

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA

T.F.P.E. v. Warden, Stewart Detention Center, et al.

T.F.P.E. · No. 4:26-cv-152-CDL-CHW · Decided January 27, 2026

SUMMARY

The United States District Court for the Middle District of Georgia ordered immigration authorities to provide the petitioner with a bond hearing under 8 U.S.C. § 1226(a)(2) within seven days. The order relied on the court’s prior decisions in J.A.M. v. Streeval and P.R.S. v. Streeval, concluding that mandatory detention under 8 U.S.C. § 1225(b)(2) was not authorized on the circumstances described.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia
WRITING FOR THE COURT	Clay D. Land
JURISDICTION	United States District Court for the Middle District of Georgia, Columbus Division
DECIDED	January 27, 2026
DOCKET	4:26-cv-152-CDL-CHW
DISPOSITION	other
PROCEDURAL POSTURE	Petition for habeas corpus relief under 28 U.S.C. § 2241; preliminary review under Rule 4 of the Rules Governing § 2254 Cases.
STANDARD OF REVIEW	Preliminary habeas review under Rule 4, as applied to a § 2241 petition pursuant to Rule 1(b) of the Rules Governing § 2254 Cases.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	T.F.P.E., Petitioner v. Warden, Stewart Detention Center, et al., Respondents

TOPICS

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

PRACTICE AREAS

- federal habeas corpus
- immigration detention
- immigration law

QUESTIONS PRESENTED

1. Whether the 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 petition.
2. Whether the court should order respondents to provide a bond hearing as the authorized habeas remedy.

HOLDINGS

1. For a noncitizen found in the United States unlawfully and arrested without having been inspected by an examining immigration officer, detention is governed by the discretionary detention and bond provisions of 8 U.S.C. § 1226(a), unless the statutory exception in § 1226(c) applies; mandatory detention under § 1225(b)(2) is not authorized on those circumstances.
2. 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.

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.” (*2)*

*“Mandatory detention under 8 U.S.C. § 1225(b)(2) “is not authorized” in such cases.” (*1)*

FACTUAL BACKGROUND

The petition concerns the immigration detention of a noncitizen. Based on the court's description of the petition and its comparison to prior cases, the petitioner appeared to be a noncitizen found unlawfully in the United States and arrested without having been inspected by an examining immigration officer.

PROCEDURAL HISTORY

Petitioner filed an application for habeas corpus relief under § 2241 on January 26, 2026. On preliminary review, the court determined that the petition appeared to involve the same issues addressed 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 27, 2026 order. After the hearing, petitioner should file a notice of dismissal. If respondents in good faith contend that the prior rulings do not apply, they may file a motion seeking relief; filing such a motion stays the order pending resolution.

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

NOEM

PER CURIAM.

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

T.F.P.E., *

Petitioner, * vs. *

CASE NO. 4:26-cv-152-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. 26, 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 27th day of January, 2026. s/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA

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