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

Murad JASANI,

Petitioner,

v.

Jason STREEVAL, Warden of Stewart Detention Center, in his official capacity; George STERLING, Deputy Field Office Director of the Atlanta Field Office, U.S. Immigration and Customs Enforcement; David VENTURELLA, in his official capacity as acting Director of U.S. Immigration and Customs Enforcement, Markwayne MULLIN, in her official capacity as Secretary of the U.S. Department of Homeland Security, and Todd BLANCHE, in her official capacity as U.S. Attorney General; Daren MARGOLIN, Director for Executive Office for Immigration Review,

Respondents.

HEARING REQUESTED

Case No.:

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

INTRODUCTION

1. Petitioner Murad Jasani (A [redacted] is a native and citizen of India who has resided in the United States since March 2023, after presenting a valid B-2 visa. At the time of his entry, U.S. Customs and Border Protection ("CBP") cancelled his visa, and he was given a credible fear interview by an asylum officer. He received a positive credible fear determination, was released on an order of recognizance, and he was placed into Section 240 removal proceedings. He has complied with all obligations since, and he has no criminal convictions that would render him ineligible for consideration of a bond. Recently, U.S. Immigration and Customs Enforcement ("ICE") detained Mr. Jasani during a regularly scheduled report date, and he is currently detained at Stewart Detention Center in Lumpkin, Georgia.

2. Despite the recent decision issued by the Eleventh Circuit Court of Appeals in *Alvarez v. Warden*, Case No. 25-14065 (11th Cir. May 2026), DHS has determined that Mr. Jasani is detained under INA § 235(b)(1), 8 U.S.C. § 1225(b)(1), because he was initially placed in expedited removal proceedings. Even though Mr. Jasani is currently in formal removal proceedings and is no longer in expedited removal proceedings, Respondents still consider him to be in expedited removal proceedings and ineligible for bond under *Matter of M-S-*, 27 I. & N. 509 (A.G. 2019). Under that decision, Respondents incorrectly find that individuals like Mr. Jasani are mandatorily detained under § 1225(b)(1) and are not eligible for bond under § 1226(a).

3. Following the Eleventh Circuit decision, Mr. Jasani's detention under § 235(b)(1) and DHS' position nonetheless remain unchanged, and this continues to violate the text and structure of the INA and its implementing regulations.

4. Federal courts across the country have rejected *Matter of M-S-* and have held that detention of long-time residents apprehended in the interior is governed by § 1226(a). These courts

recognize that applying § 1225(b)(1) to people in formal removal proceedings and not expedited removal proceedings misreads the INA.

5. This Court has already found that individuals like Mr. Jasani are eligible for bond because they are detained pursuant to § 236(a), and thus it ordered immigration courts subject to this court's jurisdiction to hold bond hearings to determine whether such individuals are eligible for discretionary bond. *J.A.M. v. Streeval*, No. 4:25- CV-342 (CDL), 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025). Petitioner continues to fall into the category of an individual detained pursuant to Section 236(a) despite having initially been processed for expedited removal before the order was vacated, and he was placed into full removal proceedings.

6. Respondents' interpretation is arbitrary and capricious under the Administrative Procedure Act, as it ignores that fact that Petitioner's expedited removal order was vacated, and he was released, and placed into full removal proceedings. Further, Mr. Jasani's prolonged civil detention without access to a bond hearing violates the Due Process Clause of the Fifth Amendment.

7. Mr. Jasani respectfully requests that this Court: (a) declare that his detention is governed by § 236(a) and that he is therefore eligible for bond; (b) order Respondents to provide him with an immediate bond hearing before a neutral arbiter applying § 236(a); and (c) if Respondents fail to provide such a hearing within a reasonable time, order him released from custody under appropriate conditions of supervision.

JURISDICTION AND VENUE

8. Mr. Jasani is currently in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia.

9. This Court has jurisdiction under 28 U.S.C. § 2241 (*habeas corpus*), 28 U.S.C. §

1331 (*federal question*), 28 U.S.C. § 1651 (*All Writs Act*), 28 U.S.C. §§ 2201–2202 (*Declaratory Judgment Act*), 5 U.S.C. § 702 (*APA*), and Article I, Section 9, Clause 2 of the United States Constitution (*Suspension Clause*). Mr. Jasani is presently in custody under color of the authority of the United States and challenges his custody as in violation of the Constitution, laws, or treaties of the United States.

10. Federal district courts have jurisdiction under § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. See, e.g., *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). The Supreme Court has repeatedly upheld such jurisdiction, most recently in *Jennings v. Rodriguez*, 583 U.S. 281, 292–96 (2018).

11. Venue is proper in the Middle District of Georgia, Columbus Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d), because Petitioner is detained within this District at the Stewart Detention Center.

PARTIES

12. Petitioner Murad Jasani is a native and citizen of India unlawfully detained at the Stewart Detention Center in Georgia. ICE has held him in custody since June 2026. He is not subject to a final order of removal. Under the BIA's decision in *Matter of M-S-*, 27 I. & N. Dec. 509 (AG 2019), DHS argues that Immigration Judges do not have jurisdiction to redetermine custody for individuals like Mr. Jasani. As a result, he has been categorically denied access to a bond hearing.

13. Respondent, the Warden of Stewart Detention Center, controls the detention center where Petitioner is confined under the authority of ICE. The Warden has direct physical custody of Petitioner and is his immediate custodian. The Warden is sued in his official capacity.

14. Respondent George Sterling is the Acting Director of ICE's Atlanta Field Office,

which has jurisdiction over ICE detention facilities in Georgia, including the Stewart Detention Center. He exercises authority over Petitioner's detention and is sued in his official capacity.

15. Respondent David Venturella is the Acting Director of ICE. He is responsible for the overall administration of ICE and for the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Venturella is a legal custodian of Petitioner. He is sued in his official capacity.

16. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS). DHS is responsible for the administration of ICE, a component agency, and for the implementation and enforcement of the immigration laws. As such, Secretary Mullin is a legal custodian of Petitioner. He is sued in his official capacity.

17. Respondent Todd Blanche is the Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals (BIA) and the Immigration Courts. The Attorney General shares responsibility for the implementation and enforcement of the immigration laws with Respondents Lyons and Mullin. Attorney General Blanche is a legal custodian of Petitioner and is sued in his official capacity.

18. Respondent Daren Margolin is the Director of the Executive Office for Immigration Review (EOIR). He has ultimate responsibility for overseeing the operation of the immigration courts and the BIA, including the conduct of bond hearings. Director Margolin is sued in his official capacity.

FACTS

19. Petitioner Murad Jasani is a native and citizen of India who entered the United States in March 2023 in possession of a valid B-2 visa. He was detained shortly after his entry by CBP officials, and placed in expedited removal proceedings. Shortly thereafter, he was given a

Credible Fear Interview ("CFI"), and after a positive determination, his expedited order was vacated, he was released from custody, paroled, and placed into removal proceedings. Since that time, he has made his life in this country, without any arrests or convictions that would render him ineligible for bond or other immigration relief. He dutifully appeared at each scheduled hearing, and each ICE report date, thereby proving he is not a flight risk.

20. In June 2026, immigration officials detained Mr. Jasani. He was subsequently transferred to the Stewart Detention Center in Georgia, where he has remained in custody.

21. Mr. Jasani has no criminal convictions that render him ineligible for bond. He has never been convicted of any crime that would subject him to mandatory detention under INA § 236(c). He is not subject to a final order of removal as his application is currently pending with the Board of Immigration Appeals ("BIA").

22. Individuals who are inadmissible under 8 U.S.C. § 1182(a)(7) may be subject to expedited removal under § 1225(b)(1)(A)(ii) if they indicate an intention to apply for asylum or a fear of persecution, and then their case is referred to an asylum interview under 1225(b)(1)(B)(i), where they are detained pursuant to further consideration of that application for asylum. 8 U.S.C. § 1225(b)(1)(B)(ii). However, that provision does not apply to individuals, like Mr. Jasani, who are also charged as inadmissible under § 1182(a)(6)(A)(i). Mr. Jasani cannot currently be subject to expedited removal proceedings because § 1225(b)(1)(A) gives no authority to subject an individual to expedited removal based on that charge of inadmissibility.

23. Further, persons who are issued a Notice to Appear are subject to proceedings under 8 U.S.C. § 1229a, commonly known as "240 Proceedings," not expedited removal proceedings under § 1225(b)(1). Mr. Jasani's removal proceedings could not simply revert back to expedited removal proceedings once he was re-detained and after he was already served with an NTA under

§ 1229a, transferred to full removal proceedings, and charged with a ground of inadmissibility that is not even permissible in expedited removal proceedings.

24. The only authority Respondents would rely on for their position that Mr. Jasani is somehow still subject to expedited removal proceedings despite being in full removal proceedings is the former Attorney General's decision in *Matter of M-S-*, 27 I. & N. Dec. 509 (AG 2019). In other cases, Respondents state that the INA and governing administrative authorities "could not be clearer," despite the fact that the BIA used to hold that individuals like Mr. Jasani who were transferred from expedited to full removal proceedings were eligible for bond. *Matter of X-K-*, 23 I. & N. Dec. 731 (BIA 2005). For many years, even under agency precedent, many individuals were eligible for release on bond after being transferred from expedited removal proceedings to full removal proceedings. Regardless, this Court need not rely on *Matter of M-S-*, which this Court owes no deference. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024) (holding that "[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority[.]"). Indeed, other courts have rejected *Matter of M-S-* in similar cases. *See Jimenez v. FCI Berlin, Warden*, 799 F.Supp.3d 59, 69 n.7 (D.N.H. Sept. 8, 2025) (finding that the government's same argument relying on *Matter of M-S-*, 27 I. & N. Dec. 509 (A.G. 2019), was unpersuasive to the extent it "interpret[ed] § 1225(b)(1)(B)(ii) as requiring the detention of noncitizens transferred from expedited to full removal proceedings" and rejecting its application under *Loper Bright*).

25. As a result of this policy and decision, Immigration Judges lack jurisdiction to conduct custody redeterminations for individuals like Mr. Jasani. He has been categorically denied the opportunity to seek bond, despite his residence in the United States, his strong family ties, and his lack of criminal record.

LEGAL FRAMEWORK

26. Under 8 U.S.C. § 1226(a), individuals are generally entitled to discretionary bond determinations when detained. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). Certain noncitizens who are arrested, charged with, or convicted of specified crimes are subject to mandatory detention until removal proceedings are concluded under 8 U.S.C. § 1226(c).

27. By contrast, 8 U.S.C. § 1225(b) applies to noncitizens encountered at the border or immediately upon arrival. Section 1225(b)(1) governs certain individuals subject to expedited removal, while § 1225(b)(2) applies to those "seeking admission" at a port of entry or just after entry.

28. Just a few weeks ago, the Eleventh Circuit determined that individuals like Mr. Jasani were detained pursuant to § 1226(a) and therefore eligible for bond, thus ordering bond hearings in those cases. *See Alvarez v. Warden,* Case No. 25-14065 (11th Cir. May 2026). While that opinion did not address individuals previously in expedited removal proceedings, it applies equally to individuals like Mr. Jasani who are detained while in full removal proceedings.

29. The Supreme Court has long held that 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). Outside of statutory eligibility, there are no limitations to a detainee seeking habeas corpus relief for unlawful detention, and the Eleventh Circuit now dictates that Petitioner is entitled to a request for an individualized grant of relief before this Court.

30. The government's interpretation defies the INA's text and structure. Section 1226(a) explicitly applies to individuals charged as inadmissible after entry without inspection. Congress reinforced this point in 2025 by amending § 1226(c) through the Laken Riley Act to exclude from bond eligibility certain noncitizens who entered without inspection and committed crimes. If Congress had intended all such individuals to be subject to mandatory detention under § 1225(b)(1), it would not have needed to create these specific carve-outs. Construing § 1225(b)(1) as the government suggests renders § 1226(c)(1)(E) superfluous, in violation of the canon against surplusage. *See Corley v. United States*, 556 U.S. 303 (2009).

31. Section 1225(b), on the other hand, is limited to those arriving at ports of entry or apprehended immediately upon entry. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the Board explained that § 235(b) applies to individuals arrested without a warrant "while arriving in the United States." The Board distinguished between those apprehended "just inside the southern border" on the same day they crossed, who fall under § 235(b), and those "already present in the United States" who are detained by warrant, who fall under § 236(a). *Id.* at 69–70. Mr. Jasani—detained in Georgia more than three years after his entry—is plainly in the latter category.

32. This approach is consistent with Eleventh Circuit precedent. In *Ortiz-Bouchet v. U.S. Att'y General*, 714 F.3d 1353 (11th Cir. 2013), the court held that noncitizens already present in the United States seeking to adjust status were not "applicants for admission." The Supreme Court has likewise recognized that mandatory detention under § 1225(b) applies "at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is inadmissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

33. Finally, many courts have already found that an individual, like Mr. Jasani, is not subject to mandatory detention when apprehended at the border and subjected to expedited

removal but later put in full removal proceedings. *See Bashir K.A. v. Klang*, Case No. 25-cv-4559, 2026 WL 452353, at *7 (D. Minn. Feb. 17, 2026) (collecting cases). Nonetheless, ICE continues to hold him without access to a bond hearing.

CLAIMS FOR RELIEF

COUNT I

Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond

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

35. The mandatory detention provision of § 1225(b)(1) does not apply to noncitizens like Mr. Jasani who have been residing in the United States for years, were issued an expedited order that was later vacated and Petitioner placed into full removal proceedings, and are not subject to other statutory grounds of inadmissibility. Such individuals are detained under § 1226(a) and are eligible for release on bond.

36. Respondents' decision to detain Mr. Jasani under § 1225(b)(1) unlawfully denies his access to a bond hearing in violation of the INA.

COUNT II

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

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

38. For decades, both Congress and the agencies charged with implementing the INA have recognized that individuals who entered without inspection are detained under § 1226(a) and eligible for bond, as reflected in implementing regulations at 8 C.F.R. §§ 236.1, 1236.1,

and 1003.19.

39. Despite this clear regulatory framework, Respondents have unlawfully detained Mr. Jasani by misapplying § 1225(b)(1).

40. Because Petitioner's detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires, including access to a bond hearing, his continued detention violates the INA, its implementing regulations, and the Due Process Clause of the Fifth Amendment.

COUNT III

Violation of the Administrative Procedure Act Contrary to Law and Arbitrary and Capricious Agency Policy

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

42. Mandatory detention under § 1225(b)(1) does not apply to long-time residents apprehended, found to have a credible fear, and placed into full removal proceedings. Such noncitizens, including Mr. Jasani, are detained under § 1226(a) and eligible for release on bond.

43. Respondents' application of § 1225(b)(1) to Petitioner contradicts the statutory scheme and departs from decades of consistent agency interpretation. This policy is arbitrary, capricious, and not in accordance with law, in violation of the APA, 5 U.S.C. § 706(2)(A).

COUNT IV

Violation of the Administrative Procedure Act Failure to Observe Required Procedures

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

45. Under the APA, a reviewing court must set aside agency action "without

observance of procedure required by law." 5 U.S.C. § 706(2)(D). The APA requires agencies to engage in public notice-and-comment rulemaking before promulgating new rules or amending existing ones. 5 U.S.C. § 553(b), (c).

46. Respondents failed to comply with the APA by adopting and enforcing a new policy that reclassified individuals like Petitioner as subject to mandatory detention under § 1225(b)(1), without any rulemaking, notice, or opportunity to comment. This unlawful departure from prior regulations violates the APA.

COUNT V

Violation of the Fifth Amendment Due Process

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

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

49. As another district court within this Circuit has found, Respondents' detention of Mr. Jasani under § 1225(b)(1), without the possibility of release on bond or a meaningful custody redetermination, violates his right to due process under the Fifth Amendment. *See Silva-Toruno v. Ripa*, Case No. 2:26-cv-199, 2026 WL 503333, at *4 (M.D. Fla. Feb. 24, 2026) (ordering immediate release and finding that a petitioner's detention under *Matter of M-S-* after he was previously granted parole after passing a credible fear interview violated due process where he was not given notice and a reasonable opportunity to respond).

PRAYER FOR RELIEF

WHEREFORE, Petitioner Murad Jasani prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within **three days**, pursuant to 28 U.S.C. § 2243;
3. Grant a writ of habeas corpus declaring that Petitioner's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), ordering Respondents to provide him with an immediate bond hearing before an Immigration Judge applying § 236(a), as a neutral arbiter, and ordering that the Respondents bear the burden of proving the Petitioner is not eligible for a reasonable bond;
4. In the alternative, order Petitioner's immediate release from custody under reasonable conditions of supervision if Respondents fail to provide such a bond hearing within a reasonable period of time;
5. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
6. In the event the Court determines a genuine dispute of material fact exists regarding Petitioner's entitlement to habeas relief, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243;
7. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
8. Declare that Petitioner's detention violates the INA;
9. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

10. Declare that Petitioner's detention is arbitrary, capricious, and in violation of the Administrative Procedure Act;
11. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
12. Grant such further relief as this Court deems just and proper.

Dated: July 7, 2026

Respectfully submitted,

/s/ Danielle M. Claffey

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

I represent Petitioner and submit this verification on his behalf. I hereby 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 and belief.

Dated: July 7, 2026

s/ Danielle M. Claffey
GA Bar No. 222292