

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

Maria Guadalupe CIPRIAN
CORRILO,

Petitioner,

v.

Jason STREEVAL, Warden of Stewart
Detention Center, *in his official capacity*;
Kristin SULLIVAN, Acting Field Office
Director for Immigration and Customs
Enforcement, Enforcement and Removal
Operations, Atlanta Field Office, *in her
official capacity*;
Markwayne MULLIN, Secretary, U.S.
Department of Homeland Security, *in his
official capacity*;
Todd BLANCHE, Acting U.S. Attorney
General, *in his official capacity*,

Respondents.

Case No. 4:26-cv-638

Petitioner's Alien No.:



**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. 2241**

1. This case falls within the Court's standing order pertaining to detainees:

www.gamd.uscourts.gov/sites/gamd/files/general-ordes/2241StandingOrder.pdf.

INTRODUCTION

2. Petitioner, Maria Guadalupe Ciprian Corrilo (A# ) , is a native and citizen of Mexico who entered the United States without inspection or admission on or about May 2002 and has resided in the United States since that date.
3. Petitioner's unlawful detention began with a warrantless arrest on February 3, 2026. Exh. 2.
4. The Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have determined that Ms. Ciprian Corrilo is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), pursuant to a July 2025 DHS policy and the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
5. Ms. Ciprian Corrilo's detention under 8 U.S.C. § 1225(b)(2)(A) is unlawful because it violates the text and structure of the INA and its implementing regulations. Federal courts across the country, including this Court, have rejected DHS's new interpretation of 8 U.S.C. § 1225(b)(2) and have held that detention of people who entered without inspection nor admission and were detained at the border and later released, as well as long-time residents apprehended in the interior years later, is governed by 8 U.S.C. § 1226(a).
6. This court has already determined that individuals like Ms. Ciprian Corrilo are eligible for bond because they are detained pursuant to § 1226(a) and thus, this

Court has ordered that immigration courts subject to this court's jurisdiction hold bond hearings to determine whether such individuals are eligible for discretionary bond. *J.A.M. v. Streeval*, No. 4:25-ev-342 at 13 (M.D. GA Nov.1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

7. Ms. Ciprian Corriolo respectfully requests that this court: (a) order her release on the basis of the unlawful arrest; (b) in the alternative, declare that her detention is governed by § 1226(a) and that she is therefore eligible for bond; (c) order Respondents to provide her with an immediate bond hearing before an Immigration Judge applying §1226(a); and (d) if Respondents fail to provide such a hearing within a reasonable time, order her release from custody under appropriate conditions of supervision.

JURISDICTION AND VENUE

8. Ms. Ciprian Corriolo is currently in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia
9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and Art. I. Sec. 9, Cl. 2 of the U.S. Constitution (Suspension Clause), as Ms. Ciprian Corriolo is presently in custody under or by color of the authority of the United States, and she challenges her custody as being in violation of the Constitution, laws, or treaties of the United States.

10. The federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). In *Jennings v. Rodriguez*, the Supreme Court again upheld the federal courts' jurisdiction to review such claims. 138 S. Ct. 830, 839-41 (2018).
11. Venue is proper in the Middle District of Georgia, Columbus Division, pursuant to 28 U.S.C. § 1391 because Ms. Ciprian Corrilo is detained at the Stewart Detention Center in Lumpkin, Georgia, which is located in the district, and because a substantial part of the events or omissions giving rise to this action occurred in this district.

PARTIES

12. Petitioner Maria Ciprian Corrilo is a native and citizen of Mexico unlawfully detained by DHS at the Stewart Detention Center in Lumpkin, Georgia. She is not subject to a final order of removal. Petitioner is unable to obtain review of her custody by an Immigration Judge, pursuant to the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
13. Respondent Jason Streeval, Warden of Stewart Detention Center ("Stewart") is sued in his official capacity. Stewart is operated privately by CoreCivic, which contracts with ICE to detain noncitizens. The Warden of Stewart oversees the

facility's administration and management. He is Ms. Ciprian Corrilo's immediate and legal custodian.

14. Respondent Kristen Sullivan is the Acting Field Office Director for the ICE Enforcement and Removal Operations at the Atlanta Field Office. The ICE Atlanta Field Office has jurisdiction over ICE detention facilities in Georgia, including Folkston, and thus is Ms. Ciprian Corrilo's immediate custodian. She is sued in her official capacity.

15. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE, a subunit of DHS, and the implementation and enforcement of immigration laws. As such, Secretary Mullin is the ultimate legal custodian of Ms. Ciprian Corrilo. He is sued in his official capacity.

16. Respondent Todd Blanche is the acting Attorney General of the United States. Acting Attorney General Blanche oversees the immigration court system, including the immigration judges who conduct bond hearings as his designees. He is sued in his official capacity.

FACTS

17. Petitioner Maria Guadalupe Ciprian Corrilo is a native and citizen of Mexico who has resided in the United States for more than 23 years since she entered the U.S. without inspection.

18. She is the mother of four (4) U.S. children and three (3) are minors. She is the main financial provider for her household. One of her children age thirteen suffers from obesity, severe sleep apnea and nocturnal enuresis requiring consistent parental care and medical attention.
19. Ms. Ciprian Corrilo has no prior criminal record and poses no danger to the community. She is a beloved member of her Christian church in Morrow, Georgia. She has deep ties to her community where she has lived for over 23 years. Her long-term residence, ties to her community, and role as a caregiver demonstrate that she presents no risk of flight. Her continued detention has caused significant hardship to her children. In particular, her detention has caused significant hardship to her youngest daughter, who requires consistent parental care and support for her medical issues.
20. Petitioner has been detained at the Stewart Detention Center in Lumpkin, Georgia since February 3, 2026. Exh. 2. Ms. Ciprian Corrilo is not subject to a final order of removal.
21. The Department of Homeland Security (DHS) initiated removal proceedings against Ms. Ciprian Corrilo on February 25, 2026, by filing a Notice to Appear (NTA). Exh. 1.
22. DHS has charged Ms. Ciprian Corrilo as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as a noncitizen who is present in the U.S without being admitted

or paroled or who arrived in the U.S. at any time or place as designated by the Attorney General. Exh. 1.

23. Federal district courts across the country, like this one, have rejected the BIA's new interpretation of 8 U.S.C. § 1225 in *Matter of Yajure Hurtado*, finding instead that individuals like Petitioner are detained under 8 U.S.C. § 1226(a). *J.A.M. v. Streeval*, No. 4:25-ev-342 at 13 (M.D. GA Nov.1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025). Nonetheless, ICE continues to hold her without access to a bond hearing.

I. LEGAL FRAMEWORK

24. Noncitizens detained under 8 U.S.C. § 1226(a) are generally entitled to discretionary bond determinations unless they fall under a mandatory detention provision based on a previous criminal arrest, charge, or conviction. 8 C.F.R. §§ 1003.19(a), 1236.1(d); 8 U.S.C. § 1226(c).

25. By contrast, noncitizens detained under 8 U.S.C. § 1225(b) are generally not entitled to discretionary bond determinations. 8 U.S.C. § 1225(b)(1) covers noncitizens who are “arriving in the United States” or “[have] not been admitted or paroled into the United States, and who [have] not affirmatively shown, to the satisfaction of an immigration officer, that [they have] been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility under this paragraph.” 8 U.S.C. §§

1225(b)(1)(A)(i), (b)(1)(A)(iii)(II). 8 U.S.C. § 1225(b)(2) covers any alien who is an “applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted.”

26. Following the enactment of these statutes, EOIR issued regulations clarifying that individuals who entered the country without inspection, but who were apprehended in the interior were detained under § 1226(a), not § 1225(b). *See* “Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures,” 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled...will be eligible for bond and bond redetermination.”). For nearly three decades, this was the consistent practice.

27. In July 2025, DHS adopted a new interpretation requiring detention under § 1225(b)(2)(A) for all noncitizens charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i). On September 5, 2025, the BIA issued *Matter of Yajure Hurtado*, adopting DHS’s view and holding that all noncitizens present in the United States without admission are “applicants for admission” subject to mandatory detention under § 1225(b)(2)(A). 29 I&N Dec. 216 (BIA 2025). As a result, any individual who entered the country without inspection is ineligible for

bond. The BIA's interpretation in *Yajure Hurtado* determined that anyone who is an "applicant for admission" is subject to mandatory detention under § 1225(b)(2)(A), ignoring that the statute only applies to aliens who are "applicants for admission" *and also* "seeking admission." 8 U.S.C. § 1225(b)(2)(A).

28. This Court has rejected this interpretation, finding instead that individuals like Ms. Ciprian Corriolo are eligible for bond because they are not seeking admission and thus are detained pursuant to 8 U.S.C. § 1226(a) and therefore eligible for release on discretionary bond. In *J.A.M. v. Streeval* and *P.R.S. v. Streeval*, 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. *J.A.M. v. Streeval*, No. 4:25-cv-342 at 13 (M.D. GA Nov.1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025)

29. Over 300 district courts around the country have rejected the government's position in *Yajure Hurtado* and have granted habeas to petitioners like Ms. Ciprian Corriolo. See *Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025) (where the Southern District Court of Georgia concluded that noncitizens apprehended in the interior after entering without

admission are detained under 8 U.S.C. § 1226(a) and are entitled to a bond hearing). The Supreme Court has likewise recognized that mandatory detention under § 1225(b) applies “at the Nation’s borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is inadmissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

30. Further, 8 U.S.C. § 1226(a) explicitly applies to noncitizens charged as inadmissible after having entered without inspection. In 2025, Congress amended 8 U.S.C. § 1226(c) through the Laken Riley Act to exclude from bond eligibility certain noncitizens who entered without inspection and subsequently committed certain crimes. If Congress had intended all noncitizens who entered without inspection to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), it would not have needed to add these specific carve-outs. The BIA’s and DHS’s construction of 8 U.S.C. § 1225(b)(2)(A) renders 8 U.S.C. § 1226(e) superfluous, in violation of the canon against surplusage. *See Corley v. U.S.*, 556 U.S. 303, 326-27 (2009).

31. Therefore, the mandatory detention provisions of § 1225(b)(2) do not apply to Ms. Ciprian Corriolo, whose current detention was initiated upon apprehension within the United States more than 23 years after her initial entry. She is detained under 8 U.S.C. § 1226(a) and is eligible for a bond hearing.

CLAIMS FOR RELIEF

COUNT I

Violation of U.S.C. § 1226(a), Unlawful Denial of Release on Bond

32. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
33. The mandatory detention provision of 8 U.S.C. § 1225(b)(2) does not apply to noncitizens like Ms. Ciprian Corrilo who were apprehended inside the United States years after their initial entry. Such individuals are detained under 8 U.S.C. § 1226(a) and are eligible for release on bond, as this Court has already found.
34. Respondents' decision to deny Ms. Ciprian Corrilo a bond hearing under 8 U.S.C. § 1225(b)(2)(A) is in violation of the INA.

COUNT II

Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19

35. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
36. For decades, both Congress and the agencies charged with implementing the INA have recognized that individuals who were detained after entering without inspection are detained under 8 U.S.C. § 1226(a) and eligible for bond, as reflected in the implementing regulations at 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

37. Despite this clear regulatory framework, Respondents have unlawfully detained Ms. Ciprian Corrilo by misapplying 8 U.S.C. § 1225(b)(2).

38. Because Petitioner's detention has not been accompanied by the procedural protections that such a significant deprivation of liberty requires, including access to a bond hearing, her continued detention violates the INA, its implementing regulations, and the Due Process Clause of the Fifth Amendment.

COUNT III

Violation of Fifth Amendment Due Process

39. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

40. Under the Fifth Amendment of the Constitution, no person shall be deprived of liberty without due process of law. Freedom from imprisonment and government custody lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The protections of the Due Process Clause extend to all persons within the United States, regardless of immigration status. *Id.* at 693.

41. Respondents' detention of Ms. Ciprian Corrilo under 8 U.S.C. § 1225(b)(2) without the possibility of a meaningful custody redetermination, violates her right to due process under the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Maria Guadalupe Ciprian Corriolo, requests that the Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days, pursuant to 28 U.S.C § 2243;
3. Grant a writ of habeas corpus declaring that Petitioner's detention is governed by 8 U.S.C. § 1226(a) and ordering Respondents to provide her with an immediate bond hearing before an Immigration Judge applying 8 U.S.C. § 1226(a);
4. Issue an order to show cause ordering Respondents to show cause why this Petition should not be granted within three (3) days.
5. In the alternative, order Petitioner's immediate release from custody under reasonable conditions of supervision if Respondents fails to provide such a bond hearing within a reasonable period of time;
6. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
7. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;

8. Declare that Petitioner's detention violates the INA;
9. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution;
10. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
11. Grant such further relief as this Court deems just and proper.

Dated:

Respectfully submitted,

/s/ Amir A. Naim

Amir A. Naim

Georgia Bar No. 423232

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

42. I am the attorney for Petitioner, Maria Guadalupe Ciprian Corriolo, and submit this verification on her behalf. I have discussed with Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Amir A. Naim

Date: 4/18/2026

Amir A. Naim