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

NAVA CARDENAS, JULYAN MANUEL ARCANGEL

Petitioner

Vs

David Venturella, Director of U.S. ICE; Kristen Sullivan, Filed Office Director of Enforcement and Removal Operations, Atlanta Filed Office, Immigration and Customs Enforcement; Markwayne MULLIN, Secretary, 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.

PETITION FOR WRIT OF HABEAS CORPUS
Under 28 USC §2241

INTRODUCTION

Petitioner **NAVAS CARDENAS, JULYAN MANUEL ARCANGEL - A#** [redacted], an asylum seeker and native and citizen of Venezuela, has been detained by Respondents since July 8, 2026. He has been placed in removal proceedings, and therefore his custody is governed by 8 U.S.C. § 1226(a), yet Respondents have treated him as categorically ineligible for bond under recent Board of Immigration Appeals precedent, depriving him of any meaningful opportunity to seek release before a neutral adjudicator. His 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 his

detention reasonably relates to legitimate governmental objectives. Absent intervention by this Court, Petitioner has no adequate administrative remedy and will remain unlawfully detained; accordingly, he 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, his immediate release from custody.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
2. 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).
3. 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).
4. The jurisdiction of this Court is also invoked pursuant to 28 U.S.C. §§ 2201-02 which authorizes the issuance of declaratory judgments.
5. 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 146 Cca Rd, Lumpkin, GA 31815**, 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 District 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 an applicant for asylum who is being detained at the **STEWART DETENTION CENTER 146 Cca Rd, Lumpkin, GA 31815** He was assigned alien number A# [redacted] Petitioner is under the direct control and in the custody of Respondents and their agents.
2. Respondent David Venturella is the Acting Director of US ICE. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. David Venturella is sued in his official capacity
3. Respondent Kristen Sullivan 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 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 their official capacity.

6 **Jason Streeval** is the Warden of the **STEWART DETENTION CENTER 146 Cca Rd, Lumpkin, GA 31815** is sued as the direct custodian of Petitioner. The Warden is sued in his or her official capacity.

STATEMENT OF FACTS

1. Petitioner entered the United States seeking asylum on July 8, 2021, and was assigned alien number A# [redacted] *See* Exhibit A.
2. Petitioner entered the United States without inspection or admission and was immediately detained by US Customs and Border Patrol agents, he was not 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. § 1255). This permits him to pursue any applications for relief that might entitle him 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 his application.
5. Respondents did not undertake *any* legal process before detaining him.
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 his detention; he had been in the United States for more than five (5) years.

4. Petitioner's detention violated the Immigration and Nationality Act and his due process rights because he was detained without "a warrant issued by the Attorney General" as require 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 his rights under the Fifth Amendment of the US Constitution.

COUNT II
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,
E. Order that Respondents immediately release Petitioner from detention;
F. Order that Respondents return all personal property that was confiscated from Petitioner at the time of the unlawful detention;
G. and Grant any further relief this Court deems just and proper.

Respectfully submitted,

William Matos, Esq
GA BAR 477504
Immigration Solution
848 Jesse Jewell Pkwy
Gainesville, GA 30501
Phone: 787-205-7564
lawofficewmatos@gmail.com
Attorney for Petitioner

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,

William Matos, Esq.
GA BAR 477504
Immigration Solution
848 Jesse Jewell Pkwy
Gainesville, GA 30501
Phone: 787-205-7564
lawofficewmatos@gmail.com
Attorney for Petitioner