

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

DANIEL VENTURA LUNA,)
)
 Petitioner,)
)
 v.)
)
 JASON STREEVAL, Warden, Stewart Detention)
 Center; **KRISTEN SULLIVAN** Acting ERO)
 Director of Atlanta Field Office, U.S. Immigration)
 and Customs Enforcement (“ICE”);)
 TODD LYONS, Acting Director of ICE)
 KRISTI NOEM, Secretary of the U.S)
 Department of Homeland Security; **PAM BONDI**,)
 Attorney General of the United States; and)
 WILLIAM KEYES, U.S. Attorney for the Middle)
 District of Georgia, in their official capacities,)
)
 Respondents.)
)
 _____)

Case No. 26-344

PETITION FOR WRIT OF
HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner, Daniel Ventura Luna, has been incarcerated since August 29, 2025, over 6 months ago. Petitioner has a removal order from May 13, 2015. It appears that Petitioner’s physical removal from the United States is not reasonably foreseeable. Accordingly, to vindicate Petitioner’s statutory and constitutional rights and to put an end to his continued detention, this Court should grant the instant petition for a writ of habeas corpus.
2. Petitioner waited for a hearing date for his Withholding of Removal application since his positive Reasonable Fear Screening in September 9, 2019. It was not until recently, in January of 2026, that Petitioner was scheduled for said hearing. However, in August of 2025, without

a reason other than the prior removal order, Petitioner was detained by ICE agents and remains in their custody to this day.

3. Absent an order from this Court, Petitioner will likely remain detained for many more months.
4. Petitioner asks this Court to find that his prolonged incarceration is unreasonable and to order his immediate release, or in the alternative, the opportunity to argue his release at a bond hearing conducted by an Immigration Judge.
5. The Petitioner has lived in the United States for years and is now detained at the Stewart Detention Center in Lumpkin, GA.

JURISDICTION

6. Petitioner is in the physical custody of Respondents and is detained at Stewart Detention Center in Lumpkin, Georgia, where he has been detained since around August 29, 2025.
7. To Counsel's knowledge, Petitioner does not have any criminal convictions.
8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
9. 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). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

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

occurred in this District. 28 U.S.C. § 1391(e).

PARTIES

12. Petitioner, Daniel Ventura Luna, was detained by the Department of Homeland Security (“DHS”) on or around August 29, 2025. Petitioner is currently detained at Stewart Detention Center. He is in the custody of, and under the direct control of, Respondents and their agents. After detaining him, ICE did not set bond.
13. Respondent Streeval is the Warden of Stewart Detention 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 Streeval is a legal custodian of Petitioner.
14. Respondent Kristen Sullivan is the Acting ERO director for the Atlanta Field Office of the Immigration and Customs Enforcement Agency (“ICE”), a brand of the Department of Homeland Security (“DHS”) and is sued in his official capacity. Respondent Sullivan is responsible for local custody decisions relating to aliens charged with being removable from the United States, including the custody status of Petitioner. Respondent Sullivan is a legal custodian of Petitioner and has authority to release her/him/them
15. Respondent Todd M Lyons is the acting director of ICE and is sued in his official capacity. Respondent has authority over the actions of Kristen Sullivan and ICE in general. ICE’s mission includes the enforcement of criminal and civil laws related to immigration. Among other things, ICE is responsible for the stops, arrests, and custody of individuals believed to be in violation of civil immigration law.
16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security and is being sued in her official capacity. Respondent has authority over the actions of all other DHS

Respondents in this case, as well as all operations of DHS which is responsible for implementing and enforcing the nation's immigration laws pursuant to 8 U.S.C. § 1103(a).

Respondent Noem is a legal custodian of the Petitioner.

17. Respondent Pam Bondi is the Attorney General of the United States. In this capacity, she has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103 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 Board of Immigration Appeals ("BIA"). Respondent Bondi is a legal custodian of Petitioner.

18. Respondent William Keyes is the U.S. Attorney for the Middle District of Georgia. Respondent Keyes is being sued in his capacity as a legal representative of the federal government.

STATEMENT OF FACTS

19. Petitioner is a forty-five-year-old citizen of El Salvador. He has lived in the United States for approximately 8 years. Petitioner last entered the United States near Hidalgo, Texas on or about February 6, 2017. He was released under an Order to Supervision on February 8, 2017, and was reporting each year to ICE without fail until his sudden detention this past year on August 29, 2025.

20. On September 9, 2019, Petitioner had a Reasonable Fear interview with Asylum Officer W. Shwayri from the Arlington Asylum Office¹.

21. Petitioner was issued a decision stating he was found to have a Credible Fear of Persecution or torture in his home country on September 9, 2019.

¹ Petitioner was previously removed in 2015 following a decision issued by an Immigration Judge issued a decision on July, 2, 2015 and Plaintiff was removed shortly thereafter.

22. Petitioner was given a Referral to the Immigration Judge dated September 18, 2019. The referral notice does not list a time or date for the hearing.

23. Since then, Petitioner spent years to be called by the Immigration Court for his first hearing, which did not occur until Petitioner filed a writ of mandamus and his petition was granted by this Court. Petitioner's first hearing was scheduled for January 16, 2026. Petitioner's proceedings are ongoing.

LEGAL FRAMEWORK

24. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." 28 U.S.C. § 2243 (emphasis added).

25. "It is well established that the Fifth Amendment entitles [noncitizens] 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 v. Davis*, 533 U.S. 678, 690 (2001).

26. This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious."). It also protects noncitizens who have been ordered removed from the United States and who face continuing detention. *Id.* at 690.

27. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period” of noncitizens who have been ordered removed and are deemed to be a risk of flight or danger, the Supreme Court has recognized limits to such continued detention. In *Zadvydas*, the Supreme Court held that “the statute, read in light of the Constitution’s demands, limits [a noncitizen’s] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen’s] removal from the United States.” 533 U.S. at 689. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.
28. In determining the reasonableness of detention, the Supreme Court recognized that, if a person has been detained for longer than six months following the initiation of their removal period, their detention is presumptively unreasonable unless deportation is reasonably foreseeable; otherwise, it violates that noncitizen’s due process right to liberty. 533 U.S. at 701. In this circumstance, if the noncitizen “provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.*
29. The Court’s ruling in *Zadvydas* is rooted in due process’s requirement that there be “adequate procedural protections” to ensure that the government’s asserted justification for a noncitizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

30. The first justification of preventing flight, however, is “by definition . . . weak or nonexistent where removal seems a remote possibility.” *Zadvydas*, 533 U.S. at 690. Thus, where removal is not reasonably foreseeable and the flight prevention justification for detention accordingly is “no longer practically attainable, detention no longer ‘bears [a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). As for the second justification of protecting the community, “preventive detention based on dangerousness” is permitted “only when limited to specially dangerous individuals and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.
31. Thus, under *Zadvydas*, “if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699–700. If removal is reasonably foreseeable, “the habeas court should consider the risk of the [noncitizen’s] committing further crimes as a factor potentially justifying the confinement within that reasonable removal period.” *Id.* at 700.
32. At a minimum, detention is unconstitutional and not authorized by statute when it exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533 U.S. at 701 (stating that “Congress previously doubted the constitutionality of detention for more than six months” and, therefore, requiring the opportunity for release when deportation is not reasonably foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005).

CLAIMS FOR RELIEF

COUNT ONE Violation of Fifth Amendment Right to Due Process

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

34. The Fifth Amendment provides that “[n]o person” shall be “be deprived of life, liberty, or property, without due process of law.”
35. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
36. Moreover, “[t]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693.
37. Petitioner has been detained by Respondents for over 6 months. Over 6 months of this prolonged detention has taken place *after* his removal period began.
38. Petitioner’s removal is not reasonably foreseeable, detention cannot be reasonably related to the purpose of effectuating removal and thus violates due process. *See Zadvydas*, 533 U.S. at 690, 699–700.
39. For these reasons, Petitioner’s ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
Violation of the Administrative Procedure Act
Contrary to Law and Arbitrary and Capricious Agency Policy

40. The allegations in the above paragraphs are realleged and incorporated herein.
41. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention “beyond the removal period” only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6); *see also Zadvydas*, 533 U.S. at 699 (“[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.”). Because Petitioner’s removal is not reasonably

foreseeable, his detention does not effectuate the purpose of the statute and is accordingly not authorized by § 1231(a).

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner; and
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted,

This March 3, 2026.

COCHRAN IMMIGRATION

/s/ Johanna Cochran

by: Johanna Cochran

Georgia Bar No. 611902

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

I represent Petitioner, Daniel Ventura Luna, 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 March 3, 2026.

COCHRAN IMMIGRATION

/s/ Johanna Cochran

by: Johanna Cochran

Georgia Bar No. 611902

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