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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

WALTER A. VELASQUEZ-CRUZ,



Petitioner,

v.

JASON STREEVAL, WARDEN,
STEWART DETENTION CENTER;
KRISTI NOEM, DHS SECRETARY

Respondent.

Case No.

PETITION FOR WRIT OF
HABEAS CORPUS

1
2 **INTRODUCTION**

3 1. This case challenges the unlawful and ultra vires detention of Petitioner,
4 Walter Alexander Velazquez Cruz (“Petitioner”), who is currently in the custody of
5 Immigration and Customs Enforcement (“ICE”) at Stewart Detention Center in
6 Lumpkin, Georgia. For nearly a decade, Petitioner has lived openly in the United
7 States under ICE supervision, complying fully with every condition imposed upon
8 him. He is neither a flight risk nor a danger to the community. Yet, without warning,
9 explanation, or legal justification, ICE abruptly revoked his order of supervision and
10 detained him.
11

12 2. Petitioner is a 30-year-old native and citizen of El Salvador who has
13 resided continuously in the United States since approximately 2016. He is married
14 to a United States citizen and is actively pursuing lawful permanent residency
15 through an approved Form I-130, Petition for an Alien Relative. For approximately
16 nine years, Petitioner has faithfully complied with all requirements imposed by ICE,
17 including attending every scheduled check-in and all immigration court hearings. He
18 has never been arrested or convicted of any crime. During this time, ICE repeatedly
19 confirmed that Petitioner did not pose a danger to the community or a risk of flight,
20 permitting him to remain in the United States under an Order of Supervision and
21 granting him employment authorization, most recently renewed at the end of last
22 year.
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2 3. This is not a case involving new misconduct, changed circumstances,
3 or risk. It is a case in which the government abruptly reversed its own longstanding
4 determination—without explanation and without process.

5 4. On or about March 2, 2026, during a routine ICE check-in, Respondents
6 summarily revoked Petitioner’s Order of Supervision and arrested him. ICE
7 provided no meaningful explanation for this drastic action, other than referencing
8 the existence of a prior removal order—an order that had been in place for years
9 while Petitioner remained compliant and under supervision. Since that date,
10 Petitioner has been detained at Stewart Detention Center.

11 5. Respondents’ actions were not only unjustified—they were unlawful.
12 Upon information and belief, the revocation of Petitioner’s Order of Supervision was
13 carried out by an official lacking proper authority, without the required referral or
14 findings mandated by governing regulations, and in direct violation of ICE’s own
15 rules and procedures. At no point was Petitioner provided notice of the grounds for
16 revocation or afforded an opportunity to respond.

17 6. Absent a lawful determination that Petitioner is a danger to the
18 community or a flight risk, detention under 8 U.S.C. § 1231(a)(6) is not authorized.
19 No such determination exists here—and none could be made on this record.
20 Petitioner’s continued detention is therefore ultra vires and void.
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2 7. This detention violates the Due Process Clause of the Fifth Amendment,
3 the Immigration and Nationality Act and its implementing regulations, the
4 Administrative Procedure Act, and the Accardi doctrine, which requires federal
5 agencies to follow their own rules.

6
7 8. Petitioner therefore seeks habeas relief, as well as injunctive and
8 declaratory relief, ordering his immediate release.

9 **JURISDICTION**

10 9. Petitioner is in the physical custody of Respondent. Petitioner is
11 detained at the Stewart Detention Center located in Lumpkin, Georgia.

12 10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas
13 corpus), and 28 U.S.C. § 1331 (federal question).

14
15 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the
16 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.
17 § 1651.

18 **VENUE**

19 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
20 484, 493- 500 (1973), venue lies in the United States District Court for the Middle
21 District of Georgia, the judicial district in which Petitioner currently is detained.

22
23 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
24 because Respondents are employees, officers, and agencies of the United States, and

1
2 because a substantial part of the events or omissions giving rise to the claims
3 occurred in the Middle District of Georgia.

4 **REQUIREMENTS OF 28 U.S.C. § 2243**

5 14. The Court must grant the petition for writ of habeas corpus or order
6 Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief.
7 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return
8 “within three days unless for good cause additional time, not exceeding twenty days,
9 is allowed.” *Id.*

10
11 15. Habeas corpus is “perhaps the most important writ known to the
12 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases
13 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis
14 added). “The application for the writ usurps the attention and displaces the calendar
15 of the judge or justice who entertains it and receives prompt action from him within
16 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
17 2000) (citation omitted).

18
19 **PARTIES**

20 16. Petitioner, Mr. Walter Velazquez Cruz, is a native and citizen of El
21 Salvador who is currently detained by U.S. Immigration and Customs Enforcement
22 (“ICE”) at the Stewart Detention Center in Lumpkin, Georgia, where he has been
23 held since March 3, 2026.
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2 17. Respondent Jason Streeval is the Warden of the Stewart Detention
3 Center, which is operated by CoreCivic. As Warden, he exercises immediate
4 physical custody over Petitioner. He is sued in his official capacity.

5 18. Respondent Kristi Noem is the Secretary of the United States
6 Department of Homeland Security (“DHS”). In that capacity, she has legal custody
7 and ultimate authority over Petitioner’s detention through DHS and its component
8 agency, ICE. She is sued in her official capacity.
9

10 LEGAL FRAMEWORK

11 I. Due Process Governs Decisions to Revoke an Order of Supervision

12 19. “The Due Process Clause applies to all persons within the United States,
13 including aliens, whether their presence here is lawful, unlawful, temporary, or
14 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified).
15 “Freedom from imprisonment—from government custody, detention, or other forms
16 of physical restraint—lies at the heart of the liberty that Clause protects.” *Id.* at 690
17 (2001).
18

19 20. Under substantive due process doctrine, a restraint on liberty like
20 revocation of a non-citizen’s order of supervision is only permissible if it serves a
21 “legitimate nonpunitive objective.” *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997).
22 The Supreme Court has only recognized two legitimate objectives of immigration
23 detention: preventing danger to the community or preventing flight prior to removal.
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1
2 *See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations
3 on civil detention).

4 21. “Procedural due process imposes constraints on governmental
5 decisions which deprive individuals of liberty,” like the decision to revoke a non-
6 citizen’s order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976)
7 (citation modified). “The fundamental requirement of [procedural] due process is
8 the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.*
9 at 333 (citation modified).

11 **II. Statute and Regulation Govern Procedures for Revoking an Order of**
12 **Supervision**

13 22. A non-citizen with a final order of removal “who is not removed within
14 the [90-day] removal period . . . shall be subject to [an order of] supervision under
15 regulations prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3) (titled
16 “Supervision after 90-day period”).

17
18 23. A non-citizen may only be detained past the 90-day removal period
19 following a removal order if found to be “a risk to the community or unlikely to
20 comply with the order of removal” or if the order of removal was on specified
21 grounds. *Id.* § 1231(a)(6).

22 24. But even where initial detention past the 90-day removal period is
23 authorized, if “removal is not reasonably foreseeable, the court should hold
24 continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that

1
2 case, of course, the alien’s release may and should be conditioned on any of the
3 various forms of supervised release that are appropriate in the circumstances”

4 *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

5 25. Regulations purport to give additional reasons, beyond those listed at §
6 1231(a)(6), that an order of supervision may be revoked and a non-citizen may be
7 re-detained past the removal period: “(1) the purposes of release have been served;
8 (2) the alien violates any condition of release; (3) it is appropriate to enforce a
9 removal order . . . ; or (4) the conduct of the alien, or any other
10

11 26. circumstance, indicates that release would no longer be appropriate.” 8
12 C.F.R. § 241.4(l)(2); *see also id.* § 241.13(i) (permitting revocation of an order of
13 supervision only if a non-citizen “violates any of the conditions of release”). Because
14 “[r]egulations cannot circumvent the plain text of the statute[,]” courts question
15 whether these regulations are ultra vires of statutory authority. *See, e.g., You v.*
16 *Nielsen*, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018) (comparing regulations to 8
17 U.S.C. § 1231(a)(6), which authorizes detention past the removal period only if
18 person is a risk to the community, unlikely to comply with the order of removal, or
19 was ordered removed on specified grounds).
20

21 27. It is clear, however, that regulations permit only certain officials to
22 revoke an order of supervision: the ICE Executive Associate Director, a field office
23 director, or an official “delegated the function or authority . . . for a particular
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2 geographic district, region, or area.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161
3 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the
4 Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the
5 field office director or a delegated official intend to revoke an order of supervision,
6 they must first make findings that “revocation is in the public interest and
7 circumstances do not reasonably permit referral of the case to the Executive
8 Associate [Director].” 8 C.F.R. § 241.4(l)(2). And for a delegated official to have
9 authority to revoke an order of supervision, the delegation order must explicitly say
10 so. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (finding a delegation order
11 that “refers only to a limited set of powers under part 241 that do not include the
12 power to revoke release” insufficient to grant authority to revoke an order of
13 supervision).
14
15

16 28. Upon revocation of an order of supervision, ICE must give a non-
17 citizen notice of the reasons for revocation and a prompt interview to respond. 8
18 C.F.R. § 241.4(l)(1).
19

20 **FACTUAL BACKGROUND**

21 29. Petitioner, Walter Alexander Velazquez Cruz, is a 30-year-old native
22 and citizen of El Salvador who has resided continuously in the United States since
23 approximately 2016.
24

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2 30. Petitioner is married to a United States citizen and is currently in the
3 process of regularizing his immigration status through an approved Form I-130
4 Petition for Alien Relative.

5 31. Although Petitioner is subject to a prior order of removal issued on or
6 about March 3, 2020. Immigration and Customs Enforcement (“ICE”) elected to
7 release him from custody in 2016 under an Order of Supervision pursuant to 8 U.S.C.
8 § 1231(a)(3).
9

10 32. At the time of his release, ICE determined that Petitioner did not present
11 a danger to the community and was not a flight risk.

12 33. Since his release, Petitioner has strictly complied with all terms and
13 conditions of his Order of Supervision, including appearing for every ICE check-in
14 for approximately nine years without a single violation.
15

16 34. Specifically, Petitioner has appeared at every scheduled ICE check-in
17 for approximately nine years without fail.

18 35. Petitioner has also attended all immigration court hearings as required
19 and has never failed to appear for any proceeding.
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21 36. Petitioner has never been arrested, charged, or convicted of any
22 criminal offense in the United States.
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2 37. Throughout this period, ICE repeatedly reaffirmed its determination
3 that Petitioner did not pose a danger or flight risk by allowing him to remain in the
4 community under supervision.

5 38. ICE further authorized Petitioner to work in the United States, issuing
6 him employment authorization, which was most recently renewed at the end of last
7 year.
8

9 39. Petitioner has relied on these representations to build a stable life in the
10 United States, including maintaining employment and supporting his U.S. citizen
11 spouse.

12 40. At no point during this nine-year period did ICE identify any violation,
13 risk factor, or changed circumstance that would justify detention. To the contrary,
14 ICE repeatedly reaffirmed that Petitioner could safely remain at liberty under
15 supervision.
16

17 41. To the contrary, Petitioner reasonably understood that he would be
18 permitted to remain on supervision so long as he continued to comply with ICE's
19 requirements, which he consistently did.
20

21 42. On or about March 2, 2026, Petitioner appeared for a regularly
22 scheduled ICE check-in, as he had done numerous times before.

23 43. That removal order, however, had been in place for years while ICE
24 affirmatively allowed Petitioner to remain at liberty under supervision.

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2 44. During that check-in, without prior notice, warning, or explanation, ICE
3 officers abruptly revoked Petitioner's Order of Supervision and placed him under
4 arrest.

5 45. The only justification provided to Petitioner was the existence of his
6 prior removal order, despite the fact that this same order had existed for years while
7 ICE affirmatively allowed him to remain at liberty.
8

9 46. Upon information and belief, the decision to revoke Petitioner's Order
10 of Supervision was made without referral to the ICE Executive Associate Director,
11 without any finding that revocation was in the public interest, and without any
12 determination that circumstances reasonably prevented such referral, as required by
13 governing regulations.
14

15 47. Upon further information and belief, the official who authorized the
16 revocation of Petitioner's supervision lacked proper delegated authority to do so.

17 48. Following his arrest, ICE transferred Petitioner to Stewart Detention
18 Center in Lumpkin, Georgia, where he remains detained.

19 49. At no time following his arrest did ICE provide Petitioner with a written
20 explanation for the revocation of his Order of Supervision.
21

22 50. Nor did ICE provide Petitioner with any opportunity to contest the
23 revocation or respond to the alleged basis for his detention.
24

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2 51. Petitioner's continued detention is causing significant hardship,
3 including separation from his U.S. citizen spouse and disruption of his ability to
4 work and support his family.

5 52. Petitioner remains willing to comply with any and all conditions of
6 supervision, as he has consistently done for nearly a decade.

7
8 53. No material change in circumstances has occurred that would justify
9 treating Petitioner as a flight risk or danger to the community. Instead, Respondents'
10 actions represent an unexplained and arbitrary reversal of a nearly decade-long
11 determination that detention was unnecessary.

12 54. Instead, Respondents' actions represent an abrupt and unexplained
13 departure from their longstanding course of conduct and established procedures.

14
15 **CLAIMS FOR RELIEF**

16 **COUNT ONE**

17 **Violation of the Fifth Amendment Due Process Clause**
18 **Substantive Due Process**

19 55. Petitioner realleges all paragraphs above as if fully set forth here.

20 56. When ICE issued Petitioner an order of supervision, it found that s/he
21 is neither a danger to the community nor a flight risk.

22 57. When Respondents revoked the order of supervision, Petitioner had
23 complied with every condition of the order. No change in circumstances warranted
24 the order's revocation.

1
2 58. Petitioner’s detention does not bear a reasonable relationship to the only
3 permissible purposes of immigration detention: preventing danger to the community
4 or ensuring appearance for removal.

5 59. Because no lawful finding exists—and none could be supported on this
6 record—that Petitioner is a danger or flight risk, his detention lacks any legitimate
7 non-punitive purpose.
8

9 60. Accordingly, Petitioner’s detention is punitive, arbitrary, and violates
10 substantive due process under the Fifth Amendment.

11 **COUNT TWO**

12 **Violation of the Fifth Amendment of the U.S. Constitution**
13 **Procedural Due Process**

14 61. Petitioner reallege all paragraphs above as if fully set forth here.

15 62. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance
16 three factors to determine whether procedural due process is satisfied: (1) the private
17 interest at issue; (2) the risk of erroneous deprivation of that interest through the
18 procedures used, and the probable value, if any, of additional procedural safeguards;
19 and, (3) the government’s interest, including fiscal and administrative burdens that
20 additional or substitute procedural requirements entail.
21

22 63. The first factor, the private interest at issue, favors Petitioner. “Freedom
23 from imprisonment—from government custody, detention, or other forms of
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2 physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of
3 the Fifth Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690.

4 64. The second factor, the risk of erroneous deprivation and the value of
5 additional safeguards, strongly favors Petitioner. Respondents failed to provide
6 notice, failed to identify any lawful basis for revocation, and failed to provide any
7 opportunity to respond.
8

9 65. Requiring Respondents to provide notice and an opportunity to respond
10 prior to revoking an order of supervision is of substantial value because it reduces
11 the probability of erroneous detention of individuals who, like Petitioner, are neither
12 dangerous nor flight risks.

13 66. The third factor, the government’s interest, also favors Petitioner. When
14 the government ignores law that ensures notice and an opportunity to respond to a
15 person at risk of revocation of an order of supervision, it is more likely to waste
16 limited financial and administrative resources on unnecessary detention of people
17 who are neither flight risks nor dangerous. This waste drags down the efficiency of
18 the entire immigration system. And because the government must also spend
19 resources defending against a habeas corpus petition in federal court to compel
20 Respondents to comply with law, requiring Respondents to instead provide notice
21 and a meaningful opportunity to respond prior to revoking an order of supervision
22 reduces fiscal and administrative burdens on the government
23
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2 67. For these reasons, revoking Petitioner’s order of supervision without
3 providing notice and a meaningful opportunity to respond violated procedural due
4 process under the Fifth Amendment to the U.S. Constitution.

5
6 **COUNT THREE**

7 **Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B)**
8 **Contrary to Law and Constitutional Right**

9 68. Petitioner reallege all paragraphs above as if fully set forth here.

10 69. Under the APA, a court shall “hold unlawful and set aside agency
11 action . . . found to be . . . not in accordance with law” or “contrary to constitutional
12 right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(A), (B).

13 70. The APA’s reference to “law” in the phrase “not in accordance with
14 law,” “means, of course, any law, and not merely those laws that the agency itself is
15 charged with administering.” *FCC v. NextWave Pers. Commc’ns Inc.*, 537 U.S. 293,
16 300 (2003) (emphasis in original).

17 71. Respondents’ revocation of Petitioner’s order of supervision was
18 contrary to the agency’s constitutional power under the Fifth Amendment’s Due
19 Process Clause, as explained above.

20
21 72. The revocation was also not in accordance with the INA and
22 implementing regulations governing who may lawfully revoke an order of
23 supervision and under what circumstances, as cited and discussed in the Statutory
24 Framework section above.

1
2 73. Petitioner's order of supervision was not revoked by the ICE Executive
3 Associate Director. The officer who revoked the order did not first make findings
4 that revocation was in the public interest and that circumstances did not reasonably
5 permit referral to the Executive Associate Director. Nor had the officer been
6 delegated authority to revoke an order of supervision.
7

8 74. Before revoking the order, Respondents did not make findings that
9 Petitioner is dangerous or unlikely to comply with a removal order, as required by
10 statute.

11 75. Even assuming that regulations purporting to offer additional
12 justifications for revocation of an order of supervision are not ultra vires,
13 respondents did not comply with them. Respondents could not make findings that
14 Petitioner's conduct indicated release would no longer be appropriate or that
15 Petitioner violated any condition of release, because s/he had not. Nor could
16 Respondents make findings that the purposes of release had been served or that it
17 was appropriate to enforce a removal order, because it had yet to make final
18 arrangements for Petitioner's removal.
19

20 76. Nor did the Respondents give Petitioner notice of the reasons for
21 revocation and opportunity to be heard.
22
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2 77. The revocation should be held unlawful and set aside because it was
3 contrary to the agency's constitutional power and not in accordance with the INA
4 and implementing regulations.

5
6 **COUNT FOUR**
7 **Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)**
8 **Arbitrary and Capricious**

9 78. Petitioner realleges all paragraphs above as if fully set forth here.

10 79. Under the APA, a court shall "hold unlawful and set aside agency
11 action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

12 80. Respondents' revocation of Petitioner's order of supervision was
13 arbitrary and capricious because it violated statute, regulation, and the Constitution,
14 as described above.

15 81. An agency decision that "runs counter to the evidence before the agency"
16 is also arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto.*
17 *Ins.*, 463 U.S. 29, 43 (1983)

18 82. Respondents' decision to revoke Petitioner's order of supervision ran
19 counter to the evidence before the agency that Petitioner would comply with a
20 demand to appear for removal without detention. Petitioner has never violated a
21 condition of his/her order of supervision and no new facts or changed circumstances
22 suggest s/he would.
23
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2 83. The revocation also “failed to consider important aspects of the
3 problem” before Respondents, making it arbitrary and capricious for multiple other
4 reasons. *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct.
5 1891, 1910 (2020).

6
7 84. First, Respondents failed to consider the serious constitutional concerns
8 raised by revoking Petitioner’s order of supervision without notice and opportunity
9 to respond.

10 85. Second, Respondents failed to consider the increased administrative
11 burden to the agency caused by revoking the order of supervision of Petitioner, who
12 is neither a flight risk nor a danger to the community

13
14 86. Third, Respondents failed to consider reasonable alternatives to
15 revoking Petitioner’s order of supervision that were before the agency, like simply
16 continuing release under the order of supervision and scheduling a future time and
17 date to appear for removal. This alternative would vindicate the government’s
18 interests in effectuating a removal order and save it the expense of detention not
19 needed to guarantee Petitioner’s appearance.

20
21 87. Fourth, Respondents failed to consider Petitioner’s substantial reliance
22 interest, created by its instruction on Petitioner’s release notification, the agency
23 would give an opportunity to arrange for an orderly departure once it obtained travel
24 documents.

1
2 88. For these and other reasons, Respondents’ revocation of Petitioner’s
3 order of supervision was arbitrary and capricious and should be held unlawful and
4 set aside.

5
6 **COUNT FIVE**
7 **Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(C)**
8 **In Excess of Statutory Authority**

9 89. Petitioner realleges all paragraphs above as if fully set forth here.

10 90. Under the APA, a court shall “hold unlawful and set aside agency
11 action . . . found to be . . . in excess of statutory jurisdiction, authority, or limitations,
12 or short of statutory right.” 5 U.S.C. § 706(2)(C).

13 91. “An agency . . . literally has no power to act—including under its
14 regulations—unless and until Congress authorizes it to do so by statute.” *FEC v.*
15 *Cruz*, 596 U.S. 289, 301 (2022) (internal quotation marks and citation omitted).

16 92. 8 U.S.C. § 1231(a)(6) only authorizes detention past the 90-day
17 removal period for a person who is found to be a danger to the community, unlikely
18 to comply with a removal order

19
20 93. or whose removal order is on certain grounds specified in the statute.
21 Even then, if removal “is not reasonably foreseeable, the court should hold continued
22 detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of
23 course, the alien’s release may and should be conditioned on any of the various forms
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2 of supervised release that are appropriate in the circumstances” *Zadvydas v.*
3 *Davis*, 533 U.S. 678, 699-700.

4 94. Regulations that purport to give Respondents authority to revoke an
5 order of supervision on grounds other than those listed § 1231(a)(6) are ultra vires
6 and in excess of statutory authority because “[r]egulations cannot circumvent the
7 plain text of the statute.” *You v. Nielsen*, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018)
8

9 95. Respondents’ revocation of Petitioner’s order of supervision was based
10 on ultra vires regulations. So it was in excess of statutory authority and should be
11 held unlawful and set aside.

12
13 **COUNT SIX**
Ultra Vires Action

14 96. Petitioner reallege all paragraphs above as if fully set forth here.

15 97. There is no statute, constitutional provision, or other source of law that
16 authorizes Respondents to detain Petitioner.

17 98. Petitioner has a non-statutory right of action to declare unlawful, set
18 aside, and enjoin Respondents’ ultra vires actions.

19
20 **COUNT SEVEN**
Violation of the *Accardi* Doctrine

21 99. Petitioner realleges all paragraphs above as if fully set forth here.

22 100. Under the *Accardi* doctrine, Petitioner has a right to set aside agency
23 action that violated agency procedures, rules, or instructions. *See United States ex*
24

- 1
- 2 b. Order that Petitioner shall not be transferred outside the Middle District
- 3 of Georgia while this habeas petition is pending;
- 4 c. Issue an Order to Show Cause ordering Respondents to show why this
- 5 Petition should not be granted within three days;
- 6 d. Declare that Petitioner's detention violates the Due Process Clause of
- 7 the Fifth Amendment, the INA and implementing regulations, the APA,
- 8 and the *Accardi* doctrine;
- 9 e. Order Petitioner's immediate release;
- 10 f. Award Petitioner costs and reasonable attorneys' fees; and
- 11 g. Order such other relief as this Court may deem just and proper

12 DATED this 23th day of March, 2026.

13 ZAMBRANO LAW,

14 /s/ Shirley C. Zambrano

15 Shirley C. Zambrano

16 GA Bar Number: 741429

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18 Atlanta, GA 30339

19 Phone: 770-769-5821

20 Fax: 770-769-5810

21 szambrano@zambranolaw.com

22 *Counsel for Petitioner*

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2 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

3 I represent Petitioner, Mr. Walter Alexander Velazquez Cruz, and submit this
4 verification on his behalf. I hereby verify that the factual statements made in the
5 foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my
6 knowledge.

7 DATED this 23th day of March, 2026.

8 ZAMBRANO LAW,

9
10 /s/ Shirley C. Zambrano

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