

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

DIEBYD ANDRUD ARIAS POBLETE,)

Case No.

Petitioner,)

v.)

**PETITION FOR
WRIT OF HABEAS CORPUS**

JASON STREEVAL, Warden, Stewart
Detention Center, in his official
capacity,)

Agency number: A 

Respondent.)

INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the lawfulness and constitutionality of Petitioner's ongoing civil immigration detention.

2. Petitioner, DIEBYD ANDRUD ARIAS POBLETE, is detained at the Stewart Detention Center within the jurisdiction of this Court and is currently being subjected to mandatory detention, without the ability to seek a bond, pursuant to *Matter of Yajure Hurtado*, 29 I&N. Dec. 216, 220 (BIA 2025). When he had a custody redetermination hearing, an IJ denied bond due to lack of jurisdiction.

3. Petitioner's detention violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, a certified class action lawsuit, and controlling precedent requiring meaningful limits on civil detention.

JURISDICTION

4. Petitioner is in the physical custody of Respondent.

5. 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).

6. 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

7. 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 judicial district in which Petitioner currently is detained.

8. 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 this district.

REQUIREMENTS OF 28 U.S.C. § 2243

9. 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).

10. The Court should grant the petition for writ of habeas corpus “forthwith,” as the relevant legal issue has already been resolved in numerous cases cited herein.

PARTIES

11. Petitioner is a citizen of Chile who is currently detained at the Stewart Detention Center.

12. JASON STREEVAL, is the Warden of the Stewart Detention Center where Petitioner is detained. JASON STREEVAL has immediate physical custody of Petitioner and is sued in his official capacity.

FACTS

13. Petitioner is a citizen of Chile who entered the United States without inspection in 2021. He has strong ties to his community, and is the father of a U.S. citizen child. He also has no criminal record.

14. Petitioner has no criminal record but is currently being held by ICE without bond or the ability to seek a bond in front of an immigration judge, based upon DHS persistence in adhering to the holding in *Matter of Yahure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

15. On April 6, 2026 the Plaintiff filed a bond motion that was denied on April 10, 2026 due to a finding of no jurisdiction by the immigration judge. (A copy of the bond motion and denial order are attached here as Exhibits 1 and 2, respectively.)

LEGAL FRAMEWORK

16. *Matter of Yahure Hurtado* marked a dramatic shift in the government's interpretation of the INA with regards to bonds. The longstanding practice generally differentiated between undocumented immigrants detained within the United States and "arriving aliens." The former came under section 236(a) of the INA, 8 U.S.C.A. § 1226(a), and therefore were eligible for a bond determination, while the latter came under the mandatory detention provisions of section 235 of the INA, 8 U.S.C.A. § 1225. *Hurtado* held that aliens who entered without inspection, regardless of how long they resided within the United States before apprehension, could be classified as "arriving aliens" and subject to mandatory detention.

17. On November 20, 2025, the Central District of California certified a nationwide class and extended declaratory judgment to the certified class for persons

like Petitioner, long-time residents who have been denied an individualized bond hearing subject to *Hurtado*. See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025).

18. The *Maldonado Bautista* class applies to “All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

19. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

20. Following the declaratory judgment, the Executive Office for Immigration Review and its subagency the Immigration Court, and the Department of Homeland Security (DHS), continued to follow *Hurtado*, arguing that *Maldonado Bautista* only granted partial summary judgment and was not a final judgment.

21. Since that time, on December 18, 2025, the Central District of California entered a Final Judgment declaring:

- a. that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2);
- b. that pursuant to Defendants' regulations, *see* 8 C.F.R. §§ 236.1, 1236.1, and 1003.19, the Bond Eligible Class members are detained under § 1225(b)(2), and are entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination before an immigration judge.

Yet on January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges to continue to follow the BIA's decision in *Matter of Yajure Hurtado* as binding precedent.

22. Petitioner is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at the Stewart Detention Center;
- b. entered the United States without inspection years ago and was not apprehended upon arrival; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

23. The Court should expeditiously grant this petition.

24. *Maldonado Bautista* has the full "force and effect of a final judgment."

28 U.S.C. § 2201(a).

25. In addition, the ruling in *Maldonado Bautista* is in accord with numerous other district court decisions nationwide holding that the "arriving aliens" bond statute, 8 USCS § 1225 (b)(2)(A) either does not or likely does not broadly apply to aliens already present within the United States. *See, e.g., Luna Quispe*, 2025 U.S. Dist. LEXIS 194070, 2025 WL 2783799, at *5; *Guerrero Orellana v. Moniz*,

25-cv-12664, 2025 U.S. Dist. LEXIS 196282, 2025 WL 2809996, at *6 (D. Mass. Oct. 3, 2025); *Chanaguano Caiza v. Scott*, 25-cv-00500, 2025 U.S. Dist. LEXIS 195270, 2025 WL 2806416, at *3 (D. Me. Oct. 2, 2025); *D.S. v. Bondi*, 25-cv-3682, 2025 U.S. Dist. LEXIS 194262, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025); *Rodriguez Vazquez v. Bostock*, No. 25-cv-05240, 2025 U.S. Dist. LEXIS 193611, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025); *J.U. v. Maldonado*, 25-CV-04836, 2025 U.S. Dist. LEXIS 191630, 2025 WL 2772765, at *5 (E.D.N.Y. Sept. 29, 2025); *Rivera Zumba v. Bondi*, No. 25-cv-14626, 2025 U.S. Dist. LEXIS 190052, 2025 WL 2753496, at *7 (D.N.J. Sept. 26, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 U.S. Dist. LEXIS 188368, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Lepe v. Andrews*, No. 25-cv-01163, 2025 U.S. Dist. LEXIS 187233, 2025 WL 2716910, at *9 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048, 2025 U.S. Dist. LEXIS 188085, 2025 WL 2712427, at *5 (N.D. Iowa Sept. 23, 2025); *Singh v. Lewis*, No. 25-cv-96, 2025 U.S. Dist. LEXIS 185696, 2025 WL 2699219, at *3 (W.D. Ky. Sept. 22, 2025); *Pablo Sequen v. Kaiser*, No. 25-cv-06487, 2025 U.S. Dist. LEXIS 181837, 2025 WL 2650637, at *7-8 (N.D. Cal. Sept. 16, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326, 2025 U.S. Dist. LEXIS 176165, 2025 WL 2639390, at *10 (D.N.H. Sept. 8, 2025); *Lopez-Campos v. Raycraft*, No. 25-cv-12486, 2025 U.S. Dist. LEXIS 169423, 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025); *Arrazola-Gonzalez v. Noem*, No. 25-cv-01789, 2025

U.S. Dist. LEXIS 158808, 2025 WL 2379285, at *2 (C.D. Cal. Aug. 15, 2025); *Anicasio v. Kramer*, 25CV3158, 2025 U.S. Dist. LEXIS 157236, 2025 WL 2374224, at *2 (D. Neb. Aug. 14, 2025); *Lopez Benitez v. Francis*, No. Civ. 5937, 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at *3 (S.D.N.Y. Aug. 13, 2025); *Rosado v. Figueroa*, No. CV 25-02157, 2025 U.S. Dist. LEXIS 156344, 2025 WL 2337099, at *10 (D. Ariz. Aug. 11, 2025).

26. The Middle District of Georgia recently reached similar conclusions in consolidated cases in *J.A.M. v. Streeval*, No. 4:25-CV-342-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). In those cases, the Court concluded that for noncitizens “who are found in the country unlawfully and are arrested” without having been inspected by an examining immigration officer, then “an immigration officer or 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.*, 2025 WL 3269947, at *1-*2. Mandatory detention under 8 U.S.C. § 1225(b)(2) “is not authorized” in such cases. *P.R.S.*, 2025 WL 3269947, at *2.

27. Recently, the Fifth Circuit Court of Appeals, in a 2-1 decision, adopted the extreme minority position on this issue and sided with the government’s new interpretation of a decades old law. *Buenrostro-Mendez v. Bondi*, No. 25-20496 (5th

Cir. Feb. 6, 2026). However, that opinion is not binding on this Court and is of limited persuasive value as the decision of the two-judge majority in *Buenrostro* stands in stark contrast to the conclusions of numerous other federal judges who have been confronted with essentially the same issue. *See e.g. Singh v. Baltazar*, 1:26-cv-00336 (D. Co. Feb. 9, 2026) (providing detailed analysis of why *Buenrostro* should not change the outcome of *Hurtado* cases outside of the Fifth Circuit)

28. The *Buenrostro* opinion is also limited to interpretation of the INA and has no bearing on Constitutional Due Process which, regardless of how the INA is interpreted, does not permit the government to lock up long term U.S. residents indefinitely, on the basis of immigration status. *See Arizona v. United States*, 567 U.S. 387 (2012) (striking down state law criminalizing removal, which Congress has regulated as a civil matter).

CLAIMS FOR RELIEF

COUNT 1

Request for Relief Pursuant to *Maldonado Bautista* Class Action

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

30. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

31. *Maldonado Bautista* holds that Respondent violates the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

32. The order granting class certification in *Maldonado Bautista* further ordered that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

33. By being subjected to mandatory detention under § 1225(b)(2), Petitioner’s statutory rights under the INA and the final judgment in *Maldonado Bautista* have been violated.

34. As a result, this Court should order that Petitioner be released, or alternatively to be provided an immediate bond hearing at which the government bears the burden of proof.

COUNT TWO
Unlawful Detention Under the INA
Request for Relief Consistent with *J.A.M.* and *P.R.S.* Consolidated Cases

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

36. Petitioner is entitled to release on bond under 8 U.S.C. § 1226(a).

37. DHS’s ongoing reliance upon *Hurtado* denies Petitioner a bond under § 1226(a) and asserts that he is subject to mandatory detention under § 1225(b)(2), and violates Petitioner’s statutory rights.

38. The claims raised by Petitioner are, in all relevant respects, the same as those raised by the petitioners in the *J.A.M. v. Streeval*, No. 4:25-CV-342-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 consolidated cases.

39. The reasoning in *J.A.M.* and *P.R.S.* applies with equal force here. Petitioner falls in the category of those detainees who have been detained without a bond under 8 U.S.C. § 1225(b)(2)(A) based on the Board of Immigration Appeals' ("BIA") decision in *Matter of Yajure Hurtado* but who would otherwise be subject to discretionary bond under 8 U.S.C. § 1226(a).

40. As a result, this Court should order that Petitioner be released, or alternatively to be provided an immediate bond hearing at which the government bears the burden of proof.

COUNT THREE
Violation of Fifth Amendment Right to Due Process

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

42. Petitioner is subject to mandatory detention.

43. DHS's persistent reliance upon *Hurtado* results in categorical detention.

44. The Fifth Amendment requires, at a minimum, an individualized hearing before a neutral decision-maker with authority to make a bond determination.

45. Petitioner's continued detention without such a hearing in which the decision-maker has the authority to grant a bond violates substantive and procedural due process.

46. As a result, this Court should order that Petitioner be released, or alternatively to be provided an immediate bond hearing at which the government bears the burden of proof.

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 Petitioner to be released, or alternatively to be provided a bond hearing at which the government bears the burden of proof;
- c. 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
- d. Grant any other and further relief that this Court deems just and proper.

DATED this 17th of April, 2026

//s//Matthew Boles
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, DIEBYD ANDRUD ARIAS POBLETE, 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 17th day of April, 2026.

//s//Matthew Boles
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