

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

MEYLIN O. GALVEZ RODRIGUEZ
A [REDACTED]

Case No.

Petitioner,
v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

**JASON STREEVAL, Warden of the
Stewart Detention Center; LADEON
FRANCIS, Field Office Director of
Enforcement and Removal
Operations, Atlanta field Office,
Immigration and Customs
Enforcement (ICE); TODD LYONS,
Acting Director, U.S. Immigration
Customs Enforcement, KRISTI
NOEM, Secretary, U.S. Department of
Homeland Security,**

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241 AND THE ALL WRITS ACT, 28 U.S.C. § 1651**

1. Petitioner, through undersigned counsel, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and the All Writs Act, 28 U.S.C. § 1651, challenging her unlawful and unconstitutional

detention by the United States Department of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE”).

2. Petitioner is a twenty-one-year-old pregnant woman from Honduras who entered the United States as a child and has resided here since 2018. She is the single mother of a five-year-old U.S.-citizen son. She has no criminal record and poses no danger to the community. Her continued detention violates the Fifth Amendment’s guarantees of liberty, family unity, and bodily integrity, contradicts ICE’s own binding directives prohibiting the detention of pregnant women absent exceptional circumstances, and violates the statutory limitations on post-order detention under 8 U.S.C. § 1231(a)(6).

JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is detained within this District and challenges the legality of that detention. Jurisdiction is also proper under 28 U.S.C. § 1331, the Suspension Clause (U.S. Const. art. I § 9 cl. 2), and the All Writs Act, 28 U.S.C. § 1651(a).

4. Venue is proper because Petitioner is confined at the Stewart Detention Center in Lumpkin, Georgia.

REQUIREMENTS OF 28 U.S.C. § 2243.

5. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief.

28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

6. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (*emphasis added*). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (*citation omitted*).

PARTIES

7. Petitioner, Maylin Galvez Rodriguez is a twenty-one-year-old citizen of Honduras detained at the Stewart Detention Center.

8. Respondent Jason Streeval is the Warden of that facility and has immediate custody of Petitioner.

9. Respondent Ladeon Francis is the Atlanta Field Office Director for ICE and responsible for Petitioner’s custody and release.

10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible

for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

11. Respondents Todd Lyons oversee the immigration detention system and are ultimately responsible for the unlawful confinement challenged here.

FACTUAL BACKGROUND

12. Petitioner entered the United States in 2018 at age fifteen to escape violence and instability in Honduras. She has remained here since. She is the single mother of a U.S.-born child, [REDACTED], age five. [REDACTED] biological father abandoned her during pregnancy and has never provided support. Petitioner has been his sole caregiver, working cleaning jobs to provide for him.

13. On or about September 22, 2025, Petitioner was stopped for driving without a license, taken into local custody, and transferred to ICE. She was sent to the Stewart Detention Center, where she remains detained. This is her first and only arrest in the United States.

14. Petitioner has a pending Motion to Reopen before the Charlotte Immigration Court seeking to reopen her in absentia removal order based on exceptional circumstances. She was a minor at the time of the original hearing and lacked proper notice and understanding of the process. Should the Immigration Court deny that motion, Petitioner intends to appeal to the Board of Immigration Appeals ("BIA"). She therefore requests that this Court enjoin Respondents from

executing her removal not only while the Motion to Reopen remains pending, but also during any subsequent BIA appeal, to preserve her right to judicial review.

15. Petitioner is currently pregnant. She reports inadequate access to prenatal medical care, limited nutrition, and irregular monitoring while in custody. Stewart Detention Center lacks specialized obstetric resources. The stress, confinement, and substandard medical conditions place her pregnancy at serious risk.

16. On or about October 28, 2025, Deportation Officer Frank Scolnick informed undersigned counsel that ICE was not releasing pregnant women under any circumstances. This categorical statement demonstrates that Petitioner's continued detention is not based on any individualized assessment of risk or lawfulness, but rather on an unlawful blanket policy that contradicts ICE's own Directive 11032.4 and violates fundamental principles of due process and equal protection.¹

17. ICE Directive 11032.4, issued July 1, 2021, provides that "ICE should generally not detain, arrest, or take into custody individuals known to be pregnant, postpartum, or nursing unless release is prohibited by law or exceptional circumstances exist."¹ No such exceptional circumstances apply to Petitioner.

¹ See Exhibit A, ICE Directive 11032.4

CONSTITUTIONAL AND STATUTORY CLAIMS

Fifth Amendment Violations

18. The Fifth Amendment forbids the federal government from depriving any person of liberty without due process of law. This protection extends to all persons in the United States, regardless of immigration status.

19. Petitioner's continued confinement is punitive, arbitrary, and shocks the conscience. It violates substantive due process because it is not reasonably related to any legitimate governmental purpose. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Reno v. Flores*, 507 U.S. 292 (1993). ICE's deliberate indifference to the known medical dangers of pregnancy in detention violates her constitutional right to bodily integrity and security. *See Youngberg v. Romeo*, 457 U.S. 307 (1982); *Estelle v. Gamble*, 429 U.S. 97 (1976).

20. Procedurally, Petitioner has been denied a meaningful opportunity to challenge her detention or to show that release is warranted based on her pregnancy and pending legal proceedings. Deporting her before her Motion to Reopen—or subsequent appeal—is resolved would strip her of her statutory and constitutional right to review. *See Nken v. Holder*, 556 U.S. 418 (2009).

21. Petitioner's detention also infringes on her fundamental right to family integrity. The Constitution protects the parent-child relationship as a core liberty interest. *See Santosky v. Kramer*, 455 U.S. 745 (1982); *Stanley v. Illinois*, 405 U.S.

645 (1972). The government has offered no compelling reason to justify separating a mother from her U.S.-citizen child under these circumstances.

22. Finally, ICE's disregard of its own directives and detention standards constitutes arbitrary and capricious agency action under the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). The categorical refusal to release pregnant detainees, as communicated by Officer Scolnick, is an unlawful blanket policy unsupported by statute or regulation and inconsistent with constitutional and humanitarian obligations.

Statutory Violation – 8 U.S.C. § 1231(a)(6)

23. Petitioner's detention is also unlawful under 8 U.S.C. § 1231(a)(6), which authorizes post-order detention only for a period reasonably necessary to accomplish removal. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), when removal is not reasonably foreseeable, continued detention violates both § 1231(a)(6) and the Fifth Amendment. Because Petitioner's Motion to Reopen remains pending—and any denial will be followed by an administrative appeal—her removal is not reasonably foreseeable. ICE therefore lacks statutory authority to continue detaining her, and her custody is unlawful.

24. Moreover, ICE's categorical refusal to release pregnant women, as stated by Officer Scolnick, further demonstrates that Respondents are not making individualized statutory determinations as § 1231(a)(6) requires. Instead, they are

enforcing an unlawful blanket policy contrary to statute, regulation, and Supreme Court precedent.

25. Finally, ICE's disregard of its own directives and detention standards constitutes arbitrary and capricious agency action under the Administrative Procedure Act, 5 U.S.C. § 706(2)(A).

IRREPARABLE HARM

26. Petitioner's detention presents an immediate threat to her life and pregnancy. The American College of Obstetricians and Gynecologists (ACOG) has found that pregnant women in custody face heightened risks of miscarriage, preterm birth, and maternal morbidity due to inadequate nutrition, limited medical oversight, and high stress levels.² The Department of Homeland Security's Office of Inspector General has documented similar failures and instances of pregnancy loss in ICE facilities.³

27. Stewart Detention Center cannot provide comprehensive prenatal or obstetric care, nor the stable environment required for a healthy pregnancy. Continued confinement endangers both mother and child. Immediate release is the

² See Exhibit B, American College of Obstetricians and Gynecologists (ACOG), Committee Opinion No. 830: "Reproductive Health Care for Incarcerated Pregnant, Postpartum, and Nonpregnant Individuals" (2021) (documenting increased risks of miscarriage, preterm labor, and maternal morbidity in custodial settings).

³ See Office of the Inspector General, DHS OIG-18-32, "ICE Does Not Fully Use Contract Resources to Identify and Monitor Pregnant Detainees" (2018) (documenting inadequate oversight and instances of pregnancy loss in ICE custody).

only effective remedy to safeguard her life and health, allowing her to obtain community-based prenatal and obstetric medical care, including regular examinations, access to appropriate nutrition, and immediate hospitalization should complications arise.

28. The harm extends beyond physical risk. Petitioner's five-year-old son is currently separated from his mother and suffers emotional distress and instability. The loss of maternal care during early childhood inflicts permanent developmental harm and violates the Constitution's protection of family unity.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Honorable Court:

- a) Order her immediate release from ICE custody so that she may obtain comprehensive prenatal and obstetric medical care, including regular examinations, access to appropriate nutrition, and immediate hospitalization should complications arise;
- b) Enjoin ICE and DHS from removing Petitioner from the United States while her Motion to Reopen remains pending and during the pendency of any appeal before the Board of Immigration Appeals;
- c) Declare that Petitioner's continued detention and the government's categorical refusal to release pregnant women violate the Fifth Amendment to the United States Constitution, 8 U.S.C. § 1231(a)(6) the Administrative Procedure Act, and ICE Directive 11032.4; and
- d) Grant such other and further relief as this Court deems just and proper to prevent irreparable harm to Petitioner and her unborn child.

DATED this 5th day of November, 2025.

Shirley C. Zambrano
GA BAR 741429
Zambrano Law LLC
1995 N. Park Place, Suite 360
Atlanta, GA 30339
(770) 769-5820
(770) 769-5810
szambrano@zambranolaw.com

Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I represent Petitioner, Ms. Maylin O. Galvez Rodriguez, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 5th day of November, 2025.

Shirley C. Zambrano
GA BAR 741429
Zambrano Law LLC
1995 N. Park Place, Suite 360
Atlanta, GA 30339
(770) 769-5820
(770) 769-5810
szambrano@zambranolaw.com

Attorney for Petitioner