

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

ABYLGAZY ERKINBAI UULU,

Petitioner,

v.

JASON STREEVAL, WARDEN, STEWART
DETENTION CENTER; KRISTEN
SULLIVAN, FIELD OFFICE DIRECTOR,
ATLANTA FIELD OFFICE, U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS,
ACTING DIRECTOR, IMMIGRATION AND
CUSTOMS ENFORCEMENT; MARKWAYNE
MULLIN, SECRETARY OF THE
DEPARTMENT OF HOMELAND SECURITY;
TODD BLANCHE, ATTORNEY GENERAL,
UNITED STATES DEPARTMENT OF
JUSTICE,
in their official capacities,

Respondents.

Case No.:

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

Petitioner Abylgazy Erkinbai Uulu (A-2  ("Petitioner"), by and through undersigned counsel, hereby challenges his unlawful detention, which rests entirely on an incorrect statutory classification. Petitioner is not an individual currently seeking admission at the border; rather, he is a noncitizen who was inspected and paroled into the United States in August 2023, has resided continuously in the interior for approximately three years, filed a Form I-589 Application for Asylum and for Withholding of Removal with the Chicago Immigration Court in November

2023 prior to his detention and was arrested in West Virginia, far from any border or port of entry. Despite his extended interior residence, employment authorization issued by DHS, pending asylum proceedings, and the Government's own decision to initiate formal removal proceedings before an Immigration Judge, Respondents have detained him under 8 U.S.C. § 1225(b) — a provision textually limited to noncitizens actively seeking admission at the border — in direct contravention of the statutory framework governing individuals apprehended in the interior.

INTRODUCTION

1. Petitioner, a citizen of Kyrgyzstan, was inspected and paroled into the United States pursuant to the CBP One scheduling process at the Calexico, California Port of Entry on or about August 10, 2023. Prior to his entry, Petitioner was residing in Mexico, where he used the CBP One mobile application to request an appointment with U.S. Customs and Border Protection. On the date assigned through the application, Petitioner presented himself at the Calexico Port of Entry, was inspected by CBP officers, and was granted discretionary parole into the United States. This parole grant is reflected in Petitioner's Form I-94 admission record, which lists a date of entry of August 10, 2023, class of admission "DT," and an admit-until date of August 9, 2025. He was not apprehended during any unauthorized crossing, nor was he detained in connection with any contemporaneous attempt to enter outside a designated port of entry.
2. On or about the date of his entry, DHS personally served Petitioner with a Notice to Appear charging him as an arriving alien under INA § 212(a)(7)(A)(i)(I) and directing him to appear before the Chicago Immigration Court. DHS filed that NTA with EOIR on

August 10, 2023, formally commencing removal proceedings under 8 U.S.C. § 1229a. On November 8, 2023, Petitioner filed a timely Form I-589 Application for Asylum and for Withholding of Removal with the Chicago Immigration Court, seeking protection based on political persecution in Kyrgyzstan. During the pendency of these proceedings, the Chicago Immigration Court issued a hearing notice scheduling Petitioner's case for March 26, 2026.

3. Throughout this period, Petitioner has resided exclusively in Illinois. After the initial legal period expired, Petitioner received a five-year Employment Authorization Document from DHS, confirming the agency's continuing authorization for Petitioner to live and work in the interior. He has been continuously employed as a truck driver pursuant to his DHS-issued work authorization.
4. On or about February 12, 2026, ICE arrested Petitioner in West Virginia — nearly three years after his lawful inspection and parole, and far from any border or port of entry. Petitioner was initially held in West Virginia for a period of time and was subsequently transferred to the Stewart Detention Center in Georgia.
5. Following his transfer to Stewart Detention Center, Petitioner's immigration case was transferred from the Chicago Immigration Court to the Lumpkin Immigration Court. Without any interpreter services provided, DHS had Petitioner sign documents for voluntary departure, claiming that he had withdrawn from relief applications in his immigration case, and his case was terminated. DHS attempted to deport Petitioner based on these improperly obtained documents. During this process, counsel contacted Petitioner, and based on his statements that adequate interpreter services were not

provided during the execution of these documents, counsel filed a Motion to Reopen with the Lumpkin Immigration Court, arguing that the proceedings regarding Petitioner's immigration case were improper because adequate interpreter services were not provided. The court accepted counsel's Motion to Reopen by order dated April 29, 2026, and the master hearing was rescheduled to May 13, 2026. Notwithstanding these formal § 1229a proceedings, Respondents classify Petitioner as an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b) and refuse him any opportunity to seek bond.

6. Petitioner has no criminal record of any kind. He has resided in Illinois for approximately three years, worked continuously under valid DHS-issued employment authorization, and complied with every step of his asylum process. At the time of his arrest, his Form I-589 asylum application was pending before the Chicago Immigration Court, and he was living openly at his known address of record.
7. Despite this record of continuous residence, lawful employment, and active engagement with the immigration process, Respondents have denied Petitioner any opportunity to seek release on bond. Their invocation of § 1225(b) to justify mandatory, bondless detention of an interior-apprehended parolee whose § 1229a proceedings are already underway is legally untenable and contrary to precedent recently established by this Court.

PETITIONER'S DETENTION UNDER 8 U.S.C. § 1225(b) IS UNLAWFUL

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8. Despite the pendency of his removal proceedings, Petitioner remains detained without bond. The basis for this continued detention is a misapplication of the statute. Although Petitioner was inspected and paroled into the United States nearly three years ago and has

since resided continuously in the interior, ICE is detaining him under 8 U.S.C. § 1225(b). By classifying a long-term interior resident who was paroled at the Calexico, California Port of Entry in August 2023 pursuant to the CBP One scheduling process and has since built a life in Illinois as an “applicant for admission” still seeking entry at the border, Respondents have categorically denied him the opportunity for a bond hearing. This detention does not stem from a border encounter; it stems from the arrest of an individual living openly at his known address of record with a pending asylum application before the Chicago Immigration Court.

9. Respondents’ invocation of 8 U.S.C. § 1225(b) rests on a fundamental legal error. That statute is textually and structurally limited to noncitizens seeking admission at the border or apprehended immediately upon or shortly after entry. It does not grant DHS the authority to reach into the interior of the country and retroactively apply mandatory detention to an individual who was paroled into the United States nearly three years ago and has since established a life here under DHS-authorized employment. By treating an interior resident as an “arriving alien” standing at the threshold of entry, Respondents are relying on an incorrect statutory classification to deny Petitioner his right to a bond hearing.
10. In *Matter of Q. Li*, I&N Dec. 66 (BIA 2025), the Board of Immigration Appeals held that Immigration Judges lack bond jurisdiction where the Department of Homeland Security classifies a noncitizen’s detention as arising under 8 U.S.C. § 1225(b). Nothing in *Matter of Q. Li* purports to resolve whether § 1225(b) lawfully applies to noncitizens who were paroled into the United States, have resided continuously in the interior for an extended period, filed asylum applications, and were later arrested by ICE far from the border.

Nevertheless, as applied in practice, in *Matter of Q. Li* has resulted in Immigration Judges declining to exercise bond jurisdiction once DHS invokes § 1225(b), without adjudicating whether that detention provision properly governs the circumstances of such interior arrests. As a result, the application of in *Matter of Q. Li* in this context operates to foreclose any meaningful administrative forum for Petitioner to challenge the statutory basis of his detention.

11. Respondents' legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice of instead applying 8 U.S.C. § 1226(a), which allows for release on conditional parole or allows for an Immigration Judge to consider bond requests or make bond redeterminations.
12. Because Petitioner was placed into removal proceedings under § 1229a, has resided continuously in the interior of the United States for approximately three years, and had filed his Form I-589 Application for Asylum with the Chicago Immigration Court in November 2023 — before his detention — his detention — if lawful at all — is governed by 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole and requires an individualized custody determination. ICE's refusal to provide such process violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.
13. Petitioner has not been afforded an individualized custody determination or the opportunity to seek release on bond. Because DHS's asserted detention framework forecloses bond jurisdiction as a matter of nationwide administrative practice, Petitioner

lacks any meaningful administrative forum in which to challenge the legality of his detention.

14. Petitioner respectfully requests that this Court order his immediate release from custody, consistent with the relief available under *P.R.S. v. Streeval*, Case Nos. 4:25-cv-330, (M.D. Ga. Nov. 24, 2025), which required Respondents to provide the statutory process due under § 1226(a) or release the petitioner by a date certain. In the alternative, should the Court determine that immediate release is not warranted, Petitioner respectfully requests that the Court direct Respondents to provide him with a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a) within seven days, at which the Government bears the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or a risk of flight.

PARTIES

15. Petitioner Abylgazy Erkinbai Uulu is a citizen of Kyrgyzstan, born on  in Bishkek, Kyrgyzstan. He was inspected and paroled into the United States pursuant to the CBP One scheduling process at the Calexico, California Port of Entry on or about August 10, 2023.
16. Respondents are the federal officials responsible for Petitioner's custody and the enforcement of the immigration detention laws, including: Warden Jason Streeval, Stewart Detention Center; Kristen Sullivan, Field Office Director, ICE Atlanta Field Office; Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement; Markwayne Mullin, Secretary of the Department of Homeland Security; Todd Blanche,

Attorney General of the United States, U.S. Department of Justice. Respondents are all sued in their official capacities.

JURISDICTION

17. This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, which authorizes federal courts to grant habeas relief to individuals who are “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(1), (3).
18. Petitioner is currently detained within this District at the Stewart Detention Center in Lumpkin, Georgia. Jurisdiction and venue are therefore proper in this Court. See *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).
19. The jurisdiction-stripping provision of 8 U.S.C. § 1226(e) does not bar this Court’s review. Section 1226(e) limits judicial review only with respect to discretionary judgments regarding detention or release. It does not foreclose constitutional challenges to the statutory framework governing detention. The Supreme Court has made clear that § 1226(e) does not preclude jurisdiction where a petitioner challenges the extent of the Government’s detention authority under the statutory framework as a whole. *Jennings v. Rodriguez*, 583 U.S. 281, 296 (2018). Similarly, § 1226(e) poses no bar to a constitutional challenge to the legislation authorizing detention without bail. *Demore v. Kim*, 538 U.S. 510, 517 (2003).

VENUE

20. The Middle District of Georgia has recognized habeas jurisdiction over challenges to the statutory authority for civil immigration detention arising from interior enforcement. Most recently, in *P.R.S. v. Streeval*, this Court exercised § 2241 jurisdiction over habeas petitions filed by noncitizens detained in the interior of the United States, found that their detention was governed by 8 U.S.C. § 1226(a) and not § 1225(b), and ordered Respondents to either afford Petitioners the statutory process required under § 1226(a) — including a bond hearing — or release them from custody. This Court reached the same conclusion in *J.A.M. v. Streeval*. The circumstances of the instant case are materially identical: Petitioner was paroled into the United States in August 2023, has resided in the interior continuously since, and raises the same constitutional and statutory challenges to the legality of his detention. Jurisdiction is therefore proper in this Court.
21. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees, and agencies of the United States acting in their official capacities, a substantial part of the events and omissions giving rise to Petitioner’s claims occurred within this District, and Petitioner is currently detained at the Stewart Detention Center within the Middle District of Georgia. The immediate custodian responsible for Petitioner’s confinement is located within this District. Accordingly, venue properly lies in this Court.

REQUIREMENTS OF 28 U.S.C. § 2243

22. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the respondents forthwith, unless Petitioner is not entitled to relief. 28 U.S.C. §
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2243. If an order to show cause is issued, the Court must require Respondents to file a return within three days, which may be extended up to twenty days for good cause. *Id.*

23. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Supreme Court has described the writ as a fundamental remedy against illegal restraint or confinement. See *Fay v. Noia*, 372 U.S. 391 (1963).

LEGAL FRAMEWORK

24. The Immigration and Nationality Act (“INA”) prescribes three basic detention frameworks applicable to noncitizens encountered by the Department of Homeland Security during the removal process.
25. First, 8 U.S.C. § 1226 governs the detention of noncitizens placed in standard removal proceedings before an Immigration Judge (“IJ”) under 8 U.S.C. § 1229a. Noncitizens detained pursuant to § 1226(a) are entitled to an individualized custody determination, including the opportunity for release on bond or conditional parole. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). Mandatory detention under § 1226(c) applies only to a narrow category of individuals with specified criminal histories.
26. Second, the INA provides for mandatory detention under 8 U.S.C. § 1225(b), which applies exclusively to noncitizens seeking admission at a port of entry or apprehended at or shortly after entry, before they have been admitted or paroled into the United States.
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27. Third, the INA authorizes detention under 8 U.S.C. § 1231(a) for noncitizens subject to a final order of removal.

28. This case concerns the misapplication of § 1225(b) to a noncitizen who was inspected and paroled into the United States in August 2023, established approximately three years of continuous residence in the interior, filed a Form I-589 Application for Asylum with the Chicago Immigration Court, received employment authorization from DHS, and was detained by ICE in the interior of West Virginia with his asylum application pending before the Chicago Immigration Court. Section 1226(a) governs Petitioner's custody.
29. Although Petitioner was paroled rather than formally admitted, the relevant question is not his technical status under § 101(a)(13)(A) of the INA, but rather whether the mandatory detention provisions of § 1225(b)(2)(A) are intended to — and may lawfully — apply to a noncitizen who was paroled into the country nearly three years ago and has since resided continuously in the interior with DHS-authorized employment and a pending asylum application.
30. Within this statutory framework, a specialized body of jurisprudence has evolved addressing the re-detention of individuals who were initially paroled into the United States — particularly those who entered through the CBP One appointment system — and were subsequently re-detained during removal proceedings. Federal district courts have consistently held that parolees who have resided in the United States for extended periods do not automatically revert to "seeking admission" status upon re-detention. See *A-J-R v. Rokosky*, No. 25-17279, 2026 WL 25056, (D.N.J. Jan. 5, 2026) (D.N.J. Jan. 5, 2026) ("There is no language in the text about a parolee returning to the position of an 'applicant for admission' at the threshold of entry, as § 1225(b) describes"); *Rodriguez*, 1:25-cv-17419 (D.N.J. Dec. 3, 2025) ("[Section] 1182(d)(5)(A) does not state that a parolee returns to the position of an applicant for admission standing at the threshold of

entry"). This framework recognizes that humanitarian parolees who have established community ties and pursued legal remedies cannot be treated as if they remained at the border seeking initial entry. This specialized jurisprudence has further established that when DHS fails to follow proper parole revocation procedures under 8 C.F.R. § 212.5(c), re-detained parolees must be held under § 1226(a)'s discretionary detention framework rather than § 1225(b)(2)(A)'s mandatory detention provision. See *Gomes*, 804 F. Supp. 3d 265, 276–77 (D. Mass. 2025) (finding detention under § 1226(a) applicable where petitioner was arrested on warrant rather than through formal parole revocation); *Navarrete v. Lowe*, No. 3:26-cv-00320-KM (D.N.J. Feb. 26, 2026) (finding re-detention of parolee without parole revocation procedures required § 1226(a) analysis). This doctrinal framework prevents the government from circumventing constitutional bond hearing requirements by simply characterizing long-term parolee residents as border applicants, thereby ensuring that individuals who have developed substantial connections to the United States receive appropriate procedural protections during removal proceedings.

31. Although DHS served Petitioner with an NTA at entry in August 2023, that NTA was not immediately filed with EOIR, and formal removal proceedings under 8 U.S.C. § 1229a did not commence until DHS filed an NTA with the Immigration Court after Petitioner's arrest. During the intervening period, Petitioner was actively pursuing his Form I-589 asylum application. He had not been ordered removed.
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32. Section 1225(b)(2)(A) applies by its terms to noncitizens classified as applicants for admission who are encountered by DHS during the inspection process. That provision was designed to address individuals presenting themselves at the border or ports of entry

— not individuals who were paroled into the country and have since been living in the interior of the United States for an extended period. The text, structure, and purpose of § 1225(b) confirm that its mandatory detention regime operates at the Nation’s borders and ports of entry, where the government determines admissibility in the first instance.

Jennings, 583 U.S. at 287.

33. A noncitizen who was paroled into the United States in August 2023 and has since resided continuously in the interior for approximately three years — during which he has held DHS-issued employment authorization and diligently pursued a pending asylum application — is no longer actively “seeking admission” within the meaning of § 1225(b)(2)(A). As the Second Circuit explained in *Guerra v. Shanahan*, 831 F.3d 59, 62–64 (2d Cir. 2016), the concept of “seeking admission” is limited to individuals encountered at or near the border, and does not extend to noncitizens who are already physically present in the United States. Extending § 1225(b) to such individuals would collapse the statutory distinction between §§ 1225 and 1226 and improperly subject a broad category of noncitizens to mandatory detention. To hold otherwise would be to render the mandatory detention provision applicable to any paroled noncitizen anywhere in the country, regardless of the length of residence or DHS’s own recognition of that noncitizen’s continuing presence — an interpretation that would effectively swallow the statutory scheme and is unsupported by controlling Eleventh Circuit authority. The Middle District of Georgia confirmed this principle in *P.R.S. v. Streeval*. There, this Court held that § 1225(b)(2)(A) does not apply to noncitizens who were placed into removal proceedings under § 1229a and detained in the interior — not at the border and not during any contemporaneous attempt to enter the country. The Court ordered

Respondents to provide either a bond hearing under § 1226(a) or immediate release.

P.R.S. v. Streeval, 4:25-cv-330, 4:25-cv-337, 4:25-cv-343, 4:25-cv-347 (M.D. Ga. Nov. 24, 2025) (Land, J.).

34. This Court applied the same reasoning in *J.A.M. v. Streeval*, holding that § 1225(b)(2)(A) does not apply to noncitizens who have resided in the United States for an extended period and are no longer actively “seeking admission,” and ordering Respondents to provide either a bond hearing under § 1226(a) or immediate release. See *J.A.M. v. Streeval*, 4:25-cv-342 (CDL), 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025).
35. Petitioner’s case stands on equally firm ground as those decided by this Court in *P.R.S. v. Streeval* and *J.A.M. v. Streeval*. He was inspected and paroled into the United States in August 2023, has resided in the interior continuously since, filed his own Form I-589 Application for Asylum, has been working pursuant to DHS-issued employment authorization, and had not been ordered removed. *P.R.S. v. Streeval* and *J.A.M. v. Streeval* are on all fours and compel the same result. If anything, Petitioner’s posture is reinforced by DHS’s own recognition of his continuing presence — in the form of employment authorization — and by the fact that his Form I-589 Application for Asylum was filed before any enforcement action against him.
36. By contrast, § 1226(a) applies broadly to noncitizens whose removability remains pending before the agency, including individuals charged as inadmissible and placed into § 1229a proceedings. Because Petitioner is awaiting adjudication of his removal proceedings and has a pending asylum application before the Immigration Court, and has

not been ordered removed, his detention — if authorized at all — arises under § 1226(a), which requires an individualized custody determination.

37. Federal courts across the country have held that § 1225(b) cannot be stretched to impose mandatory detention on noncitizens apprehended in the interior who have resided in the United States for extended periods. See *Rodriguez-Vazquez v. Bostock*, 3:25-cv-05240 (W.D. Wash. 2025) (holding that § 1226(a), not § 1225(b), governs detention where a noncitizen was not apprehended at the border or immediately upon entry); *Gomes*, No. 1:25-cv-11571-JEK (D. Mass. July 7, 2025) (same); *Khutyaev v. Arnott*, No. 6:25-cv-3393-MDH (W.D. Mo. Jan. 8, 2026) (same).
38. Petitioner acknowledges that two other Courts of Appeals have reached a contrary conclusion on the statutory question. See *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026); *Avila v. Bondi*, 170 F.4th 1128, 1133 (8th Cir. 2026). However, these decisions have been directly contradicted by the Second Circuit in *Cunha v. Freden*, 166 F.4th 494 (2d Cir. 2026), which held that § 1225(b)(2)(A) does not apply to noncitizens already physically present in the United States after entering without inspection and who were not apprehended at or near the border. The Second Circuit explained that the statutory text, structure, and long-standing Executive Branch practice limit § 1225(b) to noncitizens who are both applicants for admission and actively seeking admission. Similarly, the Seventh Circuit in *Castañon-Nava v. U.S. Department of Homeland Security*, 161 F.4th 1048, 1061 (7th Cir. 2025), concluded that noncitizens arrested in the interior who are not “seeking admission” fall under § 1226.

39. Moreover, numerous federal district courts within the Fifth Circuit have continued to grant constitutional relief even after *Buenrostro-Mendez*, recognizing that the circuit decision addressed only statutory interpretation and did not foreclose constitutional challenges under the Due Process Clause. See, e.g., *Ochoa v. Vergara*, No. 1:26-CV-266-RP, 2026 WL 32820, (W.D. Tex. Feb. 20, 2026) ("*Buenrostro-Mendez* addressed only statutory interpretation of the INA. By contrast, it did not examine whether Petitioner's ongoing detention without access to a bond hearing violates the Constitution"); *Hassen v. Noem*, No. EP-26-CV-00048-DB, 2026 WL 446506 (W.D. Tex. Feb. 9, 2026) (holding that *Buenrostro-Mendez* "does not change this case's outcome on procedural due process grounds"); *Clemente Ceballos v. Garite*, No. EP-26-CV-00312-DB, 2026 WL 446509 (W.D. Tex. Feb. 10, 2026); *Marceau v. Noem*, No. EP-26-CV-237-KC, 2026 WL 368953 (W.D. Tex. Feb. 9, 2026) ("*Buenrostro-Mendez* has no bearing on this Court's determination of whether petitioner is being detained in violation of his constitutional right to procedural due process"). These decisions confirm that constitutional due process claims remain fully viable regardless of the statutory interpretation adopted by some circuits.
40. ICE's detention of Petitioner cannot be justified by reference to any independent ground once Petitioner was placed into removal proceedings under 8 U.S.C. § 1229a. At that point, and in the absence of any criminal conduct, Petitioner's custody could only be governed by 8 U.S.C. § 1226(a).
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41. Section 1226(a) requires that detention be discretionary, subject to individualized review, and accompanied by the opportunity for release on bond or conditional parole.

42. ICE's refusal to provide Petitioner with a bond hearing or other individualized custody determination violates the INA, implementing regulations, and the Due Process Clause of the Fifth Amendment.
43. Because Petitioner is neither an arriving alien actively seeking admission nor subject to a final order of removal, his continued detention under any framework other than § 1226(a) is ultra vires.
44. Accordingly, Petitioner's detention is not authorized by statute, and habeas relief is warranted.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

45. Exhaustion of administrative remedies is not required in this case. 28 U.S.C. § 2241 contains no statutory exhaustion requirement, and courts apply only a prudential exhaustion doctrine in immigration habeas matters. See *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992), (exhaustion not required where futile). Where, as here, a petitioner challenges the statutory and constitutional authority for detention, exhaustion is not required because administrative agencies cannot adjudicate constitutional claims and lack the power to grant habeas relief. See *Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006) (BIA lacks authority to decide constitutional issues).
 46. Moreover, exhaustion would be futile because neither the IJ nor the Board of Immigration Appeals can review DHS's claim that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), nor can they order release where DHS invokes that statute. The Board of Immigration Appeals issued precedential decisions in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and *Matter of Q. Li*, 29 I&N Dec. 66
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(BIA 2025), adopting a broad reading of § 1225(b)(2) and holding that immigration judges have no authority to consider bond requests from individuals detained under that provision. Because immigration judges are bound by those holdings, any bond request would be denied as a matter of course, without adjudicating whether § 1225(b) lawfully applies. Administrative procedures therefore cannot provide the relief sought.

47. The Middle District of Georgia waived the exhaustion requirement in materially identical circumstances in both *P.R.S. v. Streeval* and *J.A.M. v. Streeval*, emphasizing that where the Government lacks a valid statutory basis for continued detention and immigration judges cannot provide a meaningful remedy, habeas relief is available without exhaustion. When the Government restrains a person's liberty, it bears the burden of identifying a lawful statutory basis for that detention and providing constitutionally adequate process. *P.R.S. v. Streeval*; *J.A.M. v. Streeval*.
48. The Government's reliance on *Matter of Yajure Hurtado* and *Matter of Q. Li* to justify mandatory detention under 8 U.S.C. § 1225(b) is legally unsustainable. As this Court recently explained in *P.R.S. v. Streeval* and *J.A.M. v. Streeval*, § 1225(b)(2)(A) applies only to noncitizens who are presently "seeking admission" into the United States, and that phrase cannot be stretched to encompass individuals who have long resided in the country and are apprehended in the interior. A noncitizen who was paroled into the United States in August 2023 pursuant to the CBP One scheduling process, has resided in Illinois for approximately three years under DHS-issued employment authorization, and was arrested in the interior while his asylum application remained pending before the Chicago Immigration Court, is no longer actively "seeking admission" within the

meaning of § 1225(b). Petitioner's detention cannot be squared with the plain text or purpose of § 1225(b).

49. Further administrative proceedings cannot remedy Petitioner's unlawful detention.

Following the BIA's decisions in *Matter of Q. Li* and *Matter of Yajure Hurtado*, Immigration Judges have routinely concluded that they lack jurisdiction to consider bond requests once DHS asserts detention authority under § 1225(b), even where the noncitizen affirmatively disputes the applicability of that statute. Administrative remedies are not merely inadequate — they are functionally unavailable.

50. For the foregoing reasons, Petitioner's detention under 8 U.S.C. § 1225(b) is without lawful basis. He was inspected and paroled into the United States in August 2023, has resided in Illinois continuously for approximately three years, filed his Form I-589 Application for Asylum with the Chicago Immigration Court on November 8, 2023, and was apprehended in the interior on or about February 12, 2026, with his asylum application pending before the Chicago Immigration Court. Following improper attempts to secure voluntary departure without adequate interpreter services, the Lumpkin Immigration Court granted counsel's Motion to Reopen by order dated April 29, 2026, and Petitioner is now scheduled to appear before the Immigration Court on May 13, 2026. His detention is governed by § 1226(a), not § 1225(b), and must be accompanied by an individualized custody determination consistent with due process. Because administrative remedies are futile and the constitutional violation is ongoing, this Court should grant the writ and order Petitioner's immediate release, or in the alternative, direct Respondents to provide a constitutionally adequate bond hearing within seven days at which the Government bears the burden of proof by clear and convincing evidence.

CLAIMS FOR RELIEF

CLAIM ONE

Detention Violates the Immigration and Nationality Act (INA)

51. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.
52. The Government is unlawfully detaining Petitioner pursuant to 8 U.S.C. § 1225(b), despite the fact that § 1225(b) governs detention arising in connection with the inspection and admission process at the border. Petitioner is not such an individual. He was inspected and paroled into the United States in August 2023 — approximately three years ago — and has resided continuously in the interior since that time under DHS-issued employment authorization. He was not apprehended at the border or during any contemporaneous effort to enter the country; he was detained in the interior of West Virginia on or about February 12, 2026, nearly three years after his initial entry, with his Form I-589 Application for Asylum pending before the Chicago Immigration Court. The statutory framework and decades of established agency practice make clear that individuals who were paroled into the country and were not apprehended at or near the border are detained, if at all, under 8 U.S.C. § 1226(a), which provides for discretionary custody and guarantees the right to an individualized bond hearing before a neutral decisionmaker.
53. The Government's effort to classify Petitioner as an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b) rests entirely on a legal label that no longer corresponds to Petitioner's actual circumstances or procedural posture. Once Petitioner was placed into standard removal proceedings under 8 U.S.C. § 1229a and jurisdiction vested with the Immigration Court, Petitioner ceased to be a noncitizen

“seeking admission” within the meaning of § 1225(b). The fact that Petitioner had filed his own Form I-589 asylum application before his detention only further confirms the depth of his engagement with the formal immigration process. Detention in such circumstances — if authorized at all — arises under 8 U.S.C. § 1226(a), which requires an individualized custody determination.

54. The Middle District of Georgia squarely rejected this Government practice in *P.R.S. v. Streeval* and *J.A.M. v. Streeval*, holding that § 1225(b) mandatory detention cannot apply to individuals apprehended in the interior who have resided in the United States for an extended period. Federal courts across the country have reached the same conclusion. See *Rodriguez-Vazquez*; *De Oliveira Gomes*; *Khutyaev*.
55. Because Petitioner is not subject to detention under § 1225(b), his continued detention without access to a custody redetermination hearing violates the INA, exceeds DHS’s statutory authority, and is unlawful. Petitioner is entitled to habeas relief, including immediate release, or in the alternative, a constitutionally compliant bond hearing under 8 U.S.C. § 1226(a).

CLAIM TWO

Violation of the Due Process Clause of the Fifth Amendment

56. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.
57. Petitioner’s continued detention without a bond hearing or individualized determination of flight risk or danger violates the Due Process Clause of the Fifth Amendment. The government asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), even though he was paroled into the United States nearly three years ago, has

resided continuously in Illinois since that time under DHS-issued employment authorization, has a pending I-589 asylum application before the Chicago Immigration Court, and was not apprehended at or near the border.

58. Treating Petitioner as an “applicant for admission” and subjecting him to indefinite, mandatory detention without procedural safeguards is arbitrary, punitive, and contrary to the basic guarantees of due process.
59. As the Supreme Court explained in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. Even where the government possesses authority to detain individuals for immigration purposes, such detention must bear a reasonable relation to its asserted purpose and be accompanied by adequate procedural protections. See *Demore v. Kim*, 538 U.S. 510, 531 (2003). Here, Petitioner’s detention is not reasonably related to any legitimate immigration purpose: he was not stopped at the border but was instead paroled into the United States nearly three years ago, has since built a life in Illinois, and filed his asylum application with the Chicago Immigration Court in November 2023, months before his detention. DHS cannot justify treating him as if he had just arrived under an expedited removal framework.
60. The Middle District of Georgia recently held in *P.R.S. v. Streeval* and *J.A.M. v. Streeval* that applying mandatory detention under § 1225(b) to noncitizens apprehended in the interior violates the Due Process Clause. The courts held that detention without a bond hearing violated the Fifth Amendment and ordered the government to provide a bond hearing under § 1226(a) or immediately release the petitioners. The government provides

no mechanism for Petitioner to contest his detention or seek release, resulting in effectively indefinite detention without process, which the Supreme Court has repeatedly condemned. See *Zadvydas v. Davis*, at 678, 690–92; *Clark v. Martinez*, 543 U.S. 371, 386–87 (2005).

61. Accordingly, Petitioner’s continued detention violates the Fifth Amendment, and this Court should grant habeas relief and order Petitioner’s immediate release, or, at a minimum, a prompt bond hearing with the government bearing the burden to justify continued detention by clear and convincing evidence.

CLAIM THREE

Violation of the Suspension Clause of the U.S. Constitution

62. Petitioner incorporates by reference all preceding paragraphs. The Suspension Clause guarantees that “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” Petitioner’s continued detention, without access to judicial review or a mechanism to challenge the legality of custody, violates this constitutional guarantee. By asserting mandatory detention authority under 8 U.S.C. § 1225(b) and denying Petitioner any opportunity to seek release or a bond hearing, the government has effectively extinguished the core function of the writ — to test the legality of restraint on personal liberty.
 63. The Supreme Court has long held that habeas relief remains available to noncitizens seeking to challenge unlawful executive detention. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). The writ cannot be withdrawn where, as here, the Executive detains an individual
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without statutory authority and without due process safeguards. See *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

64. The Middle District of Georgia has confirmed that challenges to the legality of civil immigration detention arising from interior enforcement actions fall squarely within the core of habeas review and cannot be foreclosed by § 1226(c). See *P.R.S. v. Streeval*; *J.A.M. v. Streeval*. The Court has further held that where the Government lacks a valid statutory basis for continued detention and cannot cure that defect through post-hoc procedural mechanisms, habeas relief — including immediate release — is warranted.

J.A.M. v. Streeval.

65. Because Petitioner's detention without access to meaningful judicial review of his custody constitutes an effective suspension of the writ of habeas corpus, this Court must exercise jurisdiction and grant relief. Petitioner respectfully requests an order directing his immediate release, or, in the alternative, a prompt individualized custody hearing at which the government must justify continued detention by clear and convincing evidence.

REQUEST FOR IMMEDIATE RELEASE

66. As reflected in the Declaration of Jorge E. Artieda, Esq., a former attorney with U.S. Immigration and Customs Enforcement and former Special Assistant United States Attorney, submitted as an exhibit to this Petition, immigration judges have recently begun routinely denying bond in post-habeas cases based on generalized and speculative findings of flight risk, even where respondents demonstrate strong community ties, lack of criminal history, and viable forms of relief from removal. Mr. Artieda explains that, based on more than two decades of experience in immigration enforcement and detention

litigation, this pattern represents a marked shift in bond adjudications, in which immigration judges increasingly rely on abstract rationales — such as the speculative nature of relief applications, lack of financial sponsorship, or immigration status violations common to virtually all detained individuals — to deny bond without meaningful individualized analysis.

67. This Court has recognized that where the Government lacks statutory authority to detain a petitioner under § 1225(b), the appropriate remedy is either a bond hearing under § 1226(a) or release from custody by a date certain. In *P.R.S. v. Streeval*, this Court ordered Respondents to either afford Petitioners the statutory process required under § 1226(a) — which includes a bond hearing — or release them from custody by a date certain, without conditioning relief solely on the outcome of an administrative process. *P.R.S. v. Streeval*. Other courts have reached the same conclusion in materially identical circumstances.
68. The record establishes that Petitioner poses no danger to the community and no risk of flight. Petitioner has no criminal history of any kind. He was inspected and paroled into the United States on August 10, 2023, at the Calexico, California Port of Entry pursuant to the CBP One scheduling process, and has since lived in Illinois for approximately three years. He filed a Form I-589 Application for Asylum and for Withholding of Removal with the Chicago Immigration Court on November 8, 2023, and has been continuously employed as a truck driver pursuant to a five-year Employment Authorization Document issued by DHS. He was not evading immigration authorities at the time of his arrest — he was living at his known address of record with his asylum application pending before the Chicago Immigration Court. These undisputed facts leave no legitimate basis for continued detention.

69. Petitioner's case illustrates the constitutional defect at issue. Because DIIS has invoked § 1225(b), Immigration Judges are categorically precluded under current BIA precedent from exercising bond jurisdiction over Petitioner's custody. See *Matter of Q. Li, Yajure Hurtado*. Petitioner has therefore been held since on or about February 12, 2026, without any opportunity whatsoever to appear before a neutral decisionmaker and present the overwhelming evidence that he is neither a danger to the community nor a flight risk. This is not a case where a bond hearing was held but produced an inadequate result — it is a case where the Government's statutory misclassification has foreclosed any bond forum entirely.
70. Mr. Artieda's declaration confirms that even where bond hearings do occur in analogous cases, immigration judges have adopted a practice of denying bond in post-habeas proceedings by relying on boilerplate findings that an applicant's form of relief is "speculative," that the applicant lacks sufficient financial sponsorship, or that the applicant's immigration status itself constitutes evidence of flight risk — rationales inherent to virtually every detained noncitizen and which cannot constitute the individualized assessment that due process requires. Where, as here, the Government's classification forecloses bond jurisdiction entirely, the risk of this systemic failure is not merely theoretical; it is a near certainty. Ordering a bond hearing under a § 1225(b) framework would subject Petitioner to a process that is constitutionally deficient from its inception.
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71. Under these circumstances, ordering another bond hearing would not cure the constitutional defect. Courts have recognized that where the existing detention framework cannot reliably safeguard a detainee's liberty interest, habeas relief in the

form of immediate release is appropriate. See *P.R.S. v. Streeval*. The purpose of habeas review is not to require repetitive administrative proceedings that cannot provide meaningful relief, but to ensure that unlawful detention ceases.

72. Accordingly, the appropriate remedy is not another bond hearing, but Petitioner's immediate release from custody under reasonable conditions of supervision.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
 2. Issue an Emergency Order prohibiting Respondents from transferring Petitioner outside this judicial district during the pendency of these proceedings;
 3. Grant the Petition for a Writ of Habeas Corpus and hold that Petitioner's continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;
 4. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from immigration detention, as continued detention without constitutionally adequate procedures is unlawful;
 5. In the alternative, should the Court determine that release is not immediately warranted, order Respondents to provide Petitioner with a constitutionally adequate individualized bond hearing within seven (7) days, at which the Government bears the burden of proving dangerousness or flight risk by clear and convincing evidence;
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6. Order that if Respondents fail to provide such a hearing within the specified time, or fail to meet their burden of proof, Petitioner must be immediately released from custody;
7. Temporarily enjoin the Government from re-detaining Petitioner for seven (7) days following his release from custody,
8. If the Government pursues re-detention after the seven-day period, order that it must first provide Petitioner with a bond hearing at which a neutral immigration judge shall determine whether detention is warranted pending the resolution of his removal proceedings;
9. Pending a bond hearing, enjoin the Government from removing, transferring, or otherwise facilitating the removal of Petitioner from the Middle District of Georgia;
10. Upon Petitioner's release, order Respondents to return all of Petitioner's personal belongings confiscated upon his detention, including identification documents, and
11. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on May 1, 2026.

COUNSEL FOR PETITIONER,



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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 reviewed the relevant documentation of the events described in this Petition that was reasonably available to me prior to and at the time of filing. Based on those documents and on discussions with individuals whom the Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Verified Petition are true and correct to the best of my knowledge. Respectfully submitted on May 1, 2026.

COUNSEL FOR PETITIONER

/s/ Harun Taskin

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