

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Edwin Yonary Medrano Caceres,

Petitioner,

v.

KRISTEN SULLIVAN, in her official capacity as
Field Office Director of the Atlanta Field Office,
Enforcement and Removal Operations, U.S.
Immigration & Customs Enforcement; TODD
LYONS, in his official capacity as Acting Director
of U.S. Immigration and Customs Enforcement;
and MARKWAYNE MULLIN, in his official
capacity as U.S. Secretary of Homeland Security,

Respondents.

Case No.

**VERIFIED PETITION
FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1. This case challenges the unlawful immigration detention of Edwin Yonary Medrano Caceres ("Mr. Medrano Caceres"), a 41-year-old from Honduras whose U visa application received a bona fide determination and who cannot be removed from the United States because he has a valid grant of deferred action. Until his unlawful detention, Mr. Medrano Caceres had been residing for almost 10 years in Atlanta, Georgia with his wife and minor children. Mr. Medrano Caceres is the father of five children and has worked consistently to maintain his family. He has actively participated in his church along with his wife for the many years he has lived in the United States.

2. Mr. Medrano Caceres came to the United States at the age of 31 along with his family. In July 2021, Mr. Medrano Caceres, his spouse, Elsa Carolina Flores Diaz. Mr. Medrano

Caceres, and four of his minor children suffered a violent burglary by armed suspects in their home. The family cooperated with law enforcement and after a law enforcement certified his spouse's cooperation with their efforts to hold the perpetrators accountable, U.S. Citizenship and Immigration Services ("USCIS") issued bona fide determination (BFD) for Ms. Flores Diaz and Mr. Medrano Caceres, indicating that a U visa would almost certainly be granted. At the same time, USCIS granted Mr. Medrano Caceres' employment authorization as well as deferred action from deportation. A U visa is a humanitarian immigration protection for immigrant victims of crime, created by Congress to give these individuals the opportunity to remain safely and permanently in the United States. Based on Ms. Flores Diaz's U visa application, USCIS granted her and Mr. Medrano Caceres deferred action, a four-year, renewable protection from removal and permission to work lawfully while they wait in a visa backlog until they can obtain their U visa.

3. Despite Mr. Medrano Caceres's U visa bona fide determination and grant of deferred action and work authorization, and despite the fact he has no criminal history, ICE arrested him [without a warrant] on 05/20/2026, while he was attending a required biometrics appointment at a USCIS Application Support Center for his pending U Visa. When it was Mr. Medrano Caceres' turn to complete his fingerprints and photograph, USCIS agents took him aside claiming his barcode was not scanning and then ICE agents arrived and detained him. Since then, he has been locked in an immigration detention center in Georgia, deprived of his liberty and separated from his family. While Mr. Medrano Caceres has an order of removal from 2016, issued against him *in absentia* without his knowledge as he had not received the notice of his hearing, his grant of deferred action prevents ICE from deporting him.

4. Mr. Medrano Caceres's detention is unlawful for at least [two] reasons.

5. First, because Mr. Medrano Caceres cannot be removed, his ongoing detention—particularly without any individualized review—serves no lawful purpose and runs afoul of the substantive and procedural due process protections of the Fifth Amendment, requiring his immediate release. Mr. Medrano Caceres cannot be removed because his deferred action grant prevents his removal. Moreover, removing Mr. Medrano Caceres would completely undermine the purpose of the U visa statute. Through his bona fide determination, Mr. Medrano Caceres is on a path to legal status, remaining in the United States will ensure he can safely pursue this benefit. Respondents’ efforts to block Mr. Medrano Caceres from accessing the protections Congress specifically enacted for the benefit of survivors of crime and their families improperly subverts Congress’ intent that he be granted lawful status and establish a stable life in the United States.

6. To be clear, Mr. Medrano Caceres brings this habeas petition challenging his unlawful detention; this petition does not challenge Respondents’ ability to issue a removal order against Mr. Medrano Caceres and does not challenge the removal order; it strictly seeks to liberate Mr. Medrano Caceres from detention on the basis that his detention serves no lawful purpose, and his removal is not reasonably foreseeable. “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, 679 (2001).

7. Second, Mr. Medrano Caceres was arrested without a warrant and without probable cause that he was a flight risk, under unlawful enforcement procedures that multiple courts around the country have declared illegal. Since then, there has been no determination that any probable cause exists to justify his detention. This violates his Fourth Amendment rights, as well as statute and regulation, similarly mandating his release.

8. For these reasons, Mr. Medrano Caceres respectfully asks this Court to hold his arrest and detention unlawful, order restoration of the status quo prior to his detention, *i.e.* release without restraints on his liberty. Mr. Medrano Caceres also respectfully asks that this Court enjoin Respondents from transferring him outside of this District for the duration of this proceeding.

PARTIES

9. Petitioner Mr. Medrano Caceres is a 41-year-old Honduran national who entered the United States and has been residing here since the age of 31. Prior to his arrest and detention, Mr. Medrano Caceres was living with his spouse, Ms. Elsa Carolina Flores Diaz and minor children in Atlanta, Georgia and working with valid authorization from the U.S. government. Mr. Medrano Caceres is a derivative on his spouse's U visa application, which has received a bona fide determination, and he was granted deferred action as a result.

10. Respondent Kristen Sullivan is the Acting Field Office Director for the ICE Enforcement and Removal Operations at the Atlanta Field Office. The ICE Atlanta Field Office has jurisdiction over ICE detention facilities in Georgia, and thus is PETITIONER Mr. Medrano Caceres' immediate custodian. She is sued in her official capacity.

11. Respondent Todd Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of PETITIONER Mr. Medrano Caceres.

12. Respondent Markwayne Mullin is the Secretary of DHS. DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Mullin is the ultimate legal custodian of PETITIONER Mr. Medrano Caceres and is sued in his official capacity.

JURISDICTION AND VENUE

13. This Court has jurisdiction under the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 (“The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.”).

14. The Court also has jurisdiction under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1651 (the All Writs Act).

15. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas*, 533 U.S. at 687 (same).

16. This Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (the Declaratory Judgment Act), to grant injunctive and declaratory relief.

17. Venue is proper in the District of Northern District of Georgia under 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events giving rise to these claims occurred in this District. Venue is also proper under 28 U.S.C. § 2241(d) because PETITIONER Mr. Medrano Caceres is detained at a facility within this District.

RELEVANT FACTS AND PROCEDURAL HISTORY

18. Mr. Medrano Caceres was born in Honduras in 1985. Living in Honduras, Mr. Medrano Caceres married his spouse and had five children. He and his family led a modest life and survived harsh and violent conditions. Beginning in 2011, Mr. Medrano Caceres’ family was threatened after [REDACTED] In 2012, Mr. Medrano Caceres and his immediate family fled to shelters and various cities across

Honduras to escape the threats of the gang. [REDACTED]

[REDACTED] the family decided to flee the country.

19. Mr. Medrano Caceres came to the United States in 2016 along with two of his minor children. Mr. Medrano Caceres was paroled into the United States until 08/09/2017. He was released into the United States and given a Notice to Appear with a time and date to be determined.

20. In July 2021, while arriving home with his spouse and children, Mr. Medrano Caceres suffered a violent burglary in his home. An armed suspect forced his way into the home and held the family at gunpoint while hitting and pushing Mr. Medrano Caceres and his spouse.

21. After obtaining *pro bono* legal representation, Mr. Medrano Caceres' spouse applied as the principal for a U Visa petition. Mr. Medrano Caceres was included in the petition as a derivative beneficiary.

22. USCIS¹ granted a Bona Fide Determination to Mr. Medrano Caceres on 03/31/2025. Ex. 1, Bona Fide Determination notice. USCIS also granted Mr. Medrano Caceres deferred action for a four-year period, until 03/30/2029. *Id.* This protected him from removal while he waited in the backlog for his U Visa petition to be adjudicated, and it allowed him to apply for employment authorization, which he obtained to help support himself and his family.

23. Because of the backlog impacting U Visa petitioners, Mr. Medrano Caceres can not yet receive the approval for his U Visa². Mr. Medrano Caceres remains eligible to extend his

¹ USCIS is the sub-agency of the Department of Homeland Security with exclusive jurisdiction over U Visa petitions, including both granting and revoking U Visa status. *See* 8 CFR § 214.14(c)(4). Other DHS sub-agencies, such as ICE and Customs and Border Patrol, can neither grant nor revoke SIJS. *Id.*

² *Id.*

deferred action pending the adjudication of his U Visa petition which will grant him lawful status for four years and eligibility to apply to adjust to Legal Permanent Resident status. *Id.*

24. With his grant of Bona Fide Determination, deferred action, and work authorization, Mr. Medrano Caceres continued building a safe future for himself and his family in Georgia.

25. On 05/20/2026, Respondents arrested Mr. Medrano Caceres without any notice or warning while attending a required USCIS biometrics appointment for his pending U Visa petition. Upon information and belief, the immigration officers had no warrant for Mr. Medrano Caceres's arrest. Mr. Medrano Caceres had no prior arrests. He had a stable address, deferred action, a work permit, and a path to legal status. He did not run or try to evade the officers. Nonetheless, they arrested him without a warrant.

26. It is currently unknown where ICE is holding Mr. Medrano Caceres.

LEGAL FRAMEWORK

A. U Visa Provides Legal Status and a Pathway to Permanent Status for Certain Victims of Crime

27. In 2000, Congress created the U Visa to protect immigrant victims of crime and provide a pathway to legal status. Section 1513 of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA 2000), Pub. L. 106-386 (PDF), 114 Stat. 1464, 1533 (October 28, 2000).

28. The U Visa grants victims legal status for four years with the possibility to adjust to a legal permanent resident after three years. *See* 8 CFR § 214.14(g)(2). Eligible family members can receive derivative U status and also receive legal status for 4 years with the possibility to adjust status to a legal permanent resident. *Id.*

29. Eligibility for the U Visa includes showing:

The alien has suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity;

The alien possesses credible and reliable information establishing that he or she has knowledge of the details concerning the qualifying criminal activity upon which his or her petition is based;

The alien has been helpful, is being helpful, or is likely to be helpful to a certifying agency in the investigation or prosecution of the qualifying criminal activity upon which his or her petition is based, and since the initiation of cooperation, has not refused or failed to provide information and assistance reasonably requested; and

The qualifying criminal activity occurred in the United States. *See* 8 CFR § 214.14(b).

A U Visa applicant is also able to petition for an eligible family member as a derivative, granting the derivative U status. The derivative must show their qualifying relationship as a family member and be found admissible. *Id.*

30. By statute, there is an annual cap of 10,000 grants of U-1 nonimmigrant status. *See* 8 U.S.C. 1184(p)(2). This has created a continuously increasing backlog of U Visa cases up to a decade or more.

B. Deferred Action Furthers Congress' Intent That U Visa applicants be Protected

31. In June 2021, to address the harms being caused by the increasing U Visa backlog, USCIS announced that U Visa applicants would be considered for a discretionary grant of deferred action, meaning that they would be protected from deportation and eligible for work

authorization while waiting for placement on the waitlist and final adjudication of the U Visa. *See* USCIS Policy Alert PA-2021-13.

32. USCIS will conduct an initial review of U Visa petitions to determine whether the principal petition is “bona fide” and whether the principal petitioner poses a risk to national security or public safety. *Id.* Once the bona fide determination is made, USCIS may grant the principal petitioner and qualifying family members deferred action and an employment authorization document under INA 214(p)(6), valid for four years. *Id.*

33. Deferred action does not confer lawful status and does not prevent an immigration judge from issuing a removal order. However, unless and until terminated, a grant of deferred action prevents immigration authorities from physically removing a noncitizen from the United States. *See* USCIS Policy Manual, Vol. 1, Pt. H, Ch. 2.A.4, <https://www.uscis.gov/policy-manual/volume-1-part-h-chapter-2>; *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484 (1999) (“*AADC*”). In the case of U Visa beneficiaries awaiting visas, USCIS granted deferred action for a period of four years.

CAUSES OF ACTION

FIRST CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution Substantive Due Process and 8 U.S.C. § 1231(a)(6)

34. Mr. Medrano Caceres repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

35. Because Mr. Medrano Caceres’ removal is not reasonably foreseeable and there is no other justification for his detention, his detention is not related to any legitimate government interest, in violation of the substantive due process protections of the Fifth Amendment.

36. Here, the government cannot remove Mr. Medrano Caceres from the United States for at least three reasons. First, Mr. Medrano Caceres has a valid grant of deferred action, which precludes his removal. *See Primero*, 2025 WL 1899115, at *4 (“Respondents do not suggest that ICE routinely removes individuals with active grants of deferred action from the United States, or that Petitioner will be removed before his deferred action is terminated.”). His grant of deferred action remains valid until 03/30/2029.

37. Second, Mr. Medrano Caceres has a procedural due process right not to have his deferred action revoked without notice and an opportunity to submit evidence in opposition to the revocation and to appeal an adverse decision. Therefore, removing Mr. Medrano Caceres from the United States without following the procedures to revoke a deferred action grant would be unlawful.

38. Third, removing Mr. Medrano Caceres (regardless of his deferred action grant) would contravene the very purpose of the U visa statute. As discussed *supra*, the core purpose of U visa protection is to provide beneficiaries like Mr. Medrano Caceres with lawful status. Allowing Mr. Medrano Caceres to be removed from the United States after he has already received a U visa bona fide determination would thus eviscerate Congress’ goal in creating the status in the first place.

39. Mr. Medrano Caceres’ detention violates his substantive due process rights under the Fifth Amendment. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976). Substantive due process requires that there be a reasonable relation between an individual’s detention and the government’s purported interest in that detention. *See Jackson v. Indiana*, 406

U.S. 715, 738 (1972); *Brown v. Taylor*, 911 F.3d 235, 243 (5th Cir. 2018). As the Supreme Court recognized in *Zadvydas*, the government's only interests in post-order immigration detention are to (1) prevent flight risk, so a person can actually be removed, or (2) otherwise ensure the safety of the community. *Zadvydas*, 533 U.S. at 690-91. But if a person cannot actually be removed, "preventing flight" is a "weak or nonexistent" justification. *Id.* at 690; *cf. Phan v. Reno*, 56 F. Supp. 2d 1149, 1156 (W.D. Wash. 1999) ("Detention by the INS can be lawful only in aid of deportation."). Detention for community safety, in turn, is only permissible "when limited to specially dangerous individuals and subject to strong procedural safeguards." 533 U.S. at 691.

40. Here, the government's inability to lawfully remove Mr. Medrano Caceres eliminates any justification of flight risk, which the government could not show in any event, given Mr. Medrano Caceres' lengthy residence in the United States, his deep ties to his family and community in Georgia, and his ability as an U visa applicant with BFD to gain lawful status and eventually adjust to lawful permanent resident status and then gain citizenship. And Mr. Medrano Caceres' lack of any criminal record eliminates any possible justification of danger.

41. Accordingly, because Mr. Medrano Caceres' removal is not reasonably foreseeable, he is not a flight risk and there is therefore no justification for his detention. *Ayala v. Bondi*, 2:25-cv-01063-JNW-TLF (W.D. Wash. Aug 04, 2025) (ordering immediate release of petitioner with U deferred action because the government's sole basis for detention was removal, and "deferred action prevents removal"). Accordingly, his detention is not related to any legitimate government interests. Therefore, his detention violates the substantive due process protections of the Fifth Amendment, and this Court should order his immediate release.

SECOND CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution Procedural Due Process

42. Mr. Medrano Caceres repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

43. Even “[w]hen government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner.” *Salerno*, 481 U.S. at 746.

44. The procedural due process guarantee of the Fifth Amendment requires that individuals be provided notice and an opportunity to be heard before being deprived of liberty or property interests. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). “Freedom 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.

45. In contrast to other habeas petitioners challenging their detention after receiving a final removal order, Mr. Medrano Caceres “has been afforded no review of his detention.” *Primero*, 2025 WL 1899115, at *5. “To the contrary, Respondents have made no suggestion that there has been any review of Petitioner’s record to determine that his detention was warranted to ensure his removal . . .” *Id.* (internal quotations omitted).

46. Under the familiar *Mathews* due process test, the government’s decision to arrest Mr. Medrano Caceres without any notice or an opportunity to respond, and continue to detain him without any opportunity to meaningfully challenge that detention, violates his procedural due process rights.

47. The first *Mathews* factor weighs heavily in Mr. Medrano Caceres’ favor. Mr. Medrano Caceres has a strong liberty interest, in light of his valid U visa BFD and grant of deferred action. To be granted a BFD, Mr. Medrano Caceres and his spouse had to meet specific eligibility criteria and vetting, and he was promised that, in return, he would be given a

meaningful path to legal status in this country. That came with the expectation that he could build a life here without risking arbitrary arrest, detention, and removal that would strip him of the very permanency Congress created the U visa to provide vulnerable survivors of crime like him. *See Maldonado v. Noem*, No. 4:25-cv-2541, at 5 (S.D. Tex. Jun 05, 2025) (finding a likely violation of procedural due process insofar as the petitioner with U visa deferred action was detained without notice and an opportunity to respond); *B.D.A.A. v. Bostock*, No. 6:25-CV-02062-AA, 2025 WL 3484912, at *7 (D. Or. Dec. 4, 2025) (similar); *Contreras Flores v. Noem*, No. CV 26-0463, 2026 WL 475129 (W.D. La. Feb. 19, 2026) (similar); *Acosta de Mata v. Sullivan*, No. 1:26-CV-1827-AT, 2026 WL 927380, at *3 (N.D. Ga. Apr. 6, 2026) (similar). And this is precisely what Mr. Medrano Caceres did, building a home with his spouse; attending work and church; working and contributing to his community; and making plans for the future.

48. Second, the risk of erroneously depriving Mr. Medrano Caceres of that interest is severe. Mr. Medrano Caceres is the caregiver of his minor children here in the United States providing both financial and emotional support. Currently, one of his daughters is undergoing treatment in the hospital for an unknown illness. He has been afforded absolutely no process, let alone constitutionally sufficient process, prior to or since this deprivation, making the value of additional process high. *See Mathews*, 424 U.S. at 343.

49. Third, the government's interest in detaining Mr. Medrano Caceres is minimal. Mr. Medrano Caceres cannot be deported and does not present any flight risk or danger: he is firmly settled in Georgia, he has a stable job, and has no criminal history. In fact, Mr. Medrano Caceres' erroneous detention imposes high fiscal and administrative burdens on Respondents. And unlawful detention and violation of noncitizens' constitutional rights disserve the public interest.

50. Mr. Medrano Caceres' continued detention without an opportunity to be heard violates his procedural due process rights under the Fifth Amendment of the Constitution, and this Court should order his immediate release.

THIRD CLAIM

Violation of the Fourth Amendment to the U.S. Constitution and 8 U.S.C. § 1357(a)(2) Unlawful Arrest

51. Mr. Medrano Caceres repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

52. The Fourth Amendment protects "[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures." U.S. Const. Amend. IV. Immigration arrests and detentions are "seizures" within the meaning of the Fourth Amendment. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984) (acknowledging that deportation proceedings are civil, but the Fourth Amendment still applies to the "seizure" of the person).

53. As a general matter, the Fourth Amendment requires that all arrests entail a neutral, judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). "Probable cause requires a 'substantial probability; based on facts related to the individual.'" *Ramirez Ovando v. Noem*, No. 1:25-CV-03183-RBJ, 2025 WL 3293467, at *15 (D. Colo. Nov. 25, 2025) (quoting *Storey v. Taylor*, 696 F.3d 987, 992 (10th Cir. 2012) (finding probable cause for immigration arrests lacking). That determination can occur either before the arrest, in the form of a warrant, or promptly afterward, in the form of a prompt judicial probable cause determination. *See id.* Arrest and detention of a person, including of a noncitizen, absent a neutral, judicial determination of probable cause violates the Fourth Amendment of the Constitution. *Id.*; *see also Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991). This

determination must occur within 48 hours of detention, which includes weekends, unless there is a bona fide emergency or other extraordinary circumstance. *See Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991).

54. There is a strong preference that immigration arrests be based on warrants. *See Arizona v. U.S.*, 567 U.S. 387, 407–08 (2012). The INA thus provides immigration agents with only limited authority to conduct warrantless arrests. 8 U.S.C. § 1357(a)(2). Specifically, an officer must have “reason to believe” the person is violating the immigration laws *and* that the person “is likely to escape before a warrant can be obtained,” *i.e.*, is a flight risk. *Id.*; *see also Ramirez Ovando*, 2025 WL 3293467, at *2. Federal regulations track the strict limitations on warrantless arrests. *See* 8 C.F.R. § 287.8(c)(2)(ii).

55. Mr. Medrano Caceres’ warrantless arrest occurred without probable cause that he was a flight risk. “Courts have ... made the self-evident finding that the likelihood of escape is lower when the individual has resided in the country for a lengthy period of time and has strong community ties.” *Escobar Molina v. U.S. Dep’t of Homeland Sec.*, No. CV 25-3417 (BAH), 2025 WL 3465518, at *13 (D.D.C. Dec. 2, 2025) (collecting cases). At the moment of his seizure, Mr. Medrano Caceres (a) had valid U Visa BFD and deferred action, which provided him a path to legal status, (b) was living at a stable home address and employed at a stable job, and (c) had been in the United States for 9 (nine) years and built strong ties to his community. Moreover, Mr. Medrano Caceres willingly attended his required USCIS biometrics appointment and fully complied with the ICE officers and in no way tried to disobey or flee. Therefore, no officer could have held a reasonable belief that Mr. Medrano Caceres was likely to escape before a warrant could be obtained. *See* 8 U.S.C. § 1357(a)(2).

56. Without a statutory basis to arrest, Respondents were required under the Fourth Amendment to secure a prompt judicial probable cause determination to continue holding Mr. Medrano Caceres. *Gerstein*, 420 U.S. at 114; *McLaughlin*, 500 U.S. at 56–57. He received no such judicial determination, yet his detention continued well beyond 48 hours, rendering it presumptively unconstitutional.

57. Mr. Medrano Caceres' warrantless arrest occurred in violation of the clear, narrow circumstances permitted by statute. There has been no finding of probable cause or other determination by a neutral magistrate that would cure this infirmity; his arrest lacked any legal basis and there continues to be no legal basis for his detention. Therefore, his arrest and ensuing detention constitutes an unreasonable and unlawful seizure in violation of the Fourth Amendment and 8 U.S.C. § 1357(a)(2). Thus, this Court should order his release.

FOURTH CLAIM

Violation of the Immigration & Nationality Act

58. ICE's actions contravene 8 U.S.C. § 1101(a)(15)(U) and 8 C.F.R. § 214.14(d)(2), which provide deferred action for BFD recipients. BFD with deferred action is an administrative stay of removal. *Georgia Latino Alliance for Human Rights v. Governor of Georgia*, 691 F.3d 1250, 1258 n. 2 (11th Cir. 2012) ("Deferred action status . . . amounts to, in practical application, a reprieve for deportable aliens. No action (i.e. no deportation) will be taken . . . against an alien having deferred action status.") (quoting *Pasquini v. Morris*, 700 F.2d 658, 661 (11th Cir. 1983)). Therefore, Respondents cannot lawfully detain Petitioner without first revoking his deferred action under applicable regulations. *Espinoza-Sorto v. Agudelo*, 1:25-cv-23201-GAYLES, at 10 (S.D. Fla. Oct 28, 2025) ("Respondents shall not remove Petitioner unless and until his deferred action status is revoked."); *Contreras Flores v. Noem*, No. CV 26-0463, 2026 WL 475129 (W.D.

La. Feb. 19, 2026); *Aguilar Gama v. Bondi*, 25-01925, 2025 WL 3559942 (W.D. Wash. Dec. 12, 2025) (no legal basis to detain); *Espinoza Cruz v. English*, No. 3:25-CV-919-CCB-SJF, 2025 WL 3676992, at *4 (N.D. Ind. Dec. 18, 2025). Respondents never provided evidence to show that his case has been adequately reviewed by the Secretary of Homeland Security.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Enjoin the Respondents from transferring Petitioner away from the jurisdiction of this District pending these proceedings;
- c. Declare that Petitioner's arrest and detention violates the Due Process Clause of the Fifth Amendment; the Fourth Amendment; and the INA;
- d. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody without restraints on his liberty;
- e. Grant bail pending the conclusion of the habeas review; *see, e.g., Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001);
- f. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- g. Grant such further relief as this Court deems just and proper.

Dated: 05/22/2026

Respectfully submitted,

GEORGIA ASYLUM & IMMIGRATION NETWORK

/s/ Amir A. Naim

Amir A. Naim

Georgia Bar No. 423232

229 Peachtree Street NE, Suite 1500

Atlanta, Georgia 30303

(404) 852-5637 (voice)

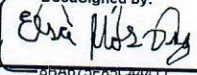
(404) 335-2530 (facsimile)

anaim@georgiaasylum.org

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am Petitioner's spouse. I have discussed with the Petitioner the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

DATED: 05/22/2026

DocuSigned by:

 /s/ Elsa Carolina Flores Diaz