

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

ELDA JAMILETH COREA VILLANUEVA,)



Petitioner,)

v)

KRISTEN SULLIVAN, Field Office Director of)
Enforcement and Removal Operations,)
Atlanta Field Office, Charlotte Sub-Office,)
in her official capacity;)

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.)

Case No. 3:26-cv-401

**AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

I. INTRODUCTION


1. Petitioner Elda Jamileth Corea Villanueva is presently detained by Immigration and Customs Enforcement (“ICE”) following detention during a routine supervisory reporting appointment in Charlotte, North Carolina.
2. For nearly seven years, Petitioner complied with all supervision requirements imposed by the Department of Homeland Security (“DHS”). Exhibit 1.
3. During that period, ICF repeatedly authorized Petitioner’s continued release and employment authorization pursuant to supervision. Exhibit 2.
4. Petitioner has substantial humanitarian equities, longstanding family ties, and no known criminal history. Exhibits 3–9.

5. Petitioner's husband is a permanent resident. Petitioner and her children are beneficiaries of pending Form I-929 petitions filed on their behalf. Exhibits 4, 10–12.
6. ICE abruptly detained Petitioner despite years of compliance and without meaningful process or individualized custody review.
7. Petitioner now faces imminent transfer outside this District and possible removal before meaningful judicial review can occur
8. Petitioner does not seek review of any underlying removal order in this proceeding.
9. Rather, Petitioner challenges the legality and constitutionality of her present detention, threatened transfer, and threatened removal without meaningful process.

II. JURISDICTION AND VENUE

10. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241.
11. Petitioner is detained within this judicial district.
12. Venue is proper in the Western District of North Carolina because Petitioner was detained in Charlotte, North Carolina and Respondents exercise custody within this District.
13. Petitioner challenges the legality of her detention and seeks release from unlawful custody. Petitioner does not seek review of any underlying order of removal.

III. PARTIES

14. Petitioner Elda Jamileth Corea Villanueva is a native and citizen of Honduras presently detained by ICE.
15. Petitioner's A-number is A# 
16. Respondents are federal officials responsible for Petitioner's detention and custody.
17. 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 Charlotte Area of Responsibility, including the Charlotte Field Office where Petitioner was detained. Respondent Sullivan is a legal custodian of Petitioner and has the authority to order her release.

18. 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.

19. Respondent Iodd 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. FACTUAL ALLEGATIONS

20. Petitioner last entered the United States on or about May 31, 2019 near El Paso, Texas without inspection. Exhibit 1.

21. Following that entry, DHS placed Petitioner under an Order of Supervision (“OSUP”). *Id.*

22. Since approximately May 31, 2019, Petitioner has continuously complied with ICE supervision requirements. *Id.*

23. For nearly seven years, Petitioner consistently appeared for ICE reporting appointments as directed. *Id.*

24. During that period, ICE repeatedly authorized Petitioner’s continued release and employment authorization pursuant to supervision. Exhibit 2.

25. Petitioner established substantial family and community ties during her years of compliance in the United States. Exhibits 3–9
26. On or about May 21, 2026, Petitioner appeared for a routine ICE reporting appointment in Charlotte, North Carolina
27. ICE detained Petitioner during that appointment.
28. On information and belief, Respondents detained Petitioner pursuant to reinstatement or execution of a prior DHS-issued removal order.
29. Petitioner does not challenge the validity of any underlying removal order in this proceeding.
30. Rather, Petitioner challenges the legality and constitutionality of her present detention, threatened transfer, and threatened removal without meaningful process or individualized custody review.
31. Petitioner was not provided meaningful notice prior to detention.
32. Petitioner has no known criminal history.
33. Petitioner is married to Marco Tulio Leon Melgar. Exhibit 3.
34. Mr. Leon Melgar is a permanent resident. Exhibit 10.
35. Petitioner and her children are beneficiaries of pending Form I-929 petitions filed by Mr. Leon Melgar. Exhibits 4, 11–12.
36. The pending petitions document substantial humanitarian and family equities, including family unity, long-term residence in the United States, lack of criminal history, hardship to the family, and dangerous country conditions in Honduras. Exhibits 3-9
37. Petitioner is a caregiver and integral member of her household. Exhibits 7–8.
38. Petitioner’s sudden detention has caused severe hardship to her spouse and children.

39. On information and belief, ICE may imminently transfer Petitioner outside North Carolina, thereby substantially impairing access to counsel and judicial review.

40. On information and belief, ICE may attempt to remove Petitioner before this Court can adjudicate the legality of her detention.

V. CLAIMS FOR RELIEF

COUNT I: VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

41. Petitioner incorporates all preceding paragraphs.

42. The Fifth Amendment applies to all persons physically present in the United States, including noncitizens.

43. ICE abruptly revoked Petitioner's long-standing supervised release despite years of compliance and substantial humanitarian equities.

44. Petitioner was deprived of liberty without meaningful process.

45. Respondents' actions are arbitrary, fundamentally unfair, and violate due process.

COUNT II: UNLAWFUL DETENTION UNDER 28 U.S.C. § 2241

46. Petitioner incorporates all preceding paragraphs.

47. Federal courts retain habeas jurisdiction over challenges to immigration detention.

48. Petitioner does not seek review of any underlying removal order.

49. Instead, Petitioner challenges the legality and constitutionality of her present detention.

50. Petitioner's continued detention without meaningful individualized review is arbitrary under the circumstances presented here, including:

- a. Petitioner's nearly seven years of compliance with supervision;
- b. the absence of any known criminal history;

- c. Petitioner's extensive family and community ties;
- d. the existence of pending humanitarian immigration petitions;
- e. Petitioner's demonstrated compliance with ICE reporting requirements; and
- f. the absence of any identified change in circumstances justifying sudden detention after years of supervised release.

COUNT III: ARBITRARY AND CAPRICIOUS AGENCY ACTION

- 51. Petitioner incorporates all preceding paragraphs.
- 52. Respondents acted arbitrarily and capriciously by abruptly detaining Petitioner after years of successful supervision without explanation or individualized justification
- 53. Respondents failed to meaningfully consider Petitioner's humanitarian equities, family unity interests, pending immigration-related petitions, and history of compliance.

VI. IRREPARABLE HARM

- 54. Petitioner is suffering ongoing loss of liberty.
- 55. Petitioner faces imminent transfer outside this District.
- 56. Transfer would interfere with attorney access, family access, and this Court's jurisdiction.
- 57. Petitioner also faces potential removal before meaningful judicial review.
- 58. Petitioner's spouse and children are suffering severe emotional and financial hardship.
- 59. Monetary damages cannot remedy these harms.

VII. REQUEST FOR TEMPORARY RESTRAINING ORDER

- 60. Petitioner is likely to succeed on the merits.
- 61. Petitioner will suffer immediate and irreparable harm absent emergency relief.
- 62. The balance of equities favors Petitioner.

63. The public interest favors preserving constitutional protections and meaningful judicial review.

VIII. PRAYER FOR RELIEF

64. WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus;
- c. Immediately enjoin Respondents from transferring Petitioner outside the Western District of North Carolina pending adjudication of this matter;
- d. Immediately enjoin Respondents from removing Petitioner from the United States pending adjudication of this matter;
- e. Order Respondents to release Petitioner under appropriate conditions of supervision;
- f. Alternatively, order an immediate individualized custody determination before a neutral decisionmaker;
- g. Award attorneys' fees and costs as permitted by law; and
- h. Grant any additional relief the Court deems just and proper.

Respectfully submitted on May 21, 2026,

/s/ Melissa M. Chew
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Attorney for Petitioner

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

I represent Petitioner, Elda Jamileth Corea Villanueva, 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 21st day of May 2026

/s/ Melissa M. Chew
Melissa M. Chew, Esq.
Attorney for Petitioner