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DETAINED
STEWART DET CTR

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

JOSE MISAEL BOLANOS PINEDA,

A 
Petitioner,

v.

TODD BLANCHE,
Acting Attorney General of the United States,
and,

MARKWAYNE MULLIN,
Secretary of the Department of
Homeland Security, (DHS) and,

TODD LYONS,
Acting Director of Immigration &
Customs Enforcement, (ICE), and

JASON STREEVAL,
Warden of Stewart Detention Center,

Respondents.

Civil Action No.

Hon.

ORAL ARGUMENT
REQUESTED

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. The Petitioner is a 36 year old man who has resided in the United States for over 20 years. On 03/27/2026, he was detained by Immigration & Customs Enforcement (“ICE”) while his supervisor was driving him to work in North Carolina. He hereby petitions this Court to declare his detention unlawful and stay his removal outside of the Middle District of Georgia.
2. Respondents have unlawfully detained him and seek to unlawfully remove him from the U.S. Thus, Petitioner petitions this Court for an order declaring his detention unlawful.
3. Petitioner has resided in the United States since 03/2006. He was not detained at entry. Since then, he has lived in North Carolina. He has a partner and two USC children. Twenty years later, ICE detained him on 03/27/2026. Petitioner’s first master hearing with immigration court (“EOIR”) is on 04/20/2026. Petitioner qualifies for several forms of relief from removal, and will file such applications as soon as practicable.
4. Absent an order from this Court, the Petitioner will continue to remain in detention unlawfully for the foreseeable future.
5. Petitioner asks the Court to find Respondents have unlawfully detained him, and order his immediate release. His partner and young children urgently beg the Court to release him so he can be with his family.

CUSTODY

6. Petitioner is in the physical custody of Respondents and the Department of Homeland Security, Immigration & Customs Enforcement. Petitioner is currently at the Stewart Detention Center in Lumpkin, Georgia. ICE has contracted with CoreCivic to detain individuals in the immigration custody of ICE such as Petitioner. The Petitioner is under the direct control of the Respondents and their agents, and the immediate custodian is Jason Streeval of the Stewart Detention Center, who is a named party in this action.

JURISDICTION

7. This action arises under the Constitution of the United States, and the Immigration & Nationality Act (“INA”), 8 U.S.C. § 1101 *et. seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. §701 *et seq.*

8. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); 28 U.S.C. § 1331, as the Petitioner is presently in custody under color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States, and the Fifth Amendment of the United States Constitution.

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651. This Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (the Declaratory Judgment Act) to grant injunctive and declaratory relief.

VENUE

10. Venue is proper and lies in this United States District Court for the Middle District of Georgia because a substantial part of the events or omissions giving rise to the claim arose in this judicial district. *See* 28 U.S.C. § 1391(e), and 28 U.S.C. § 2241, *et seq.* 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 of Georgia, which is the judicial district in which Petitioner is currently held in immigration custody. The Petitioner is in immigration custody at the Stewart Detention Center.

PARTIES

11. Petitioner is a 36 year old male, native and citizen of El Salvador who was unlawfully detained by ICE on 03/27/2026, and is now at the Stewart Detention Center in Lumpkin, Georgia. He seeks a writ of habeas corpus due to his unlawful detention and an order to show cause to stay his removal to another District.
12. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. In this capacity, he is responsible for administering and enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.
13. Respondent Markwayne Mullin is sued in his official capacity as Secretary of DHS, the agency in charge of administering and enforcing the immigration laws in the Middle District of Georgia and is the Petitioner's legal custodian.
14. Respondent Todd Lyons is sued in his official capacity as the Acting Director of ICE, the department within DHS and in this capacity he is responsible for administering and enforcing the immigration laws in the Middle District of Georgia and is the Petitioner's legal custodian.
15. Respondent Jason Streeval is sued in his official capacity as Warden of Stewart Detention Center in Lumpkin, Georgia, and in this capacity he is the Petitioner's actual physical custodian.

FACTS

16. Petitioner entered the United States in 03/2006. He was not detained at entry. A Notice to Appear (“NTA”) in Removal Proceedings was not issued until twenty years later, on 03/27/2026. Ex. 2, Notice to Appear.

17. Petitioner has been residing in North Carolina for 20 years. He lives with his partner and two United States Citizen (USC) minor children. One of the children is severely autistic, and desperately needs Petitioner to return home. He has been steadily employed in construction. In light of his detention, his partner and their children have relocated to Plainfield, New Jersey in order to have the support of family.

18. Petitioner’s first master hearing is on 04/20/2026. Ex. 2. Petitioner qualifies for several forms of relief from removal based on his two decades in United States and his two USC children.

19. Petitioner is not subject to an order of removal, and will remain detained by ICE for the foreseeable future. He is now in detention at the Stewart Detention Center in Lumpkin, Georgia. Ex. 1, ICE Locator Results.

20. Petitioner has not filed a bond request with EOIR because such request is pointless without this Court’s intervention. A recent Board of Immigration Appeals (“BIA”) precedential decision precludes him from succeeding on appeal. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) (finding that noncitizens

who enter without inspection are forever ineligible for release on bond and subject to mandatory detention). Federal courts have continuously found this interpretation of the law is completely incorrect, and nationwide class was certified last year asserting as such. *Maldonado Bautista v. Noem*, No. 5:25-cv-01873 (C.D. Cal.) Order dated Dec. 18, 2025. *Maldonado Bautista* later vacated “Yajure Hurtado as contrary to the law under the APA.” Order dated Feb. 18, 2026 at 19. The Ninth Circuit recently stayed the District Court’s decision pending appeal. *Maldonado Bautista v. DHS*, No. 26-1044 (9th Cir. Mar. 6, 2026).

21. It is difficult if not impossible to obtain any semblance of Due Process at EOIR today. EOIR is systematically purging immigration judges,¹ while at the same time advertising for “deportation judges.”² At the same time, the head of EOIR is telling IJs to openly defy the authority of the federal courts. On

¹ See Emily Ngo, Politico, “Immigration courts thrown into chaos as Trump administration purges dozens of judges,” dated 12/06/2025, accessed on 12/09/2025 at: <https://www.politico.com/news/2025/12/06/trump-immigration-court-judge-purges-00679376>

² See Brendan Rascius, The Independent, “Trump advertises for latest shock troops in his immigration battle: ‘Become a Deportation Judge today’,” dated 12/09/2025, accessed on 12/09/2025 at: <https://www.the-independent.com/news/world/americas/us-politics/trump-deportation-judge-immigration-advertisement-b2881292.html>

01/13/2026, the Chief Immigration Judge “issued nationwide guidance³ instructing all immigration judges that:

‘*Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay or enjoin *Yajure Hurtado*.’ Immigration judges are instructed to follow the BIA’s decision in *Matter of Yajure Hurtado* as binding precedent. The guidance from EOIR states that a ‘declaratory judgment’ is not binding and does not have the authority to compel specific action.

This is the head of a federal agency stating that they are openly instructing their administrative law judges to ignore federal court orders. It is unclear how EOIR will instruct immigration judges to act following the most recent *Maldonado* order. ICE also continues to ignore the federal courts⁴ as well. “ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence.” *T.R. v. Noem*, No. 6-CV-0107 at 1-2 (D. Minn. Jan. 28, 2026). Chief Judge Schiltz further noted “ICE is not a law unto itself.” *Id.* at 2. ICE has had issues with complying with orders of other federal districts as well. A District Court in New Jersey stated “the Court is alarmed by Respondents’ persistent and unjustified failure, better characterized as willful refusal, to comply

³ AILA, “Practice Alert: EOIR Issues Nationwide Guidance on *Maldonado Bautista*,” AILA Doc. No. 26011404, dated 01/14/2026, found at: <https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista>

⁴ CNBC, Dan Magnan, “‘ICE is not a law unto itself,’ Minnesota judge says after immigrant released following contempt threat,” published 01/28/2026, accessed 01/29/2026, found at: <https://www.cnbc.com/2026/01/28/ice-immigrant-minnesota-contempt-released.html>

with lawful orders of federal district courts. This is not the first instance in which Respondents have done so. Such conduct reflects a blatant disregard for judicial authority, undermines the administration of justice, and raises substantial questions as to Respondents' commitment to the rule of law." *Morales Penaloza v. Bondi*, No. 25-cv-18686 at fn. 1 (D.N.J. Dec. 19, 2025). A District Judge later ordered the Attorney General's Office to compile a list of violations of court orders. *Kumar v. Soto*, 2:26-cv-00777 (D.N.J. 2026). The Chief of Staff to the U.S. Deputy Attorney General ("Dep. A.G.") for the District of New Jersey submitted a declaration regarding ICE violations of court orders in the District from 10/05/2025 through 02/05/2026. *Id.* at ECF No. 21. In those four months, the Dep. A.G. self reported 547 habeas filings with 75 violations of court orders. *Id.* at ECF No. 21-1. This is a court order violation rate of approximately 14%.

22. Petitioner has exhausted all his realistic administrative remedies, because he has zero possibility of obtaining a bond due to new BIA precedent and/or the lack of Due Process at EOIR. Pretending that Petitioner would be granted a bond hearing under 8 U.S.C. § 1226(a) that would comport with due process standards in this scenario seems ridiculous given the tenacity of Respondents in attempting to deny Petitioner and others their constitutional rights.

23. Petitioner has no open warrants or any criminal history that would change circumstances to warrant his arrest and removal outside of the Middle District

Court of Georgia. His only detention has been by immigration authorities in 03/2026, which is the initiation and cause of this matter.

24. Petitioner's removal from United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim, Petitioner will continue to be illegally detained by ICE. He seeks the only avenue of judicial review available to him, habeas review.

EXHAUSTION OF REMEDIES

25. Petitioner has exhausted all practicable administrative remedies. He is precluded from succeeding on any bond due to new BIA precedent. EOIR has instructed IJs to ignore or defy federal court orders regarding this subject.

26. EOIR has also made it impossible for noncitizens to obtain proper Due Process in bond proceedings and removal proceedings. Immigration judges are being recast as “deportation judges,” and the current legal position of Respondents is to defy court orders and long established principles of law.

**COUNT I:
VIOLATION OF FIFTH AMENDMENT
RIGHT TO SUBSTANTIVE DUE PROCESS**

27. The allegations contained in paragraphs 1 through 26 above are repeated and realleged as though fully set forth herein.

28. Petitioner's detention violates the Due Process clause of the Fifth Amendment of the United States Constitution. Petitioner's substantive due process rights have been violated because his detention is arbitrary and unreasonable.

29. The Fifth Amendment of the Constitution guarantees civil detainees like Petitioner may not be subject to detention that infringes on his fundamental right to freedom and liberty.

**COUNT II:
VIOLATION OF FIFTH AMENDMENT
RIGHT TO PROCEDURAL DUE PROCESS**

30. The allegations contained in paragraphs 1 through 26 are repeated and realleged as though fully set forth herein.

31. Petitioner's detention by Defendants violates his procedural due process rights under the Due Process Clause of the Fifth Amendment of the United States Constitution. The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (internal citations omitted). Procedural due process "imposes constraints on government decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Id.* at 332.

32. Defendants have unlawfully applied provisions of the INA to Petitioner by failing to grant Petitioner a meaningful bond hearing.

**COUNT III:
VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**

33. The allegations contained in paragraphs 1 through 26 are repeated and realleged as though fully set forth herein.

34. Petitioner's detention by Defendants violates the APA because agency actions by EOIR and ICE are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Where a court finds agency action to violate the APA, the court shall "hold unlawful and set aside" the agency action. *Id.* Where the government has promulgated "[r]egulations with the force and effect of law," those regulations "supplement the bare bones" of federal statutes, such that the agencies are bound to follow their own "existing valid regulations." *United States ex rel. Accardi Shaughnessy*, 347 U.S. 260, 266, 268 (1954).

35. EOIR has unlawfully applied their regulatory authority to deny Petitioner a meaningful bond hearing.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediately release Petitioner from custody;
3. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
4. Grant any other and further relief this Honorable Court deems just and proper;
5. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

Respectfully Submitted,

/s/ Thomas Evans, Esq.

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Dated: 04/16/2026

VERIFICATION BY COUNSEL

I, Tomas Evans, Esq., declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the attorney for plaintiff-petitioner in this matter and am personally familiar with the facts of this case;
2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed:

/s/ Thomas Evans, Esq.

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Dated: 04/16/2026