

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLOMBUS DIVISION

JUAN ANTONIO MEJIA GAMEZ,

Petitioner.

v.

LADON FRANCIS, Field Office
Director of Enforcement and Removal
Operations, ATLANTA Field Office,
TODD LYONS, in his official capacity
as Acting director of Immigration and
Customs Enforcement;
Immigration and Customs Enforcement;
MARK 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-975

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, JUAN ANTONIO MEJIA GAMEZ (A ) is in the physical custody of Respondents at the STEWART DETENTION CENTER. He now faces unlawful detention because the Department of Homeland Security (DHS), in direct collaboration with the adjudicative body with jurisdiction over immigrants (the Executive Office of Immigration Review) (EOIR) have concluded Petitioner is subject to mandatory detention.

2. Petitioner is charged with, as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, re-entry permit, border crossing card, or other valid entry document required by the act, and a valid unexpired passport, and other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act. *See* 8 U.S.C. § 1182(a)(7)(A)(i)(I).

3. Based on this allegation in Petitioner's removal proceedings, DHS has prevented Petitioner's release from immigration custody, consistent with DHS policy, instructing those who entered the United States without admission or inspection— that were transferred from expedited to full removal proceedings after establishing a credible fear are ineligible for bond. *See Matter of MS*, I&N Dec. 509 (A.G. 2019).

4. Petitioner's detention on this basis violates his due process rights and is contrary to current precedent. Section 1225(b)(1)(B)(ii) does require mandatory detention however, the Petitioner is subject to § 1226(a), which allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

1 5. Respondents’ argue that the Petitioner is subject § 1225(b)(1)(B)(ii)
2 however, their legal interpretation is plainly contrary to the release documentation issued
3 to the Petitioner hence directly contradicting the statutory framework and contrary to
4 decades of agency practice applying § 1226(a) to people like Petitioner.

5 6. The Respondents’ position is internally inconsistent. It seeks to apply INA
6 § 1225 and INA § 1226 interchangeably, despite the statutes governing distinct categories
7 of noncitizens. The Respondents cannot selectively invoke whichever provision is most
8 advantageous at their leisure.

9 7. Here, the Respondent’s own issuance of an I-220A placing Petitioner in
10 custody under 8 U.S.C. § 1226(a) reflects a discretionary, fact-based determination that
11 Petitioner was not subject to mandatory detention under § 1225(b)(1)(B)(ii)). This quasi-
12 judicial decision was made by DHS at the outset of proceedings, based on the facts
13 available to both parties and Petitioner’s own admissions. Critically, DHS itself alleged in
14 the Notice to Appear that Petitioner “entered the United States” ... “ and has not been
15 admitted or paroled,” a factual assertion that squarely contradicts the Government’s current
16 position—adopted wholesale by the Board of Immigration Appeals—that Petitioner is
17 ineligible to apply for bond before EOIR. This reversal undermines the integrity of the
18 adjudicative process and triggers the principles of issue preclusion recognized in *B&B*
19 *Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138 (2015), which require courts to respect
20 agency determinations when the ordinary elements of preclusion are met.

21 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
22 unless Respondents provide a bond hearing under § 1226(a) within seven days.
23

JURISDICTION

9. Petitioner is in the physical custody of Respondents. Petitioner is detained at the STEWART DETENTION CENTER in LUMPKIN, GEORGIA.

10. 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)

11. 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

12. 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.

13. 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 MIDDLE DISTRICT OF GEORGIA.

REQUIREMENTS OF 28 U.S.C. § 2243

14. 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.*

15. 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

1 confinement.” *Fay v Noia*, 372 U.S. 391, 400 (1963) (emphasis added) “The application
2 for the writ usurps the attention and displaces the calendar of the judge or justice who
3 entertains it and receives prompt action from him within the four corners of the
4 application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5 PARTIES

6 16. Petitioner Juan Mejia Gamez (“Mr. Mejia Gamez”) is a citizen of Honduras who has been
7 in immigration detention since the of June 9, 2026. Petitioner was reporting to his
8 scheduled ICF check-in when he was detained and transferred to the Stewart Detention
9 Center. ICE did not set bond and Petitioner is unable to obtain review of his custody by an
10 IJ, pursuant to *Matter of MS*, I&N Dec. 509 (A.G. 2019). Due to Respondents erroneous
11 reliance on this decision, it would be futile for Petitioner to apply to EOIR without the
12 intervention of this honorable Court.

13 17. Respondent Todd Lyons is named in his official capacity as the Acting Director of the
14 Immigration and Customs Enforcement (“ICE”). As the senior Official Performing the
15 duties of the Director of ICE, he is responsible for the administration and enforcement of
16 the immigration laws of the United States; routinely transacts business in the Southern
17 District of Georgia; is legally responsible for any effort to detain Petitioner; and as such is
18 a custodian of the Petitioner. His address is ICE, Office of the Principal Legal Advisor, 500
19 12th St. SW, Mail Stop 5900, Washington DC 20536-5900.

20 18. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE’s
21 Enforcement and Removal Operations division; however, on information and belief, the
22 DHS is rotating their Field Office Director without publishing a schedule of rotation. As
23 such, Ladeon Francis or his unknown, unannounced provisional replacement is Petitioner’s

1 immediate custodian and is responsible for Petitioner's detention and removal. He or his
2 acting counterpart is named in his or her official capacity. Respondent Francis's address is
3 180 Ted Turner Dr Se, Ste 522. Atlanta GA 30303.

4 19. Respondent Mark Mullin is the Secretary of the Department of Homeland Security. He is
5 responsible for the implementation and enforcement of the Immigration and Nationality
6 Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Secretary
7 Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

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

10 21. Respondent Todd Blanche is the Attorney General of the United States. He is responsible
11 for the Department of Justice, of which the Executive Office for Immigration Review and
12 the immigration court system it operates is a component agency. He is sued in his official
13 capacity. Respondent Blanches's address is U.S. Department of Homeland Security, Office
14 of the General Counsel, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

15 22. Respondent Executive Office for Immigration Review (EOIR) is the federal agency
16 responsible for implementing and enforcing the INA in removal proceedings, including for
17 custody redeterminations in bond hearings.

18 23. Respondent, Warden Jason Streeval is, is employed by the private, for-profit detention
19 corporation contracted by the Government as an agent to confine immigrants at Stewart
20 Detention Center, where Petitioner is detained. He has immediate physical custody of
21 Petitioner. He is sued in his official capacity. Respondent Warden's address is Warden,
22 Stewart Detention Center, 1116 S Washington Ave, Lumpkin, GA 39862.

LEGAL FRAMEWORK

24. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

25. 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).

26. 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).

27. 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).

28. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(1).

29. The detention provisions at § 1226(a) and § 1225(b)(1) were enacted 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. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).

30. Following the enactment of the IIRIRA, FOIR 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

1 Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal
2 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

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

10 32. In *Jennings v. Rodriguez*, the Department of Homeland Security (DHS) explicitly
11 acknowledged that individuals who have already entered the United States and are not
12 apprehended within 100 miles of the border or within 14 days of entry are subject to
13 discretionary detention under 8 U.S.C. § 1226(a), not mandatory detention under § 1225(b).
14 During oral argument on November 30, 2016, then–Solicitor General Ian Gershengorn
15 stated: “If they are not detained within 100 miles of the border or within 14 days... then
16 they are under 1226(a) and not 1226(c)” and further clarified, in response to a question
17 concerning “an alien who has come into the United States illegally without being admitted
18 [and] who takes up residence 50 miles from the border,” the Government responded, “The
19 answer is they are held under 1226(a) and that they get a bond hearing...” Transcript of
20 Oral Argument at 7 8, *Jennings v. Rodriguez*, 583 U.S. ____ (2018) (No. 15 1204). DHS
21 reiterated that such individuals “would be held under 1226(a)” and cited the administrative
22 record to support that position. *Id.*

1 33. In *Matter of MS* the Attorney General held, that [noncitizens] who have passed a credible
2 fear interview are ineligible for bond if transferred to full removal proceedings. *Matter of*
3 *MS*, I&N Dec. 509 (A.G. 2019).

4 34. In line with that decision on May 15, 2025, the Board issued a precedent decision, binding
5 on all immigration judges, holding that an immigration judge has no authority to consider
6 bond requests for any [noncitizen] apprehended shortly after entering the U.S. without
7 inspection and that such persons are subject to mandatory detention under INA §235(b).
8 *Matter of Q Li*, 29 I&N Dec. 66 (BIA 2025). The Board also found that a [noncitizen]
9 released from detention pursuant to a grant of parole under § 212 (d)(5) of the INA and
10 whose grant of parole is subsequently terminated, is returned to custody under § 235(b)
11 pending the completion of removal proceedings. *Id.*

12 35. In *Q Li* Board specifies however, that DHS cannot convert the statutory authority
13 governing detention from § 235(b) to § 236(a) through the post hoc issuance of a warrant.
14 *Id* at fn.4. The regulation implementing DHS's authority to conduct arrests under § 236(a)
15 authorizes a prospective arrest and contemplates that the subject of the warrant has not yet
16 been arrested and taken into custody at the time the warrant is issued. *See* 8 C.F.R. §
17 236.1(b)(1) (2025).

18 36. The Respondents attempt to apply *Matter of MS* presently however, the Petitioner was
19 issued a warrant for arrest and released on his own recognizance. *See Exhibit 1*, Form I-
20 220A. To which it states, “[y]ou have been arrested and placed in removal proceedings. In
21 accordance with Section 236 of the Immigration and Nationality Act” *Id.* Therefore,
22 the Petitioner was issued an arrest warrant and placed into proceedings under INA § 236
23 and not the mandatory detention provision. A post hoc warrant could not have been issued

1 in accordance with board precedent therefore, the Petitioner is subject to the custody
2 provision of § 236.

3 37. This Court has held in similar cases that petitioners present in the United States at the time
4 of their detention, who have not been lawfully admitted and are not attempting to be
5 lawfully admitted, like the Petitioner, are subject to detention under INA § 1226(a). *J.A.M.*
6 *v. Streeval*, No. 4:25-CV342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025). *P.R.S. v.*
7 *Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

8 38. Moreover, on May 6, 2026, the Eleventh Circuit issued a published decision in *Alvarez v.*
9 *Warden, Federal Detention Center Miami, et al.*, No. 25-14065 (11th Cir. 2026) and *Perez*
10 *v. Assistant Field Office Director, Krome North Service Processing Center, et al.*, (No. 25-
11 14075 (11th Cir. 2026), holding that INA § 1226 applies to unadmitted noncitizens
12 apprehended within the interior of the United States, thereby entitling such individuals to
13 bond hearings. The court further held that unadmitted noncitizens encountered in the
14 interior—rather than at the border—and not actively seeking lawful admission are subject
15 to detention under § 1226. However, this decision has not resulted in actual release nor
16 actual bond hearings for detainees in similar circumstances to the Petitioner whom were
17 released on their own recognizance and issued form I-220A placing them in § 236
18 proceedings such as the Petitioner. This demonstrates that judicial intervention is necessary
19 to remedy Petitioner’s ongoing unlawful detention.

20 39. The Respondents position is internally inconsistent. They seek to apply INA § 235
21 mandatory detention provision and INA § 236 interchangeably, despite the statutes
22 governing distinct categories of noncitizens. It cannot selectively invoke whichever
23 provision is most advantageous.

FACTS

40. Mr. Mejia-Gamez has resided in the United States since November of 2016 and currently resides physically in Lumpkin, Georgia, where he is detained.

41. Upon his entry into the United States, the DIIS released respondent into the United States on an I-220A form, *Order of Release on Recognizance*, or “OREC” and placed him into removal proceedings.

42. The DHS filed a Notice to Appear with EOIR alleging that Petitioner entered the United States without inspection.

43. On or about June 9, 2026, Mr. Mejia-Gamez was detained by ICE officials during a routine check-in appointment.

44. Mr. Mejia-Gamez was then transferred to the Stewart Detention Center in Lumpkin Georgia where he remains detained.

45. On June 25, 2026, Mr. Mejia-Gamez was scheduled for a Bond hearing however, an the DHS argued his ineligibility for Bond pursuant to *Matter of MS*. Pursuant to *Matter of MS*, the immigration judge is unable to consider Mr. Mejia-Gamez’s bond request, and his unlawful detention cannot be litigated before that body, who collaborated with the DHS – who is a party to these contested proceedings – to adopt the DHS position wholesale, because such efforts would be futile.

46. As a result, Mr. Mejia-Gamez remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community while hia relief remains pending.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

47. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

48. The mandatory detention provision does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, the mandatory provision does not apply to those who received an I-220A and who were subsequently accused by DHS of having “entered” the United States. Those actions by DHS, followed by the Petitioner’s concession to those charges before FOIR, represent a quasi-judicial determination by an agency which precludes further litigation of the issue unless new, material, and previously unavailable facts emerge. Such noncitizens continue to be detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

49. The application of § 1225(b)(1) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II

Violation of Due Process

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

51. 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).

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

53. 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:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Middle District of Georgia while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. 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;
- e. Declare that Petitioner's detention is unlawful;
- f. 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
- g. Grant any other and further relief that this Court deems just and proper.

1 DATED this 29th day of June, 2026.

2 /s/ Peter Tadeo, Esq.

3 Peter Tadeo, Esq.

4 Georgia Bar No. 505253

5 Tadeo and Silva Law

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the
Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various
documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed
the foregoing Petition and that the facts and statements made in this Petition and Complaint are
true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

DATED this 29th day of June, 2026.

/s/ Peter Tadeo, Esq.

Peter Tadeo, Esq.

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