

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Lucy Cristina Hernandez Gutierrez,



Petitioner,

v.

JASON STREEVAL, Warden of Stewart
Detention Center,

KRISTEN SULLIVAN, Field Office Director of
Enforcement and Removal Operations,
Atlanta Field Office;

TODD LYONS, Acting Director of
Immigration and Customs Enforcement;

MARKWAYNE MULLIN, Secretary, U.S.
Department of Homeland Security; and

TODD BLANCHE, Acting U.S. Attorney General

in their official capacities,

Respondents.

Civil Action No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

I. INTRODUCTION

1. Petitioner Lucy Hernandez Gutierrez is unlawfully detained by U.S. Immigration and Customs Enforcement (“ICE”) and faces imminent removal based on an alleged prior removal order issued in a different name and identity, for which the government has failed to produce any reliable biometric or documentary evidence linking that order to Petitioner. Further, she is currently detained under that false name, “Anabel Ayala Flores”.
2. Despite multiple fingerprint-based searches conducted through federal agencies, including the Department of Homeland Security’s Office of Biometric Identity Management (“OBIM”) and the Federal Bureau of Investigation (“FBI”), no record of any prior removal was found associated with Petitioner’s fingerprints.

3. Nonetheless, ICE detained Petitioner immediately following her adjustment of status interview on April 29, 2026, and is now attempting to remove her based solely on a purported record under the name “Anabel Ayala Flores,” without demonstrating that Petitioner is that individual.
4. Petitioner seeks a writ of habeas corpus because her detention and imminent removal violate the Due Process Clause and constitute unlawful custody under 28 U.S.C. § 2241.

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine whether Petitioner was ordered removed under 8 U.S.C. § 1225(b)(1).
6. 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.
7. Petitioner does not challenge the validity of any removal order itself, but rather the lawfulness of her detention and the government’s attempt to execute removal against the wrong individual without reliable evidence of identity, which falls squarely within habeas jurisdiction.
8. Venue is proper in this district because Petitioner is detained within the Middle District of Georgia.

III. PARTIES

9. Petitioner Lucy Hernandez Gutierrez is currently detained at Stewart Detention Center in Lumpkin, Georgia.
10. Respondents are federal officials responsible for Petitioner’s detention and custody.
11. Respondent Jason Streeval is the Warden of Stewart Detention Center and is Petitioner’s immediate custodian while she is in immigration detention. He is named in his official capacity.

12. Respondent Kristen Sullivan is sued in her official capacity as the Acting Field Office Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations (“ERO”), which oversees immigration enforcement and detention operations within the Atlanta Area of Responsibility, including Stewart Detention Center in Georgia. Respondent Sullivan is a legal custodian of Petitioner and has the authority to order her release.
13. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the U.S. Department of Homeland Security (“DHS”). In this capacity, he is responsible for the administration and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement, the agency responsible for Petitioner’s detention. Respondent Mullin is a legal custodian of Petitioner.
14. Respondent Todd Blanche is sued in his official capacity as Attorney General of the United States and head of the U.S. Department of Justice (“DOJ”). In that capacity, he oversees the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the Board of Immigration Appeals. Respondent Blanche is a legal custodian of Petitioner.

IV. STATEMENT OF FACTS

15. Petitioner first attempted to enter the United States in early 1998 at an airport.
16. On that same day, she was returned to Mexico. Petitioner understood this event to be a simple return and was never informed that she had been issued a removal order.
17. At that time, she is alleged to have used the name “Anabel Ayala Flores.”
18. Petitioner subsequently reentered the United States without inspection in or about March 1998 and has remained in the United States continuously since that time.

19. On September 1, 2000, Petitioner's sister filed an immigrant petition on her behalf, which was later approved.
20. Petitioner later became the beneficiary of a petition filed by her daughter and filed an Application to Register Permanent Residence or Adjust Status (Form I-485) on July 28, 2023, pursuant to INA § 245(i).
21. On October 19, 2022, Petitioner's counsel submitted a FOIA request to OBIM using Petitioner's fingerprints.
22. On April 4, 2023, OBIM responded that "no responsive records relating to your client were located with the information provided."
23. On April 24, 2026, Petitioner submitted fingerprints to the FBI for a background check.
24. The FBI responded that "a search of the fingerprints provided by this individual has revealed no prior arrest data at the FBI."
25. Based on these results, there was no indication that Petitioner had ever been subject to a removal order.
26. On April 29, 2026, Petitioner appeared for her scheduled adjustment of status interview with USCIS.
27. Immediately following the interview, ICE detained Petitioner.
28. ICE provided only an old A-number and the name "Anabel Ayala Flores," but has not provided any biometric or reliable evidence linking Petitioner to that identity.
29. Petitioner is now in ICE custody and faces imminent removal.

V. CLAIMS FOR RELIEF

a. COUNT I – UNLAWFUL DETENTION IN VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

30. The allegations in the above paragraphs are realleged and incorporated herein.
31. The Fifth Amendment prohibits the government from depriving a person of liberty without due process of law.
32. ICE is detaining Petitioner based on an alleged removal order issued under a different name and identity, without establishing that Petitioner is the individual subject to that order.
33. Multiple federal fingerprint-based searches have failed to identify any record of a prior removal associated with Petitioner.
34. The government's reliance on unverified, non-biometric identity information is insufficient to justify detention.
35. Accordingly, Petitioner's detention is arbitrary, unsupported by reliable evidence, and unconstitutional.

**b. COUNT II – UNLAWFUL EXECUTION OF REMOVAL ORDER AGAINST
THE WRONG INDIVIDUAL**

36. The allegations in the above paragraphs are realleged and incorporated herein.
37. Even if a valid removal order exists for an individual named "Anabel Ayala Flores," the government may not execute that order against Petitioner without establishing that she is that person.
38. The government has failed to produce:
 - a. fingerprint confirmation,
 - b. biometric matching,
 - c. or any reliable evidence of identity.
39. Executing removal under these circumstances would constitute an unlawful deprivation of liberty.

c. COUNT III – PROCEDURAL DUE PROCESS VIOLATION (LACK OF NOTICE AND OPPORTUNITY)

40. The allegations in the above paragraphs are realleged and incorporated herein.
41. Petitioner was never informed that she had been issued a removal order in 1998. She reasonably believed she had simply been returned to Mexico.
42. As a result, she was deprived of any meaningful opportunity to understand, challenge, or seek review of the alleged removal order.
43. The government's attempt to enforce that order now, decades later and without reliable identification, violates fundamental principles of due process.

d. COUNT IV – ARBITRARY AND CAPRICIOUS GOVERNMENT ACTION

44. The allegations in the above paragraphs are realleged and incorporated herein.
45. The government's own records are inconsistent:
- a. OBIM fingerprint search: no record
 - b. FBI fingerprint search: no record
 - c. ICE assertion: prior removal under different identity
46. This inconsistency demonstrates a lack of reliable evidentiary basis for Petitioner's detention and removal.
47. Detaining and attempting to remove Petitioner under these circumstances is arbitrary and capricious under 5 U.S.C. § 706(2)(A).

e. COUNT V – DECLARATORY JUDGMENT

48. The allegations in the above paragraphs are realleged and incorporated herein.
49. An actual controversy exists between Petitioner and Respondents regarding whether Petitioner was ordered removed in 1998.

50. Petitioner seeks a declaratory judgment under 28 U.S.C. § 2201 that Respondents' reliance on an alleged 1998 removal order issued under the name "Anabel Ayala Flores" is unlawful as applied to Petitioner, where Respondents have failed to establish, through reliable biometric or other competent evidence, that Petitioner is the individual subject to that order.
51. Petitioner further seeks a declaration that Respondents' detention of Petitioner and attempt to execute removal based on such unverified and inconsistent records violates the Due Process Clause of the Fifth Amendment.
52. A declaratory judgment is necessary and appropriate at this time in order to resolve the parties' legal rights and obligations, to prevent Petitioner's imminent and potentially erroneous removal, and to ensure that Respondents do not execute a removal order against an individual whose identity has not been reliably established.
53. Absent such declaratory relief, Petitioner will continue to suffer irreparable harm, including unlawful detention and the risk of removal without adequate procedural safeguards.

VI. IRREPARABLE HARM

54. The allegations in the above paragraphs are realleged and incorporated herein.
55. Petitioner faces imminent removal.
56. If removed, she will suffer irreparable harm, including:

- a. permanent separation from her family,
- b. inability to pursue her pending adjustment of status,
- c. and loss of her ability to challenge her detention.

VII. 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) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (5) Order Respondents to produce the complete administrative record, including but not limited to:
 1. the alleged 1998 removal order,
 2. all documents associated with the identity "Anabel Ayala Flores," and
 3. any biometric or fingerprint evidence purportedly linking Petitioner to that identity;
- (6) Enter a declaratory judgment pursuant to 28 U.S.C. § 2201 that:
 1. Respondents have failed to establish that Petitioner is the individual subject to the alleged 1998 removal order;
 2. Respondents' reliance on that alleged removal order to detain and remove Petitioner is unlawful; and
- (7) Enjoin Respondents from executing any removal order against Petitioner unless and until they establish, through reliable and competent evidence, that Petitioner is the individual subject to such order;
- (8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (9) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Melissa M. Chew

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Local Attorney for Petitioner

Dated: May 6, 2026

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

I represent Petitioner, Lucy Cristina Hernandez Gutierrez, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct based upon information provided to me by Petitioner.

Dated this 6th day of May 2026.

/s/ Melissa M. Chew

Melissa M. Chew, Esq.
Attorney for Petitioner