


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

Agency # A 
DONALDO JOSE
GUTIERREZ MENDIETA
Petitioner-Plaintiff

Civ. No. _____

v.

DONALD J. TRUMP, President of the
United States;
KRISTI NOEM,
Secretary, United States Department of
Homeland Security; PAMELA BONDI,
Attorney General of the United States;
TODD M. LYONS, Acting Director, United
States Immigration and Customs
Enforcement;
NICK ANNAN, Director, United States
Immigration and Customs Enforcement
Atlanta Field Office;
JASON STREEVAL, Warden of Stewart
Detention Center
in his official capacities,

Respondents.

PETITION FOR WRIT

INTRODUCTION

1. Petitioner, Donaldo Jose GUTIERREZ MENDIETA, by and through Counsel, brings this petition for a writ of habeas corpus to seek enforcement of his rights to due process. Petitioner is in the physical custody

of Respondents and currently held at the Stewart Detention Center in Lumpkin, GA. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to follow the law and abide by individual review.

2. On February 26, 2026, Petitioner attended his regular ICE check-in, and without provocation or change of circumstances, was detained and sent to Stewart Detention Center.

3. Petitioner fled his homeland of Nicaragua and presented himself at the boarder of the United States on December 3, 2022 and was paroled into the United States under 212(d)(5). (see ex 1).

4. Within the one-year deadline, merely seven months later in July of 2023, Petitioner properly applied for Asylum and Withholding of Removal with United States Citizenship and Immigration Services (USCIS) and later obtained a valid Work Permit (EAD) under C08 category (1/30/24 – 1/29/29) (see Ex 2).

5. Petitioner has stable employment and residence as well as a wide support group of family and friends and was attending all required ICE check-ins in the pendency of his case.

6. Unlawfully detaining Petitioner at his ICE check-in, and revoking his parole without a change of circumstance, is a violation of the law and done for no other purpose but to hasten his removal and deny access to relief.

7. Petitioner is eligible for a Bond hearing as a matter of law and individual consideration must be given by an impartial immigration judge as to the merits of his case. § 1226(a)(2).

8. On March 17, 2026, the Immigration Law Judge Bianca Brown sitting at the Immigration Court at Stewart Detention Center denied to hear the merits of the bond claiming a lack of jurisdiction. (See Ex 3)

9. Despite no changed circumstances and a valid EAD, after apprehending Petitioner at his regular ICE check-in, DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has refused to provide a copy of any new charging documents as the initial entry Notice To Appear (NTA) was never filed with the Court and his relief path was affirmative through USCIS.

10. The Court should expeditiously grant this petition as Petitioner's removal proceedings continue forward at rocket speed in Georgia.

11. Because there were no changed circumstances providing a basis for revocation of parole Petitioner should be released immediately.

12. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Immigration Detention Center in Lumpkin, GA.

14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

15. 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

16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the judicial district in which Petitioner currently is detained.

17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the

United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern district of Georgia.

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues are the same or similar to numerous prior failures of the Department of Homeland Security to ensure due process at detention centers across the country.

19. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

20. Petitioner, Donaldo Jose GUTIERREZ MENDIETA, is a citizen of Nicaragua who has been held in immigration detention without bond since February 26, 2026. ICE refuses to set bond, and Petitioner requested review of his custody by an Immigration Law Judge. On March 17, 2026, Petitioner was denied bond by ILJ Bianca Brown because the ILJ deemed him

“not eligible for release on bond under *Matter of Yajure Hurtado*” Petitioner has resided in the safety of the United States since December 3, 2022 when he was paroled into the United States under 212(d)(5) and timely applied for Asylum, was granted a valid work permit, and maintains the right to due process protections through the affirmative USCIS process.

21. Respondent Nick Annan is the Director of the Atlanta Field Office of ICE’s Enforcement and Removal Operations division. As such Nick Annan is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

23. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

24. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive

Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

25. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

26. Respondent Jason Streeval is employed by Core civic as Warden of the Stewart Immigration Detention center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Section 236(a) of the Immigration and Nationality Act (INA)*, codified at 8 U.S.C. 1226(a)

27. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

28. As an immigrant who applied for entrance into the US seeking asylum and having been paroled in under INA 212 (d)(5), without any changed circumstances, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

29. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA.

30. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's Fifth Amendment right to a fair process before being deprived of liberty.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner in light of no changed circumstances given his parole, timely application for Asylum and valid EAD;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner on his own recognize unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED this 23d day of March, 2026.

_____/s/ Rebeca E Salmon

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Exhibit List

- Exhibit 1** Parole document December 3, 2022: INA 212(d)(5)
- Exhibit 2** Valid EAD (1/30/24 – 1/29/29)
- Exhibit 3** Bond denial of the Immigration Judge 3/17/26

VERIFICATION

Pursuant to 28 USC § 2242, the undersigned certifies under penalty of perjury that she has reviewed the foregoing petition and that the facts state therein concerning Petitioner are true and correct based on her knowledge or belief.

Dated: March 23, 2026

Respectfully submitted,

By:

_____/s/ Rebeca E Salmon

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23th day of March 2026, I electronically filed the foregoing PETITION FOR WRIT OF HABEAS CORPUS with the clerk of court for the United States District Court for the Middle District of Georgia using the CM/ECF system which automatically serves

Assistant United States Attorney
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By:

_/s/ Rebeca E Salmon

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