

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

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**U.S. DISTRICT COURT
DISTRICT OF MASS.**

RACLIK GUTIERREZ FRANCISCO,

Petitioner,

v.

Warden, Stewart Detention Center, et al.,

Respondents.

Case No. _____

**MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
(28 .S.C. § 2241)**

I. INTRODUCTION

I, Petitioner, Raclik Gutierrez Francisco, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner is currently detained at Stewart Detention Center in Lumpkin, Georgia. He is being held without access to a bond hearing based on an erroneous legal determination that the Immigration Court lacks jurisdiction under Matter of Yajure-Hurtado.

Petitioner's continued detention without an individualized custody determination violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

Petitioner seeks an order requiring the Government to provide a prompt bond hearing before an Immigration Judge.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody in

violation of the Constitution and laws of the United States.

2. Venue is proper in this District because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia.

III. PARTIES

3. Petitioner is a native and citizen of Cuba.
4. Respondent Warden is the immediate custodian of Petitioner.
5. Respondent Field Office Director oversees ICE detention operations in this region.

IV. FACTUAL BACKGROUND

6. Petitioner is a native and citizen of Cuba who entered the United States in October 2022.
7. He timely filed an application for asylum and has been in removal proceedings before the Immigration Court.
8. Petitioner was detained by immigration authorities and sought a bond hearing before the Immigration Judge.
9. However, the Immigration Judge determined that the Court lacked jurisdiction to conduct a bond hearing, relying on *Matter of Yajure-Hurtado*.
10. As a result, Petitioner has been detained without any individualized determination of whether he poses a danger or flight risk.
11. On April 16, 2026, the Immigration Judge also pretermitted Petitioner's asylum application and ordered removal without allowing a full evidentiary hearing.
12. Petitioner has appealed that decision to the Board of Immigration Appeals.
13. Despite this, Petitioner remains detained without access to a bond hearing.

V. CLAIM FOR RELIEF

COUNT I — UNLAWFUL DETENTION UNDER THE INA

14. Petitioner is detained under 8 U.S.C. § 1226(a), which provides for discretionary detention and the right to a bond hearing before an Immigration Judge.

15. Petitioner is not an arriving alien and was not detained under 8 U.S.C. § 1225(b).

16. The Immigration Judge's reliance on *Matter of Yajure-Hurtado* to deny jurisdiction is misplaced because that decision applies to individuals detained under § 1225(b), not § 1226(a).

17. By denying Petitioner a bond hearing, Respondents are detaining him in violation of the statutory framework.

COUNT II – VIOLATION OF DUE PROCESS

18. The Fifth Amendment guarantees that noncitizens are entitled to due process in removal proceedings, including meaningful review of their detention.

19. Petitioner has been detained for a prolonged period without any individualized determination of:

20. Flight risk

21. Danger to the community

22. The denial of a bond hearing deprives Petitioner of a neutral decisionmaker and violates due process.

COUNT III – ARBITRARY AND PROLONGED DETENTION

23. Petitioner's continued detention, without a bond hearing and without meaningful review, is arbitrary and not reasonably related to the purposes of immigration detention.

24. The Constitution requires that detention bear a reasonable relation to its purpose.

25. Here, detention without any individualized assessment is excessive and unconstitutional.

VII. EXHAUSTION

36. No Petitioner has sought relief through the Immigration Court and has appealed adverse rulings to the Board of Immigration Appeals.

37. Further administrative remedies are inadequate to address the ongoing constitutional violation caused by continued detention without a bond hearing.

VIII. REQUEST FOR RELIEF

38. Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Respondents to provide Petitioner with a prompt bond hearing before an Immigration Judge;
3. Grant such other and further relief as the Court deems just and proper.

IX. PRAYER FOR RELIEF

Petitioner respectfully requests immediate judicial intervention to remedy his unlawful detention.

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, RACLIK GUTIERREZ FRANCISCO, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 5/2/2026



RACLIK GUTIERREZ FRANCISCO