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MDGA-CAL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

Juan Daniel Gomez Orrego

A# [REDACTED]
Petitioner,

v.

Jason Streeval, Warden, Stewart Detention
Center; George Sterling, Field Office Director, ICE;
Todd Lyons, Acting Director of ICE; Kristi Noem,
Secretary of the Department of Homeland Security;
and Pam Bondi, US Attorney General,

Respondents.

Case No. 4:26-CV-392

PETITION FOR WRIT OF
HABEAS CORPUS

INTRODUCTION

1. Petitioner is a citizen of Colombia, with EWI (Entry Without Inspection) status, was detained by ICE in February 2026 during a check in. Petitioner's detention is unlawful and unconstitutional, and release is not reasonably foreseeable as petitioner is unable to obtain a bond because immigration judges nationwide have been refusing to grant a bond hearing for individuals similarly situated as the petitioner.

Accordingly, to vindicate Petitioner's statutory & constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

2. Due to the decision by the BIA, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), petitioner has been unable to have a custody redetermination in immigration court. Although the petitioner is a class member under *Maldonado Bautista v. DHS*, 5:25-cv-01873, (C.D. Cal.), which grants a custody redetermination hearing to the petitioner, and those similarly situated, EOIR immigration judges are *still* denying custody redetermination hearings for individuals such as the petitioner based on a memorandum issued by the Chief Immigration

Judge Teresa L. Riley on 1/13/2026, which instructs immigration judges to ignore the class certification in *Maldonado Bautista*, despite a clarifying order issued by the California district court in the *Maldonado* case on 11/25/2025 that stated the Bond Eligible Class is nationwide. Absent an order from this Court, Petitioner will remain in mandatory detention for an indefinite period, and at present, has no other adequate remedy at law.

3. Petitioner asks this Court to find that the petitioner is eligible for a bond, and order release on his own recognizance, with appropriate supervision, or order the immigration court having jurisdiction over the petitioner to hold a custody redetermination hearing.

JURISDICTION

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

5. 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).

6. 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

7. Venue is proper because Petitioner is detained at the Stewart Detention Center, which is within the jurisdiction of this District.

8. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States

REQUIREMENTS OF 28 U.S.C. § 2243

9. 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).

10. 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

11. Petitioner had a pending asylum application, which was denied, and is currently on appeal with the BIA. Petitioner is detained at the Stewart Detention Center, located at 146 CCA Road Lumpkin, GA 31815. He is in custody and under the direct control of Respondents and their agents.

12. Respondent Jason Streeval is the Warden of the Stewart Detention Center. 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 Grant a legal custodian of Petitioner.

13. Respondent George Sterling is sued in his official capacity as the Director of the Atlanta Field Office of Immigration and Customs Enforcement. Respondent is a legal custodian of Petitioner and has authority to release the petitioner. Respondent Todd Lyons is the acting director of ICE. Respondent Lyons is responsible for the oversight of ICE operations, and is the

head of the federal agency responsible for all immigration enforcement in the U.S. Respondent is being sued in his official capacity.

14. 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 & custody. Respondent Noem is a legal custodian of Petitioner.

15. 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

16. Petitioner is a 31-year-old citizen of Colombia. Petitioner has no negative criminal history, and has ties within Georgia, through his wife, who is a US citizen. A form I-130 immigrant visa was filed by his wife on his behalf in February 2026, but he does not yet have the receipt notice from USCIS for it.

17. Petitioner entered the US, without inspection, at the Arizona border in November 2022. The Petitioner was released by CBP/ICE on an order of supervision. Petitioner was in removal proceedings and had his application for asylum denied, and it is currently on appeal with the BIA. The Petitioner was given no adequate notice of the revocation of the order of supervision.

CLAIMS FOR RELIEF

COUNT ONE

Procedural Due Process Violation of the Fifth Amendment

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

19 Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates *Zadvydas*.

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

COUNT TWO

Substantive Due Process Violation of the Fifth Amendment

21 Petitioner's continued detention violates Petitioner's right to substantive due process through deprivation of the liberty interest in freedom from bodily restraint. See e.g., *Tam v. INS*, 14 F.Supp.2d 1184 (E.D. Cal 1998) (aliens retain substantive due process rights).

22 The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. §1231(a) to allow

continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest – to effect the alien's removal. *See Kay v. Reno*, 94 F.Supp.2d. 546, 551 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner's substantive due process rights were violated, and noting that "If deportation can never occur, the government's primary legitimate purpose in detention—executing removal—is nonsensical.")

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

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, 8 U.S.C. § 1231;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, or schedule a bond hearing before an immigration judge and, at such hearing, afford Petitioner bond on his own recognizance, or a reasonable bond amount
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Dated 2/25/26

Respectfully submitted,

Juan Gomez

Juan Daniel Gomez Orrego A# 
c/o Stewart Detention Center
146 Cca Rd
Lumpkin, GA 31815
Petitioner appearing Pro Se

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

I am the Petitioner, and submit this verification. 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 2/25/2026

Juan Gomez
Juan Daniel Gomez Orrego