtain review of his custody by an IJ based on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

18. Respondent Markwayne Mullin is the Secretary of DHS. This suit is brought against Respondent Mullin in his official capacity, as he is charged with implementing and enforcing the INA, including the detention and removal of noncitizens, and overseeing ICE. Respondent Mullin has ultimate custodial authority over Petitioner.

19. Respondent Todd M. Lyons is the Acting Director of ICE. This suit is brought against Respondent Lyons in his official capacity, as he is charged with the administration of ICE and the implementation and enforcement of the INA. He is Petitioner's legal custodian.

20. Respondent Ladeon Francis is the Field Office Director of the Atlanta Field Office of ICE which holds administrative jurisdiction over Petitioner's detention and removal. He is Petitioner's legal custodian and is named in his official capacity.

21. Respondent Warden is the Warden of Irwin County Detention Center, where Petitioner is currently detained. He is Petitioner's legal custodian and is named in his official capacity.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. Neither the INA nor the applicable federal habeas corpus statute requires administrative exhaustion for immigration detention-based claims. *Compare* 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only prior to challenging a removal order in circuit court), *with* 28 U.S.C. § 2241 (including no requirement for

administrative exhaustion); *see also Santiago-Lugo v. Warden,* 785 F.3d 467, 474-75 (11th Cir. 2015) ("It is no longer the law of this circuit that exhaustion of administrative remedies is a jurisdictional requirement in a § 2241 proceeding.").

LEGAL FRAMEWORK

23. The INA prescribes three basic forms of detention for most noncitizens in removal proceedings.

24. First, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under 8 U.S.C. § 1225(b)(2).

25. Second, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond redetermination hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

26. Last, the INA also provides for the detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. 8 U.S.C. § 1231(a)–(b).

27. This case concerns the detention provisions at §§ 1225(b)(2) and 1226(a).

28. Congress enacted 8 U.S.C. §§ 1225(b)(2) and 1226(a) as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. 8 U.S.C. § 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

29. Following the enactment of the IIRIRA, EOIR drafted new regulations stating that those entering the country without inspection were considered detained under 8 U.S.C. § 1226(a) and not under 8 U.S.C. § 1225. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

30. Thus, in the decades that followed, most who entered without inspection and were placed in standard removal proceedings received bond hearings unless their criminal history rendered them ineligible for release under 8 U.S.C. § 1226(c). This practice was consistent with many more decades of prior practice in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that 8 U.S.C. § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

31. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected the well-established interpretation of the statutory framework and reversed decades of practice. The new policy, "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[1] states that all individuals who entered the United States without inspection and admission shall now be deemed "applicants for admission" under 8 U.S.C. § 1225(a)(1). They are, therefore, now subject to the mandatory detention provision under 8 U.S.C. § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

[1] *Available at* https://www.https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission

32. On September 5, 2025, the BIA issued a published decision adopting this same position. In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA held that all noncitizens who entered the United States without admission or parole are considered applicants for admission, subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and ineligible for a bond redetermination hearing before an immigration judge. *Id.*

33. ICE and the BIA have adopted this position even though numerous federal courts, including this one, have rejected this conclusion. This Court has previously ruled that 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b), applies to noncitizens who entered the United States and were detained years after their entry. *J.A.M. v. Streeval*, No. 4:25-cv-342 (CDL), 2025 LX 418115 (M.D. Ga. Nov. 1, 2025); *see also E.L.C. et al. v. Warden*, No. 4:25-cv-264, 2025 WL 3158802 (M.D. Ga. Nov. 4, 2025) (consolidating and granting petitioners' habeas petitions based on the same conclusion in the following cases: No. 4:25-cv-277, No. 4:25-cv-278, No. 4:25-cv-288, No. 4:25-cv-290, No. 4:25-cv-291, No. 4:25-cv-296, No. 4:25-cv-297, No. 4:25-cv-298, No. 4:25-cv-299, No. 4:25-cv-300, No. 4:25-cv-302, No. 4:25-cv-305, No. 4:25-cv-306, No. 4:25-cv-309).

34. District courts around the country have also roundly rejected the recently adopted alternative reading of the INA since ICE implemented its July 8, 2025 memo. Courts have held that 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b), governs the detention of noncitizens who entered without admission, have lived in the United States for years, and were apprehended inside the country rather than at the border. *See Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D.

Ariz. Aug. 13, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez Campos v. Raycraft*, No. 2:25 cv 12486 BRM EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Santos v. Noem*, No. 3:25-CV-01193 SEC P, 2025 WL 2642278 (W.D. La. Sep. 11, 2025); *Chafla v. Scott*, No. 2:25-cv-00437-SDN, 2025 LX 422663 (D. Me. Sep. 21, 2025); *Guaita Quinapanta v. Bondi*, No. 25-cv-795-wmc, 2025 LX 549339 (W.D. Wis. Nov. 12, 2025); *Roman v. Castro*, No. 2:25-cv-01076-DHU-JHR, 2026 LX 66530 (D.N.M. Jan. 12, 2026); *Solano v. Mason*, No. 2:26-cv-00045, 2026 LX 94349 (S.D. W. Va. Feb. 4, 2026).

35. Further, the text of 8 U.S.C. § 1226 expressly includes noncitizens present in the United States without being admitted or paroled. 8 U.S.C. § 1226(c)(1)(E)(i), (ii) states a noncitizen, who is "inadmissible under paragraph (6)(A), (6)(C), or (7) of section 1182(a) of this title", is subject to mandatory detention **only if** he or she "is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a

law enforcement officer offense, or any crime that results in death or serious bodily injury to another person." *Id.*

36. 8 U.S.C. § 1226(c)(1)(E)(i), (ii) thus carves out a specific category of noncitizens present without admission or parole who are subject to mandatory detention. As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)). A plain reading of the statute, therefore, demonstrates that § 1226(a) governs the detention of noncitizens present without admission or parole who are in removal proceedings under § 1229a, unless §1226(c)(1)(E) is triggered.

37. By contrast, 8 U.S.C. § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspection at the border of those "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

38. On January 29, 2026, this Court issued a standing order directing Magistrate Judges of the Middle District of Georgia to screen each habeas petition arising from Stewart Detention Center to order Respondents to provide the petitioner with a bond hearing if the case falls within the parameters of *J.A.M. v. Streeval*, No. 4:25-cv-342 (CDL), 2025 LX 418115 (M.D. Ga. Nov. 1, 2025). *In Re: 28 U.S.C. § 2241 Immigration Petitions for Bond Hearings Stewart Detention Center*, Standing Order No. 2026-01 (Jan. 29, 2026).

We request that this Court issue such an order on Petitioner's case as he falls within the parameters of *J.A.M. v. Streeval*, as someone who DHS detained years after his entry. *Id.*

39. Accordingly, DHS may not use 8 U.S.C. § 1225(b)(2)(A)'s mandatory detention provision to detain individuals like Petitioner, who entered and lived in the United States for over 20 years, before DHS detained him.

FACTS

40. Petitioner is a 37-year-old citizen and national of Mexico. Petitioner entered the United States in or around 2006 without admission or parole. He has resided in the United States since then and, prior to being placed in detention, lived in Woodstock, Georgia.

41. On or around April 9, 2026, ICE arrested Petitioner, and he is now detained at Irwin County Detention Center. **Exhibit A – ICE Online Detainee Locator Results for Petitioner.**

42. DHS placed Petitioner in removal proceedings before the Stewart Immigration Court pursuant to 8 U.S.C. § 1229a. Upon information and belief, DHS has charged Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as a person who entered the United States without inspection.

43. Upon information and belief, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

44. Any request for bond redetermination before EOIR is futile, as the BIA's recent published decision, *Matter of Yajure Hurtado*, held that IJs lack jurisdiction to consider Petitioner's bond request, because individuals like Petitioner are subject to mandatory detention as applicants for admission under 8 U.S.C. § 1225(b)(2)(A). *Matter of Yajure Hurtado* will remain in effect for the foreseeable future despite its vacatur due to a stay

issued by the Ninth Circuit. *See* Order, *Lazaro Maldonado Bautista v. U.S. Department of Homeland Security*, No. 26-1044, (9th Cir. Mar. 6, 2026); *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2026 LX 23536, at *19 (C.D. Cal. Feb. 18, 2026).

45. As a result, Petitioner remains in mandatory detention. Absent relief from this Court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

46. Petitioner realleges and incorporates by reference each and every allegation contained above.

47. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to grounds of inadmissibility. Nor does it apply to those who entered the United States without admission and were detained and placed in removal proceedings years after their initial entry. Such noncitizens are detained under 8 U.S.C. § 1226(a), unless they are subject to 8 U.S.C. § 1225(b)(1), 1226(c), or 1231.

48. The application of 8 U.S.C. § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT TWO

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

49. Petitioner realleges and incorporates by reference each and every allegation contained above.

50. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

51. Petitioner has a fundamental interest in liberty and being free from official restraint.

52. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Order that Petitioner shall not be transferred outside the Middle District of Georgia while this habeas petition is pending;
3. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
4. Declare that Petitioner's detention under 8 U.S.C. § 1225(b)(2)(A) is unlawful, and that his custody is properly governed by 8 U.S.C. § 1226(a);
5. Issue a Writ of Habeas Corpus requiring that Respondents provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days, or in the alternative, release Petitioner if no bond hearing is provided within seven days;
6. Retain jurisdiction over this case to ensure compliance with all of this Court's orders;
7. Award attorney's fees and costs as permitted under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

8. Grant any and all further relief that is necessary or appropriate.

Respectfully submitted this 5th day of May, 2026.

/s/ Bethany Virginia Biswas
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Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I, Bethany V. Biswas, hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Bethany V. Biswas
Attorney for Petitioner

Date: May 5, 2026