

UNITED STATES DISTRICT
COURT MIDDLE DISTRICT OF
COLUMBUS DIVISION

Carlos Michael Hernandez Martinez,

Petitioner-Plaintiff,

v.

George STERLING, in his official capacity as Director of the Atlanta Field Office, U.S. Immigration and Customs Enforcement; Jason STREEVAL, in his official capacity as Warden, Stewart Detention Center; TODD LYONS, acting Director of U.S. Immigration and Customs Enforcement, MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security, and TOM BLANCHE, U.S. Attorney General.

Respondents-Defendants.

Case No. 4:26-cv-624

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Carlos Michel Hernandez Martinez (hereinafter “Hernandez Martinez”) brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Stewart Detention Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by case precedent in the 11th circuit, to include *J.A.M. v. Streeval*, No. 4:25-CV-345-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

2. In both of the above listed case, the Court has held that noncitizens “who are found in the country unlawfully and are arrested” without having been inspected by an examining immigration officer, then “an immigration officer of immigration judge has the discretion” under 8 U.S.C. § 1226(a) to grant them release on bond unless a statutory exception applies under 8 U.S.C. § 1226(c). *J.A.M.*, 2025 WL 3050094, at 3; *P.R.S.*, 205 WL 3269947, at 1-2. This court has further noted that mandatory detention under 8 U.S.C. §1225(b)(2) “is not authorized” in such cases. *P.R.S.*, 2025 WL 3269947, at 2.

3. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

5. Petitioner Mr. Hernandez Martinez is in the same posture as the Respondent’s in *J.A.M. v. Streeval*, and *P.R.S. v. Streeval*, as he:

- a. does not have lawful status in the United States and is currently detained at the Stewart Detention Center. He was apprehended by immigration authorities on or about April 6, 2026;
- b. entered the United States without inspection over twenty-one (21) years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

6. After apprehending Petitioner on or about April 6, 2026, the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

7. The Court should expeditiously grant this petition.

8. Respondents are bound by the rulings in *J.A.M.* and *P.R.S.* Nevertheless, Respondents continue to flagrantly defy the judgment in those cases and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond.

9. Because Respondents are detaining Petitioner in violation of the rulings in *J.A.M.* and *P.R.S.*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

11. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Detention Center.

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

14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory

Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Middle District, the judicial district in which Petitioner currently is detained.

16. Venue is also properly in this Court pursuant to 28 U.S.C. § 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.

REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for Respondents in both *J.A.M.* and *P.R.S.*.

18. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

19. Petitioner, Mr. Hernandez Martinez is a citizen of Mexico who has been in immigration detention since April 6, 2026. After Petitioner was arrested in Georgia, ICE did not set bond, and Petitioner remains detained.

20. Respondent George Sterling is the Director of the Atlanta Field Office of ICE’s

Enforcement and Removal Operations division. As such, George Sterling is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

21. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

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

23. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

24. 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.

25. Respondent Jason Streeval is employed by GEO Group as Warden of the Stewart Detention, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *J.A.M. v. Streeval* and *P.R.S. v. Streeval*

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

27. As a similarly situated individual as the Petitioners in *J.A.M.* and *P.R.S.*, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

28. The order granting Petitioner's *J.A.M.* and *P.R.S.* habeas petition holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to similarly situated individuals.

29. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgments in *J.A.M.* and *P.R.S.*

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

Respectfully submitted on the 17th day of April,

/s/Kamala W. Sessoms

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