

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

C.H.P. v. Warden, Stewart Detention Center

C.H.P. v. Warden · No. 4:26-cv-60-CDL-AGH · Decided January 21, 2026

SUMMARY

The United States District Court for the Middle District of Georgia granted a habeas petition in part, holding that the petitioner was detained under 8 U.S.C. § 1226(a) rather than mandatory detention provisions of 8 U.S.C. § 1225(b). The court ordered the respondent to provide a bond hearing to determine whether the petitioner could be released under § 1226(a)(2) and applicable regulations. The order was issued in connection with removal proceedings pending against the petitioner.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Columbus Division
JURISDICTION	United States District Court for the Middle District of Georgia, Columbus Division
DECIDED	January 21, 2026
DOCKET	4:26-cv-60-CDL-AGH
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas corpus relief under 28 U.S.C. § 2241 from immigration detention and requested a bond hearing and the opportunity for release while removal proceedings were pending.
STANDARD OF REVIEW	The court reviewed the habeas application and determined the statutory basis for petitioner's detention.
PRECEDENTIAL VALUE	Unknown; short district court order with no reporter citation
PARTIES	C.H.P. v. Warden, Stewart Detention Center

TOPICS

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

PRACTICE AREAS

- immigration
- federal habeas corpus
- immigration detention

QUESTIONS PRESENTED

1. Whether petitioner was subject to mandatory detention under 8 U.S.C. § 1225(b)(1) or § 1225(b)(2).
2. Whether petitioner was entitled to a bond hearing under 8 U.S.C. § 1226(a) while removal proceedings were pending.

HOLDINGS

1. Petitioner was detained under 8 U.S.C. § 1226(a) and therefore was not subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
2. Petitioner was entitled to a bond hearing to determine whether petitioner could be released on bond under 8 U.S.C. § 1226(a)(2) and the applicable regulations.

KEY QUOTATIONS

“The Court finds that Petitioner is currently detained under 8 U.S.C. § 1226(a) and therefore not subject to mandatory detention as required by 8 U.S.C. § 1225(b)(2).”

“Accordingly, Petitioner’s application for habeas corpus relief is granted to the extent that Respondent shall provide Petitioner with a bond hearing to determine if the Petitioner may be released on bond under § 1226(a)(2) and the applicable regulations.”

FACTUAL BACKGROUND

Petitioner was detained at the Stewart Detention Center while awaiting removal proceedings. The respondent refused to provide petitioner with a bond hearing or an opportunity for pre-removal release. The court found that petitioner was being detained under 8 U.S.C. § 1226(a), rather than under the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

C.H.P. was detained at the Stewart Detention Center awaiting removal proceedings and filed a § 2241 habeas petition alleging that the respondent improperly refused to provide a bond hearing. The respondent argued that detention was mandatory under 8 U.S.C. § 1225(b)(1) and/or § 1225(b)(2). The court determined that petitioner was detained under 8 U.S.C. § 1226(a) and granted relief to the extent of ordering a bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The respondent shall 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.

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)
- Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025)
- Rumsfeld v. Padilla, 542 U.S. 426, 446 (2004)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION C.H.P.: Petitioner,: v.: Case No. 4:26-cv-60-CDL-AGH: 28 U.S.C. §
2241 Warden, STEWART DETENTION: CENTER,: Respondent.:

_____ ORDER Petitioner is a detainee at the Stewart Detention Center awaiting removal proceedings. Petitioner seeks habeas corpus relief based on Respondent's refusal to provide Petitioner with a bond hearing and the opportunity for pre-removal release while the removal proceedings are pending.

Respondent contends that Petitioner's detention is mandatory under 8 U.S.C. § 1225(b)(1) and/or 8 U.S.C. § 1225(b)(2). The Court reviewed Petitioner's application. The Court finds that Petitioner is currently detained under 8 U.S.C. § 1226(a) and therefore not subject to mandatory detention as required by 8 U.S.C. § 1225(b)(2).¹ See 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- 1 To the extent that the parties make arguments based on a belief that Petitioner is a member of the "Bond Eligible Class" certified in Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), any membership in that class has no effect on the Court's decision for several reasons.

First, only the named petitioners sought habeas relief in Maldonado Bautista. Second, the named petitioners did not seek nationwide habeas relief. Third, in granting declaratory relief, the California District Court correctly noted that habeas relief could only be afforded to class members who were located within the boundaries of the Central District of California.

Id. at *14 (citing Rumsfeld v. Padilla, 542 U.S. 426, 446 (2004) for the proposition that "habeas jurisdiction lie[s] 'in only one district: the district of confinement'"). 330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

Accordingly, Petitioner's application for habeas corpus relief is granted to the extent that Respondent shall provide Petitioner with a bond hearing to determine if the Petitioner may be released on bond under § 1226(a)(2) and the applicable regulations. See 8 C.F.R. §§ 236.1 & 1236.1.2 IT IS SO ORDERED, this 21st day of January, 2026. s/Clay D. Land CLAY D. LAND
U.S. DISTRICT COURT JUDGE MIDDLE DISTRICT OF GEORGIA 2 The brevity of this order is appropriate given that the issue presented is exactly the same as the issue previously decided on

numerous occasions by the Court and yet Respondent insists upon denying the relief that the Court has found is required.

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