


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Maria Refugio ROSAS OCOTOXTLE,)
)
)
Petitioner,)
)
v.)
)
Jason Streeval, Warden of Stewart Detention Center)
Todd Lyons, Director of U.S. Immigration and)
Customs Enforcement (ICE); Markwayne Mullin,)
Secretary, U.S. Department of Homeland Security)
(DHS); and Pamela Bondi, Attorney General USA,)
in their official capacities,)
)
Respondents.)
_____)

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

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Maria Refugio ROSAS OCOTOXTLE,



Petitioner,

v.

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PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, Maria Refugio ROSAS OCOTOXTLE, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus and states as follows:

I. INTRODUCTION

The Petitioner brings this action because her continued detention violates the constitutional and statutory protections to which she is entitled. As set forth herein, she satisfies all criteria for membership in the *Maldonado Bautista* nationwide class, yet she was nevertheless subjected to a categorical denial of bond under *Matter of Hurtado* without any individualized assessment of danger or flight risk. This denial disregards the procedural and substantive due process safeguards


that govern her detention and that are expressly afforded to class members. Given the totality of her circumstances, including nearly three (3) decades of residence in the United States, two (2) U.S. citizen children (USC), homeownership, and stable and consistent employment, there is no lawful basis for her continued detention. In support thereof, Petitioner states the following:

II. JURISDICTION AND VENUE

JURISDICTION: This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality of that custody.

VENUE is proper in this District because Petitioner is detained at Stewart detention facility located at 146 CCC Rd, Lumpkin, GA 31815; and Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to her claims occurred in this District and Petitioner resides in this District and no real property is involved in this action. 28 U.S.C. § 1391(e).

III. PARTIES

PETITIONER, Maria Refugio ROSAS OCOTOXTLE,  is a native and citizen of Mexico and is currently detained by Immigration and Customs Enforcement (ICE) at the Stewart Detention Center.

RESPONDENT is Jason Streeval, Warden of Stewart Detention Center; Todd Lyons, Director of U.S. Immigration and Customs Enforcement (ICE); Markwayne Mullin, current Secretary of the U.S. Department of Homeland Security (DHS); and Pamela Bondi, Attorney

General of the USA, all of them in their official capacities, who have immediate custody over Petitioner.

IV. STATEMENT OF FACTS

The Petitioner is a native and citizen of Mexico who entered the United States without inspection in 1998 through Phoenix, Arizona. Since that time, she has resided continuously in the United States for nearly three (3) decades, making this country her primary and long-term home. Over the course of these years, she has built deep roots in her community, becoming a devoted mother, a stable homeowner, a consistently employed worker, and a contributing member of society.

During her residence in the United States, the Petitioner raised her two U.S. citizen children, Alexander Varela Rosas (DOB [REDACTED] 2005) and M [REDACTED] (DOB [REDACTED]). She has been their primary caregiver, providing for their daily needs, emotional well-being, and overall stability. See Exhibit A – USC children’s Birth Certificates.

The Petitioner has maintained steady and reliable employment, most recently with Emory Health Care in Atlanta, GA. Her long-standing work history reflects a strong work ethic, financial responsibility, and a sustained commitment to self-sufficiency. See Exhibit B (Employment certification, Deed and Tax Form (s)).

Despite these compelling equities, on February 24, 2026, the Immigration Judge’s Order denied her request for bond, concluding that the Court lacked jurisdiction pursuant to *Matter of Hurtado* and the plain language of INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), which the Court

interpreted as prohibiting bond consideration for individuals present in the United States without admission. See Exhibit C (IJ' Order).

Petitioner's position is that she falls within the class identified in *Maldonado-Batista*¹, and that procedural and substantive due process protections have not been properly observed in her case.

V. ARGUMENT

VIOLATION OF DUE PROCESS

a) *Procedural Due Process*

The Petitioner has resided in the United States for nearly thirty (30) years. During this time, she has built a stable and meaningful life: she is a homeowner, a consistent taxpayer, and the mother of four children, two (2) of them are USC. Her decades of residence and deep community ties create a substantial liberty interest that warrants meaningful procedural protections under the Due Process Clause.

Courts have repeatedly recognized that the strength of an individual's ties to the United States is relevant to the constitutional analysis of detention and procedural safeguards. Although the Eleventh Circuit has not adopted a categorical rule for granting a bond hearing in every case, it has acknowledged that noncitizens are entitled to due process protections when the government restrains their liberty, and that the nature of those protections depends on the individual circumstances. See *Singh v. U.S. Att'y Gen.*, 945 F.3d 1310, 1315–16 (11th Cir. 2019).

¹ *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr*, 5:25-cv-01873, (C.D. Cal.)

Individuals, like Petitioner, devote significant efforts and limited resources to pursue relief for which they are, in most cases, legally eligible. While bond determinations rest within the discretion of the Immigration Judge, that discretion is meant to be exercised only after a meaningful hearing and an individualized assessment of danger and flight risk. But, in many cases, it appears that the Court satisfies the formal requirements of due process by setting a hearing date, and there is little actual discretion exercised and little willingness to grant bond, not only for those who may lack statutory eligibility, but also for those who fully meet the statutory requirements. Resulting almost in a “futile exercise” of justice.

Here, however, the Immigration Court (“IC”) stated “lack of jurisdiction” under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In doing so, the Court deprived the Petitioner of the procedural and substantive due process protections that the Constitution guarantees, even to noncitizens. The result is a process that creates the appearance of judicial review while denying its substance, leaving the Petitioner without the meaningful hearing to which she is entitled.

Matter of Hurtado does not categorically take away the IC of jurisdiction over bond requests for noncitizens in removal proceedings; rather, it addresses specific procedural circumstances not present here. Petitioner fall within the class of individuals for whom Congress and the regulations authorize custody review.

In the alternative to its reliance on *Hurtado*, the IC concluded that Petitioner failed to meet her burden, an assertion that directly contradicts the extensive evidence she provided demonstrating her deep roots in the United States, including:

- Her USC children’s birth certificates show her deep family ties.

- A Deed establishing her homeownership, which reflects long-term stability and a fixed residence address.
- Paystubs documenting her stable and consistent employment, along with her Emory batch ID.
- A copy of her 2024 tax form, demonstrating that she is a reliable taxpayer who has complied with her civic obligations. The IC's assertion regarding the existence of two different SSNs is both misplaced and unsupported by the record. The Petitioner provided a clear and reasonable explanation for the discrepancy: her tax returns were filed under an Individual Taxpayer Identification Number (ITIN), not a Social Security number (SSN). SSN do not begin with a (9); only ITIN numbers do. ITINs are exclusively issued by the IRS upon application and proof of identity. See *Intuit Accountant's* an article detailing the valid numerical ranges for SSNs, ITINs, and ATINs. This evidence directly supports the Petitioner's explanation regarding the alleged discrepancy in her identifying numbers. (Exhibit D). The IC identified no evidence of fraud, criminal intent, or any misuse for unlawful purposes. Administrative inconsistencies of this nature, particularly when fully clarified by the Petitioner, have no bearing on flight risk and cannot serve as a legitimate basis to deny bond.

All the above factors overwhelmingly establish that Petitioner is not a flight risk. Courts have repeatedly recognized that family ties, property ownership, employment history, and the ongoing pursuit of immigration relief are powerful indicators of reliability and community integration.

Furthermore, Petitioner's continued detention violates constitutional limits under *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Supreme Court held that immigration detention is constitutionally permissible only for two purposes: preventing flight risk and protecting the community from danger. Neither purpose is served by Petitioner's continued detention. When detention no longer serves a constitutionally valid purpose, it becomes punitive and unlawful.

The government may not detain individuals merely for administrative convenience or based on speculative concerns. Likewise, the IC's suggestion that issues related to the Petitioner's I-589 should influence custody redetermination is legally unfounded. The adjudication of an I-589 is a matter reserved for the merits hearing, where the appropriate evidentiary standards and procedural safeguards apply, not during a custody redetermination proceeding, which is limited to assessing flight risk and danger to the community.

Certainly, the Petitioner clearly qualified for a bond determination under the governing legal standards, and nothing in the record suggests she would have been denied bond had the IC conducted the individualized assessment required by law. Remanding the case for a new bond hearing would place the Petitioner to the same vulnerable position she faced before, forcing her to expend additional time, resources, and emotional strain to obtain a hearing that should have been afforded to her in the first instance. Because the IC denied bond based on a claimed "lack of jurisdiction" and "speculative considerations", the Petitioner was deprived of the meaningful process guaranteed to her under the Constitution. Under these circumstances, and to remedy the due process violation already suffered, Petitioner respectfully requests that this Honorable Court order ICE to release her on bond rather than subject her to further delay and procedural uncertainty.

b) Substantive Due Process

Petitioner has developed deep and enduring ties to her community for almost three (3) decades. Since her arrival in 1998, she has consistently demonstrated stability and responsibility: she became a homeowner, has filed her taxes without interruption, and raised four children, two (2) of whom are USC. Aside from a minor shoplifting offense in 1999, an isolated incident occurring more than two (2) decades ago, she has no criminal history and has lived a law-abiding life. The

totality of these circumstances reflects strong moral character and firmly establishes that the Petitioner poses neither a danger to the community nor a risk of flight. Accordingly, her continued detention bears no reasonable relationship with any legitimate governmental purpose and therefore violates the substantive protections guaranteed by the Constitution.

Substantive due process requires that the government's deprivation of liberty bears a reasonable relationship to a legitimate governmental objective. The Supreme Court has long held that civil detention must be justified by its purpose and cannot be arbitrary or excessive. In *Jackson v. Indiana*, 406 U.S. 715, 738 (1972), the Court explained that "due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed." In the immigration context, the Supreme Court reaffirmed this principle in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), holding that the only constitutionally permissible purposes of immigration detention are preventing flight risk and protecting the community from danger.

**PETITIONER QUALIFIES FOR BOND UNDER
MALDONADO-BAUTISTA BOND-ELIGIBLE CLASS**

In *Maldonado Bautista v. Santacruz*, the U.S. District Court for the Central District of California certified a nationwide class of noncitizens entitled to bond hearings, even if they entered the United States without inspection. The court held that such individuals are generally detained under 8 U.S.C. § 1226(a), which authorizes bond hearings, rather than under the mandatory detention provisions of §§ 1226(c), 1225(b)(1), or 1231.

Petitioner is a noncitizen without lawful status, satisfying the class requirement of "non-lawful status." She entered the USA without inspection in 1998, meeting the "EWI" requirement. She

Petitioner is a noncitizen without lawful status, satisfying the class requirement of “non-lawful status.” She entered the USA without inspection in 1998, meeting the “EWI” requirement. She was not apprehended at or near the border upon arrival; rather, she has lived continuously in the interior of the USA for nearly thirty (30) years, which satisfies the requirement that apprehension not occur at or immediately after entry. She is not subject to mandatory detention under any statutory provision that would exclude her from the class: she has no disqualifying criminal history under § 1226(c), she is not in expedited removal under § 1225(b)(1), and she is not subject to post-final-order detention under § 1231.

These facts place the Petitioner within the *Maldonado-Bautista* class of individuals who are legally entitled to a bond hearing under § 1226(a). Her nearly three decades of residence, U.S. citizen children, property ownership, stable employment with Emory Health Care, and minimal criminal history further reinforce that she is precisely the type of individual the class was designed to protect, those with deep ties to the United States and viable avenues for immigration relief who nonetheless face detention without individualized review.

Petitioner’s continued detention, despite her strong community ties, long-term residence, and lack of danger or flight risk, bears no reasonable relationship to any lawful governmental purpose and cannot be sustained under the Constitution.

VI. CONCLUSION

The denial of bond under *Matter of Hurtado* violated Petitioner’s procedural and substantive due process rights guaranteed by the Constitution. As a member of the class certified in *Maldonado Bautista v. Santacruz*, Petitioner is legally entitled to a meaningful bond hearing

Under *Zadvydas v. Davis*, immigration detention is constitutional only when it serves a legitimate governmental purpose, preventing flight risk or protecting the community. Petitioner's continued detention neither serves purpose. With nearly thirty years of residence, strong family and community ties, stable employment, and no disqualifying criminal history, and a qualifying application option for relief from removal, she does not present a danger or a flight risk; and the IC's alternative analysis are not supported by any evidence of flight risk that cannot be overcome by reasonable bond conditions.

WHEREFORE, Petitioner respectfully requests that this Court intervene to remedy these constitutional violations and ensure that the protections guaranteed to her under federal law are fully observed; order Respondent to release her on bond and grant any further relief this Court deems just and proper.

Respectfully submitted, on March 12, 2026.



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

I, Akindiji Oloko, counsel for Petitioner submit this verification on her behalf. I hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Dated this 12th day of March 2026.



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CERTIFICATE OF SERVICE

Civil Action No. _____

I, Akidiji Oloko, Esq. hereby certify that on this 03/12/2026, I served a copy of the foregoing *Petition for Writ of Habeas Corpus* under 28 U.S.C. § 2241 and all accompanying documents by placing them in the United States mail, postage prepaid, addressed to the following:

Pamela Bondi, Attorney General of the United States: U.S. Department of Justice 950 Pennsylvania Avenue NW Washington, DC 20530

Markwayne Mullin, Secretary of the U.S. Department of Homeland Security (DHS): U.S. Department of Homeland Security 300 7th Street SW Washington, DC 20024

Todd Lyons, Director of U.S. Immigration and Customs Enforcement (ICE): U.S. Immigration and Customs Enforcement 500 12th Street SW Washington, DC 20536

DHS / ICE Office of Chief Counsel: 146 CCA Road, P.O. Box 248 Lumpkin GA 31815.

Jason Streeval, Warden of Stewart Detention Center: Stewart Detention Center 146 CCA Road P.O. Box 248 Lumpkin, GA 31815

By:



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TABLE OF EXHIBITS

Exhibit A Birth Certificates of Petitioner's USC children.

Exhibit B Property Deed and 2024 Tax Form (2024).

Exhibit C Immigration Judge's Order dated 02/24/2026

Exhibit D *Intuit Accountant's* an article detailing the valid numerical ranges for SSNs, ITINs, and ATINs.