UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

ERWING ALEMAN BARRIOS,
A# [redacted],

Petitioner,

v.

WARDEN, of Irwin County Detention Center,
LADEON FRANCIS, Field Office Director of Enforcement and Removal Operations, Atlanta Field Office;
TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; and
TODD BLANCHE, Acting U.S. Attorney General.

Respondents.

Civil Action No.:

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Erwing Aleman Barrios brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in physical custody of Respondents at the Irwin County Detention Center. Petitioner now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs, and on November 25, 2025, certified a nationwide class and extended a declaratory judgment to the certified class. *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) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

3. 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.

4. Notwithstanding ongoing federal litigation, the Executive Office for Immigration Review, its subagency the Immigration Court, and the Department of Homeland Security (DHS) have refused to afford Petitioner a bond hearing and have instead continued to rely on *Matter of Yajure-Hurtado* to deny jurisdiction. In *Maldonado Bautista v. DHS*, the district court rejected that interpretation and held that similarly situated noncitizens are detained under INA § 236(a) and entitled to bond hearings. Although the Ninth Circuit has stayed enforcement of that decision pending appeal, the ruling confirms that DHS's categorical denial of bond rests on a legally contested framework that federal courts have already found unlawful, yet Respondent continues to detain Petitioner without an individualized bond determination.

5. Petitioner Erwing Aleman Barrios is a member of the Bond Eligible Class, as Petitioner:

a. does not have lawful status in the United States and is currently detained at the Irwin County Detention Facility. Petitioner was apprehended by immigration authorities on or about March 5, 2026.

b. entered the United States without inspection in, 4 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 March 5, 2026, the DHS placed Petitioner 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. Habeas relief is warranted because Petitioner has requested a bond hearing before an Immigration Judge, yet no such hearing has been scheduled or conducted. Petitioner remains detained without any individualized review of whether he poses a danger to the community or a flight risk. In the absence of a custody determination, there is no meaningful administrative process available to challenge his continued detention, and any attempt to pursue further administrative remedies would be futile. The prolonged denial of a bond hearing constitutes a clear violation of Petitioner's due process rights. Accordingly, exhaustion of administrative remedies is satisfied or should be excused, and habeas relief is necessary to protect Petitioner's constitutional rights.

8. The Court should expeditiously grant this petition.

9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite Petitioner's clear entitlement to consideration for release on bond as a Bond Eligible Class member.

10. Immigration judges have informed class members in bond hearings that they have been instructed by "leadership" that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

11. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista,* the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

12. 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

13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Irwin County Detention Center in Ocilla, GA.

14. 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).

15. 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

16. 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, the judicial district in which Petitioner currently is detained.

17. 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

18. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista.*

19. 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

20. Petitioner Erwing Aleman Barrios is a citizen of Nicaragua who has been in immigration detention since March 5, 2026. Since being detained, ICE has not set a bond.

21. Petitioner has requested a review of his custody by an Immigration Judge; however, no immigration bond hearing has been scheduled or conducted to date. Petitioner remains detained without any individualized determination regarding whether he poses a danger to the community or a flight risk. In the absence of a bond hearing, there is no meaningful administrative process to challenge the lawfulness of his continued detention, and any attempt to pursue such remedies would be futile. The prolonged denial of a bond hearing constitutes a violation of Petitioner's constitutional due process rights, leaving him subject to indefinite detention without review.

22. Following the district court's issuance of partial summary judgment and subsequent class-wide declaratory relief in *Maldonado Bautista v. Santacruz*, Petitioner requested a second custody redetermination hearing. On December 2, 2025, the Immigration Judge nevertheless denied bond, reasoning that under

Matter of Yajure Hurtado, he lacked jurisdiction to consider bond for a person who entered without inspection and had never been admitted. The Immigration Judge further stated that the *Maldonado Bautista* class certification did not bind a court sitting in the Eleventh Circuit. This denial, issued despite the nationwide declaratory judgment extending to the Bond Eligible Class, underscores the need for habeas relief.

23. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, Ladeon Francis is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

24. 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 the Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

26. Respondent Pamela Bondi is the Attorney General of the United States. She 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. She is sued in her official capacity.

27. 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.

28. Respondent is employed by The GEO Group, Inc. as Warden of the Irwin County Detention Center, where Petitioner is detained. Respondent has immediate physical custody of Petitioner. Respondent is sued in his/her official capacity.

LEGAL FRAMEWORK

29. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

30. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

31. Section 235(b)(2) of the INA, 8 U.S.C. § 1225(b)(2), governs detention in the inspection context and the classes designated for expedited removal settings that occur at or near the border and, by regulation, only for individuals described in published Federal Register notices. *See* 8 C.F.R. § 235.3(b)(1)–(2). Interior expedited removal is limited to certain encounters and, at most, to those who cannot show two years' continuous presence. 84 Fed. Reg. 35,409 (July 23, 2019). Individuals—like Petitioner—who were arrested in the interior long after entry and placed in § 240 proceedings are detained, if at all, under § 1226(a).

32. In *J.A.M. v. Streeval et al,* No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025), the court rejected the government's *Yajure* theory and held that § 1226(a) governs interior arrests charged into § 240, not § 1225(b)(2). The court concluded that "aliens who are found in the country unlawfully and are arrested, an immigration officer or immigration judge has the discretion, after considering all the circumstances, not to detain such aliens and instead grant them release on bond" subject to exceptions for mandatory detainees delineated in 8 U.S.C. § 1226(c). *Id.* at 10. The court found *Matter of Yajure Hurtado* "unpersuasive," aligned with the already large and still growing district-court consensus, and concluded the petitioner is entitled to discretionary bond under § 1226(a).

33. The same statutory reading has now been adopted in class-wide relief. In *Maldonado Bautista v. Santacruz*, the court held that detention for interior arrests charged into § 240 is governed by § 1226(a) and not § 1225(b)(2), and it directed that class members be afforded individualized bond hearings before an immigration judge under § 236(a) on a prompt timeline. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (partial summary judgment); *id.* (Nov. 25, 2025) (class certification). That class relief confirms the statute's two-track structure: § 235 governs the inspection/expedited-removal track; § 236(a) governs detention during § 240 removal proceedings for long-present interior arrestees.

CAUSES OF ACTION

COUNT ONE
STATUTORY CLAIM (Detention Governed by INA § 236(a))

34. Petitioner incorporates paragraphs 1 through 33 as if fully set out herein.

35. Section 235(b)(2)(A) does not govern Petitioner's detention because he was not encountered during inspection and is not within any class designated for expedited removal by published notice. Reading § 1225(b)(2)(A) to govern all never admitted noncitizens regardless of when and where they were arrested would nullify Congress's express two-year limit on interior expedited removal and collapse the statute's two-track scheme. Under § 1226(a) and its implementing

regulations, Petitioner is entitled to a prompt bond hearing before a neutral adjudicator.

COUNT TWO
PROCEDURAL DUE PROCESS (U.S. Const. amend. V)

36. Petitioner incorporates paragraphs 1 through 33 as if fully set out herein.

37. Prolonged civil detention without a neutral bond hearing violates procedural due process. If Respondents' position categorically forecloses any IJ bond review for interior arrestees like Petitioner, it denies a meaningful opportunity to be heard and invites arbitrary confinement. At minimum, due process requires a prompt bond hearing at which the Government bears the burden to justify detention by clear and convincing evidence.

COUNT THREE
SUBSTANTIVE DUE PROCESS (U.S. Const. amend. V)

38. Petitioner incorporates paragraphs 1 through 33 as if fully set out herein.

39. Civil detention must remain reasonably related to its purposes of ensuring appearance and protecting the community. Detaining Petitioner without any individualized assessment, solely on a categorical theory rejected by this Court days ago, bears no reasonable relation to any legitimate aim and is excessive in relation to its purposes.

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.

DATED this 20th day of April, 2026.

//Eszter Bardi//

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed the foregoing Petition and that the facts and statements made in this Petition and Complaint are true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

Respectfully submitted this 20th day of April, 2026.

//Eszter Bardi//

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