

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

HAYLIN PADILLA-ALVARADO,

Petitioner,

v.

Case No. 4:26-cv-708

TODD LYONS, Acting Director of ICE;
JASON STREEVAL, Warden, Stewart
Detention Center; **KRISTEN SULLIVAN**,
Acting ERO Director of Atlanta Field
Office, U.S. Immigration and Customs
Enforcement (“ICE”); **MARKWAYNE
MULLIN**, Secretary of the U.S. Department
of Homeland Security; **TODD BLANCHE**,
Acting Attorney General of the United States; and
WILLIAM KEYES, U.S. Attorney for the
Middle District of Georgia,
in their official capacities,

Respondents.

**PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF UNDER THE ADMINISTRATIVE PROCEDURE ACT**

INTRODUCTION

1. Petitioner Haylin Mariela Padilla-Alvarado (“Petitioner”) seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging her ongoing civil immigration detention at Stewart Detention Center in Folkston, Georgia.
2. Petitioner is a citizen of Honduras, born  and last entered the United States in October 2013.

3. Petitioner has never been ordered removed. She has no criminal record and just some minor traffic infractions.
4. Petitioner is charged with having entered the United States without inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).
5. Petitioner has been detained since March 10, 2026 after being arrested for driving without a license.
6. Based on this allegation in Petitioner's removal proceedings, DHS will deny Petitioner release from immigration custody consistent with a new DHS policy issued on July 8, 2025, instructing all ICE employees to consider anyone alleged to be inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) i.e., those who entered the United States without inspection to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore eligible for release only on parole making any bond requests futile.
7. A Petitioner seeking a bond redetermination hearing before an immigration judge (IJ) is futile because IJs will deny all bonds to detainees similar to Petitioner, reaching this conclusion by reasoning that, notwithstanding the years or even decades Petitioner has lived in the United States, that Petitioner is nevertheless an "applicant for admission" who is "seeking admission" and subject to mandatory detention under § 1225(b)(2)(A).
8. Petitioner's detention on this basis violates the plain language of the INA and its implementing regulations.
9. Respondents' new legal interpretation is plainly contrary to the statutory framework and its implementing regulations. Indeed, for decades, Respondents have applied § 1226(a) to people like Petitioner. Respondents' new policies are thus not only contrary to law, but

arbitrary and capricious in violation of the Administrative Procedure Act (APA). They were also adopted without complying with the APA's procedural requirements.

10. Petitioner respectfully requests that this Court order her immediate release, and/or order constitutionally adequate process, including a prompt custody hearing before a neutral decisionmaker where the government bears the burden to justify detention.
11. The Due Process Clause applies to "all persons within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (quotation marks omitted). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).
12. Immigration detention is civil and thus is permissible for only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the community. *Zadvydas*, 533 U.S. at 690. Here, Petitioner has no serious criminal history, has complied with all immigration requirements. Petitioner does not present a flight risk or a danger to the community. Under these circumstances, her detention is thus not justified under the Constitution. *See ibid.*
13. Additionally, generally "the Constitution requires some kind of a hearing before the State deprives a person of liberty or property." *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (emphasis added).
14. Petitioner is seeking declaratory relief in the form of a writ of habeas corpus ordering the government to immediately release her from this ongoing, unlawful detention, and prohibiting her re-arrest without a hearing to contest that re-arrest before a neutral decisionmaker. Alternatively, seeks a writ of habeas corpus establishing that Petitioner is

subject to detention under § 1226(a) and its implementing regulations and are therefore entitled to an individualized custody determination following apprehension by DHS and, if not released, a bond determination by the Immigration Court. In addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order the government not to transfer her outside of the jurisdiction of this Court or deport her for the duration of this proceeding.

JURISDICTION

15. Petitioner is in the physical custody of Respondents and is detained at Stewart Detention Center in Lumpkin, GA.
16. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq. and the APA, 5 U.S.C. §§ 500–596, 701–706.
17. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); the APA, 5 U.S.C. §§ 500–596, 701–706; and the United States Constitution.
18. 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., the All Writs Act, 28 U.S.C. § 1651, and the Court's inherent equitable powers.

VENUE

19. Venue is proper because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, which is within the jurisdiction of this District.
20. Venue is proper in this District and Division 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(b)(2), 1391(e), and 28 U.S.C. § 2241(a).

REQUIREMENTS OF 28 U.S.C. § 2243

21. 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.

PARTIES

22. Petitioner Haylin Mariela Padilla-Alvarado is detained at Stewart Detention Center in Lumpkin, Georgia (facility address used in EOIR/filings: 146 CCA Road, Lumpkin, GA 31815). Petitioner is currently in removal proceedings. She is in the custody, and under the direct control, of Respondents and their agents. After detaining her, ICE did not set bond. Respondents are being sued in their official capacity.
23. Respondent Jason 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. Respondent is sued in their official capacity.
24. 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 her 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 him.

25. 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.
26. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and is being sued in his 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 Mullin is a legal custodian of the Petitioner.
27. Respondent Todd Blanche is the Acting Attorney General of the United States and is being sued in his official capacity. In this capacity, he has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103 and the most senior official of the U.S. Department of Justice (DOJ). In that capacity, he 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 Blanche is a legal custodian of Petitioner.
28. 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.

EXHAUSTION

29. There is no requirement to exhaust because no other forum exists in which Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionality of an arrest, detention, or challenging a policy under the Administrative Procedure Act. Prudential exhaustion is not required here because it would be futile, and Petitioners will “suffer irreparable harm if unable to secure immediate judicial consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be unreasonable.

LEGAL FRAMEWORK

A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and Detention.

30. The Fifth Amendment guarantees that “[n]o person shall be . . . deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. These due process rights are both substantive and procedural. *Benitez v. Wallis*, 337 F.3d 1289, 1300 (11th Cir. 2003) *vacated on other grounds*, *Benitez v. Wallis*, 402 F.3d 1133 (11th Cir. 2005).

31. First, “[t]he touchstone of due process is protection of the individual against arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of power without any reasonable justification in the service of a legitimate government objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

32. These protections extend to noncitizens facing detention, as “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom 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*, 533 U.S. at 690.

33. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510, 519–20, 527–28, 531 (2003).
34. Second, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.
35. Generally, “the Constitution requires some kind of a hearing before the State deprives a person of liberty or property.” *Zinerman*, 494 U.S. at 127. This is so even in cases where that freedom is lawfully revocable. *See Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).
36. In recent months, ICE has increasingly taken individuals into immigration custody through a variety of encounters, including arrests at routine ICE check-ins, inside or near immigration court buildings, and following street stops or encounters with local law enforcement. Many of these individuals had submitted asylum applications and were patiently waiting without issue for their next immigration court date.
37. In other cases, Respondents have attempted to justify re-detention by pointing to circumstances unrelated to any individualized assessment of flight risk or danger, including arrests by local law enforcement that do not result in criminal charges. Courts have rejected

such justifications where the government fails to explain how the underlying circumstances support continued civil detention. *See, e.g., Bernal v. Albarran*, No. 25-cv-09772-RS, 2025 WL 3281422, at *7 (N.D. Cal. Nov. 2025) (rejecting re-detention where respondents failed to show how the asserted grounds established danger or flight risk). Here, as in this case, Respondents have not identified any conduct by Petitioner that would support a finding that she is a danger to the community or a flight risk.

38. Instead, Respondents argue that the individuals are properly re-detained under the government's new and implausible interpretation of 8 U.S.C. § 1225(b)(2). However, Respondents arguments "fail to contend with the liberty interests created by the fact that [the noncitizens]...were released on recognizance prior to the manifestation of this interpretation. *See Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2675785, at *10 (E.D. Cal. Sept. 18, 2025) (*emphasis in original*). Moreover, Respondents' mandatory detention argument has failed in almost every court to hear it because it does not accord with basic tenets of statutory interpretation. *See Bernal*, 2025 WL 3281422, at *2 (*collecting cases*).

B. Unaccompanied Minor Children Receive Special Protections And Are Not Placed Into Expedited Removal Proceedings.

39. Congress created a separate, specialized legal framework for minors that overrides general detention rules. Under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), DHS is legally required to transfer care and custody of any unaccompanied child to the Department of Health and Human Services (HHS) in their Office of Refugee Resettlement within 72 hours. 8 U.S.C. § 1232(b)(3)

40. Any noncitizen determined to be an "unaccompanied alien child" (UAC) is statutorily exempt from expedited removal; regardless of the manner of entry or the strength of their asylum claim at the border, these minors must be placed in formal removal proceedings before an Immigration Judge. 8 U.S.C. § 1232(a)(5)(D) "Any unaccompanied alien child sought to be removed by the Department of Homeland Security [...] shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a)."

C. The Constitution Protects Noncitizens from Cruel and Unusual Punishment.

41. The Constitution requires government actors to ensure the safety and general well-being of all persons taken into custody, including non-citizens and persons who are not legally admitted to the United States. Convicted prisoners are protected by the Eighth Amendment, which prohibits cruel and unusual punishment despite an adjudication of criminal guilt.

42. The Eighth Amendment prohibits "[d]eliberate indifference to serious medical needs." *Estelle v. Gamble*, 429 U.S. 97, 104 (1976). However, detainees in immigration detention—in civil, not criminal detention—need not demonstrate "deliberate indifference" to establish a constitutional violation. *See Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004). A serious medical need exists where the "failure to treat a prisoner's condition could result in further significant injury or the unnecessary and wanton infliction of pain." *Clement v. Gomez*, 298 F.3d 898, 904 (9th Cir. 2002) (internal quotations omitted). Other factors for consideration include whether (1) "a reasonable doctor or patient would perceive the medical need in question as important and worthy of comment or treatment; (2) whether the medical condition significantly affects daily activities, and (3) the existence of chronic

and substantial pain.” *Brock v. Wright*, 315 F.3d 158, 162 (2d Cir. 2003) (internal quotations omitted).

43. Deliberate indifference constitutes a reckless disregard for a substantial risk of serious harm to a prisoner. *Farmer v. Brennan*, 511 U.S. 825, 836 (1994). Deliberate indifference constitutes a two-part test: 1) there must be a substantial risk of serious harm or a serious medical need; and 2) there must be a “sufficiently culpable state of mind.” *Id.* at 834; *Estelle*, 429 U.S. at 105.
44. DHS has the authority to release certain noncitizens on an Order of Recognizance (formally called “conditional parole”) while their removal proceedings are pending before an immigration judge. 8 U.S.C. § 1226(a)(2); *Castillo-Padilla v. United States AG*, 417 Fed. Appx. 888, 891 (11th Cir. 2011) (citing *Ortega-Cervantes*, 501 F.3d 1111, 1115 (9th Cir. 2007)) (“An alien may be “paroled into the United States” by the Attorney General . . . which contrasts starkly with being released on conditional parole (quoting 8 U.S.C. § 1226(a)(2)).

STATEMENT OF FACTS

45. Petitioner is a twenty-two year old citizen of Honduras who has resided in the United States for over 10 years.
46. Petitioner entered the United States on October 2013 as an unaccompanied minor, near Hidalgo, Texas and was designated an unaccompanied minor.
47. Petitioner was currently in removal proceedings before the Stewart Immigration Court pursuant to 8 U.S.C. § 1229a. ICE previously charged her with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who allegedly entered the United States without inspection.

48. Without relief from this Court, she faces the prospect of months, or even years, in immigration custody, separated from her children, family, and community.

49. Any Motion for Bond Determination or appeal to the BIA is futile. DHS's new policy was issued "in coordination with" DOJ. EOIR—the immigration court system—is a component agency of DOJ. Further, as noted, a recent BIA decision held that noncitizens—specifically those apprehended near the border or who entered without inspection—are considered "applicants for admission" under INA § 235(b) and are subject to mandatory detention, making them ineligible for bond hearings before an immigration judge. *See Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). The Board declared that even those noncitizens were granted parole and placed into removal proceedings under INA § 240 were subject to mandatory detention. *Id.* The BIA reinforced this decision holding that Immigration Judges, thus, lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

50. DHS is applying this new legal standard to all noncitizens, even those who were released from DHS custody into HHS custody. Petitioner is being deprived of her liberty without any permissible justification.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process (Substantive Due Process – Prolonged Detention)

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

52. The Fifth Amendment provides that "[n]o person" shall be "be deprived of life, liberty, or property, without due process of law."

53. “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).
54. 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.
55. Respondents’ mandatory detention of Petitioner without consideration for release on bond or access to a bond hearing violates her due process rights.
56. Civil immigration detention may serve only legitimate regulatory purposes (appearance and safety). Detention that is arbitrary, punitive, or not reasonably related to those purposes violates due process. “[D]ue process places a heightened burden of proof on the State in civil proceedings in which the ‘individual interests at stake . . . are both particularly important and more substantial than mere loss of money.’” *Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996). “[I]mmigration detention is an extraordinary liberty deprivation that must be ‘carefully limited.’” *J.G.* 501 F. Supp. 3d 1331, 1336 (quoting *United States v. Salerno*, 481 U.S. 739, 750 (1987)).
57. The First, Second, and Ninth Circuits have the Government must bear the burden of proof to justify a noncitizen’s detention pending removal proceedings. *See Hernandez-Lara v. Immigr. & Customs Enf’t, Acting Dir.*, No. 19-cv-394-LM, 2019 WL 3340697, at *3 (D.N.H. July 25, 2019); *Hernandez-Lara v. Lyons*, 10 F.4th 19, 39 (1st Cir. 2021); *Velasco Lopez v. Decker*, 978 F.3d 842, 855–57 (2d Cir. 2020); *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

58. There is an imbalance of resources between a detainee and the Government, which has substantial resources yet isn't required to present a shred of evidence. *Velasco Lopez v. Decker*, 978 F.3d 842, 854 (2d Cir. 2020) (noting that "the Government had substantial resources to deploy" and "to the extent the Government did not have the necessary information at its fingertips, it had broad regulatory authority to obtain it.").
59. The risk of an erroneous deprivation under the current bond procedure is significant and is not lessened by available administrative review. *J.G.*, 501 F. Supp. 3d at 1337–38. "Where the risk of erroneous deprivation is high, and the deprivation the individual faces is severe, then modest, additional procedural safeguards carry high value." *Id.* at 1338–39.
60. A person who entered as a child lacked the *mens rea* to intentionally violate immigration laws. Applying a "no-bond" rule to someone who has spent their formative years in the U.S. and was previously deemed safe for release by HHS is inherently "arbitrary and capricious."
61. She is neither a flight risk nor a danger to the community. Continued detention under these circumstances is not reasonably related to appearance or safety and violates the Fifth Amendment.

COUNT TWO
Violation of Fifth Amendment Right to Due Process
(Procedural Due Process –Detention)

62. The allegations in the above paragraphs are realleged and incorporated herein.
63. The Fifth Amendment guarantees noncitizens present in the country with due process rights, including the right to not be deprived of a liberty or property interest without notice and a hearing before a neutral decision-maker.

64. Petitioner has already been determined not to pose a flight risk or danger to the community.

He has a protected liberty interest in his continued freedom from detention and is entitled to due process before the government can deprive him of his liberty by re-detaining him. The Due Process Clause prohibits Petitioner's re-detention without a pre-deprivation hearing before a neutral decision-maker in which the government bears the burden of demonstrating that he poses a flight risk or danger to the community.

COUNT THREE
Violation of TVPRA

65. DHS is contending that all noncitizens who entered the country without authorization are subject to mandatory detention under 235(b) regardless of the TVPRA protections for unaccompanied minors.

66. Under TVPRA, a UAC is statutorily exempt from expedited removal; regardless of the manner of entry or the strength of their asylum claim at the border, these minors must be placed in formal removal proceedings before an Immigration Judge. 8 U.S.C. § 1232(a)(5)(D) "Any unaccompanied alien child sought to be removed by the Department of Homeland Security [...] shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a)." *Id.* INA 235(b)(1) should not apply.

67. UACs are also not detained under INA 235(b)(2), they are detained under separate provisions for unaccompanied minors: 8 USC § 1232 and 6 USC § 279. DHS must determine if someone is a UAC immediately, and if so, they must be transferred immediately to ORR/HHS custody. Because of this transfer of custody, a UAC is not released under a INA 212(d)(5) parole; rather, a UAC is released under 8 C.F.R. § 236.3.

68. Petitioner entered the United States at 9 years old and was designated an unaccompanied minor and placed out of immigration custody and into HHS custody.

69. Petitioner therefore was not detained under section 235(b) of the INA, 8 U.S.C. § 1225(b), nor was she released from detention pursuant to a grant of parole under section 212(d)(5)(A).

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
- (4) Declare that Petitioner's arrest and detention violates the INA, implementing regulations, and Due Process Clause of the Fifth Amendment.
- (5) Declare Petitioner was not detained under INA 325(b);
- (6) Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
- (7) Enjoin Respondents from re-detaining Petitioner unless her re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community; and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,

This April 27, 2026.

COCHRAN IMMIGRATION

/s/ Johanna Cochran
by: Johanna Cochran
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Haylin Mariela Padilla-Alvarado, 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 April 27, 2026.

/s/ Johanna Cochran
by: Johanna Cochran
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