

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

E.G.N. v. Warden, Stewart Detention Center, et al.

E.G.N. · No. 4:26-cv-154-CDL-CHW · Decided January 28, 2026

SUMMARY

The United States District Court for the Middle District of Georgia ordered respondents to provide E.G.N. with a bond hearing under 8 U.S.C. § 1226(a)(2) within seven days. The order relied on the court’s reasoning in J.A.M. v. Streeval and P.R.S. v. Streeval concerning the applicability of discretionary detention rather than mandatory detention under 8 U.S.C. § 1225(b)(2).

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-154-CDL-CHW
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed an application for habeas corpus relief under 28 U.S.C. § 2241. On preliminary review under Rule 4, the district court ordered Respondents to provide Petitioner with a bond hearing.
STANDARD OF REVIEW	Preliminary review under Rule 4 of the Rules Governing § 2254 Cases, applied pursuant to Rule 1(b).
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- immigration

PRACTICE AREAS

- immigration
- federal habeas corpus

QUESTIONS PRESENTED

1. 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).
2. Whether, on preliminary review of a § 2241 petition, the court should order Respondents to provide Petitioner with a bond hearing.

HOLDINGS

1. For a noncitizen found in the United States unlawfully and arrested without having been inspected by an examining immigration officer, an immigration officer or immigration judge has discretion under 8 U.S.C. § 1226(a) to grant release on bond unless the statutory exception in § 1226(c) applies; mandatory detention under § 1225(b)(2) is not authorized in those circumstances.
2. Respondents must provide Petitioner with a bond hearing to determine whether release on bond is available under § 1226(a)(2) and the applicable regulations.

KEY QUOTATIONS

“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).”

“Mandatory detention under 8 U.S.C. § 1225(b)(2) “is not authorized” in such cases.”

FACTUAL BACKGROUND

Petitioner E.G.N. was detained by immigration authorities and sought habeas corpus relief under § 2241. The order indicates that the case involved the same issues addressed in prior cases concerning detention of noncitizens found unlawfully in the United States and arrested without inspection by an examining immigration officer.

PROCEDURAL HISTORY

On January 27, 2026, Petitioner filed a § 2241 habeas petition. Applying Rule 4 of the Rules Governing § 2254 Cases, as authorized by Rule 1(b), the court relied on its prior decisions in *J.A.M. v. Streeval* and *P.R.S. v. Streeval* and ordered Respondents to provide a bond hearing within seven days.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must provide Petitioner with a bond hearing within seven days of the January 28, 2026 order. After the hearing, Petitioner should file a notice of dismissal; Respondents may seek relief by appropriate motion explaining why *J.A.M.* and *P.R.S.* do not control.

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 E.G.N., * Petitioner, * vs. * CASE NO. 4:26-cv-154-CDL-CHW
WARDEN, STEWART DETENTION * CENTER, et al., * Respondents. * O R D E R The Court
received Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241. Pet. (Jan. 27,
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 seek relief from this order, they should file an appropriate motion demonstrating why the Court's prior rulings in J.A.M. and P.R.S. do not control the result in this case.

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

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-middle-district-of-georgia-columbus-division-united-states-dist/2026/e-g-n-v-warden-stewart-detention-center-et-al-7qskohw0>