

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BHAVESH DARAJI)
)
)
)
Petitioner.)
)
V.)
)
LaDeon FRANCIS,)
Field Office Director of Enforcement and)
Removal Operations, Atlanta Field Office,)
Immigration and Customs Enforcement;)
Todd LYONS,)
Acting Director of U.S. Immigration and)
Customs Enforcement)
MARKWAYNE MULLIN,)
Secretary of U.S. Department of)
Homeland Security,)
TODD BLANCHE, Acting United)
States Attorney General)
)
Respondents.)
)

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Bhavesh Daraji, a national of India, is unlawfully detained in the physical and legal custody of Respondents at the ICE ERO Office in Atlanta, Georgia.

2. The Petitioner was unlawfully detained by Respondents without cause on April 15, 2026, in violation of the Immigration and Nationality Act and of his Fourth and Fifth Amendment Due Process Rights under the U.S. Constitution. Accordingly, to vindicate Petitioner's constitutional and statutory rights this court should grant the instant petition for writ of habeas corpus.
3. The Department of Justice's Executive Office of Immigration Review has issued precedential decisions of the board of Immigration Appeals that purport to unlawfully subject the Petitioner to indefinite mandatory detention in violation of his Due Process rights under the constitution and in violation of the Immigration and Nationality Act.
4. At the time of his arrest and detention, Petitioner had a pending asylum application. He was not in removal proceedings and was awaiting his asylum interview. The Petitioner has complied with everything required of him by the government since his initial entry into the United States.
5. Petitioner has no criminal history in the United States or anywhere else in the world and has participated fully and actively in pursuing relief under the laws of this country.
6. Respondents have detained the Petitioner based not on his personal circumstances or individualized facts but because of Respondent's incorrect categorical determination that the 5th amendment notwithstanding, non-

citizens are not entitled to Due Process of law.

7. To the extent that the Respondents intend the subject to the Petitioner to indefinite mandatory detention throughout the remainder of all his proceedings in the United States based on the Board of Immigration Appeal (BIA)'s recent presidential decisions in *Matter of Q.Li*, 29 I. & N. Dec. 66, 69 (BIA 2025) (holding that “all non-citizens who fall within this scope of 8 U.S.C. § 1225 (b)(1) (arriving aliens) must be detained under that section and are ‘ineligible for any subsequent release on bond’ under § 1226(a)” and to oppose bond before the Immigration Judge (IJ) pursuant to *Matter of Yahure Hurtado*, 29 I & N Dec. 216, 229 (BIA) (holding that IJ's have no jurisdiction to consider bond for persons charged as “arriving aliens” in removal proceedings), Petitioner’s detention is unlawful, in violation of his Due Process Rights and the INA.
8. Any characterization of Petitioner status as an “arriving alien” pursuant to 8 U.S.C. § 1225(b) and his detention without bond by ICE, an agency within DHS is in violation of 8 U.S.C. § 1226(a).
9. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court: (a) to find that Respondents’ attempts to detain and transfer Petitioner are arbitrary and capricious and in violation of the law; (b) to immediately issue an order

preventing Petitioner's transfer out of this district; and, (c) to order either a bond hearing before an immigration judge or to order the Respondent's immediate release from detention, or in the alternative to show cause in writing within three (3) days why the writ of habeas corpus and other relief requested in the petition should not be granted.

JURISDICTION AND VENUE

10. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1101-1537, regulations implementing the INA, the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701-706, and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
12. 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, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).
13. The federal government has waived its sovereign immunity and permitted judicial review of agency action under 5 U.S.C § 702. In addition, sovereign immunity does not bar claims against federal officials that seek to prevent

violations of federal law (rather than provide monetary relief).

14. Venue is proper because Petitioner is detained at ICE ERO Office in Atlanta, Georgia, which is within the jurisdiction of this District. The federal district courts have jurisdiction to hear *habeas corpus* claims by non-citizens challenging the lawfulness or constitutionality of the immigration detention. See e.g. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

15. Venue is further proper 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 District of Northern Georgia.

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 District of Northern Georgia, the judicial district in which the Petitioner is currently detained.

REQUIREMENTS OF 28 U.S.C. § 2243

17. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

18. There is no statutory exhaustion requirement in 28 U.S.C. § 2241. In the absence of a statutory exhaustion requirement prudential exhaustion may be judicially required. Whether or not to require prudential exhaustion falls within the Honorable Courts sound judicial discretion provided that such discretionary requirement complies with statutory schemes and the intent of Congress. See *Leonardo v. Crawford*, 646 F.3d 1157 (9th Cir. 2011), citing *McCarthy v. Madigan*, 503 U.S. 140, 146-49 (1992), superseded by statute on other grounds as stated in *Booth v. Churner*, 532 U.S. 731 (2001); *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007).
19. As noted above, the presidential decisions issued by the BIA in *Matter of Q. Li* and *Matter of Yajure-Hurtado* stand for the proposition that the Petitioner is subject to indefinite mandatory detention and is ineligible for a bond hearing before an immigration judge.
20. The BIA's presidential decisions serve as precedents in all proceedings involving the same issue or issues. 8 C.F.R. §§ 1003.1(g)(2), (d)(1). Therefore, requiring the Petitioner to seek a bond hearing and when denied, appeal that denial to the BIA will certainly result in a holding that anyone who is deemed "[a]n alien present in the United States without being admitted or paroled" will be subjected to mandatory detention without bond under 8 U.S.C. § 1225(b)(2).
21. Moreover, the fundamental question presented by this petition is whether 8

U.S.C. § 1225 or 8 U.S.C. § 1226 applies to the Petitioner's detention which is a purely legal question of statutory interpretation which would not be impacted by any administrative record developed in immigration or an appeal to the BIA.

22. This Honorable Court is not bound by and is not required to give deference to any agency interpretation of a statute. See *Loper Bright v. Raimondo*, 603 U.S. 369, 413 (2024) (holding that federal judges are not required to, and pursuant to the Administrative Procedure Act (the "APA"), are not to defer to an agency interpretation of the law simply because a statute is ambiguous as that is the role of the federal courts).

23. Finally, the Petitioner's constitutional challenge to his detention does not require exhaustion. The Eleventh Circuit has noted that Due Process challenges such as the one raised by Petitioner here generally does not require exhaustion because the BIA cannot review constitutional challenges. *Sopo v. Attorney General*, 825 F.3d 1199 (11th Cir. 2016).

24. Thus, requiring prudential exemption is a futile exercise and will only result in the extended unlawful detention of the Petitioner.

25. The Court must grant the Petition for Writ of Habeas Corpus or issue an Order to Show Cause (OSC) to the Respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an Order to Show Cause is issued, the Court must require Respondents to file a return "within three days unless

for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

26. The Petitioner is in custody for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

PARTIES

27. Petitioner Bhavesh Daraji is a citizen of India who has been in immigration detention since April 15, 2026. After arresting Petitioner, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

28. Respondent LaDeon FRANCIS is the Director of the Atlanta Field Office of ICE’s Enforcement and Removal Operations division. As such, Atlanta Field Office is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity. Respondent FRANCIS is a legal custodian of Petitioner.

29. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. He has ultimate custodial authority over Petitioner and is sued in his official capacity.

30. Respondent Todd Blanche is the Acting Attorney General of the United States.

He 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. He is sued in his official capacity.

LEGAL FRAMEWORK

Asylum and Refugee Law

31. The Refugee Act of 1980, the cornerstone of the U.S. asylum system, provides a right to apply for asylum to individuals seeking safe haven in the United States. The purpose of the Refugee Act is to enforce the “historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands.” Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

32. The “motivation for the enactment of the Refugee Act” was the United Nations Protocol Relating to the Status of Refugees, “to which the United States had been bound since 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33 (1987). The Refugee Act reflects a legislative purpose “to give ‘statutory meaning to our national commitment to human rights and humanitarian concerns.’” *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th Cir. 1985).

33. The Refugee Act established the right to apply for asylum in the United States and defines the standards for granting asylum. It is codified in various sections of the INA.
34. The INA gives the Attorney General or the Secretary of Homeland Security discretion to grant asylum to noncitizens who satisfy the definition of “refugee.” Under that definition, individuals generally are eligible for asylum if they have experienced past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion and if they are unable or unwilling to return to and avail themselves of the protection of their homeland because of that persecution or fear. 8 U.S.C. § 1101(a)(42)(A).
35. Although a grant of asylum may be discretionary, the right to apply for asylum is not. The Refugee Act broadly affords a right to apply for asylum to any noncitizen “who is physically present in the United States or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).
36. Because of the life-or-death stakes, the statutory right to apply for asylum is robust. The right necessarily includes the right to counsel, at no expense to the government, *see* 8 U.S.C. § 1229a(b)(4)(A), § 1362, the right to notice of the right to counsel, *see* 8 U.S.C. § 1158(d)(4), and the right to access information

in support of an application, see § 1158(b)(1)(B) (placing the burden on the applicant to present evidence to establish eligibility.).

37. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993). Noncitizens who are applicants for asylum are entitled to a full hearing in immigration court before they can be removed from the United States. 8 U.S.C. § 1229a. Consistent with Due Process, noncitizens may seek administrative appellate review before the Board of Immigration Appeals of removal orders entered against them and judicial review in federal court upon a petition for review. 8 U.S.C. § 1252(a) *et seq.*

Release and Indefinite, Mandatory Detention

38. On July 8, 2025, ICE issued interim guidance instructing all ICE employees to consider anyone charged with inadmissibility under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without inspection—to be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention. The July 8, 2025, DHS policy memorandum states it was issued “in coordination with the Department of Justice (DOJ).” [Exhibit 1, July 8, 2025, ICE Guidance Regarding Detention Authority for Applicants for Admission]

39. Petitioner's Notice to Appear charges him with inadmissibility pursuant to INA § 212(a)(6)(A)(i), codified at 8 U.S.C. § 1182(a)(6)(A)(i), and INA § 212(a)(7)(A)(i)(I), codified at 8 U.S.C. § 1182(a)(7)(A)(i)(I). [Exhibit 2, Notice to Appear] Therefore, based on the Respondents' July 8, 2025, ICE Guidance, the Petitioner is purportedly subject to indefinite, mandatory detention. However, whether or not Respondents are correct turns on what provision of law governs Petitioner's detention.
40. As this Honorable Court has jurisdiction over this Petition for a Writ of Habeas Corpus, it must next determine whether the Petitioner's detention is governed by the mandatory detention provisions in 8 U.S.C. § 1225(b)(2) or the discretionary detention provisions in 8 U.S.C. § 1226(a).
41. Noncitizens detained under Section 1225(b)(2) must remain in custody for the duration of their removal proceedings, while those detained under Section 1226(a) are entitled to a bond hearing before an IJ at any time before entry of a final removal order." See *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1247 (W.D. Wash. 2025).
42. Since July 8, 2025, Respondents have begun widespread arrests and detentions of persons such as the Petitioner, who entered the U.S. without inspection and have been present for years. Respondents now take the position that persons in

Petitioner's situation are "applicants for admission" and therefore subject to indefinite, mandatory detention under 8 U.S.C. § 1225(b)(2).

43. To the contrary, the Petitioner is detained pursuant to 8 U.S.C. § 1226(a). 8 U.S.C. § 1225(a)(1) provides that a noncitizen "present in the United States who has not been admitted or who arrives in the United States . . . shall be deemed for purposes of this chapter an applicant for admission." The statute defines an "applicant for admission" as "[a]n alien present in the United States who has not been admitted or who arrives in the United State" 8 U.S.C. § 1225(a)(1).

44. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

45. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. See, e.g., *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July

7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept.

- 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); see also, e.g., *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).
46. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
47. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
48. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As

the Rodriguez Vazquez court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); see also *Gomes*, 2025 WL 1869299, at *7.

49. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

50. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

51. DHS’s historic practice reinforces § 1226(a)’s application to noncitizens in the Petitioner’s position who are arrested well after arriving to this country.

52. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

STATEMENT OF FACTS

53. Petitioner Bhavesh Daraji is a 38-year-old national and citizen of India. Petitioner has resided in the United States since September 30, 2023 and lives in Lake City, FL.

54. Petitioner entered the United States without inspection on or about September 30, 2023. He encountered border patrol officers at the time of entry and was subsequently released on his own recognizance.

55. Petitioner affirmatively applied for Asylum on May 30, 2024. He was actively waiting for his asylum interview. [Exhibit 3, I-797C Receipt Notice]

56. Petitioner was detained by ICE at his check in appointment on April 15, 2026, and is currently held in ICE ERO Office located in Atlanta, GA. [Exhibit 4, ICE Detainee Locator Information]

57. At the time of Petitioner's arrest, the ICE officer informed him that there was no issue in his file to justify his arrest, and the officer simply have to take the Petitioner into custody.

58. Petitioner is not currently in removal proceedings. However, Petitioner was issued a Notice to Appear at the time of his entry. Petitioner was charged with,

inter alia, having entered the United States without admission or inspection.

See 8 U.S.C. § 1182(a)(6)(A)(i).

59. The Immigration Judge is unable to consider Petitioner's bond request pursuant to *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

60. As a result, Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

61. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

62. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

63. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II
Violation of the Bond Regulations

64. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

65. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

66. Nonetheless, pursuant to Matter of Yajure Hurtado, EOIR has a policy and practice of applying § 1225(b)(2) to individual like Petitioner.

67. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III
Violation of Due Process

68. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
69. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
70. Petitioner has a fundamental interest in liberty and being free from official restraint.
71. The government’s detention of Petitioner without a bond redetermination hearing to determine whether she is a flight risk or danger to others violates her right to due process.


PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

- A. Assume jurisdiction over this matter;
- B. Order that Petitioner shall not be transferred outside the Western District of Louisiana while this habeas petition is pending;
- C. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

- D. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- E. Declare that Petitioner's detention is unlawful;
- F. 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
- G. Grant any other and further relief that this Court deems just and proper.

Respectfully submitted on 15th of April, 2026.



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LIST OF EXHIBITS

Exhibit 1. July 8, 2025, ICE Guidance Regarding Detention Authority for

Applications for Admission

Exhibit 2. Notice to Appear

Exhibit 3. I-797C Receipt Notice

Exhibit 4. ICE Detainee Locator Information