

UNITED STATES DISTRICT
COURT MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION

JULISSA DEL CARMEN DIAZ OCHIOA
Proceeding Pro Se,
Petitioner,

v.

_____, Warden, Stewart Detention Center;
_____, Field Office Director, ICE Atlanta Field Office;
TODD M. LYONS, Acting Director, United States
Immigration and Customs Enforcement; KRISTI NOEM,
Secretary of Homeland Security; PAM BONDI, United
States Attorney General,
Respondents.

Civil Action No.: 4:26-cv-853-CDL-AGH

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

(Verified Petition Pursuant to 28 U.S.C. § 2241)

Petitioner JULISSA DEL CARMEN DÍAZ OCHOA respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging her unlawful and unconstitutional civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement (ICE).

Petitioner, a resident of the United States for approximately seven (7) years since entering as a minor at the age of 15, has been detained since May 12, 2026. She was arrested while voluntarily complying with a scheduled immigration check-in in Atlanta, Georgia, and has since been held without a meaningful, individualized bond hearing. Petitioner has no criminal history

whatsoever. Prior to her detention, she was a productive member of her community with established employment. Her order of removal is not final, as she has a timely appeal pending before the Board of Immigration Appeals (BIA).

Petitioner's detention is arbitrary and poses a severe and immediate risk to her physical and emotional health. She is suffering from depression, acute chest pain, chest attacks, and difficulty breathing. The stressful conditions of confinement inherently threaten to exacerbate these serious medical symptoms.

The Government has failed to provide Petitioner with an individualized custody determination that considers her long-standing ties to the United States, her entry as a minor, her lack of any criminal record, the non-final nature of her removal order, and the serious risk that continued detention poses to her health. This failure violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

Freedom from arbitrary physical restraint is a cornerstone of the liberty protected by the Constitution. Detaining a long-term resident with medical needs, a pending appeal, strong family ties, and no criminal record, without a proper bond hearing, is a fundamental violation of due process. Because Petitioner's detention is statutorily and constitutionally infirm, habeas relief is necessary. Petitioner respectfully requests that this Court grant the writ and order her immediate release, or, in the alternative, order an immediate individualized bond hearing before a neutral decision-maker where the Government bears the burden of justifying her continued detention.

CUSTODY

Petitioner is in the physical custody of Respondents at the Stewart Detention Center, 146 CCA Road, Lumpkin, GA 31815. She is under the direct control of:

- Warden, Stewart Detention Center;
- Field Office Director, ICE Atlanta Field Office;
- Acting Director, United States Immigration and Customs Enforcement;
- Secretary, Department of Homeland Security;
- Attorney General, United States.

JURISDICTION

This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).

1. Personal jurisdiction attaches to the named respondents in their official capacities.
2. The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution.

VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because:

- Petitioner is detained in Lumpkin, Georgia, within Stewart County;
- The Stewart Detention Center and the Respondents' custodial officers are located in this District and Division.

PARTIES

Party	Description
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Petitioner	I, Julissa del Carmen Díaz Ochoa, A-Number  , citizen of El
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Party Description

Salvador, presently detained at the Stewart Detention Center.

Respondent

1 Warden, Stewart Detention Center, named in official capacity.

Respondent

2 Field Office Director, ICE Atlanta Field Office, named in official capacity.

Respondent Todd M. Lyons, Acting Director, United States Immigration and Customs

3 Enforcement, named in official capacity.

Respondent Kristi Noem, Secretary, Department of Homeland Security, named in official

4 capacity.

Respondent

5 Pam Bondi, Attorney General, United States, named in official capacity.

STATEMENT OF FACTS

1. Petitioner JULISSA DEL CARMEN DÍAZ OCHOA is a native and citizen of El Salvador, born on [REDACTED] She is 22 years old.
2. She entered the United States on or about June 7, 2019, as an unaccompanied minor at the age of 15. She has resided here continuously for approximately 7 years.
3. Petitioner's removal proceedings commenced on December 19, 2019, before the Atlanta Immigration Court.

4. On September 26, 2022, Immigration Judge Bryan D. Watson ordered her removed.
 5. Petitioner timely filed an appeal with the Board of Immigration Appeals (BIA) on October 25, 2022. This appeal remains pending, and her order of removal is not final.
 6. On May 12, 2026, Petitioner voluntarily appeared for a scheduled check in appointment with ICE at 180 Ted Turner Dr SW, Atlanta, GA 30303, at which time she was arrested and taken into custody.
 7. Since her arrest, she has been detained at the Stewart Detention Center. She has not been transferred.
 8. Petitioner has no criminal convictions or any history of arrest. She is not a danger to the community.
 9. Prior to her detention, Petitioner was gainfully employed, as evidenced by a W-2 statement from 2021.
 10. Petitioner is suffering from serious medical and mental health conditions, including depression, acute chest pain, chest attacks, and associated difficulty breathing. Her emotional well-being has been severely affected by the detention.
 11. Petitioner has significant family ties in the United States, including a grandmother who is a lawful permanent resident and an uncle who is a United States citizen. These family members provide her with a strong support system.
 12. Her prolonged detention causes her significant physical and emotional distress and prevents her from adequately preparing her ongoing BIA appeal and providing for herself.
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13. The Government has not afforded Petitioner a meaningful, individualized bond hearing to assess whether her detention is necessary, particularly in light of her pending BIA appeal,

her serious medical conditions, long-term residence since childhood, lack of criminal record, and strong family ties.

LEGAL FRAMEWORK

1. **Statutory Basis for Detention.** Petitioner's detention is governed by 8 U.S.C. § 1226. Because her order of removal is not final due to her pending BIA appeal, she is not subject to mandatory detention under 8 U.S.C. § 1231. Instead, her custody is governed by § 1226(a), which grants the Attorney General discretionary authority to release individuals on bond. This discretion requires an individualized custody determination. Respondents' failure to provide such a hearing is a violation of the statute.
 2. **Due Process Clause.** The Fifth Amendment prohibits the government from depriving any "person" within the United States of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection applies to all individuals within the United States, regardless of their immigration status.
 3. **Bond-Hearing Requirement.** Courts have consistently held that due process requires the government to provide individualized bond hearings for individuals in prolonged detention, where the government must justify the need for continued confinement. The hearing must include consideration of the detainee's individual circumstances, including medical needs, family ties, and length of residence in the United States.
 4. **Medical Necessity.** The government has a constitutional duty to provide adequate medical care to those it detains. Continued detention of an individual with serious medical conditions, without a hearing to consider whether release is necessary to ensure proper care, can constitute a violation of due process.
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5. *Mathews v. Eldridge* Balancing. Applying the three-part test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's detention violates due process. First, Petitioner has a fundamental private interest in her liberty and in receiving adequate medical care. Second, the risk of erroneous deprivation is extremely high, as she has been denied a meaningful hearing to present evidence of her medical needs, her pending appeal, her long-term U.S. residency since childhood, and her lack of dangerousness. Third, the governmental burden of providing a proper hearing is minimal compared to the severe and potentially irreversible harm to Petitioner's health and liberty.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner is being detained without a bond hearing under the incorrect legal standard. As her removal order is not final, her detention is governed by 8 U.S.C. § 1226(a).
3. Section 1226(a) and its implementing regulations require that Petitioner be afforded a prompt and individualized bond hearing where her eligibility for release can be assessed.
4. Respondents have detained Petitioner since May 12, 2026, without such a hearing, in direct violation of the INA.
5. Accordingly, Petitioner is entitled to an order requiring Respondents to provide her with an immediate bond hearing consistent with the statutory framework.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH

AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.

2. The Due Process Clause requires that any deprivation of liberty be accompanied by fair procedures, including a hearing before a neutral decision-maker. *Zadvydas*, 533 U.S. at 690.
3. Detaining Petitioner for a prolonged period without a bond hearing, where the Government has not demonstrated that she poses a flight risk or a danger to the community, and without considering her serious medical needs, pending appeal, and long-term ties to the country, constitutes arbitrary and indefinite detention.
4. Petitioner has therefore suffered an unconstitutional deprivation of her liberty and is entitled to relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring, removing, or deporting Petitioner pending resolution of this application.
2. Assume jurisdiction over this matter.
3. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
4. Declare that Petitioner's continued detention without an individualized bond hearing that properly considers her serious medical conditions, her pending BIA appeal, her long-term residency, and her lack of criminal history violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment.
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner

from the Stewart Detention Center.

6. In the alternative, order Respondents to provide Petitioner with an immediate bond hearing before an Immigration Judge, at which the Government must prove by clear and convincing evidence that her continued detention is necessary, and at which the Immigration Judge must consider her medical needs, her lack of criminal history, her family and community ties, and alternative conditions of release.
7. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Julissa del Carmen Díaz Ochoa, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: May 14, 2026.

/s/ Julissa Diaz
Julissa del Carmen Díaz Ochoa
Pro Se