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

**JEFFERSON NAIM FORNOZA ROJAS,**
**A#** [redacted]
**Petitioner,**
**v.**
**JASON STREEVAL, Warden,**
**Stewart Detention Center,**
**Respondent.**

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

## I. INTRODUCTION

1. I, **Jefferson Naim Fornoza Rojas**, am currently detained at Stewart Detention Center in Lumpkin, Georgia. I file this Petition **pro se** under 28 U.S.C. § 2241 because I have been held in immigration detention since July 10, 2026 without a bond hearing.
2. My immigration case is still pending. I am not asking this Court to decide whether I may remain in the United States, to review the merits of my removal proceedings, or to decide whether I should ultimately be released on bond. I ask this Court to decide a narrower question concerning my present physical detention: whether I am entitled to the bond process provided by **8 U.S.C. § 1226(a)**.
3. DHS previously exercised custody authority over me under **INA § 236** and released me on my own recognizance while my removal proceedings were pending. I remained out of immigration custody until July 10, 2026, when I was arrested inside the United States and taken back into immigration custody. I have no criminal record and, since that arrest, I have not been given a bond hearing before an Immigration Judge.
4. I understand that the Government may take the position that my detention is mandatory under **8 U.S.C. § 1225(b)** because I originally entered the United States without inspection. But I was not taken into custody at the border, at a port of entry, or during an inspection upon my

arrival. I was arrested inside the United States after I had already been living here while my removal case was pending and after DHS itself had previously released me under INA § 236.

5. The distinction matters because this Court has already addressed whether persons arrested in the interior under circumstances like these are detained under § 1225(b)(2) or § 1226(a). The Court has held that § 1226(a) governs such detention, unless a statutory exception under § 1226(c) applies, and has ordered bond hearings for detainees at Stewart Detention Center.
6. The Court later entered **Standing Order No. 2026-01**, specifically addressing § 2241 petitions seeking bond hearings from persons detained at Stewart Detention Center. I respectfully submit that my detention presents the same issue addressed by that Standing Order.
7. I do not ask this Court to order my release without a hearing. I ask for the opportunity to appear before an Immigration Judge for an individualized bond determination under § 1226(a), where my circumstances can be considered and the Immigration Judge can determine whether release on bond is appropriate
8. For these reasons, I respectfully ask this Court to review the legality of my present detention and order that I be provided a prompt bond hearing under **8 U.S.C. § 1226(a)** and the applicable regulations.

## II. JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. § 2241 because I am presently in federal custody and I challenge the legality of that custody under the laws and Constitution of the United States.
10. I am physically detained at Stewart Detention Center in Lumpkin, Stewart County, Georgia. Because I am challenging my present physical confinement, I have filed this Petition in the federal judicial district where I am detained and have named the Warden of Stewart Detention Center as Respondent. See *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004).
11. Venue is proper in the United States District Court for the Middle District of Georgia, Columbus Division, because Stewart County is within this Division and my immediate custodian is located here.
12. My removal proceedings remain pending. This Petition does not ask the Court to review a final order of removal, stop my removal proceedings, decide whether I am removable, or decide any application for immigration relief. I also do not ask this Court to review a

discretionary bond decision by an Immigration Judge because I have never received a bond hearing.

13. Instead, I challenge the legal basis for my present detention without access to the bond process provided by 8 U.S.C. § 1226(a). The question I ask this Court to decide is whether the Government may continue to detain me as a person subject to mandatory detention under § 1225(b), or whether my detention is governed by § 1226(a), as I contend.

14. This distinction is important for jurisdiction. I am challenging my present physical custody through habeas corpus, not asking this Court to review the merits of my removal proceedings. For that reason, I respectfully submit that the judicial-review provisions of 8 U.S.C. § 1252 do not bar this Court from deciding the detention question raised in this Petition.

15. This Court has already exercised habeas jurisdiction over this same type of detention challenge brought by persons confined at Stewart Detention Center. The Court's Standing Order No. 2026-01 specifically establishes procedures for petitions under 28 U.S.C. § 2241 filed by Stewart detainees seeking bond hearings.

16. Accordingly, this Court has jurisdiction over my § 2241 Petition, venue is proper in the Columbus Division, and Respondent is within this Court's territorial jurisdiction.

## III. PARTIES

17. I am Jefferson Naim Fornoza Rojas, A# [redacted] a native and citizen of Venezuela. I am presently detained at Stewart Detention Center in Lumpkin, Georgia, while my removal proceedings remain pending.

18. Respondent Jason Streeval is the Warden of Stewart Detention Center and my immediate physical custodian. I name him in his official capacity as Respondent in this Petition challenging my present detention.

## IV. FACTUAL BACKGROUND

19. I am a native and citizen of Venezuela. I entered the United States near El Paso, Texas, on or about September 23, 2023.

20. On September 25, 2023, the Department of Homeland Security ("DHS") issued me a Notice to Appear and placed me in removal proceedings under section 240 of the Immigration and Nationality Act.

21. That same day, DHS made a custody decision concerning me. DHS issued me a Form I-220A, Order of Release on Recognizance, under INA § 236, and released me from immigration custody while my removal proceedings continued.
22. DHS also issued a Form I-286, Notice of Custody Determination, reflecting that I was released on my own recognizance.
23. After my release, I remained in the United States while my immigration case was pending. I was not hiding from immigration authorities, and I continued living and working in the community.
24. I later received an Employment Authorization Document in category C08. My current work authorization is valid from August 2, 2025 through August 1, 2030. I also received a Georgia limited-term driver's license valid through August 1, 2030.
25. I have no criminal record and have not been convicted of any criminal offense.
26. On July 10, 2026, at approximately 7:00 a.m., I stopped at a gas station and went inside the store to buy ice. I had not gotten back into the vehicle when officers approached me.
27. The officers asked me for identification and immigration documents. I provided the documents I had. After reviewing them and determining that I did not have lawful immigration status, the officers took me into immigration custody.
28. I was not arrested because of a criminal charge, criminal warrant, or criminal conviction. I was taken into custody because of my immigration status.
29. My July 10, 2026 arrest did not occur at the border or at a port of entry. I was already inside the United States, and the arrest did not occur while I was attempting to enter the country.
30. After that arrest, I was transferred to Stewart Detention Center in Lumpkin, Georgia, where I remain detained.
31. Since I was taken into custody on July 10, 2026, I have not had a bond hearing before an Immigration Judge. No Immigration Judge has made an individualized determination as to whether my continued detention is necessary or whether I may be released on bond.
32. My removal proceedings remain pending. I do not have a final order of removal.
33. Before my present detention, DHS had allowed me to remain outside custody under the release order it issued under INA § 236. I remained outside immigration detention from September 2023 until my arrest on July 10, 2026.

## V. GROUND ONE

**MY PRESENT DETENTION IS GOVERNED BY 8 U.S.C. § 1226(a), AND I AM ENTITLED TO A BOND HEARING**

34. The central issue in this Petition is which statute authorizes my present detention. I respectfully submit that my detention is governed by 8 U.S.C. § 1226(a), not by the mandatory detention provisions of 8 U.S.C. § 1225(b).

35. Section 1226(a) authorizes the arrest and detention of a noncitizen "pending a decision on whether the alien is to be removed from the United States." It also gives the Government authority to release a person on bond or conditional parole while those proceedings remain pending.

36. That describes my present situation. My removal proceedings are still pending, I have no final order of removal, and I was arrested inside the United States after having already been placed in removal proceedings

**A. The Government May Rely on § 1225(b) and Matter of Yajure Hurtado**

37. I understand that the Government may argue that because I originally entered the United States without inspection or admission, I must be treated as an "applicant for admission" and detained under § 1225(b)(2), rather than § 1226(a)

38. The Board of Immigration Appeals adopted that position in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). There, the Board concluded that an Immigration Judge lacks authority to hear a bond request from a person present in the United States without admission because, in the Board's view, § 1225(b)(2)(A) requires detention.

39. I respectfully submit that this interpretation does not control the outcome of my habeas Petition.

40. I was not arrested while arriving in the United States, while presenting myself for inspection, or while attempting to enter at a port of entry. DHS encountered me inside the United States long after my entry, after removal proceedings had already begun, and after DHS had already made a custody determination concerning me under INA § 236.

41. The fact that I originally entered without inspection does not answer the separate question of which statute governs my later detention after I was already living inside the United States and in ongoing removal proceedings.

**B. This Court Has Already Rejected the Government's Interpretation in the Stewart Detention Context**

42. This Court addressed this same statutory dispute in *J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025).

43. In *J.A.M.*, the Government argued that § 1225(b)(2) required detention because the petitioner had entered the United States without inspection and therefore remained an applicant for admission. The Court rejected that interpretation and concluded that the petitioner's detention was governed by § 1226(a).

44. The Court distinguished between a person's immigration classification as an applicant for admission and the separate statutory question of whether that person is presently subject to detention under § 1225(b)(2). The Court concluded that § 1225(b)(2) did not require mandatory detention merely because a person had entered without inspection and was later arrested inside the United States.

45. That distinction applies directly to my circumstances. My present detention resulted from an arrest inside the United States, not from an inspection connected to my arrival.

46. The Court later reached the same conclusion in *P.R.S. v. Streeval*, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

47. Most importantly for my Petition, this Court thereafter entered Standing Order No. 2026-01, In re: 28 U.S.C. § 2241 Immigration Petitions for Bond Hearings, Stewart Detention Center. The Standing Order expressly identifies *J.A.M.* and *P.R.S.* as the decisions governing the recurring bond-hearing issue raised by detainees at Stewart.

48. I am detained at Stewart and present that same statutory question. I therefore respectfully ask this Court to apply the rule it has already established.

**C. DHS Previously Exercised Custody Authority Over Me Under INA § 236**

49. My own immigration records provide an additional reason why § 1226(a) is the appropriate detention statute in my case.

50. On September 25, 2023, after placing me in removal proceedings, DHS issued me a Form I-220A, Order of Release on Recognizance, under INA § 236. DHS also issued a Form I-286 reflecting its decision to release me on my own recognizance.

51. I do not claim that this earlier release prevents DHS from ever taking me back into custody. My point is narrower. DHS itself previously exercised custody authority over me under INA § 236 while the same removal proceedings were pending.

52. The Government may now argue that § 1225(b) governs my detention, but the prior § 236 custody determination is part of my actual immigration history and supports my position that my detention pending a decision in my removal proceedings falls within § 1226

**D. Nothing in My Record Shows That § 1226(c) Requires My Mandatory Detention**

53. Section 1226 contains its own mandatory-detention provision for specified categories of noncitizens, including certain persons with qualifying criminal histories.

54. I have no criminal record and have not been convicted of a criminal offense. Nothing in the immigration records available to me shows that I fall within a mandatory-detention category under 8 U.S.C. § 1226(c).

55. This point matters because I am not asking the Court to disregard a mandatory detention provision that applies to me. I respectfully submit that § 1226(a) governs my custody and permits an individualized decision about release.

**E. I Seek a Bond Hearing, Not an Order Releasing Me on Bond**

56. I am not asking this Court to decide that I am not a flight risk or danger, to set the amount of my bond, or to substitute its judgment for that of an Immigration Judge.

57. Those questions can be decided at the bond hearing.

58. What I am asking this Court to decide is the legal question that must come first: whether I may be denied any opportunity for a bond determination based on the Government's position that § 1225(b) requires my detention.

59. Since my arrest on July 10, 2026, no Immigration Judge has conducted a bond hearing in my case. I have therefore had no opportunity to present my individual circumstances for a custody determination.

60. Because my detention is governed by § 1226(a), I respectfully request an order requiring that I receive a prompt bond hearing pursuant to 8 U.S.C. § 1226(a)(2) and the applicable regulations.

## VI. GROUND TWO

## ALTERNATIVELY, CONTINUED CIVIL DETENTION WITHOUT AN OPPORTUNITY FOR AN INDIVIDUALIZED BOND HEARING VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

61. If the Court determines that § 1226(a) does not govern my detention, I respectfully raise this claim in the alternative under the **Due Process Clause of the Fifth Amendment**.

62. The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. My detention is civil immigration detention. I am not serving a criminal sentence, and my present confinement is not punishment for a criminal conviction.
63. Liberty from physical confinement is a fundamental interest. Since July 10, 2026, the Government has kept me in custody without giving me an individualized bond hearing before an Immigration Judge.
64. No Immigration Judge has determined that I must remain detained because I am a danger to the community or because I present a risk of flight. Those questions have never been considered at a bond hearing because I have not been given one.
65. I recognize that the Government may argue that Congress authorized mandatory detention under § 1225(b) and that no bond hearing is therefore required. But even if the Court accepts the Government's statutory interpretation, that does not end the constitutional inquiry. The question would remain whether the Government may continue my civil detention without providing any meaningful opportunity for an individualized determination of whether that detention is necessary.
66. My circumstances make that question concrete, not theoretical. Before my present detention, DHS had already released me on my own recognizance under INA § 236 while my removal proceedings continued. I remained outside immigration detention for almost three years. I have no criminal record. Yet after I was taken back into custody, I was not given a hearing at which those circumstances could be considered.
67. I am not asking this Court, under the Fifth Amendment, to decide whether I should be released. I am asking for basic process before my physical liberty continues to be taken from me: an individualized hearing where the Government's reason for continued detention and my individual circumstances can be considered.
68. A bond hearing would provide that process without interfering with my removal proceedings. The Immigration Judge would remain responsible for deciding whether release is appropriate and under what conditions.
69. I respectfully ask the Court first to grant relief under § 1226(a), consistent with the statutory ground presented above and this Court's decisions concerning Stewart detainees. If the Court concludes that § 1225(b) instead governs my detention, I alternatively ask the Court to hold

that continued civil detention without an individualized bond determination violates my right to due process under the Fifth Amendment and to order a prompt bond hearing.

## VII. ADMINISTRATIVE EXHAUSTION DOES NOT BAR THIS PETITION

70. I have not had a bond hearing since I was taken into immigration custody on July 10, 2026. I therefore am not asking this Court to review, reverse, or reconsider a bond decision made by an Immigration Judge. No such decision has been made.

71. I understand that the Government may argue that I should first seek relief through the immigration court before asking this Court for habeas relief. I respectfully submit that this does not bar my Petition because the issue I raise is not whether an Immigration Judge should grant me bond. The issue is whether I am legally entitled to have a bond hearing at all.

72. Under the Government's position that my detention is mandatory under § 1225(b), an Immigration Judge would lack authority to conduct the § 1226(a) bond hearing I seek. That is the legal barrier challenged in this Petition.

73. I am not asking this Court to decide matters that should first be decided at a bond hearing, such as whether I am a flight risk, whether I present a danger to the community, what amount of bond may be appropriate, or what conditions of release should be imposed. I leave those questions for the Immigration Judge if this Court orders that I be given access to the § 1226(a) bond process.

74. The question before this Court comes first: whether § 1225(b) makes my detention mandatory, as the Government may contend, or whether § 1226(a) governs and permits an Immigration Judge to consider my release on bond.

75. Requiring me to obtain a decision from an Immigration Judge on a form of relief that the Government maintains the Immigration Judge has no authority to provide would not resolve that statutory question. It would only delay review while I remain detained.

76. This is not merely a hypothetical concern. In *J.A.M. v. Streeval*, this Court explained that the Government was applying the Board of Immigration Appeals' interpretation in *Matter of Yajure Hurtado* to detainees at Stewart Detention Center and treating persons covered by that interpretation as subject to mandatory detention without an opportunity for a bond hearing.

77. After deciding *J.A.M.* and *P.R.S.*, this Court entered Standing Order No. 2026-01 because it continued receiving § 2241 petitions from Stewart detainees seeking bond hearings. The Standing Order recognizes that the Government has continued to deny bond hearings to

persons who fall within the Court's rulings unless the Court orders relief in the individual case.

78. My Petition asks for that same threshold determination. If this Court determines that § 1226(a) governs my detention, the Immigration Judge can then perform the administrative function that belongs in immigration court: deciding whether I should actually be released on bond.

79. For these reasons, I respectfully submit that administrative exhaustion does not require dismissal of this Petition and that this Court may decide the legal basis for my present detention under 28 U.S.C. § 2241.

## VIII. REQUEST FOR EXPEDITED REVIEW UNDER STANDING ORDER NO. 2026-01

80. I respectfully ask the Court to review this Petition under **Standing Order No. 2026-01, In re: 28 U.S.C. § 2241 Immigration Petitions for Bond Hearings, Stewart Detention Center**.

81. The Standing Order was entered specifically to address habeas petitions filed by persons detained at Stewart Detention Center who seek bond hearings under § 1226(a). I am detained at Stewart and seek that same form of relief.

82. I believe my circumstances fall within the rule described in the Standing Order. I was arrested inside the United States while my removal proceedings were pending, I was not undergoing an inspection connected to my arrival when I was arrested, and nothing in the record available to me shows that I fall within a mandatory-detention category under § 1226(c).

83. I have remained detained since July 10, 2026 without a bond hearing. Each additional day that passes leaves me confined without an individualized determination of whether my continued detention is necessary.

84. I therefore respectfully ask the Court to screen this Petition promptly under Standing Order No. 2026-01 and, if the Court determines that my circumstances fall within *J.A.M.* and *P.R.S.*, to order Respondent to provide me a bond hearing under **8 U.S.C. § 1226(a)(2)** and the applicable regulations within the time required by the Court.

85. I am not asking for special treatment or for this Court to decide the outcome of my bond hearing. I respectfully ask only that the procedure established by this Court for Stewart detainees presenting this issue be applied to my Petition without unnecessary delay.

## IX. PRAYER FOR RELIEF

For the reasons stated in this Petition, I respectfully ask this Court to:

A. Grant my Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241;

B. Determine that my present detention is governed by **8 U.S.C. § 1226(a)** and that I am not subject to mandatory detention under § 1225(b)(2) on the basis asserted by the Government;

C. Order Respondent to provide me with a prompt individualized bond hearing before an Immigration Judge pursuant to **8 U.S.C. § 1226(a)(2)** and the applicable regulations, including 8 C.F.R. §§ 236.1 and 1236.1;

D. Order that the bond hearing be provided promptly, within the time directed by this Court and consistent with Standing Order No. 2026-01;

E. Order such further relief as may be necessary to ensure timely compliance with the Court's order requiring a bond hearing;

F. Alternatively, if the Court concludes that my detention is governed by § 1225(b), grant relief under the **Due Process Clause of the Fifth Amendment** and order a prompt individualized bond hearing;

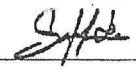
G. Grant expedited consideration of this Petition under Standing Order No. 2026-01; and

## X. VERIFICATION AND DECLARATION UNDER PENALTY OF PERJURY

I, **Jefferson Naim Fornoza Rojas**, am the Petitioner in this case. I have read this Petition and declare that the factual statements contained in it that are based on my personal knowledge are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 11, 2026, at Stewart Detention Center in Lumpkin, Georgia.



**JEFFERSON NAIM FORNOZA ROJAS**

**Petitioner, Pro Se**

**A#** [redacted]

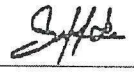
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815

## CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2026, I placed a true and correct copy of the foregoing Declaration of Jefferson Naim Fornoza Rojas in Support of Petition for Writ of Habeas Corpus in the institutional mailing system at Stewart Detention Center, properly addressed to:

**Jason Streeval**
Warden, Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815
**Respondent**

Respectfully submitted this 11th day of August, 2026.



**JEFFERSON NAIM FORNOZA ROJAS**

**Petitioner, Pro Se**

**A#** [redacted]

**Stewart Detention Center**

**146 CCA Road**

**Lumpkin, Georgia 31815**