

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

Maira Lizeth AMAYA PINZON,)
)
Petitioner,)
)
v.)
)
WARDEN, IRWIN COUNTY DETENTION CENTER)
)
GEORGE STERLING, *Field Office Director ICE*)
)
Atlanta Field Office and TODD LYONS, *in his*)
)
official capacity as Acting Director of Immigration)
)
and Customs Enforcement and KRISTI NOEM)
)
Secretary of Homeland Security,)
)
Respondents.)

Case No. 7:25-cv-25-173

**PETITION FOR WRIT
OF HABEAS CORPUS**

A# 

I. INTRODUCTION

1. Petitioner Maira Lizeth AMAYA PINZON (“Petitioner” or “Ms. Amaya Pinzon”) is a noncitizen long-resident of the United States who is currently detained by the Department of Homeland Security (“DHS”) at the Irwin County Detention Center in Ocilla, Georgia. She entered the United States without inspection last year and was arrested in the interior; she is not and has never been placed in expedited-removal proceedings. She was released on her own recognizance under 8 U.S.C. 1226 on August 23, 2024 and has been at liberty

until her check-in on or about November 18, 2025. She has been in full compliance with the terms of her release.

2. Under the Immigration and Nationality Act (“INA”), individuals arrested in the interior and placed in § 240 removal proceedings are detained, if at all, under 8 U.S.C. § 1226(a), with a right to a custody redetermination by an Immigration Judge (“IJ”).

3. DHS and the BIA assert that because Ms Amaya Pinzon was never formally admitted, she is an “applicant for admission” subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and ineligible for bond. That position contravenes the statute, the implementing regulations, decades of pattern & practice, and a judge of this Court rejected the same theory recently in ordering a § 1226(a) bond hearing for another Stewart detainee. *J.A.M. v. Streeval*, No. 4:25-cv-342 (CDL). 2025 LX 418115 (M.D. Ga. Nov. 1, 2025). (**Exhibit A, *J.A.M. v. Streeval***).

4. Petitioner seeks a writ of habeas corpus directing Respondents release her immediately or to provide her a prompt, individualized bond hearing before a neutral adjudicator under § 1226(a) (within 7 days), at which the Government bears the burden to show by clear and convincing evidence that she is a danger or flight risk, or, in the alternative, an order for his immediate release under reasonable conditions. She also seeks an order prohibiting transfer outside this District during the pendency of these proceedings.

II. VENUE AND JURISDICTION

5. This Court has jurisdiction under 28 U.S.C. §§ 2241 and 1331 and Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause). Habeas relief is available to challenge the legality of civil immigration detention and to compel a bond hearing or release.

6. Venue lies in the Valdosta Division because Petitioner is confined at the Irwin County Detention Center within this Division and Respondent Streeval is his immediate custodian. See 28 U.S.C. §§ 2241(d), 1391(e).

III. PARTIES

7. Petitioner is a 24-year-old Colombian national who resides in Charlotte, North Carolina. She is currently detained at the Irwin County Detention Center in Ocilla, Georgia.

8. Respondent is the Warden of Irwin County Detention Center. As such, Respondent is responsible for the operation of the Detention Center where Ms Amaya Pinzon is detained. Respondent has immediate physical custody of the Petitioner.

9. Respondent George Sterling is the Atlanta Field Office Director (“FOD”) for ICE Enforcement and Removal Operations (“ERO”). As such, Respondent Sterling is responsible for the oversight of ICE operations at the Stewart Detention Center. Respondent Sterling is being sued in his official capacity.

10. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (“ICE”). As such, Respondent Lyons is responsible for the

oversight of ICE operations. Respondent Lyons is being sued in his official capacity.

11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (hereinafter “DHS”). As Secretary of DHS, Secretary Noem is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary Noem is being sued in her official capacity.

IV. EXHAUSTION AND FUTILITY

12. No statute imposes an exhaustion requirement for habeas petitions under 28 U.S.C. § 2241 in this context. Any prudential exhaustion is excused because Immigration Judges in the Stewart Immigration Court are bound by *Matter of Ycjure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and have been declining bond jurisdiction for entrants without inspection, rendering any motion futile. The question presented is purely legal and urgent, and Petitioner faces ongoing deprivation of physical liberty absent judicial intervention.

V. STATEMENT OF FACTS

13. Ms Amaya Pinzon is a Colombian national born on   She entered the United States without inspection in August 2024, when she was twenty-three years old, and has lived continuously in North Carolina since. She resides in Charlotte, North Carolina.

14. Ms Amaya Pinzon has a pending and timely filed asylum application and no criminal record.

15. On November 18, 2025, Petitioner was detained at her regularly scheduled check in with ICE in Charlotte, North Carolina. On information and belief, her detention was motivated solely by the widely publicized campaign by Customs and Border Patrol under Gregory Bovino to detain as many people as possible in Charlotte.

17. On August 26, 2024, DHS had placed Petitioner in removal proceedings under 8 U.S.C. § 1228 (INA § 240) by filing a Notice to Appear (NTA) (dated and allegedly served on August 23, 2024) charging her as removable under 8 U.S.C. § 1182(a)(6)(A)(i) (INA § 212(a)(6)(A)(i)) and under 8 U.S.C. § 1182(a)(7)(A)(i)(I) (INA § 212(a)(7)(A)(i)(I)), as an applicant for admission. (**Exhibit B, Notice to Appear**).

18. DHS has never processed Petitioner for § 235 admission or expedited removal under § 235(b)(1).

19. Petitioner has not requested a custody redetermination, because she was already released on her own recognizance and also because DHS and the BIA have taken the position that she is categorically ineligible for bond because she is an “applicant for admission” under § 235(b)(2)(A). Requesting a custody redetermination would be futile. If an IJ hearing occurred, the IJ would be bound to deny jurisdiction under *Yajure*.

VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

20. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for “any alien” arrested and detained

pending a decision on removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody-redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

21. Recently, this Court rejected DHS’s “mandatory detention for anyone not ‘admitted’” theory, holding that § 1225(b)(2) is limited to “aliens seeking admission” and that § 1226(a) governs custody for noncitizens arrested inside the United States who are not actively seeking lawful admission. The Court explained that reading §§ 1225 and 1226 together, § 1225(b)(2) is a narrow “catchall,” but “it only catches ‘aliens seeking admission,’” whereas § 1226(a) preserves discretionary custody with a bond hearing for those arrested here. It further found *Yajure Hurtado* unpersuasive and emphasized that Congress’s text and canons of construction control. *See* Exhibit A. On this record—identical legal question, same facility, same court—the remedy should match: apply § 1226(a) and order a prompt bond hearing under the regulations.

**VII. CAUSES OF ACTION
COUNT ONE**

STATUTORY CLAIM (Detention Governed by INA § 236(a))

22. Petitioner incorporates paragraphs 1 through 21 as if fully set out herein.

23. Respondents already determined that Petitioner was to be released under INA §236. (**Exhibit C, Order of Release**).

**COUNT TWO
PROCEDURAL DUE PROCESS (U.S. Const. amend. V)**

24. Petitioner incorporates paragraphs 1 through 21 as if fully set out

herein.

27. Prolonged civil detention without a neutral bond hearing violates procedural due process. If Respondents' position categorically forecloses any IJ bond review for interior arrestees like Petitioner, it denies a meaningful opportunity to be heard and invites arbitrary confinement. At minimum, due process requires a prompt bond hearing at which the Government bears the burden to justify detention by clear and convincing evidence.

28. To detain Petitioner after releasing her on her own recognizance with not alleged violation of the terms of her release, and without any way to challenge her redetention violates her due process.

COUNT THREE
SUBSTANTIVE DUE PROCESS (U.S. Const. amend. V)

29. Petitioner incorporates paragraphs 1 through 21 as if fully set out herein.

29. Civil detention must remain reasonably related to its purposes of ensuring appearance and protecting the community. Detaining Petitioner without any individualized assessment, solely on a categorical theory rejected by this Court days ago, or on arbitrary goals of detaining anyone and everyone regardless of whether they have violated the law or terms of their release bears no reasonable relation to any legitimate aim and is excessive in relation to its purposes.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Issue a writ of habeas corpus directing Respondents to release Petitioner or conduct a bond hearing under 8 U.S.C. § 1226(a) before an Immigration Judge within 7 days of the Court's order, with the Government bearing the burden to establish that Petitioner is a danger to the community or a flight risk, and to consider alternatives to detention;
- 3) Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of these proceedings;
- 4) Order Respondents to answer the petition within 3 business days;

Grant such other relief as the Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this 24th day of November, 2025

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