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6 **UNITED STATES DISTRICT COURT**
7 **MIDDLE DISTRICT OF GEORGIA**
8 **COLUMBUS DIVISION**

9 Gilberto LORENZO MAYO,

Petitioner,

10 v.

11 Jason STREEVAL, Warden of STEWART
12 DETENTION CENTER, *in his official capacity*

13 *Respondent.*

Case No. 4:26-cv-217

14 **AMENDED PETITION**
15 **FOR WRIT OF HABEAS**
16 **CORPUS**

17 8 U.S.C. § 2241

18 Agency number: 

INTRODUCTION

1. Petitioner Gilberto Lorenzo Mayo (“Petitioner”) is in the physical custody of Respondent at the Stewart Detention Center (“Stewart”). While in removal proceedings, he met his burden and was granted Cancellation of Removal for Certain Non-Lawful Permanent Residents by an Immigration Judge (“IJ”) at the Stewart Immigration Court on October 21, 2025. The Department of Homeland Security (“DHS”) filed its Notice of Appeal (“NOA”) late. Despite this, Petitioner remains detained at Stewart. As the untimely appeal remains pending for more than two (2) months without a briefing schedule, Petitioner faces prolonged detention.

2. The IJ’s order states that the deadline to appeal is November 20, 2025. DHS filed its NOA on November 21, 2025. The BIA Practice Manual specifically states, “The regulations set strict deadlines for the filing of an appeal, and the Board does *not* have the authority to extend the time in which to file a Notice of Appeal (Form EOIR-26). *See* 8 C.F.R § 1003.38(b).” *See, e.g.,* BIA Practice Manual, 4.5(b). Although the BIA has held that principles of equitable tolling apply as an exception to the 30-day regulatory deadline for filing an appeal as provided by 8 C.F.R. § 1003.38, the party seeking equitable tolling *must* show *both* (1) diligence in the filing of the Notice of Appeal *and* (2) that an extraordinary circumstance *prevented* the timely filing. *See Matter of Morales-Morales*, 28 I&N Dec. 714 (BIA 2023); *see also* BIA Practice Manual, 4.5(b)(3). Furthermore, the BIA Practice Manual explicitly states, “If a party wishes the Board to consider this equitable tolling exception to the filing deadline, *the Notice of Appeal (Form EOIR-26) must be accompanied by a written motion entitled “MOTION TO ACCEPT LATE APPEAL”* and comply generally with the rules and procedures for filings. *See* Chapter 3 (Filing with the Board), Chapter 4(b) (Filing). A motion to accept an untimely appeal *must* clearly establish *both* diligence in the filing of the notice of appeal *and* that an extraordinary

1 circumstance *prevented* the [timely] filing. The motion should be supported by affidavits,
2 declarations, and other evidence. The Board will advise the parties of its decision on the motion
3 (emphasis added).” *See* BIA Practice Manual, 4.5(b)(3). Although DHS filed the NOA, to
4 counsel’s knowledge, and based on the ECAS print-out of the listing of filings in Petitioner’s
5 case, DHS did not include a Motion to Accept Late Appeal. As such, DHS did not comply with
6 the BIA’s requirements, and, to counsel’s knowledge, DHS did not even attempt to establish (1)
7 DHS’ diligence in the filing of the notice of appeal *nor* (2) that an extraordinary circumstance
8 *prevented* DHS’ timely filing. Counsel who is representing Petitioner, at first in removal
9 proceedings, and now with the Board of Immigration Appeals (“BIA”), filed a Motion to
10 Dismiss DHS’ appeal on or about December 31, 2025 (both electronically via ECAS and in
11 paper format), and said Motion to Dismiss remains pending with the BIA. Because there have
12 recently been substantial delays by BIA staff in “accepting” filings in ECAS, counsel who is
13 representing Petitioner before the BIA chose to file Petitioner’s Motion to Dismiss DHS’ BIA
14 appeal both via ECAS and in paper form.

15 3. Petitioner was charged with having entered the United States (“U.S.”) without
16 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner has entered the U.S. twice,
17 with the most recent entry being in 2006.

18 4. Based on this allegation in Petitioner’s removal proceedings, DHS will certainly
19 deny Petitioner’s release from immigration custody, consistent with a new DHS policy issued on
20 July 8, 2025, instructing all Immigration and Customs Enforcement (“ICE”) employees to
21 consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the U.S. without
22 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and
23 therefore ineligible to be released on bond. Therefore, even if Petitioner were to file a motion for
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1 custody redetermination and argue a material change in circumstances under 8 C.F.R. §
2 1003.19(e), the IJ would find that Petitioner is jurisdictionally ineligible for bond due to being an
3 “applicant for admission.”

4 5. Similarly, on September 5, 2025, the BIA issued a precedent decision, binding on
5 all IJs holding that an IJ has no authority to consider bond requests for any person who entered
6 the U.S. without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The
7 Board determined that such individuals are “applicants for admission” subject to detention under
8 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

9 6. Petitioner’s detention on this basis violates the plain language of the Immigration
10 and Nationality Act (“INA”). Section 1225(b)(2)(A) does not apply to individuals like Petitioner
11 who previously entered and are now residing in the U.S. Instead, such individuals are subject to a
12 different statute, 8 U.S.C. § 1226(a), that allows for release on conditional parole or bond. That
13 statute expressly applies to people who, like Petitioner, are charged as inadmissible for having
14 entered the U.S. without inspection.

15 7. Therefore, not only did DHS not follow the BIA Practice Manual and include a
16 Motion to Accept its late-filed NOA, DHS also did not argue equitable tolling in the NOA, and
17 because DHS would contend that Petitioner is ineligible for bond, Petitioner’s detention cannot
18 be justified.

19 8. Counsel recognizes the regulations provide that the deadline for the NOA is thirty
20 (30) days from the date a decision is sent to parties if it is a written decision. *See* 8 C.F.R. §
21 1003.38(b). Here, the decision was sent to parties on October 22, 2025, one (1) day after the
22 grant by the IJ. Therefore, although there is an argument that the NOA is timely, the date written
23 by the IJ as to the deadline for the NOA should be controlling. In the alternative, as Petitioner
24

1 entered the U.S. without inspection, Petitioner should not be considered an “applicant for
2 admission” and/or “arriving,” but should be under the discretionary authority of DHS.

3 9. Accordingly, Petitioner seeks a Writ of Habeas Corpus requiring that Petitioner be
4 released.

5 JURISDICTION

6 10. Petitioner is in the physical custody of Respondent. Petitioner is detained at the
7 Stewart Detention Center, located in Lumpkin, Georgia.

8 11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
9 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
10 Constitution (the Suspension Clause).

11 12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
12 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

13 VENUE

14 13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
15 500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the
16 judicial district in which Petitioner currently is detained and has been so since February 2023.

17 14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
18 Respondent are employees, officers, and agencies of the U.S., and because a substantial part of
19 the events or omissions giving rise to the claims occurred in the Middle District of Georgia.

20 REQUIREMENTS OF 28 U.S.C. § 2243

21 15. The Court must grant the petition for writ of habeas corpus or order Respondent
22 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
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1 order to show cause is issued, Respondent must file a return “within three days unless for good
2 cause additional time, not exceeding twenty days, is allowed.” *Id.*

3 16. Habeas corpus is “perhaps the most important writ known to the constitutional
4 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
5 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
6 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
7 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
8 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

9 **PARTIES**

10 17. Petitioner Gilberto Lorenzo Mayo is a native and citizen of Mexico who has
11 continuously resided in the U.S. since his second entrance in 2006. After Petitioner’s individual
12 hearing at the Stewart Immigration Court on or about September 19, 2025, the IJ reserved
13 decision but issued a written decision on October 21, 2025, granting Cancellation of Removal for
14 Certain Non-Lawful Permanent Residents. Despite this grant by the IJ, DHS filed its NOA after
15 the deadline, DHS did not argue equitable tolling in its NOA, and DHS did not file a Motion to
16 Accept Late Appeal, which is required by the BIA. *See supra*. As Petitioner entered the U.S.
17 without inspection or admission, Petitioner is unable to obtain review of Petitioner’s custody by
18 an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA
19 2025).

20 18. Respondent Jason Streeval is employed by CoreCivic as Warden of the Stewart
21 Detention Center where Petitioner is detained. Respondent Jason Streeval has immediate
22 physical custody of Petitioner. Respondent Jason Streeval is sued in his official capacity.
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LEGAL FRAMEWORK

19. The INA prescribes three (3) basic forms of detention for the vast majority of noncitizens in removal proceedings.

20. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

21. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

22. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

23. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2), as well as the detention authority for someone who is granted a form of relief in removal proceedings that should be considered administratively final. Assuming *arguendo* that the NOA was filed by the deadline, there would still be an issue as to the source of authority used to detain Petitioner.

24. If DHS timely filed its NOA, the sole issue would be whether Petitioner is detained under § 1226(a) and § 1225(b)(2), a core issue this Court and several district courts across the country have had to address since September 2025. Both were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section

1 1226(a) was most recently amended in January 2025 by the Laken Riley Act, Pub. L. No. 119-1,
2 139 Stat. 3 (2025). Courts have uniformly rejected DHS's and EOIR's new interpretation
3 because it defies the INA, including this Court. *See, e.g., J.A.M. v. Streeval*, No. 4:25-CV-342-
4 CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL,
5 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

6 25. If DHS' NOA is untimely, it can only be considered under principles of equitable
7 tolling. *See, e.g., Matter of Morales-Morales*, 28 I&N Dec. 714 (BIA 2023). DHS has the burden
8 of showing: (a) it was diligent in filing the NOA, and (b) that extraordinary circumstances
9 prevented DHS from timely filing the NOA to initiate the appeal with the BIA. *Id.*; *see also*, BIA
10 Practice Manual, 4.5(b)(3). As the BIA has not even issued a Briefing Schedule for over two (2)
11 months and has not ruled on the motion to dismiss for more than one (1) month, Petitioner's
12 detention is indefinite and unreasonable. Exacerbated by the fact that Petitioner has been in DHS
13 custody since February 2023, Petitioner's detention has become prolonged. Without intervention
14 from this Court, Petitioner's detention remains prolonged and indefinite.

15 **FACTS**

16 26. Petitioner Gilberto Lorenzo Mayo is a native and citizen of Mexico who has
17 entered the U.S. twice, with the most recent entrance being in 2006. When hePetitioner left the
18 U.S. before, Petitioner did so on his own volition and never had interaction with DHS, or its
19 predecessor, INS. Since Petitioner entered the U.S. without inspection, Petitioner has developed
20 substantial ties to the community and started a family, including four (4) US-born U.S. citizen
21 biological minor children.

22 27. Petitioner was placed in removal proceedings after DHS filed a Notice to Appear
23 ("NTA" or "I-862"), and Petitioner's case was docketed on or about February 7, 2023. Petitioner
24

1 has been in DHS custody for nearly three (3) years. After the IJ sustained the charge of
2 inadmissibility, Petitioner filed an EOIR-42B application and sought Cancellation of Removal
3 for Certain Non-Lawful Permanent Residents under 8 U.S.C. § 1229b(b)(1). The IJ granted the
4 application on September 30, 2024, DHS timely appealed on October 25, 2024, and, in a 2-1
5 split decision, the BIA remanded the case on July 18, 2025.

6 28. Petitioner had another hearing on or about September 18, 2025. At the end of the
7 hearing, the IJ reserved to issue a written decision. The IJ then rendered a written decision on
8 October 21, 2025, granting Petitioner's EOIR-42B application again. The IJ's order states that
9 the deadline for the appeal to be received by the BIA was November 20, 2025.

10 29. DHS filed its NOA on November 21, 2025. In its NOA, DHS raised two (2)
11 arguments: (1) that the Petitioner is not a person of Good Moral Character, and (2) that
12 Petitioner's qualifying relatives would not suffer exceptional and extremely unusual hardship.
13 Although DHS reserved the right to brief additional arguments upon review of the transcripts,
14 nothing in the transcripts would cause DHS to file its NOA one (1) day after the deadline that is
15 specified at the end of the IJ's written decision.

16 30. The IJ's order contains the following notice about the right to appeal: "... If no
17 appeal has been taken within the time allotted to appeal, the Immigration Judge's decision becomes
18 final. By failing to timely file an appeal, a party irrevocably relinquishes the opportunity to obtain
19 review of the Immigration Judge's decision and challenge the ruling."

20 31. Pursuant to *Matter of Yajure Hurtado*, the IJ is jurisdictionally barred from
21 conducting a bond hearing and/or granting Petitioner a bond at the conclusion of a custody
22 redetermination hearing. Additionally, despite being a member of the certified nationwide class
23 pursuant to *Maldonado Bautista v. Santacruz*, the EOIR and its subagency, the Immigration Court,
24

1 and the DHS have blatantly refused to abide by the declaratory relief for class members similarly
2 situated to this Petitioner before the Stewart Immigration Court and other Immigration Courts
3 across the country.

4 32. As a result, Petitioner remains in detention. Without relief from this Court,
5 Petitioner faces the prospect of even more time in immigration custody, separated from
6 Petitioner's family and community, from which Petitioner has already been separated and apart
7 since February 2023.

8 **CLAIMS FOR RELIEF**
9 **COUNT I**
10 **Violation of the INA**

11 33. Petitioner incorporates by reference the allegations of fact set forth in the preceding
12 paragraphs.

13 34. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
14 noncitizens residing in the U.S. who are subject to the grounds of inadmissibility. As relevant here,
15 it does not apply to those who previously entered the country and have been residing in the U.S.
16 prior to being apprehended and placed in removal proceedings by Respondent. Such noncitizens
17 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

18 35. The application of § 1225(b)(2) to Petitioner unlawfully mandates Petitioner's
19 continued detention and violates the INA.

20 **COUNT II**
21 **Violation of the Bond Regulations**

22 36. Petitioner incorporates by reference the allegations of fact set forth in the preceding
23 paragraphs.

24 37. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
Immigration and Naturalization Service issued an interim rule to interpret and apply the IIRIRA.
Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the

1 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present
2 without having been admitted or paroled (formerly referred to as [noncitizens] who entered without
3 inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis
4 added). The agencies thus made clear that individuals who had entered without inspection were
5 eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its
6 implementing regulations.

7 38. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice
8 of applying § 1225(b)(2) to individuals like Petitioner.

9 39. The application of § 1225(b)(2) to Petitioner unlawfully mandates Petitioner’s
10 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

11 **COUNT III**

12 **Violation by Submitting NOA Untimely**

13 40. Petitioner repeats, re-alleges, and incorporates by reference each and every
14 allegation in the preceding paragraphs as if fully set forth herein.

15 41. Petitioner contends that DHS’ NOA was filed untimely, as the IJ in the IJ’s written
16 decision wrote that the deadline for the BIA to receive an appeal was November 20, 2025, and
17 DHS filed its appeal on November 21, 2025, one (1) day late. Notwithstanding the regulation that
18 may have permitted DHS to file its NOA on November 21, 2025, this Court should determine that
19 DHS’s NOA was untimely.

20 42. The NOA “shall be filed ... within 30 calendar days” of the IJ’s decision. 8 C.F.R.
21 § 1003.38(b). Where a claim-processing rule utilizes language such as “shall” or “must,” the rule
22 may be considered mandatory. *Matter of Fernandes*, 28 I&N Dec. 605, 609 (BIA 2022). The thirty
23 (30) day time-limit is a claim-processing rule. *Morales-Morales*, 28 I&N Dec. 714, 716 (BIA
24 2023); *Irigoyen-Briones v. Holder*, 644 F.3d 943, 949 (9th 2011) (stating the same); *Huerta v.*

1 *Gonzales*, 443 F.3d 753, 756 (10th Cir. 2006) (“The BIA regulations governing appeals are claim-
2 processing rules.”). The BIA may summarily dismiss any appeal in any case that “fails to meet
3 essential statutory or regulatory requirements or is expressly excluded by statute or regulation.” 8
4 C.F.R. §
5 1003.1(d)(2)(i)(H).

6
7 **COUNT IV**
Violation of Due Process

8 43. Petitioner repeats, re-alleges, and incorporates by reference each and every
9 allegation in the preceding paragraphs as if fully set forth herein.

10 44. The government may not deprive a person of life, liberty, or property without due
11 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,
12 detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause
13 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

14 45. This prolonged detention of Petitioner is prejudicial. Immigration detention is civil
15 in nature, but it nonetheless implicates constitutional concerns including the arbitrary deprivation
16 of liberty. *See Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (“[T]he most elemental of liberty
17 interests [is] the interest in being free from physical detention...”); *Jones v. United States*, 463 U.S.
18 354, 361 (1983) (“[C]ommitment for any purpose constitutes a significant deprivation of liberty
19 that requires due process protection.”).

20 46. Petitioner has a fundamental interest in liberty and being free from official restraint.

21 47. To determine whether civil detention violates a noncitizen’s Fifth Amendment due
22 process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

23 48. Under *Mathews*, courts weigh the following three factors: 1) “the private interest
24 that will be affected by the official action;” 2) “the risk of an erroneous deprivation of such interest

1 through the procedures used, and the probable value, if any, of additional or substitute procedural
2 safeguards;” and 3) “the Government’s interest, including the function involved and the fiscal and
3 administrative burdens that the additional or substitute procedural requirement would entail.” 424
4 U.S. at 335.

5 49. As to the first *Mathews* factor, “[t]he interest in being free from physical detention”
6 is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531 (2004).
7 Incarceration deprives noncitizens of a “profound” liberty interest—one that always requires some
8 form of procedural protections. *Diouf*, 634 F.3d at 1091- 92; *see also Foucha*, 504 U.S. at 80 (“It
9 is clear that commitment for any purpose constitutes a significant deprivation of liberty that
10 requires due process protection.” (citation omitted)).

11 50. Here, Petitioner has been detained in DHS custody since February 2023. On
12 October 21, 2025, Petitioner was granted Cancellation of Removal for Certain Non-Lawful
13 Permanent Residents by the IJ (on remand, for the second time, with all issues raised by the BIA—
14 in the BIA’s 2-1 split decision remand—having been satisfactorily addressed). Even if DHS had
15 timely appealed, the likelihood of success on appeal is very low, and this process will likely take
16 months, if not longer.

17 51. As to the second *Mathews* factor, the risk of error is great where the government is
18 represented by trained attorneys and detained noncitizens are often unrepresented and frequently
19 lack English proficiency. *See Santosky v. Kramer*, 455 U.S. 745, 762-63 (1982) (requiring clear
20 and convincing evidence at parental termination proceedings because “numerous factors combine
21 to magnify the risk of erroneous factfinding” including that “parents subject to termination
22 proceedings are often poor, uneducated, or members of minority groups” and “[t]he State’s
23 attorney usually will be expert on the issues contested”).
24

52. The courts must “assess whether the challenged procedure creates a risk of erroneous deprivation of individuals’ private rights and the degree to which alternative procedures could ameliorate these risks.” *Gunaydin v. Trump*, No. 25-CV-01151 (JMB/DLM), 2025 WL 1459154, at *8 (D. Minn. May 21, 2025). The current procedures cause an erroneous deprivation of Petitioner’s liberty interest in remaining free from detention. There are reasonable alternatives for Petitioner’s release.

53. As to the third *Mathews* factor, the government’s interest in maintaining the current procedure is minimal here, as Petitioner has been detained for several years, and DHS has not used its authority to release Petitioner and contends that Petitioner cannot be released indefinitely.

54. The government’s detention of Petitioner without a bond redetermination hearing to determine whether Petitioner is a flight risk or danger to others violates Petitioner’s right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside of the Middle District of Georgia while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondent to show cause why this Petition should not be granted within three (3) days;
- d. Issue a Writ of Habeas Corpus requiring that Respondent release Petitioner immediately;
- e. In the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days, in which the government has the burden;

- 1 f. Declare that Petitioner's detention is unlawful;
- 2 g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
- 3 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under
- 4 law; and
- 5 h. Grant any other and further relief that this Court deems just and proper.
- 6

7 Dated: February 9, 2026

Respectfully submitted,

8

9 /s/ Matthew O. Boles

10 Matthew O. Boles

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14 *Counsel for Petitioner*

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Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ Matthew O. Boles

Date: February 9, 2026