

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLOMBUS DIVISION

ANJELIS TURCIOS LOPEZ,

Petitioner,

v.

JASON STREEVAL, Warden, Stewart Detention
Center; GEORGE STERLING,
Director of the Atlanta Field Office
U.S. Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the U.S. Department
Of Homeland Security; and PAM BONDI,
Attorney General of the United States,
in their official capacities,

Respondents.

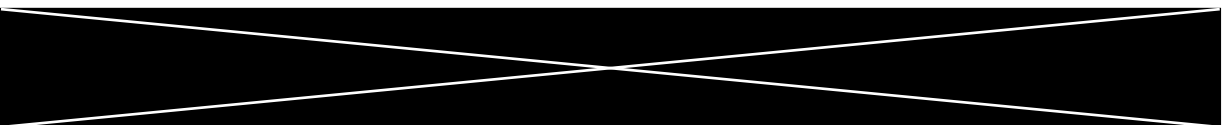
Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

INTRODUCTION

1. Petitioner Anjelis Turcios Lopez (“Mr. Turcios Lopez”) fears for his life in Honduras. 


2. Mr. Turcios Lopez remains in ICE custody at Stewart Detention Center in Lumpkin, Georgia despite credible fear to return to his home country of Honduras. Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS) refuses to release Mr. Turcios Lopez, claiming that they have the sole authority to bond or parole detainees, and do not intend on releasing detainees on bond or parole, making release unforeseeable. Mr. Turcios Lopez’s continued detention is arbitrary and unlawful, and he requests that this Court order

his immediate release from ICE custody. Accordingly, to vindicate Petitioner's constitutional and statutory rights, this Court should grant the instant petition for a writ of habeas corpus.

3. Mr. Turcios Lopez is detained pursuant to an inapposite law 8 U.S.C. § 1225(b)(2)(A). Absent an order from this Court, Petitioner will be unjustly detained in violation of his constitutionally protected Due Process rights and the Immigration and Nationality Act under 8 U.S.C. § 1226(a).

4. Petitioner asks this Court to find that respondent's attempts to detain and deport Mr. Turcios Lopez without the opportunity for bond are arbitrary and capricious and in violation of the law, and order a bond hearing for Mr. Turcios Lopez's release. Alternatively, Petitioner asks this Court to order his immediate release, as Respondent is wrongfully detaining Petitioner under inapposite law.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

6. 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).

7. 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

8. Venue is proper because Petitioner is detained at Stewart Detention Center in

Lumpkin, Georgia, which is within the jurisdiction of this District.

9. Venue is also 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 his claims occurred in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

11. 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 illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

12. Petitioner is a 20-year-old citizen of Honduras. He is a resident of Durham, North Carolina and he is in the custody, and under the direct control, of Respondents and their agents.

13. Respondent Jason Streeval is the Warden of Stewart Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Streeval is a legal custodian of Petitioner.

14. Respondent George Sterling is sued in his official capacity as the Director of the

Atlanta Field Office of U.S. Immigration and Customs Enforcement. Respondent Sterling is a legal custodian of Petitioner and has authority to release him.

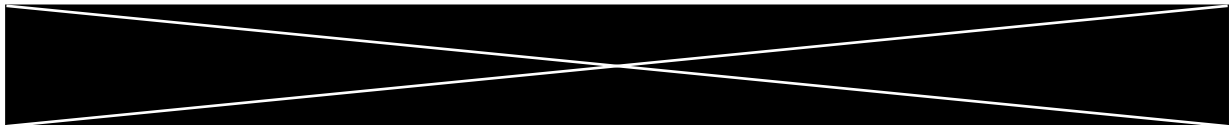
15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

16. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

17. Petitioner is a 20-year-old citizen of Honduras. He enrolled in school, held down a job, and was ready to start a life supporting his family.

18. Petitioner faced persecution in his home country of Honduras. His family,



 Petitioner and his family decided it best that he escape persecution by coming to the United States as a minor. He was 17 years old at the time of his entry to the United States.

19. Petitioner was processed in his entry but considered to enter without inspection. He provided the adequate address of his future residence and other identifying information. Petitioner

was never given a set date on his Notice to Appear (NTA) document to adjudicate his matter before the Executive Office of Immigration Review (EOIR).

20. Petitioner faced severe hardships understanding the justice system in the country because of his youth and the language barrier. He sought to resolve a traffic dispute, but was not provided a translator or given any assistance by court staff, bailiffs, or clerks. Petitioner was in court attempting to handle his matter for over 6 hours, but unable to do so, left of his own accord.

21. Petitioner was then considered not present and was issued an order for arrest. Months later, Petitioner was again stopped for another minor traffic violation, but was arrested when officers verified the order for arrest on his record.

22. While in custody, Petitioner was issued an ICE detainer that was activated after his traffic matter had been properly resolved.

23. Petitioner was issued a new NTA on October 30, 2025 and continues to be in ICE custody at Stewart Detention Center in Lumpkin Georgia. This was in spite of his ordeal with traffic violations and without the proper opportunity to challenge his matter before the EOIR.

LEGAL FRAMEWORK

24. Removal proceedings for noncitizens generally include full immigration court hearings, the opportunity for appellate review before the Board of Immigration Appeals, and federal court review. *See* 8 U.S.C. §§ 1229a, 1252(a).

25. Noncitizens may request discretionary relief if placed in removal proceedings. One of the forms of relief is Asylum. Individuals are generally eligible for asylum if they have experienced past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion if they are unable

or unwilling to return to and avail themselves of the protection of their homeland because of that persecution. 8 U.S.C. § 1101(a)(42)(A).

26. Although a grant of asylum may be discretionary, the right to apply for asylum is not. The Refugee Act broadly affords a right to apply for asylum to any noncitizen “who is physically present in the United States or who arrives in the United States.” 8 U.S.C. § 1158(a)(1).

27. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

28. The Fifth Amendment prevents persons to be deprived of “life, liberty, or property” in the absence of Due Process.

29. Government detention violates the Due Process Clause unless ordered in a criminal proceeding with adequate procedural protections or in narrow and nonpunitive circumstances. *United States v. Salerno*, 481 U. S. 739, 746 (1987), *Foucha v. Louisiana*, 504 U. S. 71, 80 (1992).

30. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

31. Congress has granted DHS various statutory authorities to detain noncitizens while removal proceedings, or removal, are pending. *See* 8 U.S.C. §§ 1225(b), 1226(a), 1226(c), 1231(a).

32. Congress has noted that certain applicants for admission may be inadmissible and shall be removed from the United States unless the noncitizen has an intention to apply for asylum or a fear of persecution. 8. U.S.C. § 1225(b). Under this statute, any noncitizen determined to seek admission and is not admitted shall be detained. *Id.*

33. Detention is also mandatory for noncitizens who have been found inadmissible after having been arrested, charged, or convicted of certain criminal offenses. 8. U.S.C. § 1226(c).

34. Detention is otherwise discretionary under 8. U.S.C. § 1226(a), where the detainee would be eligible for parole or bond.

35. This Court has set precedent to determine when a Petitioner is subject to mandatory detention. In *J.A.M. v. Streeval*, this Court determined that mandatory detention under § 1225(b)(2) narrowly applies to “applicants for admission” and who are “seeking admission.” *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL at *8-9 (M.D. Ga. Nov. 1, 2025). Moreover, this Court emphasized there is no reasonable interpretation that an alien seeking admission is synonymous with “any alien present in the United States who has not been admitted.” *Id.* at 14.

36. This Court’s opinion in *P.R.S. v. Streeval* further defines the statutory scheme of § 1225(b)(2). This Court states that the statutory scheme in § 1225(b)(2) mandates detention for aliens seeking admission “by being inspected by an ‘examining immigration officer’ to determine whether the alien is clearly and beyond a doubt entitled to be admitted. If the officer makes a preliminary decision that the alien is not admissible . . . then detention is mandatory. . .” *P.R.S. v. Streeval*, 4:25-cv-330 2025, U.S. Dist. LEXIS 230228 *3 (M.D. Ga. Nov. 24, 2025).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

37. The allegations in the above paragraphs are realleged and incorporated herein.

38. Petitioner is in custody “under or by color of the authority of the United States” and in custody “in violation of the Constitution or laws . . . of the United States.” 28 U.S.C. § 2241.

Respondents have no legal basis for Petitioner's continuing custody.

39. Civil detention may not be punitive in nature or intent. *Bell v. Wolfish*, 441 U.S. 520, 539 (1979).

40. Petitioner's continuing detention by Respondents amounts to a substantive due process violation because it is not tied to any legitimate governmental purpose because it is not in service of effectuating his removal or assuring his presence for proceedings, and Petitioner presents no danger to the community.

41. Petitioner's continuing detention by Respondents amounts to a substantive and procedural due process violation because it is punitive in both nature and intent and his prior criminal process involved a minor traffic violation that would not have resulted in detention.

42. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
Violation of 8 U.S.C. § 1226(a)

43. The allegations in the above paragraphs are realleged and incorporated herein.

44. Petitioner was detained pursuant to an arrest for a traffic violation. The traffic violation in question would not cause Petitioner to be considered "inadmissible" as it does not involve a violent felony, fraud, or would otherwise be considered a crime involving moral turpitude. Thus, his detention would not be mandatory under § 1226(c).

45. Respondents may alternatively argue that Petitioner is subject to mandatory detention under § 1225(b) as an "applicant for admission." Petitioner arrived to the United States at 17 years old. He was an unaccompanied minor and held in the custody of the Department of Health and Human Services (DHHS) until his release to a close family in 2022. His NTA did not

provide a court date for a hearing he was required to attend. He has been physically present and living in the United States continuously for more than two years.

46. Additionally, Petitioner was not admitted or paroled. Petitioner would thus not be an “alien seeking admission” at the time of his detention as provided in the statutory scheme of § 1225(b). No immigration enforcement official determined beyond a doubt that Petitioner was inadmissible upon his arrival to the United States. Instead, Petitioner was deemed an alien present in the country who has not been admitted or paroled. He has since been physically present in the United States for over three years.

47. Petitioner is thus detained under 8 U.S.C. § 1226(a) as supported by this Court’s interpretation of the statutory scheme on detention of aliens in the *J.A.M.* and *P.R.S.* Orders. Petitioner’s status under this section makes him eligible for post-detention relief such as the opportunity to be heard on bond.

48. Respondents may argue that the EOIR does not have jurisdiction to determine bond for detainees, citing that all aliens not admitted in the country are subject to mandatory detention as determined by the Board of Immigration Appeals. Further, that bond is discretionary and the Attorney General has discretion to revoke bond. However, this ignores the statutory scheme that this Court has previously adjudicated in *J.A.M.* and *P.R.S.* Furthermore, preventing Petitioner to be heard on bond would be arbitrary, and the reasoning for continuously holding Petitioner in custody while he is in removal proceedings would be punitive if he is discouraged from seeking bond.

49. For these reasons, Petitioner’s detention violates 8 U.S.C. § 1226(a).

COUNT THREE

Violation of Habeas Corpus

50. The allegations in the above paragraphs are realleged and incorporated herein.

51. Individuals in immigration detention have the right to challenge the legality of their detention.

52. Respondents' detention of Petitioner at Stewart Detention Center has violated and continues to violate his right to habeas corpus. *See* U.S. Const. Art. I, § 9, cl. 2 (Suspension Clause); 28 U.S.C. § 2241.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1226(a);
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (5) Alternatively, issue a Writ of Habeas Corpus requiring Respondents to schedule a bond hearing before an immigration judge under 8 U.S.C. § 1226(a) within seven days;
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted this 3rd day of February, 2026.

/s/Anthony L. Jaime

Anthony L. Jaime

Georgia Bar No: 505393

The Law Offices of Joseph J. Steffen, Jr.

223 W. York St,
Savannah, GA 31401
anthony@joesteffen.com
(912) 999-8444
Attorney for Petitioner

/s/ Frederick Serrano-Jimenez
Frederick Serrano-Jimenez (Pro Hac
Forthcoming)
North Carolina Bar No.: 59778
Velasquez & Associates, PLLC
107 N. Church St. STE 200
Durham, NC 27701
serranojimenez@velasquezlaw.net
Phone: 919-865-5645
Attorney for Petitioner

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

I represent Petitioner, Anjelis Turcios Lopez, and submit this verification on his behalf. I hereby 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.

Dated this 3rd day of February, 2026.

/s/Anthony L. Jaime

Anthony L. Jaime
Georgia Bar No: 505393
The Law Offices of Joseph J. Steffen, Jr.
223 W. York St,
Savannah, GA 31401
anthony@joesteffen.com
(912) 999-8444
Attorney for Petitioner

/s/ Frederick Serrano-Jimenez

Frederick Serrano-Jimenez (Pro Hac
Forthcoming)
North Carolina Bar No.: 59778
Velasquez & Associates, PLLC
107 N. Church St. STE 200
Durham, NC 27701
serranojimenez@velasquezlaw.net
Phone: 919-865-5645
Attorney for Petitioner