

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

CARLOS ZAMBRANO-JAIMES

Petitioner

V.

Case No.

Agency File



WARDEN, Stewart Detention Center;

MARKWAYNE MULLIN, Secretary of the
United States Department of Homeland
Security;

FIELD OFFICE DIRECTOR, Atlanta Field Office,
U.S. Immigration and Customs Enforcement,

Respondents

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Petitioner, Carlos Zambrano-Jaimes by and through undersigned Counsel, files this
Complaint for Injunctive, Declaratory and Mandamus Relief and alleges as follows;

INTRODUCTION

Mr. Carlos Zambrano-Jaimes, a citizen and native of Venezuela is currently in Immigration
and Customs Enforcement (“ICE”) detention at the Stewart Detention Center in Lumpkin,
Georgia, which is under the jurisdiction of the Atlanta Field Office. He has been held in ICE
custody since May 13, 2026.

Respondents may contend that Petitioner can simply seek a bond hearing before the Immigration Court in light of *Hernandez Alvarez v. Warden, Federal Detention Center Miami*. However, federal habeas jurisdiction remains necessary because immigration courts have, in practice, declined to exercise bond jurisdiction over individuals DHS has classified under § 1225(b), regardless of intervening federal authority. *See Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) (holding that noncitizens who are apprehended shortly after entering the U.S. without inspection are subject to mandatory detention under § 1225(b) and are ineligible for a bond hearing before an immigration court; only DHS parole is available). Petitioner therefore faces a substantial risk of continued detention absent an order from this Court.

JURISDICTION

1. This action arises under the Constitution of the United States of America, 28 U. S. C. § 2241 et seq. (habeas corpus), the Immigration and Nationality Act (INA), 8 U. S. C. § 1101 et seq., Title 8 of the Code of Federal Regulations, and the Administrative Procedure Act (APA), 5 U. S. C. §§ 555(b), 701, et seq.
2. The Court has jurisdiction over this case under 28 U. S. C. § 2241 (habeas corpus), and § 1331 (federal question).
3. The Court may grant relief pursuant to the U.S. Const., art. I, § 9, cl. 2 (Suspension Clause), 28 U. S. C. § 1651 (All Writs Act), 28 U. S. C. §§ 2201–02 (declaratory relief), 28 U. S. C. § 2241 (habeas corpus), and 5 U. S. C. §§ 701 et seq. (Administrative Procedure Act).

VENUE

4. Venue is proper in this district under 28 U.S.C. §§ 1391(e)(1) and & 28 U.S.C. § 2241 because (1) “a substantial part of the events or omissions giving rise to the claim occurred”

and (2) this is the district where “the custodian can be reached by service of process.” *Rasul v. Bush*, 542 U.S. 466, 478-79 (2004).

PARTIES

5. The Petitioner, **Carlos Zambrano-Jaimes** is currently detained by the Respondents at the Stewart Detention Center in Lumpkin, Georgia. The Petitioner is under direct control of the Respondents and their agents.
6. The Respondent, **Warden, Stewart Detention Center** is sued in his official capacity as the direct custodian of the Petitioner. In this capacity, he has jurisdiction and supervisory authority over the detention center in which the Petitioner is held, is authorized to release the Petitioner and is the immediate custodian of the Petitioner.
7. The Respondent, **Markwayne Mullin** is sued in his official capacity as the Secretary of the Department of Homeland Security (DHS). Because ICE is a subagency for the DHS, Secretary Mullin is a legal custodian of the Petitioner.
8. The Respondent, **Field Office Director** is sued in his official capacity as the Field Office Director for the U.S. Immigration and Customs Enforcement (ICE) Atlanta Field Office. In this capacity, he has jurisdiction and supervisory authority over the detention center in which the Petitioner is held, is authorized to release the Petitioner and is the immediate custodian of the Petitioner.

EXHAUSTION OF REMEDIES

9. No exhaustion is required for Petitioner's habeas claim. "Section 2241 itself does not impose an exhaustion requirement." *Santiago-Lugo v. Warden*, 785 F.3d 467, 474 (11th Cir. 2015).

10. A petitioner need not exhaust administrative remedies "where the administrative remedy will not provide relief commensurate with the claim." *Boz v. United States*, 248 F.3d 1299, 1300 (11th Cir. 2001), abrogated on other grounds recognized by *Santiago-Lugo*, 785 F.3d at 474–75 n.5.
11. Both conditions are satisfied here. First, a bond hearing before the Immigration Court is not merely inadequate — it is structurally unavailable. Under *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), immigration courts determine bond jurisdiction based on DHS's custody classification label, not on an independent statutory analysis. Because DHS has classified Petitioner's detention under § 1225(b), an immigration court will decline to exercise bond jurisdiction regardless of what this Court or any habeas court has held about the correct statutory classification. Directing Petitioner to exhaust a remedy that the BIA's own precedent forecloses would be to require a futile act.
12. Second, even setting aside IJ jurisdiction, requiring Petitioner to pursue a bond hearing and then appeal any adverse ruling to the BIA — where *Matter of Q. Li* is binding precedent — would impose months of additional delay with no realistic prospect of relief. The administrative process cannot correct the constitutional and statutory injury at issue here: the absence of any individualized custody determination whatsoever. Federal habeas jurisdiction is therefore both legally available and practically necessary.

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

14. 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); *See also, Johnson v. Rogers*, 917 F.2d 1283, 1284 (10th Cir. 1990).

FACTUAL ALLEGATIONS

15. The Petitioner is a native and citizen of Venezuela.
16. Following his entry, Petitioner was encountered by immigration officials and placed on ISAP supervision. From the time of his first release through May 13, 2026 — a period of approximately thirty-two months — Petitioner reported to ICE every fifteen days without a single failure to appear, and wore an ankle monitor continuously throughout that entire period. At no point did ICE or any government authority ever find that Petitioner posed a danger to the community or a risk of flight.
17. Petitioner's original Notice to Appear, issued September 19, 2023, by U.S. Customs and Border Protection at Eagle Pass, Texas, charged him as 'an alien present in the United States who has not been admitted or paroled' under INA § 212(a)(6)(A)(i). DHS did not designate him as an arriving alien, did not issue an expedited removal order, and did not parole him into the United States under § 1225(b)(2)(B). Notwithstanding that original classification, Petitioner has been held without any individualized bond hearing or custody determination, and because DHS has not reclassified his detention under § 1226(a), immigration courts

applying *Matter of Q. Li* will decline to exercise bond jurisdiction regardless of the statutory framework that actually governs his custody.

18. Petitioner timely filed an application for asylum, withholding of removal, and protection under the Convention Against Torture. Following merits hearings on November 5, 2024, and December 19, 2024, the Immigration Court issued a written decision on February 11, 2025, denying all forms of relief. The IJ's denial rested in part on the Circumvention of Lawful Pathways rule, 8 C.F.R. § 1208.33 — a regulatory bar subject to ongoing legal challenge — and independently on nexus grounds. Petitioner timely appealed to the Board of Immigration Appeals. That appeal is currently pending and raises questions of law that remain unresolved. The pendency of that appeal, however, concerns the merits of Petitioner's protection claims and has no bearing on the separate and independent question of whether his pre-hearing detention is lawfully classified under § 1225 or § 1226.
19. On May 13, 2026, Petitioner presented himself voluntarily at his scheduled ISAP reporting appointment in Charlotte, North Carolina. He was arrested at that appointment and transferred to ICE detention at the Stewart Detention Center. He has been held there ever since, without any individualized custody determination, any bond hearing, or any finding that he poses a danger or flight risk.

LEGAL FRAMEWORK
8 U.S.C. § 1225 & §1226

20. The Immigration and Nationality Act (“INA”) establishes distinct statutory frameworks governing immigration detention. The proper classification of detention authority is dispositive of whether an individual is entitled to an individualized custody determination.
21. Section 1226 governs the detention of noncitizens “pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). Individuals detained under

§ 1226(a) are entitled to a bond hearing before an immigration court. See 8 C.F.R. §§ 1003.19(a), 1236.1(d); *see also Jennings v. Rodriguez*, 583 U.S. 281 (2018).

22. By contrast, § 1225 governs the inspection and detention of noncitizens who are arriving at the border or otherwise “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). The Supreme Court has explained that this provision applies at “the Nation’s borders and ports of entry,” where the Government determines admissibility. *Jennings*, 583 U.S. at 287.
23. The statutory distinction is critical. Section 1226 applies to individuals already present in the United States and placed into removal proceedings, while § 1225 applies to individuals at or near the point of entry who are undergoing inspection.
24. Federal courts—including courts within this District—have repeatedly rejected the Government’s attempt to expand § 1225 to individuals apprehended in the interior of the United States after prior release. In *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL 3050094, at *1 (M.D. Ga. Nov. 1, 2025), and *P.R.S. v. Streeval*, No. 4:25-CV-330, 2025 WL 3269947, at *1 (M.D. Ga. Nov. 24, 2025), the Middle District of Georgia held that noncitizens arrested in the interior and placed into removal proceedings are detained under § 1226(a), not § 1225(b), and are therefore entitled to bond hearings.
25. Petitioner is precisely the class of individual those decisions address and that the Middle District of Georgia’s Standing Order 2026-01 (Jan. 29, 2026) was designed to protect. Like the petitioners in *J.A.M.* and *P.R.S.*, Petitioner entered the United States, was released by the Government, resided here for years under active ICE supervision, and was re-apprehended in the interior — not at the border, not at a port of entry, and not during any inspection process. DHS’s after-the-fact reclassification of his detention as § 1225(b) does

not change the legal character of his custody; it simply insulates that custody from the administrative review Congress provided under § 1226(a). This Court has recognized that pattern and has jurisdiction to correct it.

26. Consistent with those rulings, the Middle District of Georgia has recognized that a substantial number of detainees held at Stewart Detention Center are improperly classified under § 1225 and are entitled to relief in habeas corpus proceedings. See Standing Order 2026-01 (M.D. Ga. Jan. 29, 2026).
27. The statutory text confirms this conclusion. Section 1226(a) applies broadly to individuals pending removal proceedings, including those charged as inadmissible. See 8 U.S.C. § 1226(c)(1)(E). The existence of specific exceptions within § 1226 confirms that Congress intended § 1226(a) to apply by default.
28. By contrast, § 1225(b)(2) is limited to individuals who are actively “seeking admission.” It does not apply to individuals, like Petitioner, who entered the United States, were released, and later re-apprehended in the interior after residing in the country.
29. Here, Petitioner entered the United States in September 2023, placed on ISAP supervision for approximately 3 years, complied continuously, and was re-detained May 13, 2026 at a scheduled reporting appointment in Charlotte, North Carolina.
30. Under these facts, Petitioner is detained, if at all, pursuant to § 1226(a), and is therefore entitled to an individualized bond hearing. His continued detention under § 1225—or without any meaningful custody determination—is unlawful.
31. Respondents may contend that Petitioner can seek a bond hearing before the Immigration Court following *Hernandez Alvarez*. That remedy is illusory here. Immigration courts in this and other circuits have accordingly declined to exercise bond jurisdiction over

individuals in DHS's § 1225 custody classification, even where habeas courts have subsequently determined that § 1226(a) governs.

32. Petitioner was initially encountered by immigration authorities after entering the United States in September 2023. Rather than remaining in border detention, however, he was released by the Government and thereafter resided in the United States for nearly three years under ICE supervision, complied with reporting requirements, pursued asylum proceedings, and was re-detained only when he appeared for a scheduled ISAP check-in on May 13, 2026. Because DHS continues to classify his detention under § 1225(b), Petitioner cannot obtain meaningful relief from the Immigration Court absent intervention by this Court.

33. *Hernandez Alvarez* confirms that an unadmitted noncitizen found in the interior is not automatically subject to detention under § 1225(b)(2)(A) merely because he has not been formally admitted. The Eleventh Circuit expressly rejected the Government's position that every unadmitted noncitizen present in the United States is necessarily "seeking admission" within the meaning of § 1225(b)(2)(A).

The Petitioner's Detention Violates Due Process

34. Even apart from the statutory defect, Petitioner's continued detention violates the Fifth Amendment.

35. Civil immigration detention is constitutionally permissible only insofar as it remains nonpunitive and reasonably related to its purpose. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Where detention becomes prolonged or arbitrary, due process requires additional procedural safeguards.

36. Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), courts evaluate: (1) the private liberty interest, (2) the risk of erroneous deprivation, and (3) the Government's interest.
37. Each factor weighs decisively in Petitioner's favor.
38. First, Petitioner's interest in freedom from physical restraint is fundamental. See *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).
39. Second, the risk of erroneous deprivation is extreme where, as here, detention occurs without any individualized custody determination. Petitioner has never been afforded a bond hearing, despite years of compliance and the absence of any finding that he poses a danger or flight risk.
40. Third, the Government's interest does not justify detention without process. Petitioner complied with all reporting requirements and was detained only after presenting himself voluntarily to ICE. Under these circumstances, continued detention without a hearing is not reasonably related to any legitimate regulatory purpose.
41. The Constitution does not permit the Government to convert civil detention into a regime of automatic, unreviewable confinement. See *Zadvydas*, 533 U.S. at 690; *Foucha*, 504 U.S. at 80.
42. Moreover, the Government cannot evade constitutional constraints by reclassifying Petitioner's detention under § 1225 after years of presence in the United States. Such post hoc recharacterization would render the statutory scheme meaningless and allow detention to become arbitrary and punitive. *Bell v. Wolfish*, 441 U.S. 520, 538-539 (1979).
43. Accordingly, even if § 1225 were deemed applicable—which it is not—due process independently requires that Petitioner receive a prompt, individualized custody determination.

A. Petitioner's Compliance Record Independently Establishes That Release Is the Appropriate Remedy

44. The primary relief sought is Petitioner's immediate release. The purpose of a bond hearing is to determine two things: whether the petitioner poses a danger to the community, and whether he poses a risk of flight. The Government has already received precisely the evidence a bond hearing is intended to generate. For nearly three years, Petitioner lived under intensive supervision in the community and complied with every condition imposed upon him. He reported to ICE every fifteen days without a single failure to appear. He wore an ankle monitor continuously for thirty-two months. He had no criminal history, no violations, and no absconding. He presented himself voluntarily at the very appointment where ICE arrested him. No further factual development is necessary to determine whether Petitioner can safely remain at liberty pending completion of his immigration proceedings. The Government's own supervision record answers the question a bond hearing is designed to ask — and it answers it in Petitioner's favor. Indeed, no immigration officer, immigration court, or DHS official has ever found Petitioner to be either dangerous or a flight risk.
45. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the constitutional inquiry requires this Court to assess not only whether process is formally available, but whether that process is capable of correcting the risk of erroneous deprivation. Where the factual record already demonstrates that a petitioner is neither dangerous nor a flight risk — as thirty-two months of government-supervised compliance does here — remanding to a bond hearing does not reduce the risk of erroneous deprivation. It merely delays the inevitable while Petitioner remains incarcerated. The Government cannot manufacture uncertainty about flight risk that its own supervision program has already resolved.

46. The Government cannot manufacture a flight risk by pointing to the existence of a removal order when the removal order itself is the subject of a pending appeal. Petitioner's three-year compliance record under active ICE supervision is the most reliable predictor of his behavior if released — and it predicts that he will appear. Immediate release, with conditions if this Court deems appropriate, is the only remedy that gives due process its content in this case. The flexibility of habeas relief further supports that result. Habeas courts are empowered to “dispose of the matter as law and justice require,” 28 U.S.C. § 2243, and may fashion relief that restores a petitioner to the position he would have occupied had the Government adhered to the governing statutory and constitutional framework. *See Cifuentes v. Soto*, No. 25-cv-18029, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025) (“The flexibility of habeas relief allows the Court to restore Petitioner to the position he would have occupied had DHS adhered to law.”). Here, that position is not continued incarceration pending additional layers of administrative review, but release under the same supervision framework with which Petitioner successfully complied for nearly three years.

B. In the Alternative, a Bond Hearing Would Not Provide Meaningful Relief

47. Even if this Court concludes that a bond hearing is the appropriate initial remedy, that hearing would not provide meaningful relief in this case for two independent reasons.
48. First, immigration courts applying *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), decline to exercise bond jurisdiction over individuals DHS has classified under § 1225(b), deferring to DHS's custody label rather than conducting an independent statutory analysis. Because DHS has not reclassified Petitioner's detention under § 1226(a), an immigration court will decline jurisdiction regardless of what this Court or *Hernandez Alvarez* holds about the

correct statutory framework. An order directing a bond hearing would therefore either go unexecuted or require this Court to separately compel DHS reclassification — relief this Court can and should order directly in the first instance.

49. Second, the conclusion that a bond hearing is an illusory remedy is not speculative — it is documented across multiple federal districts, including within this circuit. Federal courts nationwide have increasingly recognized that immigration bond hearings conducted under current Executive Office for Immigration Review have been found to provide inadequate process under the circumstances presented and have ordered immediate release rather than remanding petitioners to a process incapable of providing meaningful relief.
50. The Southern District of West Virginia has concluded, across dozens of cases following a January 2026 ICE enforcement action, that bond hearings before immigration courts would not comport with due process and that ordering such hearings would be futile. *Umarov v. Mason*, No. 2:26-cv-00081, 2026 WL 381614 (S.D. W. Va. Feb. 11, 2026) (Berger, J.) (ordering immediate release); *Briceno Solano v. Mason*, No. 2:26-CV-00045, 2026 WL 311624, at *19 (S.D.W. Va. Feb. 4, 2026) (Johnston, J.); *Alberto Jose Simanca Gonzalez v. Carl Aldridge, et al.*, Civ. Action No. 3:26-cv-55, 2026 WL 313476 (S.D. W.Va. February 5, 2026) (Chambers, J.); *Yuri Jhoana Gutierrez Aroca and Arley Cabrera Valenzuela v. Christopher Mason, et al.*, Civ. Action No. 2:26-cv-57 (S.D. W.Va. Feb. 9, 2026) (Goodwin, J.). (finding petitioners had not received due process and ordering release where government offered no statutory basis for detention). The District of Minnesota ordered immediate unconditional release where the government provided no statutory basis for detention, finding a bond hearing remedy inadequate on the facts. *Rosa F.L.T. v. Bondi*, No. 26-cv-807 (KMM/DTS) 2026 WL 254584 (D. Minn. Jan. 2026)

(ordering immediate release). See *Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (ordering immediate release where petitioner had previously been released by ICE and a bond hearing would merely prolong unlawful detention).

51. In the District of Colorado — where the volume of habeas immigration litigation has generated the most developed body of doctrine — Senior Judge William J. Martínez explicitly confronted and rejected the bond hearing remedy in *Singh v. Valdez*, No. 1:26-cv-01109-WJM, 2026 WL 890240 (D. Colo. Apr. 1, 2026), ordering immediate release after finding that "the mounting evidence that bond determination hearings conducted in immigration court have preordained outcomes has become impossible to ignore." The court observed that immigration courts were routinely issuing bond denials with no case-specific analysis and 'transform an unlawful detention into a lawful one through post-hoc justifications'.
52. Petitioner presents the same profile as the petitioners in each of the foregoing decisions: no criminal history, a pending BIA appeal, arrest at a voluntary reporting appointment, and thirty-two months of unbroken compliance under government supervision. First, as documented above, DHS' s § 1225(b) classification means an immigration court will decline jurisdiction under *Matter of Q. Li* without reaching the merits of whether Petitioner poses a danger or flight risk. Second, even if an immigration court were to exercise jurisdiction, Petitioner faces a substantial risk that any bond proceeding will devolve into extended litigation over jurisdiction and appeal rights rather than a meaningful evaluation of the undisputed facts demonstrating his compliance. For Petitioner, an order for a bond hearing would mean months of additional detention while litigating IJ jurisdiction,

appealing to the BIA where *Matter of Q. Li* is binding, and returning to this Court — all while the underlying factual question of flight risk has already been answered by three years of real-world compliance. That is not due process. It is its denial.

**FIRST CAUSE OF ACTION
VIOLATION OF THE INA (UNLAWFUL DETENTION)**

53. Respondents' detention of Petitioner under § 1225, or without providing a bond hearing, exceeds their statutory authority.
54. As set forth above, Petitioner's detention is governed by 8 U.S.C. § 1226(a). Under that provision, he is entitled to an individualized custody determination before an immigration court. See 8 C.F.R. §§ 1003.19(a), 1236.1(d).
55. By detaining Petitioner without providing such a hearing, Respondents are acting contrary to the INA and beyond the scope of their lawful authority. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Demore v. Kim*, 538 U.S. 510 (2003).
56. This unlawful detention is subject to review and remedy through habeas corpus. See *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

**SECOND CAUSE OF ACTION
VIOLATION OF THE FIFTH AMENDMENT (DUE PROCESS)**

57. Petitioner's continued detention without any individualized custody determination violates the Due Process Clause of the Fifth Amendment.
58. Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), each factor weighs decisively in Petitioner's favor. His liberty interest is fundamental. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). The risk of erroneous deprivation is not merely elevated — it is near-certain, because neither the immigration court nor DHS has ever conducted the individualized analysis that due process requires. And the Government's interest in detention is

undermined, not supported, by Petitioner's thirty-two-month compliance record: he has already demonstrated, by his conduct, that he is neither a danger nor a flight risk.

59. Petitioner has been detained despite full compliance with every ICE requirement imposed on him, voluntary presentation at the appointment where he was arrested, no criminal history, no prior failure to appear, a pending BIA appeal, and the complete absence of any prior finding of danger or flight risk. No immigration authority has ever been afforded the opportunity to make that finding on the merits, because no bond hearing has ever been held. That absence of process is itself the constitutional violation.

60. Detention without individualized determination is arbitrary and punitive. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Foucha*, 504 U.S. at 80. The Government cannot convert a civil regulatory scheme into automatic, unreviewable confinement by affixing a § 1225 label to someone who has lived in the United States for three years under government supervision. *Bell v. Wolfish*, 441 U.S. 520, 538–39 (1979). Petitioner is entitled to immediate release, or in the alternative to a prompt bond hearing at which the Government bears the burden of proof.

61. Where the Government seeks continued physical detention, due process requires procedures that adequately protect against erroneous deprivation of liberty. *See Addington v. Texas*, 441 U.S. 418, 425–33 (1979) (requiring clear and convincing evidence before involuntary civil commitment may continue). Accordingly, if this Court orders a bond hearing rather than immediate release, Respondents must bear the burden of proving by clear and convincing evidence that continued detention is necessary because Petitioner presents a danger to the community or a risk of flight.

62. Petitioner is entitled to immediate release. In the alternative, if this Court determines that a bond hearing is the appropriate remedy, due process requires a prompt individualized custody hearing at which Respondents bear the burden of proving by clear and convincing evidence that Petitioner presents either a danger to the community or a risk of flight warranting continued detention.

**THIRD CAUSE OF ACTION
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**

63. The Administrative Procedure Act (“APA”) prohibits agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

64. Respondents’ continued detention of Petitioner without providing a bond hearing or properly applying the governing statutory framework constitutes final agency action subject to review.

65. By misclassifying Petitioner’s detention under § 1225, failing to provide a bond hearing required under § 1226(a), and detaining Petitioner without individualized justification, Respondents have acted in a manner that is arbitrary, capricious, and contrary to law.

66. Petitioner is therefore entitled to declaratory and injunctive relief under 5 U.S.C. §§ 702, 706.

PRAYER FOR RELIEF

WHEREFORE, and in light of the foregoing, Petitioner prays that the Court:

- a. Assume jurisdiction over this action pursuant to 28 U.S.C. §§ 2241 and 1331;

- b. Issue a writ of habeas corpus declaring that Respondents' detention of Petitioner violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, and the Administrative Procedure Act;
- c. Order Petitioner's immediate release from custody on the ground that his detention lacks any lawful statutory or constitutional basis;
- d. In the alternative, order Respondents to provide Petitioner with a prompt and constitutionally adequate bond hearing before an immigration court within a fixed and brief period, at which Respondents bear the burden of proving by clear and convincing evidence that Petitioner presents a danger to the community or a risk of flight warranting continued detention. *See Addington v. Texas*, 441 U.S. 418, 425–33 (1979) (requiring clear and convincing evidence before involuntary civil commitment may continue);
- e. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of these proceedings so as to preserve this Court's jurisdiction;
- f. Declare that Respondents' failure to properly classify Petitioner's detention under 8 U.S.C. § 1226(a) and to provide an individualized custody determination exceeds their statutory authority and is not in accordance with law;
- g. Declare that Respondents' conduct constitutes arbitrary and capricious agency action in violation of the Administrative Procedure Act, 5 U.S.C. § 706;
- h. Award Petitioner attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, to the extent permitted by law; and
- i. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted June 9, 2026,

/s/Peter Isbister

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**VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I, Peter Isbister, am submitting this verification on behalf of the petitioner because I am the petitioner's attorney. I am acting on behalf of the petitioner, Carlos Zambrano-Jaimes, based on discussions with him and the handling of his administrative case. On the basis of these discussions and the handling of his case, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: June 9, 2026

/s/Peter Isbister

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