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

JOSE LUIS RANGEL ZAVALA
(A[redacted]),

Petitioner,

v.

TODD BLANCHE, Acting Attorney General of the United States; KRISTEN SULLIVAN, Acting Field Office Director of Immigration and Customs Enforcement, Atlanta Field Office; JASON STREEVAL, Warden Stewart Detention; MARKWAYNE MULLIN, Secretary of The Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No.
4:26-cv-1083-CDL-AGH

PETITION FOR WRIT OF HABEAS CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. 2241

1. Petitioner, Jose Luis Rangel Zavala (A[redacted] brings this writ of habeas corpus to seek enforcement of his rights to a bond hearing in the U.S. Immigration Court. Petitioner is in the physical custody of Respondents at the Stewart Detention Center, Stewart County, Georgia. He now faces unlawful detention because the Respondents have taken a posture that Petitioner is not entitled to a bond hearing pursuant to 8 USC § 1226(a).

JURISDICTION & VENUE

2. Petitioner is detained at the Stewart Detention Center, Stewart County, Georgia. The Stewart Detention Center is in the Middle District of Georgia. This court has jurisdiction to grant a writ of habeas corpus to a petitioner who demonstrates that he is being held in custody in violation of federal law 28 USC § 2241(a), (c)(3). Venue is proper in the United States District Court for the Middle District of Georgia, the judicial district in which the Petitioner is being detained. Venue is also proper in this court pursuant to 28 USC § 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.

PARTIES

3. On or about July 17, 2026, Petitioner, while at a construction site and not suspected of any offense warranting an arrest, was taken into custody by Immigration and Customs Enforcement (ICE) officers. Petitioner remains detained at the Stewart Detention Center in Stewart County, Georgia, pending removal proceedings. To date, no bond has been set in his case.

4. Respondent Kristen Sullivan, Acting Field Office Director, is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, Kristen Sullivan, Acting Field Office Director, is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. She is named in her official capacity.

5. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the INA and oversees ICE, which is responsible for Petitioner's detention. Mr.

Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

6. Respondent Todd Blanche is the Acting Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system are component agencies. He is sued in his official capacity.

7. Respondent Jason Streeval is employed as the Warden of the Stewart Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is being sued in his official capacity.

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

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

STATEMENT OF FACTS

10. Petitioner is a citizen of Mexico who has been in immigration detention since on or about July 17, 2026. Petitioner last entered the United States without inspection on or around January 6, 2006. Petitioner was placed in removal proceedings and charged under 212 (a)(6)(A)(i) of the Immigration and Nationality Act (INA), as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. *See* Exhibit 1, Notice to Appear.

11. On July 6, 2006, the Department of Homeland Security (DHS) voluntarily terminated Petitioner's removal proceedings. *See* Exhibit 2, EOIR Automated Case Information.

12. Petitioner has continuously resided in the United States for more than twenty years and has established substantial positive equities during that time. He is married to a United States citizen and has an approved family petition (Form I-130). He has been gainfully employed as a construction worker, consistently contributing to both the local economy and his community. In addition, he has served as the father figure to his United States citizen stepson, whom he has raised as his own. Over the past two decades, he has established deep family roots and strong ties to his community, demonstrating his long-standing commitment to both his family and the United States. Through stable employment, secure housing, and longstanding residence in this country, Petitioner has demonstrated significant integration into American society and has built a productive and meaningful life in the United States.

13. The Executive Office for Immigration Review (EOIR), through the Immigration Court, and the Department of Homeland Security (DHS) have declined to schedule bond hearings for some individuals who entered the United States without admission or inspection, asserting that immigration judges lack jurisdiction to conduct such proceedings. Accordingly, on August 3, 2026, the Immigration Judge denied Petitioner the opportunity to have a bond hearing, finding that the Court lacked jurisdiction to consider or grant the Respondent's request for bond, citing *Matter of Q. Li,* 29 I&N Dec. 66 (B.I.A. 2025). As a result of this refusal to afford Petitioner an opportunity to have a bond hearing pursuant to 8 U.S.C. § 1226(a), Petitioner is left with no adequate remedy other than to seek relief through a writ of habeas corpus.

LEGAL FRAMEWORK

Petitioner's Detention Under 8 U.S.C. § 1225 Is Unlawful Because He Was Released Into the United States Twenty Years Ago Pursuant to 8 U.S.C. § 1226 and His Original Proceedings Were Terminated.

14. The INA establishes three principal detention schemes for noncitizens. First, 8 U.S.C. § 1226 governs the detention of individuals placed in standard removal proceedings under 8 U.S.C. § 1229a. Noncitizens detained pursuant to 8 U.S.C. § 1226(a) are generally entitled to an individualized bond hearing before an Immigration Judge to determine whether continued detention is necessary. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). However, certain noncitizens with specified criminal convictions or histories are subject to mandatory detention under § 1226(c).

15. Second, the INA provides for the detention of noncitizens who are subject to final orders of removal pursuant to 8 U.S.C. § 1231(a)-(b). This detention framework includes, among others, individuals pursuing withholding-only proceedings following the reinstatement of a prior removal order.

16. Third, the INA mandates detention of certain applicants for admission, including individuals placed in expedited removal proceedings under 8 U.S.C. § 1225(b)(1) and other recent arrivals seeking admission who are subject to inspection under 8 U.S.C. § 1225(b)(2).

17. In the present case, when Petitioner was apprehended by immigration authorities more than twenty years ago, DHS exercised its discretion to release him on his own recognizance pursuant to INA § 236, as evidenced by the Notice of Custody Determination. *See* Exhibit 3, Notice of Custody Determination. Thereafter, Petitioner's removal proceedings were terminated on July 6, 2006. *See* Exhibit 2. Following the termination of those proceedings, Petitioner remained at

liberty and resided continuously in the United States for approximately twenty years before ICE arrested him during an interior enforcement operation.

18. The Government relies upon *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), to justify Petitioner's continued detention without the opportunity for an individualized bond hearing. That reliance is misplaced. Unlike the respondent in *Matter of Q. Li*, Petitioner's immigration history spans nearly two decades. Petitioner entered the United States without inspection on January 6, 2006, and was apprehended shortly thereafter. At such time, rather than pursuing mandatory detention under 8 U.S.C. § 1225(b), the Department of Homeland Security exercised its discretion to release Petitioner on his own recognizance pursuant to 8 U.S.C. § 1226. Accordingly, a Notice of Custody Determination was issued, and Petitioner was released on his own recognizance. *See* Exhibit 3, Notice of Custody Determination. That same date, DHS initiated removal proceedings before an Immigration Judge. *See* Exhibit 1, Notice to Appear. However, DHS dismissed those proceedings within six months. *See* Exhibit 2, EOIR Automated Case Information.

19. Following the dismissal, Petitioner remained continuously present in the United States for approximately twenty years. During that time, he established substantial family and community ties, maintained steady employment, and lived openly in the United States. He was never again detained until ICE arrested him during an interior enforcement operation nearly two decades later.

20. Even assuming, arguendo, that the Court accepts Respondents' position that Petitioner was initially subject to mandatory detention under INA § 235(b), that authority no longer applies under the facts of this case. *Matter of Q. Li* expressly provides that an alien arriving in and seeking admission to the United

States who is placed in full removal proceedings is only subject to mandatory detention under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), until those removal proceedings have concluded.

21. Here, Petitioner's removal proceedings indisputably concluded when the Immigration Court terminated his case on July 6, 2006. *See* Exhibit 2, EOIR Automated Case Information. Once those proceedings were terminated, the statutory basis for detention under § 1225(b)(2)(A) ceased to exist. For approximately twenty years thereafter, Petitioner remained at liberty within the United States pursuant to DHS's decision to release him on his own recognizance.

22. Accordingly, Respondents cannot rely on INA § 235(b)(2)(A) to justify Petitioner's current detention. The statute authorizes mandatory detention only during the pendency of the removal proceedings for which it applies. Because those proceedings concluded in 2006, § 1225(b)(2)(A) no longer provides a lawful basis for Petitioner's detention twenty years later.

23. The Government now seeks to characterize Petitioner as though he remains an arriving applicant for admission who has never entered the United States. That position ignores both the procedural history of Petitioner's case and the statutory framework governing immigration detention.

24. Unlike the respondent in *Matter of Q. Li*, Petitioner is not being detained immediately following his unlawful entry or during a continuous inspection process. Rather, he is being detained twenty years after DHS voluntarily released him into the country and after the Government dismissed the original removal proceedings. At that point, the legal fiction that Petitioner remained an arriving applicant for admission ceased to bear any relationship to reality or to the statutory purpose underlying 8 U.S.C. § 1225(b).

Petitioner's Continued Mandatory Detention Violates the Due Process Clause.

25. After the initial removal proceedings were dismissed by DHS, Petitioner has lived openly in the United States for approximately twenty years. He has established deep family ties, steady employment, and extensive community connections. DHS previously determined that he could safely remain at liberty by releasing him on his own recognizance. Nothing in the record suggests that Petitioner absconded or posed a danger to the community or that Petitioner was released pursuant to a parole under 8 U.S.C. § 1225(b).

26. The Due Process Clause prohibits the Government from depriving a person of liberty through prolonged mandatory detention without meaningful procedural protections. The Government cannot rely upon a legal fiction that Petitioner remains an "arriving alien" despite two decades of residence in the United States following DHS's own decision to release him and terminate the original proceedings.

27. At a minimum, due process requires an individualized custody determination before a neutral decision-maker to determine whether Petitioner's continued detention is necessary to serve the Government's interests in ensuring appearance at future proceedings or protecting public safety.

28. Because Petitioner has received no such opportunity, his continued detention violates the Fifth Amendment.

CLAIM FOR RELIEF

29. Petitioner seeks habeas corpus relief based on Respondents' refusal to provide Petitioner with a bond hearing pursuant to 8 USC § 1226(a) and the opportunity for pre-removal release while the recently initiated removal proceedings are pending.

30. Petitioner is entitled to a discretionary bond hearing under 8 USC § 1226(a). *R.C.M. v. Warden, Stewart Detention Center,* 4:26-CV-056-CDL, 2026 WL 147698 (M.D. Ga., 2026); *J.A.M. v. Streeval,* 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga., 2025).

31. Petitioner is currently being detained under 8 USC § 1226(a); therefore, petitioner is not subject to mandatory detention.

32. By denying petitioner a bond hearing under 8 USC § 1226(a) and asserting that he is subject to mandatory detention, Respondents violate petitioner's statutory rights.

PRAYER FOR RELIEF

Petitioner requests that this Court grant the following relief:

(a) Assume jurisdiction over this matter;

(b) Issue an order requiring Respondents to conduct a bond hearing under 8 USC § 1226(a) within seven days;

(c) In the alternative, order Petitioner's immediate release from Immigration and Customs Enforcement Custody;

(d) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act and on any other bases justified; and

(e) Any other relief this Court feels is fair and just.

Respectfully submitted,

This 7th day of August, 2026.

/s/Noemi Puntier

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

I am submitting this verification on behalf of the Petitioner, as I am the Petitioner's attorney. I have discussed the events described in this Petition with the Petitioner. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 7th day of August, 2026

Puntier Law Firm, LLC

/s/ Noemi Puntier

_____

By: Noemi Puntier
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Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that I caused the attached to be served electronically on the United States and the attorneys for the other parties.

Respectfully submitted,

This 7th day of August, 2026

Puntier Law Firm, LLC

/s/ Noemi Puntier

_____

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