

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

ANNY DAMARIS FLORES TORRES

A#

Petitioner

Case No.

Vs

**Todd M. LYONS, Director of U.S. ICE;
Georgie STERLING, Filed Office Director of
Enforcement and Removal Operations,
Atlanta Filed Office, Immigration and
Customs Enforcement; Markwayne
MULLIN, Secretary, U.S. DEPARTMENT
OF HOMELAND SECURITY; Tod
BLANCHE, U.S. Attorney General;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Jason
STREEVAL, Warden of Stewart Detention
Center,**

**PETITION FOR WRIT OF HABEAS
CORPUS
Under 28 USC §2241**

Respondents

INTRODUCTION

Petitioner **Anny Damaris Flores Torres A#** , an asylum seeker and native and citizen of Honduras, has been detained by Respondents approximately since February 25, 2026. She has been placed in removal proceedings, and therefore her custody is governed by 8 U.S.C. § 1226(a), yet Respondents have treated her as categorically ineligible for bond under recent Board of Immigration Appeals precedent, depriving her of any meaningful opportunity to seek release before a neutral adjudicator. Her continued confinement violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment because it imposes prolonged and potentially indefinite detention without an individualized determination that her detention

reasonably relates to legitimate governmental objectives. Absent intervention by this Court, Petitioner has no adequate administrative remedy and will remain unlawfully detained; accordingly, she respectfully requests that this Court grant appropriate relief, including an order requiring an immediate custody hearing applying the proper legal standards or, in the alternative, her immediate release from custody.

JURISDICTION

1. Petitioner is in physical custody of Respondents. Petitioner is detained at the **Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815**.
2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
3. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
4. This Court has jurisdiction over the claims asserted in this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, and 28 U.S.C. § 1651 because Petitioner asks this Court to compel Respondents, officers of the United States, to perform their duties owed under 8 U.S.C. § 1226(a).
5. The jurisdiction of this Court is also invoked pursuant to 28 U.S.C. §§ 2201-02 which authorizes the issuance of declaratory judgments.
6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

1. Venue is proper in this District because Petitioner is detained at the **Stewart Detention Center, Lumpkin, Georgia**, which is within the jurisdiction of this District. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 419 U.S. 484, 493-500 (1973).
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

1. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to 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*
2. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of int or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

1. Petitioner is a citizen of Honduras who is being detained at the **Stewart Detention Center, Lumpkin, Georgia**. She was assigned alien number A# [REDACTED] Petitioner is under the direct control and in the custody of Respondents and their agents and after her arrest, ICE did not set a bond, and Petitioner is unable to obtain a review of her custody by an Immigration Judge, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
2. Respondent Todd M. Lyons is the Acting Director of US ICE. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Todd M. Lyons is sued in his official capacity.
3. Respondent George Sterling is the Director of the Atlanta Field of US Immigration and Customs Enforcement. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. George Sterling is sued in his official capacity.
4. Respondent Todd Blanche is the General Attorney of the United States and responsible of the Executive Office for Immigration Review (EOIR). He has the legal authority to order an immigration judge to undertake any actions which this Court may order.
5. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing INA in removal proceedings, including for custody redeterminations in bond hearings.

6. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Markwayne Mullin is sued in his official capacity.
7. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
8. Jason Streeval is the Warden of the **Stewart Detention Center, with address 146 CCA Road, Lumpkin, GA 31815** and is sued as the direct custodian of Petitioner. The Warden is sued in his official capacity.

LEGAL FRAMEWORK

1. The INA prescribes three basic forms of detention for most noncitizens in removal proceedings.
2. First, 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 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).
3. Second, 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 § 1225(b)(2).
4. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
5. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2). The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).
6. Following the enactment of the IIRAIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *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).

7. Accordingly, in the decades that followed, the majority of individuals who entered the United States without inspection and were placed in standard removal proceedings were afforded bond hearings, unless their criminal history rendered them subject to mandatory detention under 8 U.S.C. § 1226(c). This practice was consistent with longstanding agency procedures predating the current statutory scheme, under which noncitizens not classified as “arriving aliens” were entitled to a custody determination by an Immigration Judge or other authorized hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (observing that § 1226(a) merely “restates” the detention authority previously codified at § 1252(a)). On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.
8. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.
9. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 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.
10. On September 5, 2025, the BIA adopted the same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.
11. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.
12. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely

unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival in the United States. *Rodríguez Vázquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

13. Subsequently, court after court adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation.
14. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodríguez Vázquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
15. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."
16. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodríguez Vázquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodríguez Vázquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); see also *Gomes*, 2025 WL 1869299, at *7. 1. Section 1226, therefore, leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.
17. By contrast, § 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 inspections at the border of people who are "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). Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

STATEMENT OF FACTS

1. Petitioner entered the United States at or near unknown place and at an unknown time.
2. Petitioner entered the United States without inspection or admission and was not immediately detained by US Customs and Border Patrol agents, she was neither placed under expedited removal.
3. Petitioner was detained by ICE and placed into full removal proceedings under Section 240 of the Immigration and Nationality Act (8 U.S.C. § 1229a). *See* Exhibit A. This permits her to pursue any applications for relief that might entitle her to remain in the United States.
4. Petitioner's immigration proceedings take place within the immigration courts administered by EOIR. Petitioner will apply for asylum and is permitted to remain in the United States until a final determination has been made on her application.
5. Respondents did not undertake *any* legal process before detaining her.
6. Petitioner continues to be unlawfully detained by Respondents.

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment Right to Due Process

1. The above paragraphs are realleged and incorporated herein.
2. The Department of Homeland Security has unlawfully detained Petitioner under "mandatory detention" authority reserved for aliens who are in the process of entering the United States, 8 U.S.C. § 1225.
3. This section of the Immigration and Nationality Act is reserved for individuals arriving in the United States. Petitioner was not arriving in the United States at the time of her detention; she had been in the United States for more than nine (9) years.
4. Petitioner's detention violated the Immigration and Nationality Act and her due process rights because she was detained without "a warrant issued by the Attorney General" as required. Having been unlawfully detained, Petitioner requests the only appropriate relief from this Court: "*release from unlawful detention*". *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020).
5. There is no other avenue for release that Petitioner can seek. Respondents have determined that all individuals like Petitioner are ineligible for bond and must be detained. The Executive

Office for Immigration Review has issued precedential decisions holding that immigration judges unequivocally have no jurisdiction to entertain granting bond in Petitioner's exact circumstances. *See, e.g., Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). ed by Section 236(a) of the Immigration and Nationality Act.

6. Petitioner's continued detention are violations of her rights under the Fifth Amendment of the US Constitution.

COUNT II

Violation of the NTA

1. Petitioners incorporate by reference the allegations of fact outlined in the preceding paragraphs.
2. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States before being apprehended and placed in removal proceedings by the Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.
3. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates the INA.

COUNT III

Violation of the Bond Regulations

1. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.
2. In 1997, after Congress amended the INA through IIRAIRA, EOIR and the then- Immigration and Naturalization Service issued an interim rule to interpret and apply IIRAIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8

U.S.C. § 1226 and its implementing regulations.

3. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individuals like Petitioner.
4. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT IV
Violation of Petitioner's Order of Release

1. The allegations in the above paragraphs are realleged and incorporated herein.
2. Regulations at 8 CFR § 236.1(c)(9) and (g) require specific procedures to release or revoke the release of an individual. This regulation also limits the authority to make these decisions to specific enumerated officers.
3. Respondents violated the provisions at 8 CFR § 236.1(c)(9) because they did not make individualized findings specific to Petitioner's circumstances.
4. Respondents violated the provisions at 8 CFR § 236.1(c)(9) because Petitioner's custody determination was not rendered by one of the specified officers.
5. Petitioner's detention is unlawful because the Department of Homeland Security violated the regulations and procedures at 8 CFR § 236.1(c)(9).
6. This unlawful detention and violation of existing regulations also violates the Administrative Procedure Act. *See* 5 U.S.C. § 706(2).

PRAYER FOR RELIEF
Petitioner respectfully asks that the Court:

- A. Assume jurisdiction over this matter;
 - B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
 - C. Order that that Respondents not transfer Petitioner from this District to any other District during the pendency of this matter;
 - D. Order that Respondents not remove Petitioner from the United States until this matter has concluded;
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- E. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- F. Declare that Petitioner's detention is unlawful;
- G. 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
- H. Order that Respondents return all personal property that was confiscated from Petitioner at the time of the unlawful detention;
- I. and Grant any further relief this Court deems just and proper.

Respectfully submitted,



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VERIFICATION

On Petitioner's behalf, I, William Matos, verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'W. Matos', written in a cursive style.

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