UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

MARCELINO LAZARO CORDOVA,

Petitioner,

v.

Warden of Irwin County Detention Center; KRISTEN SULLIVAN, Field Office Director of Enforcement and Removal Operations, Atlanta Field Office, Immigration and Customs Enforcement; TODD M. LYONS, Acting Director, U.S. Immigrations & Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; U.S. Department of Homeland Security; U.S. Attorney General; and DAREN K. MARGOLIN, Director, Executive Office for Immigration Review, Executive Office for Immigration Review

Respondents.

Case No.:

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner, Marcelino Lazaro Cordova, brings this petition for a writ of habeas corpus to seek enforcement of Petitioner's rights as a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of Respondents at the Irwin County Detention Center in Ocilla, Georgia. 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 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 Eligible 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. Nevertheless "Respondents have violated and continue to violate the law by detaining Bond Eligible Class members in contravention of the Final Judgment." *Maldonado Bautista*, Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026), at 13.

5. On February 18, 2026, the district court issued an Order Granting Plaintiff Petitioners' Motion to Enforce Judgment. *Maldonado Bautista*, Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026). In its Order, the district court vacated *Matter of Yajure Hurtado* under the Administrative Procedures Act ("APA"). *Maldonado Bautista*, Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026), at *16.

6. The Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered those detained noncitizens, who entered the United States without inspection, be denied the opportunity to be released on bond. We anticipate the Executive Office for Immigration Review and DHS will also blatantly refuse to abide by declaratory relief and unlawfully deny Petitioner the opportunity to be released on bond.

7. Petitioner 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 Center in Ocilla, Georgia;

b. was apprehended by immigration authorities approximately two months ago;

c. entered the United States without inspection approximately 24 years ago; and

d. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

8. After apprehending Petitioner approximately two months ago, 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) and 1182(a)(7)(A)(i)(I), as someone who entered the United States without inspection.

9. The Court should expeditiously grant this petition.

10. 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.

11. 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 immigration judges remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

12. 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.

13. 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

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

15. 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).

16. 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

17. 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.

18. 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

19. 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.*

20. 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

21. Petitioner is a citizen of Mexico who has been in immigration detention since approximately two months ago. After Petitioner was detained by ICE, ICE did not set bond. Petitioner has resided in the United States since 2002.

22. Respondent is the Warden of the Irwin County Detention Center, where Petitioner is detained. The Warden of the Irwin County Detention Center has immediate physical custody of Petitioner. The Warden of the Irwin County Detention Center is sued in their official capacity.

23. Respondent Kristen Sullivan is the Acting Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, Acting Director Sullivan is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. She is named in her official capacity.

24. Respondent Todd Lyons is the acting Director of U.S. Immigration & Customs Enforcement (ICE). He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

25. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. Secretary Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Secretary Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

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

27. Respondent is the Attorney General of the United States. Respondent Attorney General 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. Respondent Attorney General is sued in their official capacity.

28. Respondent Daren K. Margolin is the Director of EOIR, which is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings. Respondent Margolin is sued in his official capacity.

29. 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.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

32. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

33. The order granting class certification in *Maldonado Bautista* further orders 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."

34. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

35. By denying Petitioner a bond hearing under § 1226(a) and asserting that Petitioner is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

36. Assuming, *arguendo*, that *Maldonado Bautista* does not apply, find that Petitioner is currently detained under § 1226(a) and therefore not subject to mandatory detention as required by § 1225(b)(2). *See J.A.M. v. Streeval,* No. 4:25-CV-342-CDL, 2025 WL 3050094

(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).

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 30th day of April 2026.

//s// Colin Robert Nisbet

Colin Robert Nisbet, Esq.
Georgia Bar No. 913136
Wannamaker Crimmigration
3740 Davinci Court, Suite 150
Peachtree Corners, GA 30092
Tel.: 470-749-9996
Fax: 404-990-4936
colin.n@sternlawfirm.us

Attorney for Petitioner

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

I represent Petitioner, Marcelino Lazaro Cordova, and submit this verification on Petitioner's behalf. I 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 30th day of April 2026.

//s// Colin Robert Nisbet

Colin Robert Nisbet, Esq.
Georgia Bar No. 913136
Wannamaker Crimmigration
3740 Davinci Court, Suite 150
Peachtree Corners, GA 30092
Tel.: 470-749-9996
Fax: 404-990-4936
colin.n@sternlawfirm.us

Attorney for Petitioner