

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

RAUL SALVADOR PIEDY-
CARRANZA,

A 

Petitioner,

v.

JASON STREEVAL, Warden, Stewart
Detention Center

Respondent.

Case No. 4:26-cv-628

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Mr. Raul Salvador Piedy-Carranza is in the custody of Respondent at the Stewart Detention Center. Petitioner now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

2. Petitioner is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

3. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and thus ineligible for release on bond.

4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). *Yajure Hurtado* determined that such

1 individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore
2 ineligible to be released on bond.

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4 5. Petitioner's detention on this basis violates the plain language of the
5 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to
6 individuals like Petitioner who previously entered and are now residing in the United
7 States. Instead, such individuals are subject to a different statute, § 1226(a), that
8 allows for release on conditional parole or bond.

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10 6. Respondents' new legal interpretation is plainly contrary to the
11 statutory framework, contrary to decades of agency practice applying § 1226(a), and
12 contrary to recent federal decisions—including decisions of this Court—holding that
13 § 1225(b)(2) applies only to individuals who are "seeking admission" in the context
14 of an arrival inspection by an examining immigration officer.

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16 7. Thus, Petitioner seeks habeas corpus requiring that he be released
17 unless Respondents provide a bond hearing under § 1226(a) within seven days.

18 JURISDICTION

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20 8. Petitioner is in the physical custody of Respondents. Petitioner is
21 detained at the Stewart Detention Center located in Lumpkin, Georgia.

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

1 (emphasis added). “The application for the writ usurps the attention and displaces
2 the calendar of the judge or justice who entertains it and receives prompt action from
3 him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120
4 (9th Cir. 2000) (citation omitted).

6 **PARTIES**

7 15. Petitioner Mr. Raul Salvador Piedy-Carranza is native and citizen of
8 Honduras who has been in immigration detention since March 8, 2026. After
9 arresting Petitioner, ICE did not set bond and Petitioner is unable to obtain review
10 of his custody by an Immigration Judge, pursuant to the Board’s decision in *Matter*
11 *of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

12 16. Respondent Jason Streeval is employed by Core Civic Group as
13 Warden of the Stewart Detention Center, where Petitioner is detained. Petitioner
14 has immediate physical custody of Petitioner. Petitioner is sued in his official
15 capacity.

17 **LEGAL FRAMEWORK**

18 17. The Immigration and Nationality Act (“INA”) establishes several
19 detention schemes for noncitizens in removal proceedings.

20 18. First, 8 U.S.C. § 1226 governs the detention of individuals placed in
21 standard removal proceedings under § 1229a. Noncitizens detained under § 1226(a)
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23
24

1 are generally entitled to a custody redetermination before an Immigration Judge
2 unless they fall into the narrow mandatory-detention categories of § 1226(c).

3 19. Second, 8 U.S.C. § 1225(b)(1)–(2) provides for mandatory detention of
4 certain individuals seeking admission who are inspected at the border and
5 determined not “clearly and beyond a doubt entitled to be admitted.” This detention
6 framework is tied to the process of arrival inspection performed by an examining
7 immigration officer.

8 20. Third, 8 U.S.C. § 1231 governs detention of individuals who are subject
9 to final orders of removal.

10 21. This case turns on the proper application of § 1226(a) versus §
11 1225(b)(2) for a noncitizen like Petitioner—an individual who entered the United
12 States years ago, resided here, and was apprehended within the interior, not at a port
13 of entry.

14 22. Historically, individuals who entered without inspection and were later
15 placed in § 1229a removal proceedings were treated as detained under § 1226, not §
16 1225. EOIR regulations following IIRIRA confirm that such individuals were not
17 considered “arriving” and therefore were eligible for bond hearings. *See* 62 Fed.
18 Reg. 10312, 10323 (Mar. 6, 1997).

19 23. For decades, consistent with this regulatory framework and prior
20 immigration law, noncitizens who entered without inspection and were apprehended
21

1 inside the United States received custody redeterminations unless subject to §
2 1226(c). *See* former 8 U.S.C. § 1252(a) (1994); H.R. Rep. No. 104-469, pt. 1, at 229
3 (1996).

4 **The Government's Recent Policy Shift**

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6 24. On July 8, 2025, ICE—"in coordination with" DOJ—issued guidance
7 declaring that all individuals who entered without inspection must now be detained
8 under § 1225(b)(2)(A), regardless of when they entered the United States or whether
9 they were ever inspected by an immigration officer.

10
11 25. On September 5, 2025, the BIA adopted this new position in *Matter of*
12 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holding that any noncitizen who
13 entered without admission is subject to § 1225(b)(2)(A) and categorically barred
14 from a bond hearing.

15 **This Court Has Rejected Respondents' Interpretation**

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17 26. This Court has already rejected the government's reading of §
18 1225(b)(2). In *J.A.M. v. Streeval*, Case No. 4:25-cv-342 (CDL), 2025 WL 3050094
19 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL
20 3269947 (M.D. Ga. Nov. 24, 2025), the Court held that § 1225(b)(2) applies only to
21 noncitizens who are "seeking admission" in the context of an arrival inspection by
22 an examining immigration officer.

1 27. *J.A.M.* and *P.R.S.* explained that “seeking admission” requires an
2 affirmative act at or near the time of arrival to obtain legal entry, coupled with
3 contemporaneous inspection. The Court rejected DHS’s argument that individuals
4 apprehended years after entering the United States may be treated as if they were
5 seeking admission. *Id.* at 3.

6
7 28. Applying that interpretation, the Court concluded that § 1225(b)(2)
8 does not apply to individuals like Petitioner, whose alleged inadmissibility is based
9 on conduct occurring long after entry and not in connection with an arrival
10 inspection.

11 **Courts Nationwide Have Rejected the Government’s Theory**

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13 29. Federal courts across the country have agreed that § 1226(a)—not §
14 1225(b)—governs detention of individuals apprehended inside the United States,
15 even when they originally entered without inspection. *See, e.g., Rodriguez Vazquez*
16 *v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, 2025 WL
17 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, 2025 WL 2084238 (D.
18 Mass. July 24, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11,
19 2025); *Ramirez Clavijo v. Kaiser*, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025);
20 *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Pizarro*
21 *Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025).

1 30. These courts uniformly conclude that Respondents' interpretation
2 contradicts the statutory text, structure, and decades of agency practice.

3 **Stewart Immigration Court's Continued Refusal to Exercise Jurisdiction**
4

5 31. Because Petitioner has no administrative avenue to challenge his
6 custody, habeas corpus is the only remedy capable of addressing the ongoing
7 violation of federal law.

8 **FACTUAL BACKGROUND**

9 32. Petitioner last entered the United States in 2023 without inspection or
10 admission. Since that time, he has established a life and family in the United States.
11

12 33. Petitioner is the father of one United States Citizen child age: five (5)
13 years old.

14 34. Petitioner is also married to a United States Citizen.

15 35. Petitioner is the primary financial support for his family.

16 36. Petitioner has no criminal history notwithstanding one pending charge
17 for driving while unlicensed in Hall County on March 15, 2026.

18 37. Petitioner's ongoing detention imposes severe financial and emotional
19 hardship on his U.S. citizen family.
20

21 38. Prior to his detention, Petitioner worked full-time as a butcher in meat
22 market and has a history of steady employment. He is known as a hard-working
23 individual who supports her family and contributes to his community.
24

1 39. Petitioner poses no danger to the community and is not a flight risk.
2 His family ties, employment history, lack of criminal convictions, and consistent
3 community involvement demonstrate that he is an appropriate candidate for release
4 under § 1226(a).

5
6 40. Petitioner's continued detention also violates due process because it is
7 based on an unlawful statutory interpretation already rejected by this Court and by a
8 certified nationwide class action. In *J.A.M. v. Streeval*, this Court held that 8 U.S.C.
9 § 1225(b)(2) applies only when a noncitizen is "seeking admission" in the context
10 of an arrival inspection by an examining immigration officer. Petitioner, however,
11 was apprehended inside the United States years after his entry and therefore falls
12 squarely within the detention framework of § 1226(a), which entitles him to a bond
13 hearing.

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15 41. Nevertheless, ICE continues to detain Petitioner under § 1225(b)(2),
16 and the Stewart Immigration Court refuses to exercise jurisdiction to conduct a bond
17 hearing. Because Petitioner is a long-term resident with deep family ties, no criminal
18 history of convictions, his prolonged imprisonment without any opportunity for
19 individualized custody review violates the fundamental requirements of due process
20 and reinforces the necessity of habeas relief.

21
22 **CLAIMS FOR RELIEF**

23 **COUNT I**
24 **Violation of the INA**

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2 42. Petitioner incorporates by reference the allegations of fact set forth in
3 the preceding paragraphs.

4 43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not
5 apply to all noncitizens residing in the United States who are subject to the grounds
6 of inadmissibility. As relevant here, it does not apply to those who previously
7 entered the country and have been residing in the United States prior to being
8 apprehended and placed in removal proceedings by Respondents. Such noncitizens
9 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or
10 § 1231.
11

12 44. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
13 continued detention and violates the INA.
14

15 **COUNT II**

16 **Violation of the Bond Regulations**

17 45. Petitioner incorporates by reference the allegations of fact set forth in
18 preceding paragraphs.

19 46. In 1997, after Congress amended the INA through IIRIRA, EOIR and
20 the then-Immigration and Naturalization Service issued an interim rule to interpret
21 and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and
22 Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants
23 for admission, [noncitizens] who are present without having been admitted or
24

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

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

9 48. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
10 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.
11

12 **COUNT III**
Violation of Due Process

13 49. Petitioner repeats, re-alleges, and incorporates by reference each and
14 every allegation in the preceding paragraphs as if fully set forth herein.
15

16 50. The government may not deprive a person of life, liberty, or property
17 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—
18 from government custody, detention, or other forms of physical restraint—lies at the
19 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690
20 (2001).
21

22 51. Petitioner has a fundamental interest in liberty and being free from
23 official restraint.
24

52. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his 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 the Middle District of Georgia while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner's detention is unlawful;
- f. 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
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 16th day of April, 2026.

/s/ Uriel N. Delgado

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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I represent Petitioner, Mr. Raul Salvador Piedy Carranza, 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 16th day of April, 2026.

/s/ Uriel N. Delgado

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