

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

Erika Janet Arrieta Sánchez,

Petitioner,

George STERLING, in his official capacity as
Field Office Director of Enforcement and
Removal Operations, Atlanta Field Office,
Immigration and Customs Enforcement; Kristi
NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; Jason
STREEVAL, Warden of Stewart Detention
Center

RESPONDENTS

Case No:

**Petition for Writ of Habeas Corpus
Under 28 U.S.C. § 2241**

INTRODUCTION

Petitioner Erika Janet Arrieta Sánchez is a Cancellation of Removal seeker from Mexico who was unlawfully detained by Respondents on January 11, 2026. Respondents detained her without due process or warrant. Her detention violates the Immigration and Nationality Act as well as her Fifth Amendment Due Process rights. *See* 8 U.S.C. § 1226(a). Without intervention by this Court, Petitioner will be subject to indefinite detention. She has been deemed ineligible for bond under recent precedent of the Board of Immigration Appeals. There is no other avenue for Petitioner to be released from her unlawful detention. For these reasons, she prays that this Court will grant her release.


JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
2. 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).
3. This Court has jurisdiction over the claims asserted in this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, and 28 U.S.C. § 1651 because Petitioner asks this Court to compel Respondents, officers of the United States, to perform their duties owed under 8 U.S.C. § 1226(a).
4. The jurisdiction of this Court is also invoked pursuant to 28 U.S.C. §§ 2201-02 which authorizes the issuance of declaratory judgments.
5. 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

6. Venue is proper in this District because Petitioner is detained at the Stewart Detention Center located at 146 CCA Road, Lumpkin, GA 31815, which is within the jurisdiction of this District.
7. 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.

PARTIES

8. Petitioner is an applicant for Cancellation of Removal who is being detained at the Stewart Detention Center located at 146 CCA Road, Lumpkin, GA 31815. She was assigned alien number  Petitioner is under the direct control and in the custody of Respondents and their agents.
9. Respondent Todd M. Lyons is the Acting Director of US ICE. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Todd M. Lyons is sued in his official capacity.
10. Respondent Kristen Sullivan is the Atlanta Field Office Director of US Immigration and Customs Enforcement. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Kristen Sullivan is sued in his official capacity.
11. Respondent Daren K. Margolin is the Acting Director of the Executive Office for Immigration Review (EOIR). He has the legal authority to order an immigration judge to undertake any actions which this Court may order.
12. The Warden of the Stewart Detention Center is sued as the direct custodian of Petitioner. The Warden's name is not publicly listed on any materials that were available at the time of filing. The Warden is sued in his or her official capacity.

STATEMENT OF FACTS

13. Petitioner entered the United States as a baby on 1988.
14. Petitioner entered the United States without inspection or admission.
15. Petitioner was detained on January 11, 2026 and was placed on into full removal proceedings under Section 240 of the Immigration and Nationality Act (8 U.S.C. § 1255). *See* Exhibit A. This permits her to pursue any applications for relief that might entitle her to remain in the United States.
16. Petitioner's immigration proceedings take place within the immigration courts administered by EOIR. Petitioner has applied for Cancellation of Removal and is permitted to remain in the United States until a final determination has been made on her application.
17. Petitioner was detained by US Immigration and Customs Enforcement officers on or around January 11, 2026. She was unlawfully arrested without a warrant in violation of 8 U.S.C. § 1226(a).
18. Petitioner continues to be unlawfully detained by Respondents.

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment Right to Due Process

19. The above paragraphs are realleged and incorporated herein.
20. The Department of Homeland Security has unlawfully detained Petitioner under “mandatory detention” authority reserved for aliens who are in the process of entering the United States, 8 U.S.C. § 1225.
21. Petitioner’s detention violated the Immigration and Nationality Act and her due process rights because she was detained without “a warrant issued by the Attorney General” as required by Section 236(a) of the Immigration and Nationality Act.
22. Having been unlawfully detained, Petitioner requests the only appropriate relief from this Court: “release from unlawful detention”. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020).
23. There is no other avenue for release that Petitioner can seek. Respondents have determined that all individuals like Petitioner are ineligible for bond and must be detained. The Executive Office for Immigration Review has issued precedential decisions holding that immigration judges unequivocally have no jurisdiction to entertain granting bond in Petitioner’s exact circumstances. *See, e.g., Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
24. Petitioner’s warrantless arrest and continued detention are violations of her rights under the Fifth Amendment of the US Constitution.

PRAYER FOR RELIEF

Petitioner respectfully asks that the Court:

- A. Assume jurisdiction over this matter;
- B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- C. Order that that Respondents not transfer Petitioner from this District of the Middle District of Georgia during the pendency of this matter;
- D. Order that Respondents not remove Petitioner from the United States until this matter has concluded;
- E. Order that Respondents immediately release Petitioner from detention under the same conditions that she had prior to her unlawful detention;
- F. Order that Respondents return all personal property that was confiscated from Petitioner at the time of the unlawful detention; and
- G. Grant any further relief this Court deems just and proper.

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TAB A

Allegations: Admits All; | Charges: Concedes All;
Designated Country: MEXICO |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: ERIKA JANET ARRIETA-SANCHEZ AKA: See Continuation Page Made a Part Hereof currently residing at:

DHS / ICE / ERO 146 CCA ROAD LUMPKIN, GEORGIA 31815

(229) 838-5000

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You entered the United States at or near an unknown place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

146 CCA RD, PO BOX 248, LUMPKIN, GEORGIA 31815. EOIR Lumpkin, GA

(Complete Address of Immigration Court, including Room Number, if any)

on February 4, 2026 at 9:00 am to show why you should not be removed from the United States based on the charge(s) set forth above.

(Date) (Time)

PRINCESS A GIBSON Digitally signed by PRINCESS A GIBSON
Date: 2026.01.13 10:47:05 -05'00'

PRINCESS GIBSON - SDDO

(Signature and Title of Issuing Officer)

Date: January 13, 2026

ATLANTA, GA

(City and State)

EOIR - 1 of 5

Allegations: Admits All; Charges: Concedes All;
Designated Country: MEXICO |
Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

(Signature and Title of Immigration Officer)

Date: _____

Certificate of Service

This Notice To Appear was served on the respondent by me on January 14, 2026 in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused To Sign

(Signature of Respondent if Personally Served)

M. DORSON
0248 STEWART - Deportation
Officer

(Signature and Title of officer)

EOIR - 2 of 5

Exh. 1 -

WHA250; E. STEWART 0248 - 4

Allegations: Admits All; | Charges: Concedes All;

Des: Authority Country: MEXICO |

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System (GEMS), and DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.


Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR - 3 of 5

Allegations: Admits All; Charges: Concedes All;
U.S. Department of Homeland Security
Designated Country: MEXICO

Continuation Page for Form I-862

Alien's Name ARRIETA-SANCHEZ, ERIKA JANET	File Number 	Date 01/13/2026
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ALSO KNOWN AS

ARRIETA, ERIKA ; CRUZ, ERIKA

THE SERVICE ALLEGES THAT YOU:

Immigration and Nationality Act; and/or

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature PRINCESS GIBSON	PRINCESS A GIBSON	Digitally signed by PRINCESS A GIBSON Date: 2026.01.13 10:47:48 -05'00'	Title SDDO
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* Non-Profit Organization
 ** Referral Service
 *** Private Attorney

List of Pro Bono Legal Service Providers

Updated October 2025

<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Stewart Immigration Court

Lumpkin, Georgia	
<p>Amica Center or Immigrant Rights* (formerly Capital Area Immigrants' Rights (CAIR) Coalition)</p> <p><u>Main Office:</u> 1025 Connecticut Avenue NW, Suite 701 Washington, DC 20036</p> <p><u>Baltimore Office:</u> 1 North Charles Street, Suite 2305 Baltimore, MD 21201</p> <p>Tel: (202) 331-3320 (Main Line) Tel: (202) 331-3329 (Detention Line) Fax: (202) 331-3341</p> <p>For Help with DETAINED ADULTS: Email: adults@caircoalition.org</p> <p>www.amicacenter.org</p> <ul style="list-style-type: none"> • Provides immigration legal services to detained adults and children in DC, Maryland, and Virginia • Languages: Spanish with interpretation available for other languages 	<p>ABA Commission on Immigration Detention Information Hotline**</p> <p>1050 Connecticut Avenue, NW, Unit 400 Washington, DC 20036 immcenter@americanbar.org www.americanbar.org/groups/public_interest/immigration/</p> <ul style="list-style-type: none"> • Pro se case assistance for detained respondents only • Respondents detained at Immigration and Customs Enforcement (ICE) or Bureau of Prisons (BOP) facilities should contact our speed dial at 2150# or by calling (202) 442-3363 • To contact on behalf of an individual detained by ICE or BOP, email immcenter@americanbar.org • Respondents detained at Department of Defense (DOD) military facilities (including Guantanamo) should contact our toll-free hotline at 1 (855) 641-6081 <p>Immigration Justice Campaign**</p> <p>2001 L Street NW, Suite 500 #2026 Washington, DC 20036 Tel: (202) 946-8271 justice@immouncil.org</p>

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of Policy, maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.

TAB B

VERIFICATION

On Petitioner's behalf, I, William A. Matos, 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.

Respectfully submitted,

/s/  _____

William A. Matos
Counsel for Petitioner
Bar Number: 477054
848 Jesse Jewell Parkway Sw,
Gainesville , GA 30501
Phone: (787) 205-7564
lawofficewmatos@gmail.com