

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

Zharick Daniela BUITRAGO ORTIZ,

Petitioner,

vs.

LADEON FRANCIS, Field Office Director, Atlanta Field Office, U.S. Immigration and Customs Enforcement; Todd LYONS, in his official capacity as Director of U.S. Immigration & Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; Pamela BONDI, in her official capacity as Attorney General, U.S. Department of Justice;

Respondents.

Case No. _____

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS AND COMPLAINT
FOR INJUNCTIVE AND
DECLARATORY RELIEF**

ORAL ARGUMENT REQUESTED

INTRODUCTION

1. Petitioner, Zharick Daniela Buitrago Ortiz, (“Petitioner” or “Zharick”) is a 21-year-old woman who is eight months pregnant, in medical distress, in the custody of respondents, and currently being denied medical care. She brings this habeas corpus petition to remedy her illegal detention.
2. Upon last communication with counsel, Zharick was at Hartsfield International Airport in Atlanta, Georgia, awaiting boarding for a flight to Colombia.
3. Zharick is in extreme medical distress. She is experiencing intense, shooting pain in her back and abdomen, nausea, vomiting, and dizziness. She cannot be removed by airplane to Colombia without serious risk to the health and safety of her and her unborn child.

4. Respondents are denying Zharick medical care for her pregnancy and her child.
5. Respondents' actions violate the Fifth Amendment, the Immigration and Nationality Act (INA), the Administrative Procedure Act (APA), and the *Accardi* doctrine.
6. She brings this petition to challenge her current detention in violation of these laws.

PARTIES

7. Zharick is a 21-year-old girl who is eight months pregnant, in medical distress, in the custody of respondents, and currently being denied medical care.
8. Upon last communication with counsel, Zharick was at Hartsfield International Airport in Atlanta, Georgia, awaiting boarding for a flight to Colombia.
9. Respondent LaDeon Francis is ICE's Acting Field Office Director for the Atlanta Field Office of ICE Enforcement and Removal Operations. As Field Office Director, Respondent Acuna oversees ICE's enforcement and removal operations in the Atlanta area of responsibility, which includes the Atlanta Airport. Petitioner is currently detained within this area of responsibility and, as such, Respondent Ladwig is a legal custodian of Petitioner. He is sued in his official capacity.
10. Respondent Todd Lyons is the acting ICE Director and Senior Official Performing the Duties of the Director. In that capacity, he is a legal custodian of Petitioner. He is sued in his official capacity.
11. Respondent Kristi Noem is the Secretary of DHS. As such, Respondent Noem is responsible for the administration of immigration laws and policies pursuant to 8 U.S.C. § 1103. She supervises DHS's components including ICE and, as such, she is a legal custodian of Petitioner. She is sued in her official capacity.
12. Pamela Bondi is the Attorney General of the Department of Justice. She is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible

for administering proceedings in immigration court, including any bond hearings, and is a legal custodian of each Petitioner. She is sued in her official capacity.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and for injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201.
14. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
15. Venue is proper in the Northern District of Georgia because Petitioner is detained there by respondents.

STATEMENT OF FACTS

16. Zharick Daniela Buitrago Ortiz (Zharick) is a 21-year-old young woman who came to the United States with her mother and two younger siblings in November 2025 to seek safety from persecution in Colombia. Zharick was sent to a detention facility first in Texas and then in Louisiana. Zharick's mother and siblings also came to the United States at the same time and were detained in a family detention center in Dilley, Texas but released this week on or about January 20, 2026.
17. Zharick is currently eight months pregnant, sometime between her thirty-second and thirty-third week of pregnancy.
18. On Sunday, January 18, 2026, representations by Respondents confirmed in writing to counsel that Zharick was not scheduled for removal to Colombia.

19. On Wednesday, January 20, 2026, Respondents took Zharick in the early morning hours from a detention facility in Louisiana and transported her to Atlanta, Georgia where she awaits removal via an airplane flight to Colombia scheduled for 2:00 p.m. EST on January 21, 2026.
20. Zharick is in extreme medical distress. She is experiencing intense, shooting pain in her back and abdomen, nausea, vomiting, and dizziness. She cannot be removed by airplane without serious risk to the health and safety of her and her unborn child.
21. Respondents are on notice of the fact that Zharick is in extreme medical distress but have failed to respond to urgent requests sent by counsel on this date.
22. Over the previous weekend, Zharick learned that the father of her child was murdered in Colombia, compounding her fear of return.

LEGAL FRAMEWORK

23. The writ of habeas corpus is so foundational to our legal framework that the Constitution provides: “[t]he privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.” This language, along with the Judiciary Act of 1789, establishes the authority for at least the Supreme Court to issue writs of habeas corpus when they believe a detention is unlawful.
24. The same authority vested to the Supreme Court above has been extended by Congress to the district courts through the Habeas Corpus Act of 1867, which provides that a district court can grant the writ of habeas corpus whenever a petitioner is “in custody in violation of the Constitution or law and treaties of the United States.” 28 U.S.C. § 2241.
25. The Due Process clause applies to all persons in the United States, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth

Amendment. See *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976); see also *Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally-protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived. See *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569–70 (1972).

26. Due process requires “adequate procedural protections” to ensure that the government’s asserted justification for its conduct infringing on protected interests “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*. 533 U.S. at 690 (internal quotation marks omitted).

27. The Due Process Clause of the Fifth Amendment provides that “[n]o person... shall be deprived of life, liberty, or property without due process of law....” It protects individuals against two types of government action. “Substantive Due Process” prevents the government from engaging in conduct that “shocks the conscience,” *Rochin v. California*, 342 U.S. 165, 172 (1952), or interferes with rights “[i]mplicit in the concept of ordered liberty.” *Palko v. State of Connecticut*, 302 U.S. 319, 324, 58 S. Ct. 149, 151 (1937). “Procedural Due Process” ensures that government cannot unfairly and without meaningful process deprive a person of life, liberty, or property. *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S.Ct. 893 (1976).

28. The Performance Based National Detention Standards (“PBNDS”) issued by U.S. Immigration and Customs Enforcement, set standards for the medical care that ICE provides to individuals in immigration detention.

29. The PBNDS provide, in pertinent part, as follows:

2.1 Admission and Release, I. Releases or Removals

The time, point and manner of release from a facility shall be consistent with safety considerations and shall take into account special vulnerabilities. Prior to

release, the detainee shall be notified of the upcoming release and provided an opportunity to make a free phone call to facilitate release arrangements.

4.3 Medical Care, Z. Continuity of Care

The facility [Health Services Administrator] must ensure that a plan is developed that provides for continuity of medical care in the event of a change in detention placement or status. ...Upon removal or release from ICE custody, the detainee shall receive up to a 30 day supply of medication...and a detailed medical care summary as described in "BB. Medical Records". ...The [Health Services Administrator] must ensure that a continuity of treatment care plan is developed and a written copy provided to the detainee prior to removal.

BB. Medical Records, 4. Transfer and Release of Detainees

Detainees shall be transferred, released or removed, with proper medication to ensure continuity of care throughout the transfer and subsequent intake process, release or removal.

c2) Upon removal or release from ICE custody, the detainee shall be provided medication, referrals to community-based providers as medically appropriate, and a detailed medical care summary. This summary should include instructions that the detainee can understand and health history that would be meaningful to future medical providers. The summary shall include, at a minimum, the following items:

...

- c) current ...physical health status, including all significant health issues, and highlighting any potential unstable issues or conditions which require urgent follow-up;
- d) current medications, with instructions for dose, frequency, etc., with specific medications that must be administered en route;
- e) any past hospitalizations or major surgical procedures
- f) recent test results, as appropriate;

...

- h) any pending medical or mental health evaluations, test, procedures, or treatments for a serious medical condition scheduled for the detainee at the sending facility. In the case of patients with...serious medical needs, detainees being released from ICE custody are given a list of community resources, at a minimum
- i) copies of any relevant documents as appropriate;
- j) printed instructions on how to obtain the complete medical record;

30. Respondents have a duty to follow their own policies related to release from custody, particularly when such policies are aimed at protecting Petitioner's due process rights and right to access the courts. *See generally United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (establishing agency duty to follow self-imposed rules); *see also Montilla v. I.N.S.*, 926 F.2d 162, 167 (2d Cir. 1991) (“[W]here the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures.”). *See also Abdi v. Duke*, 280 F. Supp.3d 373, 389 (W.D.N.Y. 2017) (“ [T]he relevancy of the internal policy is to ascertain whether it pertains to individual rights. If so..., that internal policy must be followed.”); *accord Damus v. Nielsen*, 313 F. Supp.3d 317, 338 (D.D.C. 2018) (finding the Accardi doctrine applied to same ICE Directive at issue in Abdi and that language “disclaiming [the conferral of] any substantive right does not prove otherwise.”).
31. “[I]t is incumbent upon agencies to follow their own procedures . . . even where [they] are possibly more rigorous than otherwise would be required.”); *Battle v. FAA*, 393 F.3d 1330, 1336 (D.C. Cir. 2005) (“*Accardi* has come to stand for the proposition that agencies may not violate their own rules and regulations to the prejudice of others.”).
32. Breaches of *Accardi*'s rule constitute violations of both the APA and the Fifth Amendment's Due Process Clause.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

VIOLATION OF SUBSTANTIVE DUE PROCESS OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

33. Petitioner realleges and incorporates the preceding paragraphs as if set forth fully herein.
34. “It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*,

507 U.S. 292, 306 (1993). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690.

35. “Substantive due process prevents the government from engaging in conduct that shocks the conscience or interferes with rights ‘implicit in the concept of ordered liberty.’” *Salerno*, 481 U.S. at 746 (citation modified). Thus, “the touchstone of due process is protection of the individual against arbitrary action of government whether the fault lies in the denial of fundamental due process fairness or in the exercise of power without any reasonable justification in the service of a legitimate government objective” *City of Sacramento v. Lewis*, 523 U.S. 833 (1998) (citation modified).

36. Respondents’ treatment of Zharick shocks the conscience. Her apprehension, the conditions of her detention, and the continued failure to provide her with necessary and critical care lack any justification and threaten irreparable harm.

SECOND CAUSE OF ACTION:

**VIOLATION OF THE APA, FIFTH AMENDMENT, AND ACCARDI DOCTRINE
RELATED TO DENIAL OF MEDICAL CARE**

37. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

38. Respondents have a duty to follow their own policies related to release from custody, particularly when such policies are aimed at protecting Petitioner’s due process rights and right to access the courts. *See Accardi v. Shaughnessy*, 347 U.S. 260 (establishing agency duty to follow self-imposed rules).

39. ICE’s PBNDS require facilities to provide medical care to individuals in immigration custody. Respondents are not complying with these requirements.

40. The above policies and standards are aimed at protecting Petitioner's right to due process, and violation of these policies constituted a violation of the APA, the Fifth Amendment, and the *Accardi* doctrine.

THIRD CAUSE OF ACTION:

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

41. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
42. Under the Administrative Procedure Act, "final agency action for which there is no other adequate remedy in a court is subject to judicial review." 5 U.S.C. § 704. The reviewing court "shall hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "unsupported by substantial evidence." 5 U.S.C. §§ 706(2)(A), (E) (citation modified).
43. The Respondent's detention of Petitioner under circumstances that threaten her life and health is "arbitrary, capricious, an abuse of discretion and not in accordance with the law." 5 U.S.C. §§ 706(2)(A), (E).
44. Absent this Court's intervention, Petitioner has no "remedy" to challenge the encroachment on Petitioner's rights by the conduct of Respondents.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from placing Petitioner in conditions that create a substantial risk to the health and safety of Petitioner and her child;

3. Declare that Respondents actions violates the APA and the Due Process Clause of the Fifth Amendment of the U.S. Constitution;
4. Issue a writ of habeas corpus that directs Respondents to immediately provide Petitioner with necessary medical care in an appropriate environment to vindicate Petitioner's rights and mitigate harm incident to Respondents' detention of Petitioner and her unborn child;
5. Enjoin Respondents from moving Petitioner without providing 72-hour notice to Petitioner's counsel of any movement of Petitioner;
6. Order Respondents to provide counsel meaningful access to Petitioner, to all documents relevant to Petitioner's claims;
7. Award Petitioner her costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. §2412, or other statutes; and
8. Grant such further relief as the Court deems just and proper.

Dated: January 21, 2026

/s/ Sarah E. Decker
Sarah E. Decker*
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Respectfully submitted,

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/s/ Alexandra M. Smolyar
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Attorneys for Petitioner
** Pro hac vice applications forthcoming*

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

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner's legal team the events described in this Petition. On the basis of those discussions, on information and belief, I hereby verify that the factual statements made in the attached Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge.

Dated: January 21, 2026

/s/ Anthony Enriquez

Anthony Enriquez*

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COUNSEL FOR PETITIONER

** Pro hac vice applications forthcoming*

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that I filed this Petition for Habeas Corpus and all attachments using the CM/ECF system, which will send a notice of this filing to all participants in this case. I hereby certify that I have served all parties electronically or by another means authorized by Federal Rule of Civil Procedure 5(b)(2).

Dated: January 21, 2026

Respectfully submitted,

/s/ Alexandra M. Smolyar

Alexandra M. Smolyar

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 BU TRAI GO ORTIZ, Zharick Daniela

(b) County of Residence of First Listed Plaintiff Fulton
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 See addendum

DEFENDANTS
 FRANCIS, LaDeon et al.

County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241

Brief description of cause:
 Habeas for noncitizen in immigration detention

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

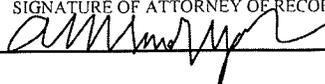
DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: 01/21/2026

SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

JS-44 Civil Cover Sheet – Addendum *Buitrago Ortiz v. Francis et al.*

1(c) Attorneys for Plaintiff/Petitioner

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Meredyth L. Yoon
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