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

Manuel Salazar-Guarin, (A[redacted])	
Petitioner,	
vs.	
Jason STREEVAL, Warden, Stewart Detention Center; **Ladeon FRANCIS**, Field Office Director, Atlanta Field Office, U.S. Immigration and Customs Enforcement; **David VENTURELLA**, Acting Director, U.S. Immigration and Customs Enforcement; **Markwayne MULLIN**, Secretary of the Department of Homeland Security;	CIVIL ACTION FILE Case No.: ***Habeas Corpus***
in their official capacities,	**28 U.S.C. §2241**
Respondents,	

PETITION FOR WRIT OF *HABEAS CORPUS* AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Petitioner Manuel Salazar-Guarin, by and through his undersigned counsel, hereby respectfully petitions this Honorable Court for a writ of *habeas corpus* to seek enforcement of his rights pursuant to *Fidencio Alvarez v. Warden, Federal Detention Center Miami*, 25-14065, (11th Cir. May 6, 2026), *J.A.M. v. Streeval*, No. 4:25-CV- 342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-CV- 330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025). In support of his petition, Mr. Salazar-Guarin alleges as follows:

INTRODUCTION

1. Petitioner is in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia.

2. The Executive Office for Immigration Review and its subagency, the Immigration Court, together with the Department of Homeland Security (DHS), have unlawfully continued Petitioner's detention by denying him a meaningful opportunity for release on bond, notwithstanding his statutory and constitutional rights.

3. Petitioner is charged with, *inter alia*, being present in the United States without being admitted or paroled after inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

4. Petitioner Manuel Salazar-Guarin is eligible for bond, as he does not have lawful status in the United States and is currently detained at the Stewart Detention Center in Lumpkin, Georgia. He was apprehended by immigration authorities on August 5, 2026, after appearing for his wife's I-130 interview at the USCIS Field Office in Atlanta, Georgia. Petitioner is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231, and so his detention without the opportunity for release is unlawful. Petitioner's Notice to Appear, which was sustained in immigration court during his removal proceedings, clearly indicates that he is not an arriving alien.

5. The Eleventh Circuit has joined several others in holding that mandatory detention does not extend to individuals like Petitioner who were not actively seeking admission when they were detained. *Fidencio Alvarez v. Warden, Federal Detention Center Miami*, 25-14065, (11th Cir. May 6, 2026). Nevertheless, Respondents continue to flagrantly defy the judgment and subject bond-eligible individuals, including Petitioner, to unlawful detention without individualized assessments of the relevant equities and risk factors.

6. Pursuant to controlling precedent, the Court should order Petitioner's release unless Respondents provide a meaningful bond hearing under 8 U.S.C. § 1226(a) within seven days. *Fidencio Alvarez v. Warden, Federal Detention Center Miami*, 25-14065, (11th Cir. May 6, 2026). *See also J.A.M. v. Streeval*, No. 4:25-CV- 342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025);

P.R.S. v. Streeval, No. 4:25-CV- 330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

JURISDICTION AND VENUE

7. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Detention Center in Lumpkin, Georgia.

8. 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).

9. 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.

10. 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 (Columbus Division), the judicial district in which Petitioner currently is detained.

11. 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 (Columbus Division).

REQUIREMENTS OF 28 U.S.C. § 2243

12. *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 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt

action from him within the four corners of the application." *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

13. Petitioner argues any bond motion before an immigration judge or any appeal to the BIA would be futile at this point considering a September 5, 2025, BIA decision where the BIA adopted DHS' interpretation of the INA as mandating detention without bond for millions of noncitizens who reside in the U.S. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The BIA's decision held that immigration judges lack jurisdiction to hold bond hearings or grant bond to all individuals charged with entering the country without inspection. *Id.*

PARTIES

14. Petitioner Manuel Salazar-Guarin is a citizen of Colombia who was detained by ICE on August 5, 2026, at the USCIS Field Office in Atlanta, Georgia. He entered the United States in 2022 and is married to a citizen of the United States.

15. Respondent Jason Streeval is the Warden of the Stewart Detention Center, where Petitioner Manuel Salazar-Guarin is currently detained. He is Petitioner's immediate custodian and is named in his official capacity. *See Doe*, 108 F.4th at 1194-97.

16. Respondent Ladeon Francis is the Field Office Director of the Atlanta Field Office of ICE with administrative jurisdiction over Mr. Salazar-Guarin's case. He is Petitioner Manuel Salazar-Guarin's legal custodian and is named in his official capacity.

17 Respondent David Venturella is the Acting Director of ICE and is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants. He is a legal custodian of Petitioner and is named in his official capacity.

18. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland

Security ("DHS"), an agency of the United States, is responsible for the administration of the immigration laws. 8 U.S.C. § 1103(a). He is a legal custodian of Petitioner and is named in his official capacity.

19. Todd Blanche is the 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 it operates is a component agency. He is sued in his official capacity.

CLAIMS FOR RELIEF

COUNT ONE
Violation of the INA:
8 U.S.C. § 1226(A)

20. Petitioner is detained under 8 U.S.C. § 1226(a), which authorizes the government to detain certain individuals during removal proceedings with the option to release them on bond or conditional parole.

21. After Petitioner was arrested, Immigration and Customs Enforcement (ICE) did not set bond. Petitioner cannot obtain release under bond as immigration judges have informed individuals in bond hearings that they have been instructed by "leadership" that IJs remain bound to follow the agency's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Therefore, Petitioner is filing this writ for *habeas corpus* as it is the only remedy to determine that Petitioner is not an arriving alien or applicant for admission and should be afforded a meaningful bond hearing.

22. Petitioner has resided in the United States since 2022. Despite his ties to the United States, the denial of a bond hearing based on *Matter of Yajure Hurtado* has resulted in his continued detention without a meaningful opportunity for release, raising serious statutory and constitutional

concerns.

23. In *Leal-Hernandez v. Noem*, the court rejected the Government's assertion that a noncitizen who had resided in the United States for years without admission or parole was subject to mandatory detention under 8 U.S.C. § 1225(b). Instead, the court held that because the petitioner was not apprehended at a port of entry or interdicted at sea, and had not recently entered the country, he was not an "arriving alien" or "applicant for admission" under the INA and was therefore subject to discretionary detention under § 1226(a), not mandatory detention. *See Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, (D. Md. Aug. 24, 2025).

24. As in *Leal-Hernandez*, the original NTA in this case did not charge Petitioner as an "arriving alien," but rather as an "alien present in the United States who has not been admitted or paroled," removable under INA § 212(a)(6)(A)(i). Petitioner was arrested inside the United States, not at a port of entry, and was never charged or treated as an "arriving alien" under 8 C.F.R. § 1001.1(q). The Government cannot retroactively reclassify Petitioner as an arriving alien or applicant for admission merely by modifying the charge sheet and therefore cannot invoke the mandatory detention provisions of § 1225(b) to override immigration judges' valid exercises of bond authority under § 1226(a).

25. This Honorable Court also ruled that aliens detained under 8 U.S.C. § 1226(a) are not subject to mandatory detention under § 1225(b)(2) and are entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination hearing before an immigration judge. *See J.A.M. v. Streeval*, No. 4:25-CV- 342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-CV- 330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

26. ICE's refusal or failure to release Petitioner following this lawful bond determination

constitutes unauthorized detention under the Immigration and Nationality Act (INA) and violates the plain language of § 1226(a).

27. Additionally, Petitioner's detention is no longer tethered to any lawful purpose under the INA and therefore exceeds the statutory framework, warranting immediate release.

COUNT TWO
Violation of the Due Process Clause of the Fifth Amendment

28. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty 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*, 533 U.S. at 690. This protection applies to all persons within the United States, including noncitizens in immigration detention.

29. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention. First, the primary purpose is to mitigate the risk of flight, so that the government's goal of removal proceedings and, ultimately, removal, may be effectuated; and a secondary purpose is to prevent danger to the community while removal proceedings and/or removal efforts are pending. Id.; *Demore v. Kim*, 538 U.S. 510, 528 (2003).

30. Prolonged civil detention also violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Zadvydas*, 533 U.S. at 690–91; *Kansas v. Hendricks*, 521 U.S. at 346, 364–69 (1997); *Foucha v. Louisiana*, 504 U.S.71, 81–83 (1992); *United States v. Salerno*, 481 U.S. 739, 750–52 (1987). Further, procedural due process requires that a detained individual be provided with a meaningful opportunity to

challenge their detention. Here, Petitioner continues to be detained without sufficient justification or a meaningful opportunity to seek bond because the Government asserts mandatory detention, contrary to the rulings of this Court.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Manuel Salazar-Guarin prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Issue a writ of *habeas corpus* requiring that within one day, Respondents release Petitioner;

(3) Alternatively, issue a writ of *habeas corpus* requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

(4) 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

(5) Grant any other and further relief which this Honorable Court deems just and proper.

This 10th day of August 2026.

Respectfully Submitted,

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