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

Juan David RAMOS PEREZ,

Petitioner,

v.

Jason STREEVAL, Warden, Stewart Detention
Center; **Ladeon FRANCIS**, Director of the Atlanta
Field Office, U.S. Immigration and Customs
Enforcement; **Kristi NOEM**, Secretary of the
U.S. Department of Homeland Security;
in their official capacities,

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Comes now, Juan David Ramos Perez (“Petitioner”), and files this Petition for Habeas Corpus. On January 24, 2024, the U.S. Department of Homeland Security (DHS) granted Petitioner’s Petition for Special Immigrant Juvenile Status (SIJS) and granted him deferred action until January 23, 2028. On approximately November 30, 2025, Petitioner was detained by U.S. Immigration and Customs Enforcement (ICE) and placed in removal proceedings. Petitioner is currently detained at the Stewart Detention Center in Lumpkin, Georgia. On January 26, 2026, Petitioner was ordered removed by the Immigration Judge. Counsel for Petitioner informed

Respondents that Petitioner is no longer in removal proceedings and has deferred action, but Petitioner has not been released. Petitioner is being detained in violation of his Fifth Amendment right to due process. Petitioner's release is not reasonably foreseeable as the Immigration Judge cannot order his release as he is not in removal proceedings, and Respondents have refused to release Petitioner despite Petitioner's deferred action which prevents his removal. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

2. Absent an order from this Court, Petitioner will remain detained indefinitely despite not being physically removeable from the United States.

3. Petitioner asks this Court to find that Petitioner is being detained in violation of his right to due process and order his immediate release.

JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

5. 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).

6. 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

7. Venue is proper because Petitioner is detained at the Stewart Detention Center in Lumpkin, Georgia, which is within the jurisdiction of this District.

8. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause 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.*

10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

11. Petitioner is not in removal proceedings and has deferred action which prevents his removal from the United States. Petitioner is currently detained at the Stewart Detention Center in Lumpkin, Georgia. He is in the custody of, and under the direct control, of Respondents and their agents.

12. Respondent Streeval is the Warden of the Stewart Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with ICE to detain noncitizens and is a legal custodian of Petitioner. Respondent Streeval is a legal custodian of Petitioner.

13. Respondent Francis is sued in his official capacity as the Director of the Atlanta Field Office of ICE. Respondent Francis is a legal custodian of Petitioner and has authority to release him.

14. Respondent Noem is sued in her official capacity as the Secretary of DHS. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

STATEMENT OF FACTS

15. Petitioner is a 19-year-old citizen of Guatemala.¹

16. In 2022, Petitioner came to the United States without admission or inspection as an unaccompanied minor child. His cousin agreed to be responsible for him and signed for Petitioner's release from the custody of the Office of Refugee Resettlement as his sponsor.²

17. On January 24, 2024, Petitioner was granted Special Immigrant Juvenile Status under 8 U.S.C. § 1101(a)(27)(J) based on his parents' abandonment and has deferred action until January 23, 2028.³ When the priority date of Petitioner's I-360 Petition for Special Immigrant Juvenile Status is current, he will be eligible to apply for permanent residency under 8 U.S.C. § 1255(h).

18. Prior to his detention, Petitioner resided in Canton, Georgia, with his cousin.⁴ Petitioner was employment authorized and gainfully employed in Canton, Georgia, prior to his detention.⁵

¹ See Form I-862 Notice to Appear.

² See Verification of Release from the Office of Refugee Resettlement.

³ See I-797 Notice of Action approval notice of Petitioner's Form I-360 for Special Immigrant Juvenile Status which contains the four-year grant of deferred action.

⁴ See Petitioner's Apartment Lease Contract in his cousin/sponsor's name.

⁵ See Petitioner's last pay stub from Pilgrim's Pride.

19. Petitioner was arrested for driving under the influence of alcohol in September in Ball Ground, Georgia, and again in November of 2025 in Canton, Georgia. Both charges are currently pending. Petitioner has no criminal convictions.

20. Petitioner was detained by ICE on approximately November 30, 2025. He is currently detained at the Stewart Detention Center.⁶

21. Petitioner was placed in removal proceedings on December 2, 2025.⁷

22. The Immigration Judge denied Petitioner's request for bond on January 16, 2026.⁸ At the bond hearing, counsel for DHS stated on the record that Petitioner could not be removed from the United States because he has deferred action.

23. On January 26, 2026, Petitioner was ordered removed by the Immigration Judge. Neither Petitioner nor DHS reserved the right to appeal, so that order of removal is final.⁹

24. At Petitioner's last hearing on January 26, 2026, the Immigration Judge warned counsel for DHS that now that Petitioner's removal proceedings were complete, Petitioner's continued detention could be in violation of Petitioner's due process rights.

25. Counsel for Petitioner informed Respondents through their agents at the Office of the Principal Legal Advisor (OPLA) for DHS and Petitioner's case officer with ICE that Petitioner was no longer in removal proceedings and has deferred action, but Petitioner has not been released.

LEGAL FRAMEWORK

24. Petitioner is being held in detention by Respondents without legal authority as he is no longer in removal proceedings, and he cannot be removed from the United States due to his deferred action.

⁶ See ICE detainee locator results.

⁷ See Form I-862 Notice to Appear.

⁸ See Order of the Immigration Judge in bond proceedings dated January 16, 2026.

⁹ See Order of the Immigration Judge in removal proceedings dated January 26, 2026.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

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

26. Petitioner is being detained despite his removal proceedings being final and having deferred action until January 23, 2028. DHS has not taken any action towards terminating or revoking Petitioner's deferred action, and Petitioner cannot be removed from the United States. Petitioner is being detained without legal authority as his detention is not in furtherance of his removal. *See Guerra Leon v. Noem*, No. 25-01495 (W.D. La. Oct. 30, 2025); *see also Maldonado v. Noem*, No. 25-CV-2541, 2025 WL 1593133 (S.D. Tex. June 5, 2025).

27. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

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 why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Anna Erwin

Anna Erwin

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Counsel for Petitioner

Dated: January 28, 2026

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

I represent Petitioner, Juan David Ramos Perez, and submit this verification on his 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 28 January 2026.

/s/ Anna Erwin

Anna Erwin