

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

RAUL ALEX MARTINEZ-CORDOVA
(A )

Petitioner,

v.

PAM BONDI, Attorney General of the United States; GEORGE STERLING, Field Office Director of Immigration and Customs Enforcement, Atlanta Field Office; JASON STREEVAL, Warden Stewart Detention Center; KRISTI NOEM, Secretary of The Department of Homeland Security, U.S. DEPARTMENT OF HOMELAND SECURITY; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 4:26-CV-00159

**AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

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

1.

This Amended Petition is filed to correct clerical errors and hereby supersedes the originally filed petition.

Petitioner, Raul Alex Martinez-Cordova (A ) , 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 refused to grant him a bond hearing pursuant to 8 USC § 1226(a).

JURISDICTION and 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.

Petitioner is a citizen of El Salvador who has been in immigration detention since on or about December 25, 2025. Petitioner entered the United States without inspection on or around July 2022, and he was recently detained by the Department of Homeland Security as an alien who is in the United States unlawfully.

Petitioner has never been legally admitted to the United States, nor has he sought admission. Petitioner is presently in custody at the Stewart Detention Center, Lumpkin County, Georgia, where he awaits removal proceedings. Petitioner is not a danger to the community, nor is he a flight risk. After Petitioner was detained in the Middle District of Georgia, Immigration and Customs Enforcement (ICE) did not set bond, and Petitioner requested review of his custody by an Immigration Judge.

On January 20, 2026, the Petitioner was scheduled for a bond hearing. The Department of Homeland Security argued the Petitioner was an “applicant for admission.” Subsequently, the Immigration Judge stated he did not have jurisdiction over the bond proceedings pursuant to Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). At this time, no bond has been set. Petitioner has resided in the United States for approximately four years. Petitioner has established strong ties to the United States, as evidenced by a United States citizen child, stable employment, and stable housing. Furthermore, the Petitioner is supported by his immediate relatives, who have permanent legal status in the United States.

4.

Respondent, George Sterling, Field Office Director, is the Director of the Atlanta Field Office of ICE’s Enforcement and Removal Operations division. As such, George Sterling, Field Office Director, is Petitioner’s immediate custodian

and is responsible for Petitioner's detention and removal. He is named in his official capacity.

5.

Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA) and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

6.

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

7.

Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system are component agencies. She is sued in her official capacity.

8.

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.

9.

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.

CLAIM FOR RELIEF

10.

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 removal proceedings are pending. 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).

11.

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

12.

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

13.

Petitioner requests that this Court grant the following relief:

- (a) Assume jurisdiction over this matter;
- (b) Issue an order requiring Respondent to conduct a de novo 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,

/s/Michael Saul

Michael H. Saul
Attorney for Petitioner
Georgia Bar: 627025

/s/Noemi Puntier

Noemi Puntier
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CERTIFICATE OF SERVICE

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

This January 28, 2026.

Respectfully submitted,

/s/Michael Saul

Michael H. Saul
Attorney for Defendant
Georgia Bar: 627025

/s/Noemi Puntier

Noemi Puntier
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LIST OF RESPONDENTS

- (1)U.S. ATTORNEY GENERAL, PAM BONDI;
- (2)ICE, FIELD OFFICE DIRECTOR, GEORGE STERLING;
- (3)WARDEN, STEWART DETENTION CENTER, JASON STREEVAL;
- (4)DEPARTMET OF HOMELAND SECURITY;
- (5)EXECUTIVE OFFICE FOR IMMIGRATION REVIEW