

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

DANIELA JAQUELIN CASTRO SALES

Petitioner,

v.

JASON STREEVAL, Warden, Stewart
Detention Center; **KRISTEN SULLIVAN**,
Acting Director of Atlanta U.S. Immigration
and Customs Enforcement; **MARKWAYNE
MULLIN**, Secretary of the U.S. Department
of Homeland Security; and **TODD BLANCHE**,
Attorney General of the United States in their
official capacities,

Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Case No. _____

INTRODUCTION

1. Petitioner Daniela Jaquelin Castro Sales, (Agency A# ) is a national of Brazil who has been continuously detained by U.S. Immigration and Customs Enforcement (ICE). She is currently detained at Stewart Detention Center since May 11, 2026, after being taken into custody at a scheduled ICE check-in appointment while she was on an Order of Supervision.
2. Petitioner was detained without reasonable suspicion, without an arrest warrant, and without being provided any reason or alleged violation of her Order of Supervision, in violation of governing immigration regulations and the Due Process Clause of the Fifth Amendment.
3. ~~Petitioner has remained detained with no meaningful progress toward removal and no~~
significant likelihood of removal in the reasonably foreseeable future.

4. Petitioner brings this Petition under 28 U.S.C. § 2241 to challenge the lawfulness of her re-detention following release under Orders of Supervision and Respondents' failure to follow the regulatory process required to revoke supervised release.
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JURISDICTION

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause) and 28 U.S.C. § 2201-2 (Declaratory Judgment).
8. 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.

VENUE

9. Venue lies in this District under 28 U.S.C. § 1391(e) and § 2241(d), because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, which is within the jurisdiction of this District.
10. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States; a substantial part of the events or omissions giving rise to his claims occurred in this District and Petitioner resides in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause

(OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

13. Petitioner is a national of Brazil who has been continuously detained and currently is detained at Stewart Detention Center in Lumpkin, GA, since May 11, 2026. Petitioner is a resident of Marietta, GA. She is in custody, and under the direct control, of Respondents and their agents.
14. Respondent Jason Streeval is the Warden of Stewart Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.
15. Respondent Kristen Sullivan is sued in her official capacity as the Acting Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement which has jurisdiction over the Stewart Detention Center. Respondent Sterling is a legal custodian of Petitioner and has authority to release her.

16. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner.
17. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

FACTUAL BACKGROUND

18. Petitioner, Daniela Jaqueline Castro Sales (DHS Alien Number ) , hereinafter "Daniela" is a 42-year-old citizen of Brazil who entered the United States in approximately May of 2005. She has resided continuously in the United states for over 21 years.
 19. Petitioner was previously detained by DHS in 2011 and again in 2018. Both times DHS released her pursuant to an "Order of Supervision" (OSUP) in accordance with the Zadvydas case and the federal regulations requiring such at 8 CFR § 241 *et seq.* See Exhibit 1, copy of OSUP from DHS dated August 11, 2005 and copy of OSUP dated July 12, 2018. She has faithfully reported to DHS all these years and complied with the conditions of her supervised release and DHS has continuously issued her work authorization pursuant to her OSUP. See Exhibit 2, copies of Employment Authorization over the years.
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20. Petitioner has deep and substantial ties to the United States. She is the mother of two U.S. citizen sons: Daniel Castro Moreira, age 20, and S [REDACTED] age 16. She also has a daughter who is a DACA recipient. Petitioner and her husband are self-employed and operate a home remodeling business. She owns a house located at [REDACTED] Marietta, GA 30062. She duly supports her family, pays taxes and is a contributing member of society.
21. On May 11, 2026, Petitioner was detained during a scheduled ICF check in appointment, despite her continuing compliance with the conditions of her OSUP. She was not provided any reason or alleged violation of her OSUP and detained without notice, without reasonable suspicion, without an arrest warrant and in clear violation of the immigration regulations and due process.
22. Petitioner remains in ICE custody at Stewart Detention Center since May 11, 2026, with no meaningful progress toward removal and no likelihood of removal in the reasonably foreseeable future.
23. Petitioner has legal representation by the undersigned counsel and is located in Atlanta, Georgia.
24. Petitioner's family resides in Marietta, Georgia.
25. Petitioner has substantial family ties in the United States. She has two U.S. citizen children, making her removal not only unlikely but also unnecessary for DHS's stated enforcement priorities.
26. DHS has not been able to remove Petitioner from the United States for decades. There is no significant likelihood of removal in the reasonably foreseeable future, yet detention continues.
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27. Petitioner potentially faces imminent transfer outside of this judicial district and faces removal from the United States.

LEGAL FRAMEWORK

28. Federal courts have long recognized habeas jurisdiction to review the lawfulness of immigration detention. INS v. St. Cyr, 533 U.S. 289, 301 (2001). The writ of habeas corpus is a fundamental safeguard against arbitrary executive detention and serves as the judiciary’s principal mechanism for ensuring that individuals are not held in violation of the Constitution or laws of the United States. Boumediene v. Bush, 553 U.S. 723, 743–45 (2008); Harris v. Nelson, 394 U.S. 286, 291 (1969). Federal courts therefore possess authority under 28 U.S.C. § 2241 to review both the legality of immigration detention and whether the Executive has complied with governing statutes and regulations.
29. Immigration detention is permissible only so long as it is reasonably related to the purpose of effectuating removal. Zadvydas v. Davis, 533 U.S. 678, 699 (2001).
30. A noncitizen may be placed under an Order of Supervision if she “demonstrates to the satisfaction of the Attorney General . . . that . . . her release will not pose a danger to the community or to the safety of other persons or to property or a significant risk of flight pending [her] removal.” 8 C.F.R. § 241.4(d)(1). Once released pursuant to the aforementioned regulation, only under certain circumstances can the non-citizen be re-detained per 8 CFR § 241.4(l)(2):

. . . Release may be revoked in the exercise of discretion when, in the opinion of the revoking official:

241.4(l)(2)(i) The purposes of release have been served;

241.4(l)(2)(ii) The alien violates any condition of release;

241.4(l)(2)(iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or

241.4(l)(2)(iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.

31. As noted recently by the U.S. District Court, District of Maryland, “These regulations plainly provide due process protections to [noncitizens] following the removal period as they are considered for continued detention, release, and then possible revocation of release.” Orellana v. Bakel, Civil Action No. 25-1788-TDC, 2025 U.S. Dist. LEXIS 164986, at *6 (D. Md. Aug. 25, 2025), 2025 LX 369492, 2025 WL 2444087.
32. Failure to follow the aforementioned regulations is unlawful and violates a non-citizen’s due process rights under the Fifth Amendment. Orellana, 2025 LX 369492, 2025 WL 2444087, at *8. Moreover, “[t]he Supreme Court has recognized that a federal agency’s failure to comply with its own regulations generally renders the associated agency action unlawful.” Orellana, 2025 LX 369492, 2025 WL 2444087, at *5 (citing United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954)). Accordingly, where ICE re-detains a noncitizen who has previously been released under an Order of Supervision without satisfying the requirements of 8 C.F.R. § 241.4(l)(2), without providing the process required by its regulations, or without demonstrating a significant likelihood of removal in the reasonably foreseeable future, such detention exceeds the authority granted by Congress and violates the Fifth Amendment.
33. Procedural due process requires notice and a meaningful opportunity to be heard before the Government may deprive an individual of a protected liberty interest. Goldberg v. Kelly, 397 U.S. 254, 267 (1970). In determining what process is constitutionally required, courts balance: (1) the private interest affected by the governmental action; (2) the risk of erroneous deprivation through the procedures used and the value of additional safeguards; and (3) the Government’s interest. Mathews v. Eldridge, 424 U.S. 319, 335 (1976).

CLAIMS FOR RELIEF

COUNT ONE

Procedural Due Process Violation (Fifth Amendment)

34. The allegations in the above paragraphs are realleged and incorporated herein.
35. By failing to follow the regulations by which they are bound and re-detaining Petitioner without cause and/or appropriate reason under 8 CFR § 241.4(l)(2), after her being released twice on an Order of Supervision pursuant to 8 CFR § 241.4(d)(1), Respondents' actions are unlawful and have violated Petitioner's rights under the Fifth Amendment. See Shaughnessy, 347 U.S. at 268.
36. Petitioner's interest in freedom from physical restraint is substantial as she has been living in the United States for over 21 years, has . The risk of erroneous deprivation is high where ICE re-detains an individual previously released under an OGPU without providing adequate notice of the grounds for revocation or a meaningful opportunity to challenge those grounds. Conversely, requiring compliance with existing regulatory procedures imposes minimal burden on the Government. Accordingly, due process required Respondents to comply with the procedures governing revocation of Petitioner's release before returning her to custody.

COUNT TWO

Unlawful Detention Under Zadvydas v. Davis

37. The allegations in the above paragraphs are realleged and incorporated herein.
38. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment-from government custody, detention, or other form of physical restraint-lies at the heart of the liberty that the Clause protects." Zadvydas v. Davis, 533 U.S. 678, 690, 121 S. Ct. 2491, 150 L.Ed.2d 653 (2001).

39. Petitioner's continued detention, absent a significant likelihood of removal, violates the substantive due process protections set forth in Zadvydas, 533 U.S. at 701. Moreover, Respondents previously detained Petitioner and granted her a stay of removal, did not deport her and released her again on an OSUP. Again, they violated her rights again and have not removed her.
40. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner is detained in violation of law and that Defendants have denied her due process;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from Stewart Detention Center;
- (4) Enjoin Respondents from further detaining Petitioner absent a violation of her conditions of release, and/or in conformity with the Federal Regulations by which they are bound;
- (5) Enjoin Respondents from transferring Petitioner outside of this judicial district during the pendency of removal proceedings.
- (6) Enjoin Respondents from re-detaining and/or removing Petitioner from the United States without the procedures for removal identified in the Immigration and Nationality Act.
- (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,

This 26th day of June, 2026

The Fogle Law Firm, LLC

/s/ H. Glenn Fogle, Jr.

by: H. Glenn Fogle, Jr.

Georgia Bar. No. 266963

Attorney for the Petitioner

75 14th Street NE, Suite 3050
Atlanta, GA 30309
Tel.: (404) 522-1852
Fax.: (470) 592 6989
Email: glenn@foglelaw.com

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

I, the undersigned, H. Glenn Fogle, Jr., represent Petitioner, Daniela Jaquelin Castro Sales, 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 to the best of my knowledge.

Dated this 19th day of June, 2026.


by: H. Glenn Fogle, Jr.
Georgia Bar. No. 266963

75 14th Street NE, Suite 3050
Atlanta, GA 30309
Tel.: (404) 522-1852
Fax.: (470) 592-6989
Email: glenn@foglelaw.com