

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

FATIMA ISSELA VELASQUEZ ANTONIO,)

Petitioner,)

v.)

WARDEN of Stewart Detention Center;)
KRISTIN SULLIVAN, Acting Director,)
Immigration and Customs Enforcement)
and Removal Operations (“ICE/ERO”))
Field Office, Atlanta;)
KRISTI NOEM, Secretary of the)
Department of Homeland Security (“DHS”);)
and PAMELA BONDI, Attorney General)
of the United States,)
in their official capacities,)

Respondents.)

Case No. 4:25-cv-00434

**PETITIONER’S REPLY TO GOVERNMENT RESPONSE
TO PETITION FOR HABEAS CORPUS**

Petitioner Fatima Issela Velasquez Antonio respectfully submits that she continues to be detained illegally, in violation of her right to Due Process, at the Stewart Detention Center. The Respondent’s position regarding her designation as

an “arriving alien” is still incorrect as a matter of law, and this Court should accordingly grant the instant Petition.

However, on Friday, December 19, 2025, the immigration judge in Petitioner’s pending removal proceedings granted Petitioner’s Motion to Terminate Proceedings.¹ See Ex. J, Immigration Judge’s Order Terminating Proceedings. This intervening event fundamentally alters the posture of this case and independently entitles Petitioner to immediate release.

Civil immigration detention must be authorized by statute. Detention under INA § 236(a) is permitted only “pending a decision on whether the alien is to be removed.” 8 U.S.C. § 1226(a). Because EOIR has terminated the underlying proceedings, there is no longer any pending removal decision. As a result, § 236(a) no longer provides any authority for detention.

Nor is Petitioner detained under § 1226(c), § 1225(b), or § 1231. Respondents identify no other statutory basis for custody. Continued detention is therefore *ultra vires* and unlawful. Accordingly, DHS has no further legal authority to detain Petitioner and must release her immediately from custody.

It is worth belaboring that Section 235 authorizes detention only of applicants for admission during inspection—*i.e.*, in the entry context. Even

¹Note that Petitioner’s Counsel has reached out to the Warden of the Stewart Detention Center and was unable to confirm that Petitioner would be released today. In an abundance of caution, the Undersigned submits this Reply to ensure Respondents comply with releasing her.

assuming *arguendo* that § 235 could ever have applied in the instant proceedings (it did not), it cannot survive the termination of proceedings. There is no inspection underway, no admissibility determination pending, and no arriving-alien posture to justify § 235 detention. Section 235 is event-specific, not a perpetual status that can be invoked years after release and following an interior arrest, and certainly not after EOIR has terminated the case.

Respondents' post-filing attempt to amend the NTA to designate Petitioner as an arriving alien cannot retroactively create detention authority or defeat this Court's jurisdiction. Habeas jurisdiction attaches at filing. Moreover, a charging amendment cannot convert an interior workplace arrest into border inspection custody. Detention authority flows from the operative proceeding and facts—not post-hoc labels. Here, the operative proceeding has now been terminated.

Notably, this case is not moot. The petitioner remains in custody, and this Court can grant effective relief. Because Respondents lack statutory authority to continue Petitioner's detention, this Court should order immediate release from detention.

Respectfully submitted,

/s/ Brittany S. Pierce

PETITIONER'S REPLY

Attorney Bar Number: 613909
Attorney for Fatima Issela Velasquez Antonio
Lively Law Firm
2221 Edge Lake Drive, Suite 175
Charlotte, NC 28217
Telephone: (980)-202-7991
E-Mail: brittany@livelylawfirm.com

Counsel for Petitioner

Dated: 22 December, 2025

PETITIONER'S REPLY

EXHIBITS

Ex. J - Immigration Judge's Order Terminating Proceedings