

FILED MAY 18 2026 AM 8:20
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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

MARÍA FÉLIX HURTADO SOMOZA,
as Next Friend of

NORVIN DAVID DIAZ,

Petitioner

**WARDEN, STEWART DETENTION CENTER;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
U.S. DEPARTMENT OF HOMELAND SECURITY (DHS),**

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND
EMERGENCY REQUEST FOR IMMEDIATE RELEASE, BOND HEARING,
AND CONSTITUTIONAL REVIEW OF DETENTION**

I. INTRODUCTION

This action arises from the unlawful, prolonged, arbitrary, and constitutionally deficient detention of Mr. NORVIN DAVID DIAZ, currently confined at Stewart Detention Center located in Lumpkin, Georgia, under the authority and custody of Immigration and Customs Enforcement ("ICE"). Petitioner respectfully asserts that Mr. Diaz has been deprived of his constitutional liberty interests without due process of law as guaranteed by the Fifth Amendment to the United States Constitution. Despite remaining detained for approximately twenty-seven (27) days, Respondents have failed to provide him with a meaningful opportunity to challenge the legality of his detention through a constitutionally adequate bond hearing. Mr. Diaz has no criminal history, no order of removal, no final deportation order, and no history demonstrating danger to the community or risk of flight. Nevertheless, ICE continues to maintain his detention without sufficient justification and without adequately explaining the legal basis supporting his confinement. The continued detention of Mr. Diaz has created extraordinary hardship upon his wife and children. His family depends entirely upon

him financially and emotionally. He is the primary provider for his household, including two minor children — one being an infant only two months old. His prolonged detention has caused severe emotional, financial, and humanitarian harm to his family unit. Petitioner further asserts that ICE's refusal to provide meaningful information regarding the legal basis for detention, coupled with the denial of a bond hearing and the deprivation of procedural safeguards, constitutes a violation of substantive and procedural due process protections guaranteed under federal law.

II. JURISDICTION AND VENUE

This Court possesses jurisdiction pursuant to 28 U.S.C. § 2241 because this Petition challenges the legality and constitutionality of federal immigration detention imposed under color of federal authority. This Court additionally possesses authority under 28 U.S.C. §§ 1331 and 1651, as this action presents substantial federal constitutional questions involving unlawful deprivation of liberty and violations of due process rights under the Fifth Amendment. Venue is proper in the Middle District of Georgia because Mr. Diaz is presently detained within this judicial district at Stewart Detention Center located in Lumpkin, Georgia.

III. PARTIES

NORVIN DAVID DIAZ is a native and citizen of Nicaragua currently detained at Stewart Detention Center under ICE custody. A-Number: [REDACTED] Date of Birth: [REDACTED] Mr. Diaz has no criminal convictions, no violent history, and no evidence exists demonstrating danger to the community. MARÍA FÉLIX HURTADO SOMOZA is the lawful spouse of Mr. Diaz and brings this action as "Next Friend" because Mr. Diaz is presently detained, lacks meaningful access to legal resources, and cannot effectively litigate this matter on his own behalf while confined under ICE custody. [REDACTED]

[REDACTED]

[REDACTED]

IV. FACTUAL BACKGROUND

On or about April 16, 2026, Mr. Diaz was traveling to work with a coworker when law enforcement initiated a traffic stop. According to available information, the vehicle allegedly changed lanes improperly; however, the occupants were not traveling at excessive speed, were not engaged in dangerous activity, and posed no threat to public safety. Petitioner asserts that the stop and subsequent detention were conducted without proper justification and without adequate explanation regarding the legal basis for continued immigration custody. Following the traffic stop, Mr. Diaz was transferred into ICE custody and remains detained at Stewart

Detention Center. Mr. Diaz does not possess a final order of deportation or removal. He has not received a bond hearing despite remaining detained for several weeks. His first immigration court appearance is reportedly scheduled for May 19, 2026. ICE has repeatedly failed to provide meaningful responses explaining why Mr. Diaz continues to be detained without individualized review. The ongoing detention has devastated the family financially and emotionally. Mr. Diaz serves as the primary financial provider for his household. His wife and children rely entirely upon him for housing, food, educational support, and daily necessities.

V. HUMANITARIAN FACTORS SUPPORTING RELEASE

Several extraordinary humanitarian considerations support immediate release or, alternatively, an expedited bond hearing: • Mr. Diaz is married and maintains a stable family relationship; • He is the primary provider for his household; • Two minor children depend upon him; • One child is an infant only two months old; • The family faces significant financial hardship due to detention; • He possesses no criminal record; • He poses no danger to society; • He has legal representation and intends to comply with immigration proceedings. Petitioner respectfully asserts that detention under these circumstances serves no legitimate governmental purpose and inflicts irreparable harm upon innocent family members.

VI. ADDITIONAL FACTORS DEMONSTRATING PETITIONER IS NOT A DANGER TO THE COMMUNITY

Petitioner respectfully submits that Respondents possess no legitimate factual or legal basis to continue detention under any theory of dangerousness or public safety risk. Mr. NORVIN DAVID DIAZ has no criminal history, no violent record, no gang affiliation, no drug-related offenses, no weapons-related conduct, and no prior immigration violations demonstrating danger to the community. The circumstances leading to detention arose solely from a minor traffic-related incident involving an alleged improper lane change while traveling to work with a coworker. There were no allegations of reckless criminal conduct, intoxication, violence, flight from law enforcement, assaultive behavior, or conduct threatening public safety. Importantly, the vehicle was not traveling at excessive speed, and no evidence exists suggesting intentional misconduct or criminal intent. Petitioner respectfully asserts that ICE has failed to provide any individualized factual basis demonstrating that Mr. Diaz presents: • a danger to society, • a threat to public safety, • or a meaningful risk of flight. To the contrary, Mr. Diaz possesses substantial positive equities strongly supporting release. These equities include: • stable family ties within the United States; • lawful family support structure; • ongoing legal representation; • complete absence of criminal history; • strong moral character;

• financial responsibility toward his children and spouse; • and substantial humanitarian considerations involving minor children. Mr. Diaz is the primary financial provider for his household and supports two minor children, including an infant only two months of age. His family depends entirely upon his income and emotional support for daily living expenses, housing, food, childcare, and educational necessities. Continued detention under these circumstances serves no legitimate governmental purpose and instead imposes severe and irreparable hardship upon innocent family members. Federal immigration detention is civil in nature and cannot constitutionally become punitive. Where detention no longer reasonably serves a regulatory governmental purpose, continued confinement violates substantive due process protections guaranteed under the Fifth Amendment. Petitioner respectfully asserts that Respondents have failed to establish any legitimate justification warranting prolonged detention without bond or individualized constitutional review.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court: 1. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241; 2. Order the immediate release of NORVIN DAVID DIAZ from ICE custody; 3. Alternatively, order an immediate individualized bond hearing before an Immigration Judge; 4. Declare Respondents' continued detention practices unconstitutional as applied in this matter; 5. Grant emergency injunctive relief preventing unlawful prolonged detention; 6. Grant any additional relief deemed just, equitable, and proper.

VIII. SWORN DECLARATION OF NEXT FRIEND

I, MARÍA FÉLIX HURTADO SOMOZA, hereby declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct to the best of my knowledge. I submit this declaration because my husband, NORVIN DAVID DIAZ, is presently detained at Stewart Detention Center and cannot adequately protect his own legal interests due to the limitations imposed by detention. Executed on this 15 day of

May, 2026.

Maria Felix Hurtado Somoza
MARÍA FÉLIX HURTADO SOMOZA

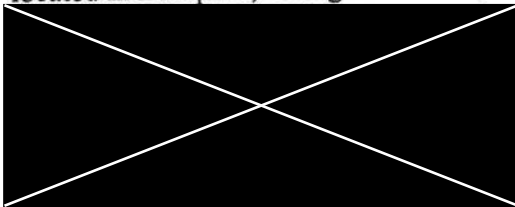
IX. CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Writ of Habeas Corpus was served by U.S. Mail upon the following Respondents: Warden Stewart Detention Center Lumpkin, Georgia Office of Chief Counsel U.S. Immigration and Customs Enforcement (ICE) United States Attorney's Office Middle District of Georgia This 15 day

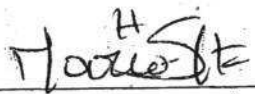
of May, 2026. ^{HS}
Hurtado
MARÍA FÉLIX HURTADO SOMOZA

SWORN DECLARATION OF NEXT FRIEND

I, MARÍA FÉLIX HURTADO SOMOZA, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following statements are true and correct to the best of my knowledge and belief: 1. I am the lawful spouse and Next Friend of detainee NORVIN DAVID DIAZ, A- currently detained at Stewart Detention Center located in Lumpkin, Georgia. 2. I currently reside at: 



3. I submit this declaration in support of the Emergency Petition for Writ of Habeas Corpus because my husband remains detained under ICE custody and cannot adequately prepare, investigate, and litigate this emergency constitutional action on his own behalf due to the substantial limitations imposed by immigration detention. 4. Mr. Diaz has remained detained without receiving a meaningful individualized bond hearing despite lacking any criminal history, violent background, or evidence suggesting danger to the community. 5. The circumstances leading to his detention arose from a minor traffic-related incident while traveling to work and not from violent criminal conduct, narcotics offenses, gang activity, or any conduct threatening public safety. 6. My husband has always been a hardworking individual dedicated to supporting his family financially and emotionally. 7. One of our children is only two months old and depends heavily upon the emotional and financial support of his father during this critical stage of infancy. 8. Since his detention, our family has experienced severe emotional hardship and financial instability. 9. My husband has no criminal convictions, no gang affiliation, no history of violence, and no evidence exists demonstrating that he presents any danger to society or meaningful risk of flight. 10. I respectfully request that this Honorable Court grant the relief requested in the Petition for Writ of Habeas Corpus. Executed on this 15 day of May, 2026.


MARÍA FÉLIX HURTADO SOMOZA

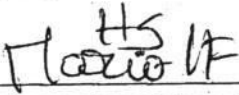
CERTIFICATE OF SERVICE

I hereby certify that on this 15 day of May, 2026, I caused a true and correct copy of the foregoing Emergency Petition for Writ of Habeas Corpus, together with all supporting documents, declarations, and exhibits, to be served by U.S. Mail and/or electronic mail upon the following parties:

Office of the United States Attorney
Middle District of Georgia
P.O. Box 1702
Macon, Georgia 31202-1702

U.S. Immigration and Customs Enforcement (ICE)
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815

Office of Chief Counsel
U.S. Department of Homeland Security
180 Ted Turner Drive SW, Suite 522
Atlanta, Georgia 30303


MARÍA FÉLIX HURTADO SOMOZA