

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

IN RE:

*

28 U.S.C. § 2241 IMMIGRATION
PETITIONS FOR BOND HEARINGS
STEWART DETENTION CENTER

*

Standing Order No. 2026-03

*

O R D E R

In light of the Circuit Court opinion in *Hernandez Alvarez v. Warden*, 175 F.4th 1258 (11th Cir. 2026), the Court amends Standing Order No. 2026-01 as follows.

Hernandez Alvarez largely adopted the same rationale that this Court expressed 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). It essentially 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 them release on bond unless a statutory exception applies under 8 U.S.C. § 1226(c). Like this Court's rulings, the Circuit Court held that mandatory detention under 8 U.S.C. § 1225(b)(2) is not authorized in such cases.

Hernandez Alvarez is now the law in this Circuit, and thus must be followed by the Government. However, the Government

filed a motion for reconsideration *en banc*, and if that motion is granted and the panel decision vacated, the Government may recede to its pre-*Hernandez Alvarez* position that detention is mandatory. Therefore, the Court finds it appropriate to continue to follow its process outlined in Standing Order No. 2026-01 for the time being, except that it modifies the time limit in its *J.A.M.* order (Exhibit 1 to Standing Order 2026-01) to 21 days instead of 7.

IT IS SO ORDERED, this 2nd day of October, 2026.

S/Clay D. Land

CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA