UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

FELIX FRANCISCO JUAREZ GARCIA, **Petitioner,** v. **JASON STREEVAL,** Warden, Stewart Detention Center; **KRISTEN SULLIVAN, Field Office Director,** Atlanta Field Office, U.S. Immigration and Customs Enforcement; **DAVID VENTURELLA, Acting Director, U.S.** Immigration and Customs Enforcement; **MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; and TODD BLANCHE, Acting Attorney General of the United States,** **Respondents.**	**Civil Action No.** _____ **PETITION FOR WRIT OF HABEAS CORPUS** ***(28 U.S.C. § 2241)*** *A#* [redacted]

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner **Felix Francisco Juarez Garcia (A#** [redacted]**)**, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and in support states as follows:

INTRODUCTION

1. Petitioner Felix Francisco Juarez Garcia brings this Petition to challenge his continued civil immigration detention by Respondents at Stewart Detention Center in Lumpkin, Georgia.

2. Petitioner is not detained pursuant to any criminal charge or conviction, and he has no criminal record. His detention rests solely on his civil immigration status and, on information and belief, arose from a sweep enforcement action in which ICE detained

every occupant of a work vehicle in order to apprehend a single targeted individual, rather than from any individualized assessment of Petitioner's own conduct.

3. Petitioner does not, through this Petition, seek to stay, expedite, or otherwise interfere with his separate and ongoing asylum proceedings before the Executive Office for Immigration Review ("EOIR"). Petitioner has been advised, and understands, that this Petition addresses only the lawfulness of his continued detention, and that his asylum proceedings will continue their own schedule regardless of the outcome of this action.

4. For the reasons set forth below, Petitioner's continued detention violates the Immigration and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), the doctrine of United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954), the Fourth Amendment, and the Due Process Clause of the Fifth Amendment to the United States Constitution. Petitioner respectfully requests that this Court grant the writ and order Respondents to provide Petitioner an individualized bond hearing before an immigration judge or, in the alternative, order his immediate release.

PARTIES

1. Petitioner **Felix Francisco Juarez Garcia** (A# [redacted]), is a nineteen-year-old native and citizen of Guatemala, currently detained at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, within the territorial jurisdiction of this Court.

2. Respondent **Jason Streeval** is the Warden of Stewart Detention Center and Petitioner's immediate physical custodian. Respondent resides, and performs official duties, within the Columbus Division of the Middle District of Georgia.

3. Respondent **Kristen Sullivan** is the Field Office Director for the Atlanta Field Office of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, and is a supervisory custodial official with authority over Petitioner's detention

4. Respondent **David Venturella** is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity.

5. Respondent **Markwayne Mullin** is the Secretary of the U.S. Department of Homeland Security and is sued in his official capacity.

6. Respondent **Todd Blanche** is the Acting Attorney General of the United States and is sued in his official capacity.

JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241, art. I, § 9, cl. 2 of the United States Constitution (the Suspension Clause), and 28 U.S.C. § 1331, because Petitioner is in custody under color of authority of the United States in violation of the Constitution and laws of the United States.

2. This Court may grant relief under 28 U.S.C. § 2241 and the All Writs Act, 28 U.S.C. § 1651.

3. Venue is proper in this Court under 28 U.S.C. § 1391(e) because Petitioner is detained, and Respondent Warden resides and performs official duties, in Stewart County, Georgia, which lies within the Columbus Division of the Middle District of Georgia.

STATEMENT OF FACTS

1. Petitioner was born on [redacted] and is nineteen years old.

2. On March 19, 2019, when Petitioner was twelve years old, he entered the United States without inspection together with his parents.

3. Petitioner's family had an encounter with U.S. Customs and Border Protection ("CBP") at that time, and removal proceedings were commenced against the entire family unit before the Executive Office for Immigration Review ("EOIR") on March 22, 2019.

4. On March 11, 2020 — within one year of his entry, consistent with the filing deadline under 8 U.S.C. § 1158(a)(2)(B) — Petitioner initially filed an application for asylum in immigration court as a derivative applicant on his father's case and presented and amended

version presenting him as the primary applicant on July 29, 2026, which remains pending in immigration court.

5. Based on his pending asylum application, Petitioner was issued and maintained a valid Employment Authorization Document and Social Security number and worked lawfully in the United States.

6 Petitioner completed high school in Georgia and has been steadily employed in the construction and painting trades.

7. Petitioner has no criminal history. In the summer of 2025, he was cited for driving without a license — a civil traffic citation. He paid the associated fine and was not arrested or taken into criminal custody in connection with that citation.

8. Petitioner has always resided in Georgia with his parents, who along with the rest of Petitioner's immediate family — remain in ongoing asylum proceedings.

9. On May 30, 2026, ICE agents stopped a company vehicle transporting Petitioner and several coworkers to a construction job site. On information and belief, the agents' target was the last employee picked up by the vehicle; rather than limiting the enforcement action to that individual, the agents detained every occupant of the vehicle — approximately six individuals, including Petitioner — without any individualized assessment of Petitioner's own immigration status or conduct.

10. Petitioner was arrested directly by ICE and has never previously been detained by immigration authorities.

11. At no point since his arrest on May 30, 2026, has Petitioner been provided any explanation — written or otherwise — of the legal or factual basis for his continued detention.

12. Petitioner is not a danger to the community and does not pose a flight risk. He has substantial ties to the United States, including his parents and siblings, a completed high school education, a stable work history, and a pending, timely-filed asylum application.

13. Petitioner is currently detained at Stewart Detention Center in Lumpkin, Georgia, without having received an individualized bond hearing before an immigration judge.

LEGAL FRAMEWORK

1. The INA supplies two principal pathways for civil immigration detention pending removal proceedings. First, on a warrant issued by the Secretary of Homeland Security, a noncitizen "may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). For such noncitizens, DHS "may continue to detain the arrested alien," or "may release the alien" on bond or conditional parole, unless a statutory exception under § 1226(c) applies. Id. § 1226(a)(1)–(2), (c). Noncitizens detained under § 1226(a) are generally entitled to a custody redetermination hearing before an immigration judge. 8 C.F.R. §§ 1003.19(a), 1236.1(d)(1).

2. Second, 8 U.S.C. § 1225 governs the mandatory, no-bond detention of certain "applicants for admission" — noncitizens who are "seeking admission" to the United States and have not yet been inspected and admitted. 8 U.S.C. § 1225(a)(1), (b)(2)(A). By its terms, § 1225(b)(2) applies only to those actively seeking lawful entry after inspection by an immigration officer; it does not extend to noncitizens who are simply present in the interior of the country.

3. The Eleventh Circuit recently confirmed this reading, holding that "§ 1225(b)(2)(A) does not apply to unadmitted aliens merely present in the country's interior unless they are actively seeking lawful entry after inspection," and that § 1226 instead governs the detention of such individuals. *Hernandez Alvarez v. Warden, FDC Miami*, No. 25-14065, slip op. at 4–5 (11th Cir. May 6, 2026).

4. This Court has reached the same conclusion specifically with respect to noncitizens detained at Stewart Detention Center, holding that for those "who are found in the country unlawfully and are arrested" without having been inspected by an examining immigration officer, "an immigration officer or immigration judge has the discretion" under § 1226(a) to grant release on bond, and that mandatory detention under § 1225(b)(2) "is not authorized" in such cases. *J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094, at *3 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947, at *1–*2 (M.D. Ga. Nov. 24, 2025). Because of the resulting volume of habeas petitions, this Court entered Standing Order No. 2026-01 (M.D. Ga. Jan. 29, 2026),

directing that noncitizens whose circumstances fall within the parameters of *J.A.M.* and *P.R.S.* receive a bond hearing within seven days.

5. A separate line of authority, *Matter of Q-Li*, 29 I&N Dec. 66 (BIA 2025), addresses the narrower circumstance of a noncitizen apprehended at or near the border shortly after entry, granted parole under 8 U.S.C. § 1182(d)(5), and later re-detained upon revocation of that specific parole grant. *Q-Li* does not address, and does not control, the detention of noncitizens like Petitioner who were placed in standard removal proceedings following a border encounter, never paroled, and subsequently arrested in the interior of the country years later.

6. Independently of this statutory framework, the Due Process Clause of the Fifth Amendment prohibits prolonged civil detention without an individualized determination of flight risk or danger, *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), and the Administrative Procedure Act and the *Accardi* doctrine require that immigration agencies adhere to their own governing procedures. 5 U.S.C. § 706(2)(A); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

7. As set forth below, Petitioner's detention cannot be squared with this framework.

CLAIMS FOR RELIEF

COUNT ONE — VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT — DETENTION WITHOUT INDIVIDUALIZED BOND DETERMINATION

1. Petitioner realleges and incorporates by reference the Statement of Facts set forth above.

2. Under 8 U.S.C. § 1226(a), noncitizens detained pending removal proceedings are generally entitled to an individualized bond determination before an immigration judge, unless a statutory exception under § 1226(c) applies.

3. This Court has held that for noncitizens "who are found in the country unlawfully and are arrested" without having been inspected by an examining immigration officer, "an

immigration officer or immigration judge has the discretion" under 8 U.S.C. § 1226(a) to grant release on bond, and that mandatory detention under § 1225(b)(2) "is not authorized" in such cases. *J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094, at *3 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947, at *1–*2 (M.D. Ga. Nov. 24, 2025); Standing Order No. 2026-01 (M.D. Ga. Jan. 29, 2026).

4. The Eleventh Circuit has since confirmed this reading of the statute, holding that § 1225(b)(2)(A) "does not apply to unadmitted aliens merely present in the country's interior unless they are actively seeking lawful entry after inspection," and that § 1226 instead governs, rendering such individuals generally eligible for bond. *Hernandez Alvarez v. Warden, FDC Miami*, No. 25-14065, slip op. at 2–5 (11th Cir. May 6, 2026).

5. Petitioner was not seeking admission or lawful entry when he was arrested on May 30, 2026. He was arrested in the interior of the United States, more than seven years after his last entry, while riding to a construction job. Section 1225(b)(2) therefore does not apply to him, and he falls squarely within the parameters of *J.A.M.* and *P.R.S.*

6. In the alternative, to the extent Respondents contend that *Matter of Q-Li*, 29 I&N Dec. 66 (BIA 2025), governs Petitioner's custody status because of his 2019 encounter with CBP at the border, that authority does not support continued mandatory detention here. *Q-Li* addresses the narrow circumstance of a noncitizen apprehended at or near the border shortly after entry, granted parole, and later re-detained upon revocation of that specific parole grant. Petitioner was never paroled at the border, and no parole of his was ever revoked; instead, he and his family were placed in standard removal proceedings, he timely filed for asylum, and he lived openly in Georgia for seven years before ICE's interior arrest on May 30, 2026. Because Petitioner's detention did not follow a parole revocation of the kind addressed in *Q-Li*, that decision neither controls nor forecloses relief here.

7. Respondents' detention of Petitioner without a bond hearing, notwithstanding this controlling authority, violates 8 U.S.C. § 1226(a) and entitles Petitioner to habeas relief.

COUNT TWO — VIOLATION OF PROCEDURAL DUE PROCESS — DENIAL OF MEANINGFUL REVIEW OF THE BASIS FOR DETENTION

1. Petitioner realleges and incorporates by reference the Statement of Facts set forth above.

2. The Due Process Clause of the Fifth Amendment applies to all noncitizens within the United States, including those detained pending removal proceedings. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

3. Despite this Court's clear and repeated rulings entitling noncitizens in Petitioner's position to a bond hearing, Respondents have refused to provide one and have not identified any legal or factual basis for continuing to hold Petitioner without such a hearing.

4. Whether the process afforded a detained individual satisfies due process is evaluated under the three-factor test of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), which weighs (i) the private interest affected, (ii) the risk of erroneous deprivation through the procedures used and the value of any additional safeguards, and (iii) the government's interest, including the burden that additional procedures would entail.

5. Each factor favors Petitioner. His private interest — physical liberty — is substantial, particularly given that he was brought to the United States as a twelve-year-old child and has lived openly in Georgia ever since. The risk of erroneous deprivation is total, since Petitioner has received no hearing of any kind at which to contest the basis for his detention. By contrast, the government's interest in Petitioner's continued blanket detention, absent any individualized finding, is comparatively modest given his lack of any criminal history and his family's consistent compliance with ongoing asylum proceedings.

6. Due process requires that a person held in government custody receive a meaningful opportunity to contest the basis for that detention before a neutral decisionmaker. *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004); see also *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 950 (9th Cir. 2008); *Diouf v. Napolitano*, 634 F.3d 1081, 1091–92 (9th Cir. 2011).

7. The absence of any avenue for individualized review of Petitioner's detention violates his right to procedural due process.

COUNT THREE — VIOLATION OF SUBSTANTIVE DUE PROCESS — ARBITRARY AND PROLONGED DETENTION WITHOUT INDIVIDUALIZED JUSTIFICATION

1. Petitioner realleges and incorporates by reference the Statement of Facts set forth above.

2. "Freedom from imprisonment — from government custody, detention, or other forms of physical restraint — lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

3. Petitioner's detention is not supported by any individualized finding that he poses a flight risk or danger to the community. Petitioner has no criminal record, has lived openly in Georgia for seven years, and has substantial family ties in the United States.

4. Civil immigration detention that is not narrowly tailored to serve a compelling government interest violates substantive due process. See *Reno v. Flores*, 507 U.S. 292, 301–302 (1993).

5. Civil detention, to survive substantive due process scrutiny, must remain "narrowly focused" on a legitimate regulatory goal such as flight risk or danger to the community, and may not become "excessive in relation to" that goal. *United States v. Salerno*, 481 U.S. 739, 747 (1987).

6. Petitioner's continued detention, absent any individualized assessment of flight risk or dangerousness — and in the face of this Court's own controlling rulings entitling him to a bond hearing — is arbitrary and violates substantive due process.

COUNT FOUR — VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT — ARBITRARY AND CAPRICIOUS AGENCY ACTION

1. Petitioner realleges and incorporates by reference the Statement of Facts set forth above.

2. The APA authorizes judicial review of final agency action and requires that such action not be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An agency acts arbitrarily and capriciously when it fails to

"examine the relevant data and articulate a satisfactory explanation for its action." *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

3. Respondents' decision to detain Petitioner without a bond hearing, notwithstanding this Court's clear and repeated rulings in *J A M* and *P R S* and its Standing Order directing that noncitizens in Petitioner's position receive a bond hearing within seven days, constitutes arbitrary and capricious agency action.

4. Respondents' failure to consider Petitioner's significant positive equities — including his entry as a minor, his lack of any criminal history, his pending asylum application, and his family ties — before continuing his detention further renders that action arbitrary and capricious.

5. Petitioner is entitled to relief under the APA, including an order setting aside the unlawful agency action underlying his continued detention.

COUNT FIVE — VIOLATION OF THE ACCARDI DOCTRINE — AGENCY FAILURE TO FOLLOW ITS OWN PROCEDURES

1. Petitioner realleges and incorporates by reference the Statement of Facts set forth above.

2. Under *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954), and its progeny, an administrative agency must adhere to its own governing regulations and enforcement procedures, and its failure to do so renders the resulting agency action unlawful. *Morton v. Ruiz*, 415 U.S. 199, 235 (1974); see also *Service v. Dulles*, 354 U.S. 363, 388 (1957); *Montilla v. INS*, 926 F.2d 162, 166 (2d Cir. 1991).

3. This Court's Standing Order No. 2026-01 (M.D. Ga. Jan. 29, 2026) directs that noncitizens detained at Stewart Detention Center under circumstances materially identical to Petitioner's are entitled to a bond hearing within seven days, consistent with *J A M* and *P.R.S.*.

4. Respondents have provided no such hearing and have offered Petitioner no explanation whatsoever for his continued detention, in departure from this Court's governing procedures.

5. Respondents' continued detention of Petitioner, without any stated factual or legal predicate and without following this Court's own governing procedures, violates the Accardi doctrine and renders Petitioner's continued detention unlawful.

COUNT SIX — VIOLATION OF THE FOURTH AMENDMENT — WARRANTLESS ARREST WITHOUT PARTICULARIZED SUSPICION

1. Petitioner realleges and incorporates by reference the Statement of Facts set forth above.

2. The Fourth Amendment prohibits unreasonable seizures, including civil immigration arrests made without a valid warrant and without probable cause particular to the individual arrested. See 8 U.S.C. § 1357(a)(2); see also *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975) (immigration stops and arrests must be supported by specific, articulable facts particular to the individual).

3. Mere presence in a vehicle alongside a targeted individual cannot, standing alone, substitute for individualized, particularized suspicion in immigration enforcement. See *Noem v. Vasquez Perdomo*, 606 U.S. ___ (2025) (Kavanaugh, J., concurring in the grant of a stay).

4. On information and belief, ICE agents' enforcement action on May 30, 2026, was directed at a single targeted employee; the agents then detained every occupant of the vehicle, including Petitioner, without any individualized determination that Petitioner himself was removable or presented an enforcement priority.

5. Petitioner's warrantless arrest, undertaken without particularized suspicion specific to his own conduct, does not satisfy the narrow statutory exception for warrantless immigration arrests under 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(i).

6. Petitioner's arrest, and his resulting detention, therefore, violate the Fourth Amendment to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(a) Assume jurisdiction over this matter;

(b) Issue an order directing Respondents to show cause why the writ should not be granted;

(c) Issue a writ of habeas corpus ordering Respondents to provide Petitioner with an individualized bond hearing before an immigration judge within seven (7) days, consistent with Standing Order No. 2026-01 and this Court's rulings in *J.A.M.* and *P.R.S.*, or, in the alternative, order Petitioner's immediate release from custody;

(d) Award Petitioner his costs and reasonable attorney's fees as permitted by law; and

(e) Grant such other and further relief as this Court deems just and proper.

VERIFICATION

Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted, Dated July 29, 2026



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CERTIFICATE OF ELECTRONIC SERVICE

I, William Matos, undersigned counsel, hereby certify that on this date, I have filed this Petition for Writ of Habeas Corpus and all attachments using the PACER / CM-ECF system for the Middle District of Georgia electronically through the filing portal. This petition applies to and involves the individuals in their official capacity:

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Respectfully submitted, Dated July 29, 2026



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