



2. Accordingly, the Court should grant this petition and order the immediate release of Petitioner subject to appropriate conditions approved by the Court.

**JURISDICTION**

3. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

4. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

**VENUE**

5. Venue is proper because Petitioner is detained at the Folkston ICE Processing Center in Folkston, Georgia, which is within the jurisdiction of this District.

6. Venue is also proper because at least one Respondent is located in this District, the Petitioner is detained in this District, and the Petitioner's immediate physical custodian is in this District. 28 U.S.C. § 1391(e)(1).

**REQUIREMENTS OF 28 U.S.C. § 2243**

7. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents unless Petitioner is wholly ineligible for relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

**PARTIES**

8. Petitioner is a native and citizen of Mexico who resides in the United States in the State of Georgia. Petitioner is currently detained at the Folkston ICE Processing Center and is in the custody, and under the direct control, of Respondents and their agents.

9. Respondent Michael Breckon is the Warden of the Folkston ICE Processing Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Breckon is a legal custodian of Petitioner.

10. Respondent Kristen Sullivan is sued in her official capacity as the Acting Director ERO of the Atlanta Field Office of U.S. Immigration and Customs Enforcement. Respondent Sullivan is a legal custodian of Petitioner and has authority to release Petitioner.

11. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

**FACTUAL BACKGROUND**

***Petitioner's Prior Removal Proceedings***

13. Petitioner was first detained by ICE in 2023, and her removal proceedings were heard by an Immigration Judge with the Department of Justice Executive Office for Immigration Review, Stewart Immigration Court, in Lumpkin, Georgia. Petitioner had recently been arrested for driving under the influence (“less safe” provision), driving with an open container, and driving without a valid license.

14. On November 30, 2023, the Immigration Judge issued a decision (the “Decision”) in which she found that Petitioner’s testimony was “consistent internally and with the documentary evidence,” that Petitioner “provided the Court with thorough and candid testimony, and she was responsive and forthcoming when questioned by the Court and the Department [of Justice].” Thus, the Immigration Judge “conclude[d] that [Petitioner] was a credible witness.”

15. The Decision found that Petitioner had suffered “past persecution” in Mexico and that her life or freedom would be threatened upon her return to Mexico.

16. The Decision ordered that Petitioner be removed to Mexico, but that this removal be withheld under INA § 241(b)(3).

17. The Decision was not appealed and therefore became final on December 30, 2023. Thereafter, ICE released Petitioner.

18. Upon her release, Petitioner did not receive an Order of Supervision under 8 U.S.C. § 1231(a)(3), nor was she informed of other conditions of release. A FOIA request to the Department of Homeland Security yielded no evidence of such conditions.

***Petitioner's Re-Detention***

19. Petitioner was arrested in September 2025 for driving under the influence (“less safe” provision), following too closely, and leaving the scene of an accident. Shortly thereafter, Petitioner was transferred to ICE custody and sent to the Folkston ICE Processing Center, where she remains detained.

20. The Government has never provided Petitioner with notice of any particular reason for her re-detention, whether orally or in writing, except that counsel received an email from ICE on November 4, 2025, stating that Petitioner was re-detained because her “case falls within the current priorities set by the Department of Homeland Security and the January 20th, 2025, Presidential Executive Order Protecting the American People Against Invasion.” The Government also has never provided Petitioner with an interview concerning her re-detention, nor afforded her an opportunity to respond.

**LEGAL FRAMEWORK**

21. 8 U.S.C. § 1231 governs the detention of noncitizens “during” and “beyond” the “removal period,” which is a 90-day period beginning once the noncitizen’s removal order “becomes administratively final.” 8 U.S.C. § 1231(a)(1)(B). Here, the 90-day removal period began on December 30, 2023, and ended on March 29, 2024.

22. Section 1231(a)(3) provides that if the noncitizen “is not removed within the removal period,” then the noncitizen “shall be subject to supervision under regulations prescribed by the Attorney General.” The Government typically conveys such conditions of release via Orders of Supervision. Similarly, 8 C.F.R. § 241.4(j) provides that the Government “shall impose such conditions or special conditions on release as the Service considers appropriate in an individual case . . . .”

23. The regulations state that ICE may release a noncitizen in this posture if she “would not pose a danger to the community . . . or a significant risk of flight,” 8 C.F.R. § 241.4(d)(1), or if “there is no significant likelihood that [he] will be removed in the reasonably foreseeable future,” *id.* § 241.13(g)(1).

24. Re-detention of a noncitizen and revocation of release for non-citizens with final removal orders is governed by 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13.

25. Under 8 C.F.R. § 241.4(l)(1), a noncitizen may be re-detained and her release revoked if she “violates the conditions of release.” But “[u]pon revocation, the alien will be notified of the reasons for revocation,” then “afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.”

26. Under 8 C.F.R. § 241.4(l)(2), a noncitizen may also be re-detained if the Government determines that: the “purposes of release have been served”; the noncitizen violates conditions of release; “[i]t is appropriate to enforce a removal order”; or “[t]he conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.”

27. The discretionary decisions authorized in 8 C.F.R. § 241.4(l)(2) may only be made by the Executive Associate Commissioner or a district director, and those decisions must be made prior to the revocation of release. *Zhu v. Genalo*, 798 F. Supp. 3d 400, 413 (S.D.N.Y. 2025) (“Without the provision of a Notice of Revocation to Petitioner, any notification of the reasons for the revocation of his release, or any information on the identity or position of the ICE official who authorized that revocation, there is no evidence that the officials designated by paragraph 241.4(l)(2) made the decision to revoke Petitioner’s release prior to his detention.”).

28. Court have consistently held that the notice and interview procedures set forth in 8 C.F.R. § 241.4(l)(1) are also required for re-detention under 8 C.F.R. § 241.4(l)(2). *Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 2604573, at \*6 (S.D. Fla. Sept. 9, 2025) (“As a matter of text, the Court is persuaded that the notice and interview requirement stated in § 241.4(l)(1) applies to revocation under § 241.4(l)(2).”); *Constantinovici v. Bondi*, 2025 WL 2898985, at \*4 (S.D. Cal. Oct. 10, 2025) (“District courts have consistently rejected this argument and held that § 241.4(l)(1)’s procedural requirements apply equally to revocation of a noncitizen’s release pursuant to § 241.4(l)(2).”); *Zhu v. Genalo*, 798 F. Supp. 3d 400, 410 (S.D.N.Y. 2025); *Cesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 164 (W.D.N.Y. 2025) (“Indeed, the government does not cite a single case holding that an informal interview is not required when release is revoked for a reason other than a violation.”).

29. Courts have also held that the Government’s violation of the notice and interview requirements of 8 C.F.R. § 241.4(l) constitutes a violation of a detainee’s Due Process rights and warrants immediate release. *See Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 2604573, at \*10 (S.D. Fla. Sept. 9, 2025) (“The failure to provide Petitioner with an informal interview promptly after his detention or to otherwise provide a meaningful opportunity to contest the reasons for revocation violates both ICE’s own regulations and the Fifth Amendment Due Process Clause. This compels Petitioner’s release. Courts around the country have concluded likewise.”); *Mbonga v. Raycraft*, No. 4:25-CV-2315, 2025 WL 3122829, at \*4 (N.D. Ohio Nov. 7, 2025) (“Because Respondents failed to follow their own regulations in detaining Mr. Mbonga, his writ for habeas corpus is GRANTED.”); *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610, at \*7 (S.D. Tex. Sept. 26, 2025) (“Multiple courts have held that the government’s failure to follow its own immigration regulations may warrant the release of a

detained noncitizen.”); *K.E.O. v. Woosley*, No. 4:25-CV-74-RGJ, 2025 WL 2553394, at \*\*6-7 (W.D. Ky. Sept. 4, 2025) (“Based upon the record provided, no reasons were provided by ICE and no informal interview promptly occurred. ICE has violated their own regulations and thus, violated K.E.O.’s right to due process. . . . As a remedy, courts across the country have ordered the release of individuals stemming from ICE’s illegal detention.”).

29. For non-citizens released under § 241.13, the regulations similarly require notice and other procedures. Where a noncitizen has been released because ICE determined that there is no “significant likelihood that the [noncitizen] will be removed in the reasonably foreseeable future,” *id.* § 241.13(g), revocation of release can occur only where the person has violated conditions of their release, *id.* § 241.13(i)(1), or where “changed circumstances” dictate that “there is a significant likelihood” of removal in the “reasonably foreseeable future,” *id.* § 241.13(i)(2). Those regulations require “(1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably foreseeable future.” *Kong v. United States*, 62 F.4th 608, 619–20 (1st Cir. 2023) (synthesizing process outlined at 8 C.F.R. § 241.13(i)(2)).

30. ICE must follow certain procedures when revoking a noncitizen’s release under § 241.13. ICE must (1) “notif[y] the noncitizen] of the reasons for revocation of [their] release;” (2) “conduct an initial informal interview promptly after [their] return to [ICE] custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation;” and (3) conduct a “revocation custody review” which evaluates whether any facts relevant to the revocation “warrant revocation and further denial of release.” *Id.* § 241.13(i)(3)

31. Thus, whether a non-citizen’s release is revoked under either subsection of § 241.4 or under § 241.13, the non-citizen is entitled to notice and accompanying procedures,

consistent with the regulations and due process. Petitioner has not been provided any such procedures.

**CLAIM FOR RELIEF**

**Violation of 8 C.F.R. §§ 241.4(l), 241.13 and Fifth Amendment's Due Process Clause**

32. The allegations in the above paragraphs are realleged and incorporated herein.

33. ICE released Petitioner in 2024 but revoked her release and re-detained her in September 2025.

34. ICE has never provided Petitioner with notice of the specific reason for the re-detention or revocation of her release, nor the statutory or regulatory authority authorizing re-detention or revocation of release.

35. ICE has never conducted an interview with Petitioner concerning the re-detention, the revocation of her release, or the reasons therefor.

36. ICE has never provided Petitioner with an opportunity to respond to the reasons for the re-detention or revocation of her release.

37. On information and belief, neither the Executive Associate Commissioner nor the district director made the decision to revoke Petitioner's release, and neither concluded prior to Petitioner's re-detention that any of the grounds in 8 C.F.R. § 241.4(l)(2) had been satisfied.

38. On information and belief, ICE did not make any finding of changed circumstances rendering Petitioner's removal reasonably foreseeable.

39. Petitioner's revocation of release, re-detention, and continued detention violate 8 C.F.R. §§ 241.4(l) and/or § 241.13, and the Due Process Clause of the Fifth Amendment.

40. Accordingly, the Court should order the immediate release of Petitioner subject to appropriate conditions approved by the Court.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause within three days why this Petition should not be granted;
- (3) Declare that Petitioner's detention violates 8 C.F.R. § 241.4(l) and/or § 241.13, as well as Petitioner's Due Process rights; and
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, subject to appropriate conditions approved by the Court.

Dated this 21<sup>st</sup> day of January, 2026.

Respectfully submitted,

/s/ Joseph H. Huff

Joseph H. Huff  
Georgia Bar No. 374935  
KILPATRICK TOWNSEND & STOCKTON LLP  
Enterprise Mill  
1450 Greene Street, Suite 230  
Augusta, GA 30901  
Phone: (706) 823-4202  
Email: [jhuff@ktslaw.com](mailto:jhuff@ktslaw.com)

H. Forrest Flemming, III  
Georgia Bar No. 104962  
*(Pro Hac Vice Application To Be File Upon Receipt  
of Case Number)*  
KILPATRICK TOWNSEND & STOCKTON LLP  
1100 Peachtree Street, N.E., STE 2800  
Atlanta, GA 30309  
Phone: (404) 815-6500  
Email: [fflemming@ktslaw.com](mailto:fflemming@ktslaw.com)

*Counsel for Petitioner*

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Jaime Varela Jimenez, and submit this verification on her behalf. Based on my discussions with Petitioner, 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 21st day of January, 2026.

/s/ H. Forrest Flemming, III

H. Forrest Flemming, III

Georgia Bar No. 104962

*(Pro Hac Vice Application To Be File Upon Receipt  
of Case Number)*

KILPATRICK TOWNSEND & STOCKTON LLP

1100 Peachtree Street, N.E., STE 2800

Atlanta, GA 30309

Phone: (404) 815-6500

Email: [fflemming@ktslaw.com](mailto:fflemming@ktslaw.com)

*Counsel for Petitioner*