

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

L.A.E.P. v. Warden, Stewart Detention Center, et al.

L.A.E.P. · No. 4:26-cv-162-CDL-AGH · Decided January 28, 2026

SUMMARY

The United States District Court for the Middle District of Georgia orders respondents to provide the petitioner with a bond hearing under 8 U.S.C. § 1226(a)(2) in a § 2241 habeas action. The order relies on the court’s prior decisions in *J.A.M. v. Streeval* and *P.R.S. v. Streeval*, and provides that the order will be stayed if respondents file a good-faith motion demonstrating that those decisions do not apply.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Columbus Division
WRITING FOR THE COURT	Clay D. Land
JURISDICTION	United States District Court for the Middle District of Georgia, Columbus Division
DECIDED	January 28, 2026
DOCKET	4:26-cv-162-CDL-AGH
DISPOSITION	other
PROCEDURAL POSTURE	Petition for habeas corpus relief under 28 U.S.C. § 2241; on preliminary review, the court ordered respondents to provide petitioner with a bond hearing.
STANDARD OF REVIEW	Preliminary review under Rule 4 of the Rules Governing § 2254 Cases, as applied to a § 2241 petition.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	L.A.E.P. v. Warden, Stewart Detention Center, et al.

TOPICS

immigration detention

federal habeas corpus

immigration

administrative law

PRACTICE AREAS

immigration

federal habeas corpus

immigration detention

administrative law

QUESTIONS PRESENTED

1. Whether the § 2241 petition should proceed under the court's preliminary-review procedures.
2. Whether petitioner was entitled to a bond hearing under 8 U.S.C. § 1226(a), rather than mandatory detention under 8 U.S.C. § 1225(b)(2), based on the circumstances described in the court's prior rulings.

HOLDINGS

1. For a noncitizen found unlawfully in the country and arrested without having been inspected by an examining immigration officer, 8 U.S.C. § 1226(a) applies and authorizes an immigration officer or immigration judge to exercise discretion concerning release on bond unless a statutory exception under § 1226(c) applies; mandatory detention under § 1225(b)(2) is not authorized in those circumstances. Petitioner was therefore entitled to a bond hearing under § 1226(a)(2).

KEY QUOTATIONS

“Based upon the rationale of J.A.M. and P.R.S., Respondents in this action are hereby ORDERED to provide Petitioner with a bond hearing to determine if Petitioner may be released on bond under § 1226(a)(2) and the applicable regulations.” (Order)

FACTUAL BACKGROUND

L.A.E.P. filed an application for habeas corpus relief under 28 U.S.C. § 2241 while detained at the Stewart Detention Center. The court determined that the case appeared to involve the same detention and bond-hearing issues addressed in *J.A.M. v. Streeval* and *P.R.S. v. Streeval*. Based on those prior rulings, the court ordered respondents to provide a bond hearing under 8 U.S.C. § 1226(a)(2).

PROCEDURAL HISTORY

The court received petitioner's § 2241 application on January 28, 2026. Applying Rule 4 of the Rules Governing § 2254 Cases, which the court may apply to § 2241 proceedings, the court determined that the petition appeared to involve issues addressed in two prior cases and ordered respondents to provide a bond hearing within seven days.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must provide petitioner with a bond hearing to determine whether petitioner may be released on bond under 8 U.S.C. § 1226(a)(2) and the applicable regulations within seven days of the order. After the hearing, petitioner should file a notice of dismissal. If respondents file a good-faith motion contending that the prior rulings do not apply, the order is stayed pending resolution of that motion.

CASES CITED

- J.A.M. v. Streeval, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025)
- P.R.S. v. Streeval, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION L.A.E.P.: Petitioner,: v.: Case No. 4:26-cv-162-CDL-AGH: 28 U.S.C. §
2241 Warden, STEWART DETENTION: CENTER, et al.,: Respondents.:
_____ ORDER The Court received Petitioner’s application for
habeas corpus relief under 28 U.S.C. § 2241 on January 28, 2026 (ECF No. 1).

The Court may apply Rule 4 of the Rules Governing § 2254 cases in this action. SECT 2254 Rule 1(b) (“The district court may apply any or all of these rules to a habeas corpus petition not covered by Rule 1(a) [which addresses petitions under 28 U.S.C. § 2254].”).

Under Rule 4, if a petition is not dismissed on preliminary review, then “the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.” SECT 2254 Rule 4. Applying Rule 4, the Court issues the following order. This case appears to involve the same issues raised in J.A.M. v. Streeval, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D.

Ga. Nov. 1, 2025) and P.R.S. v. Streeval, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025). In those cases, the Court concluded that for noncitizens “who are found in the country unlawfully and are arrested” without having been inspected by an examining immigration officer, then “an immigration officer or immigration judge has the discretion” under 8 U.S.C. § 1226(a) to grant them release on bond unless a statutory exception applies under 8 U.S.C. § 1226(c).

J.A.M., 2025 WL 3050094, at *3; P.R.S., 2025 WL 3269947, at *1- *2. Mandatory detention under 8 U.S.C. § 1225(b)(2) “is not authorized” in such cases. P.R.S., 2025 WL 3269947, at *2. Based upon the rationale of J.A.M. and P.R.S., Respondents in this action are hereby ORDERED to provide Petitioner with a bond hearing to determine if Petitioner may be released on bond under § 1226(a)(2) and the applicable regulations.

Respondents shall provide this bond hearing within seven days of today’s order. Once a bond hearing is provided, Petitioner will have received the remedy that the Court is authorized to order, and Petitioner should file a notice of dismissal. If Respondents in good faith contend that the Court’s prior rulings in J.A.M. and P.R.S. do not apply here, Respondents should file an appropriate motion seeking relief from this order and demonstrating why the Court’s prior rulings in J.A.M. and P.R.S. do not control the result in this case.

If such a good faith motion is filed, then this order shall be stayed pending the resolution of that motion. IT IS SO ORDERED, this 28th day of January, 2026. s/Clay D. Land CLAY D. LAND

U.S. DISTRICT COURT JUDGE MIDDLE DISTRICT OF GEORGIA

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