

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

ESTEFANY RAMIREZ-VALLE

Plaintiff-Petitioner,

v.

JASON STREEVAL in their official
capacity as Official of Stewart Detention
Center,

MARKWAYNE MULLIN, in their official
capacity as Secretary of the United States
Department of Homeland Security;

TODD BLANCHE, in their official capacity
as Attorney General of the United States;

TODD M. LYONS, in their official capacity
as the Acting Director of Immigration and
Customs Enforcement; and

KRISTEN SULLIVAN, in her official
capacity as Atlanta Field office director for
Enforcement and Removal Operations,
United States Immigrations and Customs
Enforcement;

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Defendant-

Respondents.

Case No. _____

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF; PETITION
FOR HABEAS CORPUS

INTRODUCTION

1. This lawsuit seeks the immediate release of Plaintiff Estefany Ramirez-Valle (“Petitioner”) A  from unlawful detention in violation of her constitutional and statutory rights.
2. Petitioner was detained on or about March 18, 2026 following criminal charges in North Carolina following a car accident which are currently pending.
3. Petitioner was transferred to Stewart Detention Center and remains in civil detention in the custody of the Department of Homeland Security’s (“DHS”) Immigration and Customs Enforcement (“ICE”).
4. Petitioner filed a Motion for Bond Redetermination on June 8, 2026. The Immigration Judge Denied bond on June 12, 2026 holding there was no jurisdiction to issue a bond. See Exhibit 5.
5. Petitioner challenges the legality of her prolonged detention and the categorical denial of any meaningful bond hearing. Petitioner is charged as inadmissible under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182 (a)(6)(A)(i) and INA § 212 (a)(7)(A)(i)(I), 8 U.S.C. § 1182(a)(7)(A)(i)(I), *See* Exhibit 4 EOIR Information.
6. Petitioner’s initial and continued detention by ICE is unlawful and unconstitutional. The government’s recent policy shift has caused the re-detention of many individuals with no due process who were previously released on parole to pursue asylum or other forms of relief in the United States. While ICE alleges Petitioner is an “arriving alien” under 8 U.S.C. § 1225(b) and the Immigration Court denied bond for this reason, she is no longer an arriving alien due to her subsequent release and re-detention without any due process. Petitioner was suddenly re-apprehended following criminal charges after residing in the

United States for nearly ten years. Petitioner is entitled to due process under the Fifth Amendment before losing her liberty.

7. Although the Immigration Judge and DHS have characterized her as an applicant for admission, her continued detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment and exceeds the authority granted by the Immigration and Nationality Act. The Notice to Appeal (“NIA”) characterized her as “an alien who has not been admitted or paroled.” See Exhibit 4.
8. Any attempt to classify Petitioner as an “arriving alien” subject to mandatory detention under 8 U.S.C. § 1225(b), and to justify her continued confinement without bond on that basis, is legally erroneous. Petitioner’s custody is governed by 8 U.S.C. § 1226(a), which expressly contemplates discretionary detention and individualized determinations regarding release on bond. Respondents’ legal theory has been repudiated by a tidal wave of hundreds of district court decisions nationwide, including this Court, the Middle District of Georgia.
9. There are only two categories of noncitizen lacking valid entry documents who are amendable to expedited removal: (1) certain individuals who are “arriving in the United States,” and (2) subjected to the designation by the Secretary of Homeland Security, “certain other” noncitizens who have “not been admitted or paroled” into the United States, and who cannot establish two years continuous physical presence. 8 U.S.C. § 1225(b)(1)(A)(i),(A)(iii).
10. The statute does not define the term “arriving.” *CHIRLA v. Noem*, ---F. Supp. 3d ---, 2025 WL 2192986. The plain language and historical context demonstrates, though, that “arriving” in § 1225(b)(1)(A)(i) refers to individuals **in the process of coming** into the

United States at a port of entry. First, the ordinary meaning of “arriving supports the conclusion that the noncitizen is in the process of reaching the United States. The dictionary definition of “arriving” includes “to reach a destination,” “to make an appearance” and “to be near in time.” Merriam-Webster Dictionary, available at <https://www.merriam-webster.com/dictionary/arriving>. Thus, “[r]ead according to its plain meaning, a noncitizen ‘arriving’ in the United States would be one who is in the process of reaching his or her destination (the United States and making an appearance here.” *CHIRLA*, 2025 WL 2192986, at *28 “Arriving in” would not, however “be read to refer to someone who previously reached the United States via port of entry, underwent inspection at that port of entry, and then was paroled into the United States[.]” *Id.*

11. This case is similar to *Hernandez-Alvarez* and falls squarely within its parameters. Where the Petitioner was detained within the United States. *Hernandez Alvarez* 2026 WL 1243395, at *8, os. 25-14065 & 25-14075, slip op. (11th Cir. May 6, 2026). The Court in *Hernandez-Alvarez* stated "Petitioners were not applying for entry in any literal sense when they were detained following a traffic stop, nor were they taking cognizable steps to obtain the rights and privileges of lawful entry." *Id.*
12. This case also falls squarely within the parameters of *J.A.M. v. Streeval*, 4:25-cv-342-CDL-AGH Dkt. 12, (MDGA Nov. 1, 2025) and *Villa v. Normand*, 5:25-cv-89, 2025 WL 3095969 (D.D. Ga. Nov. 4, 2025), report and recommendation adopted, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025). *Villa* and *J.A.M.* held that noncitizens found in the United States without inspection are entitled to discretionary bond hearings under Section 1226(a).
13. This Court has broadened this interpretation to include that Petitioners who were paroled into the United States for a period of years, and then had their paroles revoked without any

meaningful due process. See *WC v. Warden, Irwin County Detention Center*, 7:26-cv-157 (L.A.G.) Dkt 10 (MDGA June 4, 2026); *LAAM v. Warden, Irwin County Detention Center*, 7_26-cv-068-WLS-ALS, Dkt. 9 (MDGA, May 13, 2026); *BAMA v. Warden, Irwin County Detention Center*, 7:26-cv-95 WLS-ALS, Dkt. 9 (MDGA May 13, 2026).

14. For the foregoing reasons, the issuance of the writ of habeas corpus is warranted. Petitioner seeks a declaratory judgment from this Court affirming that his detention should be under 8 U.S.C. § 1226(a). The Petitioner requests an order for his immediate release without restrictions or conditions due to his unlawful arrest. Alternatively, the Petitioner seeks an order for a discretionary bond hearing under § 1226(a) before an Article III judge, where the government must prove by clear and convincing evidence that she is a danger to the community or a flight risk. Additionally, the Petitioner requests that Respondents be prohibited from re-detaining her or put any restraints on her liberty unless they can meet the same evidentiary standard.
15. Petitioner has resided in the United States for over nine years and first entered the United States when she was a minor. Petitioner is a senior in high school and resides with her parents. This detention is a substantiation deprivation of her liberty and due process rights and the burden puts Petitioner and her family through extreme emotional hardship.
16. In addition to her parents, Petitioner has siblings and extended family that resides in the United States.
17. Petitioner's criminal charges remain pending, and she has not been found guilty of any of these criminal charges. She cannot resolve any criminal matters without her presence.
18. Petitioner is a member of the Maldonado Bautista Class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Ca.).

19. Petitioner's continued detention is an unlawful violation of due process, incorrect interpretation of immigration law, and is *ultra vires*.
 20. Petitioner entered the United States on or about January 14, 2027 at or near Hidalgo, Texas and was issued a Notice to Appear placing her in immigration removal proceedings. Petitioner was a derivative of a T-Visa that was recently denied. Petitioner was not properly notified of the denial of the T-Visa and is waiting on the Notice in order Appeal. In addition to the T-Visa, Petitioner filed an I-589 application for asylum which remains pending with the Immigration Court.
 21. Petitioner respectfully requests this Court grant the instant petition for a writ of habeas corpus under 28 U.S.C. § 2241 and grant summary judgment and class certification as stated in *Maldonado Bautista*. See 2025 WL 3288403, at *9 ("When considering this determination with the MSJ ("Motion for Summary Judgment") Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a Whole.") In the alternative, he respectfully requests the Court order Respondents to show cause why this Petition should not be granted within three days. See 28 U.S.C. § 2243.
 22. Petitioner is detained in civil immigration custody at Stewart Detention Center in Lumpkin, Georgia. She has been detained since on or about March 18, 2026.
 23. This action arises under the Constitution of the United States and the Immigration and Nationality Action ("INA"), 8 U.S.C. § 1101 *et seq*.
 24. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and where applicable Article I § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C.
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§ 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

25 Venue is proper in the Middle District of Georgia under 28 U.S.C. § 1391, because at least one Respondent is in this District, Petitioner is detained in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. Venue is also proper under 28 U.S.C. § 2243 because the immediate custodians of Petitioner reside in this District.

I. JURISDICTION

1. This Court has jurisdiction under several legal provisions, including 28 U.S.C. § 2241, which grants federal courts the authority to issue writs of habeas corpus, and 28 U.S.C. § 1331, which provides for federal question jurisdiction. Jurisdiction over habeas claims is conferred by 28 U.S.C. § 2241, while non-habeas claims for declaratory and injunctive relief arise under 28 U.S.C. § 1331, the APA, and the Declaratory Judgment Act.
 2. Additionally, jurisdiction is supported by Article I, § 9, cl. 2 of the Constitution, known as the Suspension Clause, and Article III, Section 2, which addresses the Court's authority to hear constitutional issues raised by the Petitioner. The Petitioner seeks immediate judicial intervention to address ongoing violations of constitutional rights by the Respondents. This action is grounded in the United States Constitution, the Immigration & Nationality Act of 1952, as amended (INA), 8 U.S.C. § 1101 *et seq.*, and the APA, 5 U.S.C. § 551 *et seq.* Furthermore, the Court may also exercise jurisdiction under 28 U.S.C. § 1331, as the action arises under federal law, and may grant relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
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3. The Court has authority to issue declaratory judgement and to grant temporary, preliminary and permanent injunctive relief pursuant to Rule 57 and 65 of the Federal Rules of Civil Procedure (FRCP), as well as 28 U.S.C. §§ 2201-2202. Additionally, the Court can utilize the All Writs Act and its inherent equitable powers to provide such relief. Furthermore, the Court has the authority to issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241.
4. This Court possesses federal question jurisdiction under the APA to “hold unlawful and set aside agency action” deemed “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” as outlined in 5 U.S.C. § 706(2)(A). In the absence of a specific statutory review process, APA review of final agency actions can proceed through “any applicable form of legal action,” which includes actions for declaratory judgments, writs of prohibitory or mandatory injunction, or habeas corpus, in a court of competent jurisdiction, as specified in 5 U.S.C. § 703.
5. In *I.N.S. v. St. Cyr*, the Supreme Court held that federal courts retain *habeas corpus* jurisdiction under 28 USC § 2241, despite restrictions on judicial review enacted under Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). 5 U.S.C. § 703. 533 U.S. 289 (2001). Consequently, section 2241 habeas review remains available to Petitioner.
6. The U.S. Supreme Court has recognized district courts’ jurisdiction to entertain habeas petitions raising colorable constitutional claims—including those alleging deprivation of liberty without due process, arbitrary or indefinite detention, and agency action contrary to law. Even though the government may detain individuals during removal proceedings, *Demore v. Kim*, 538 U.S. 510, (2003) (although that case involved detention under §1226(c) of certain criminal aliens), there are limitations to this power of the executive

branch. Limitations like the Due Process Clause restrict the Government's power to detain noncitizens. It is well settled that individuals in deportation proceedings are entitled to due process of law under the Fifth Amendment. *Reno v. Flores*, 507 U.S. 292, 306, (1993). Courts must review immigration procedures and ensure that they comport with the Constitution.

7. Federal courts have retained the statutory authority to grant writs of habeas corpus since enactment of the Judiciary Act of 1789. In *Felker v. Turpin*, 518 U.S. 651 (1996), the Supreme Court declined to find a repeal of § 2241 by implication as to its original habeas corpus jurisdiction. See also *Boumediene v. Bush*, 553 U.S. 723 (2008). In addition to the Supreme Court in many cases, all Circuit Courts of Appeals have recognized district courts' jurisdiction to entertain habeas petitions raising colorable constitutional claims—including those alleging deprivation of liberty without due process, arbitrary or indefinite detention, and agency action contrary to law.
8. In this case, Petitioner asserts substantial constitutional violations—including deprivation of liberty without due process, arbitrary and capricious agency action, violations of the *Accardi* doctrine, and other injuries without notice or opportunity to be heard. These claims fall squarely within the scope of habeas review preserved by statute and recognized by controlling precedent. Accordingly, this Court has both the authority and the obligation to adjudicate the constitutional and statutory claims presented in this Petition and to grant appropriate relief to remedy ongoing violations of Petitioner's rights.
9. Petitioner's claims challenge only her civil immigration detention and the procedures used to prolong it—not the merits of removability or any final order of removal—and therefore fall outside 8 U.S.C. § 1252(b)(9)'s channeling provision. See *Jennings v. Rodriguez*, 583

U.S. 281, 291-292 (2018) (detention challenges are not “questions of law or fact arising from” removal proceedings). Consistent with that framing, any injunctive relief sought here is strictly as-applied to Petitioner—for example, directing Petitioner’s release under § 1226(a) or barring application of § 1225 as to Petitioner—and does not “enjoin or restrain the operation” of any statute within § 1252(f)(1)’s bar. In any event, § 1252(f)(1) permits individualized, as-applied relief for a single noncitizen, even while prohibiting class-wide injunctions. *See Garland v. Aleman Gonzalez*, 596 U.S. 543, 548–49 (2022).

10. Section 1252(f)(1) does not bar the individualized injunctive relief sought here. That provision limits lower courts’ authority to “enjoin or restrain the operation” of the INA’s detention and removal provisions on a class-wide or programmatic basis but expressly preserves injunctive relief “with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated.” 8 U.S.C. § 1252(f)(1); *Garland v. Aleman Gonzalez*, 596 U.S. 543, 548–50 (2022). Petitioner seeks only as applied relief tailored to Petitioner—e.g., directing Petitioner’s release under § 1226(a) or precluding DHS from enforcing the “arriving alien” definition of § 1225 toward Petitioner. That relief neither halts the general operation of any INA provision nor provides class-wide relief and thus falls squarely within § 1252(f)(1)’s carveout.

11. Section 1252(g) is likewise inapplicable. It is a “narrow” jurisdictional bar that applies only to three discrete decisions or actions: “to commence proceedings, adjudicate cases, or execute removal orders.” *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Petitioner does not challenge any such decision. Petitioner challenges ongoing civil detention and DHS’s use of an unlawful interpretation to nullify the plain language of the INA and its regulations as applicable to these agencies. Such detention related claims

and challenges to custody procedures fall outside § 1252(g). *See Id.* at 482–83; cf. *Jennings v. Rodriguez*, 138 S. Ct. 830, 840–41 (2018) (§ 1252(b)(9) does not channel detention claims).

12. To prevent ouster of this Court’s habeas jurisdiction, the Court should, pursuant to 28 U.S.C. § 1651(a) (All Writs Act) and 28 U.S.C. § 2241, issue an immediate limited order prohibiting Respondents from transferring Petitioner outside the court’s District or otherwise changing Petitioner’s immediate custodian without prior leave of Court while this action is pending. Such relief is necessary in aid of jurisdiction because habeas is governed by the district-of-confinement/immediate-custodian rule, and transfer can frustrate effective review. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441–42 (2004); *Ex parte Endo*, 323 U.S. 283, 307 (1944); *FTC v. Dean Foods Co.*, 384 U.S. 597, 603–05 (1966).
13. This Complaint in part also seeks a civil action for mandamus, injunctive and declaratory relief brought pursuant to 8 U.S.C. §§ 1329, 1331, 1391, 2201 and 28 U.S.C. § 1361 (to compel an officer or employee of the United States or agency thereof to perform a duty owed to the plaintiff). Jurisdiction is also conferred by 5 U.S.C. § 555(b) which directs agencies to conclude matters presented to them “within a reasonable time,” § 704 (no other adequate remedy), and § 706 (to compel agency action unlawfully withheld or unreasonably delayed). See also 5 U.S.C. § 551 et seq.; 5 U.S.C. § 701 et seq. Relief is requested pursuant to said statutes and 28 U.S.C. § 1361 (Mandamus Act), (to compel an officer or employee of the United States or agency thereof to perform a duty owed to the plaintiff), 28 U.S.C. § 2201 (Declaratory Judgment Act), 28 U.S.C. § 2202 (injunctive relief), and 28 U.S.C. § 2412 (costs and fees). Relief is requested pursuant to said statutes.

II. VENUE

14. Venue is proper in the United States District Court for the Middle District of Georgia because Petitioner is currently detained at Stewart Detention Center in the Middle District, under the custody of DHS. Respondents are the Petitioner's immediate custodians and Respondents exercise authority over Petitioner's custody in this jurisdiction, as supported by *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). Habeas petitions generally are filed in the district court with jurisdiction over the filer's place of custody, also known as the district of confinement, pursuant to 28 U.S.C. § 2241. Additionally, with respect to Petitioner's non-habeas claims seeking prospective declaratory and injunctive relief against federal officials (agencies and officers of the United States) sued in their official capacities, venue is proper under 28 U.S.C. § 1391(e)(1)(B) because a substantial part of the events or omissions giving rise to these claims, including the initial arrest and continued detention of Petitioner and the enforcement of the mandatory detention agency interpretation, occurred in this District. Furthermore, the Respondents are officers of United States agencies, the Petitioner is detained within this District, and there is no real property involved in this action.
15. Administrative remedies are also inadequate under these circumstances. Petitioner challenges the legality of his continued civil detention under the Constitution and the Immigration and Nationality Act, claims that fall squarely within the province of the federal courts.

REQUIREMENTS OF 28 U.S.C. § 2243

Writ of Habeas Corpus Issuance, Return, Hearing, and Decision

26. The Court either shall grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues

an order to show cause, Respondents must file a response “within three days” unless this Court permits additional time for good cause, which is not to exceed twenty days. 28 U.S.C. § 2243.

27. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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).

28. Due to the nature of this proceeding, Petitioner asks this Court to expedite proceedings in this case as necessary and practicable for justices.

29. Petitioner is nineteen years old. She was born in Honduras and last entered the United States on or about January 14, 2017 at or near Hidalgo, Texas. Prior to her detention, Petitioner resided in Salisbury, North Carolina with her parents and siblings. Petitioner was the subject of removal proceedings based upon the charges of being present in the U.S. without being “admitted or paroled, or [having arrived in the [U.S.] at any time or place other than as designated by the Attorney General” under INA § 212(a)(4)(A)(i), codified at 8 U.S.C. § 1182(a)(4)(A)(i). Petitioner filed and was a derivative of a T Visa application and is waiting to receive the denial notice in order to appeal. Petitioner has a pending I-589 application for asylum with the Immigration Court.

30. Respondent Jason Streeval is named in his official capacity as the Warden of Stewart Detention Center. He has immediate physical custody of Petitioner pursuant to an agreement with ICE to detain noncitizens and is a legal custodian of Petitioner.

31. Respondent Markwayne Mullin is named in his official capacity as the Secretary of U.S. Department of Homeland Security (“DHS”). DHS is a department of the executive branch of the U.S. government that is tasked with, among other things, administering and

enforcing the federal immigration laws. Secretary Mullin is ultimately responsible for the actions of ICE, specifically, they are responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a). Secretary Mullin is legally responsible for any effort to detain and remove the Petitioner and as such is a legal custodian of Petitioner.

32. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. ICE is the agency within DHS that is specifically responsible for managing all aspects of the immigration enforcement process, including immigration detention. ICE is responsible for apprehension, incarceration, and removal of noncitizens from the United States and as such Acting Director Lyons is a legal custodian of Petitioner.

33. Respondent Todd Blanche is named in his official capacity as the U.S. Attorney General. Attorney General Blanche is Responsible for continuing a custody case against a noncitizen under 8 C.F.R. § 1003.6(d).

34. Respondent Kristen Sullivan is named in her official capacity as the Field Office Director for the Atlanta Field office of ICE. Director Sullivan is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures. Director Sullivan is a legal custodian of Petitioner.

FACTUAL ALLEGATIONS

35. Petitioner was transferred to Stewart Detention Center and remains in Custody there.

36. Petitioner was listed as a derivative on a T-Visa, but the application was denied. However, she was not properly notified of the denial. Petitioner is waiting to obtain the decision

notice in order to appeal this decision. Petitioner has filed an I-589 application for asylum, withholding of removal, and withholding under the conventions against torture.

37. Petitioner first entered the United States on or about January 14, 2017 at or near Hidalgo, Texas.

38. Petitioner was around nine years old when she entered with her mother.

39. Upon entering, Petitioner was detained by Texas Border Control and placed in removal proceedings.

40. Petitioner was released from custody and resided in the United States for around ten years until her detention on or about March 18, 2026. Petitioner was served with a Notice to Appear (“NTA”) dated February 1, 2017. Exhibit B. The NTA charges her, not as an “arriving alien”, but as someone present without being admitted or paroled.

41. All of Petitioner’s criminal charges remain pending, and she does not have any criminal convictions at this time.

42. Petitioner was transferred to Stewart Detention Center and remains in Custody at that location.

43. It has been widely reported that ICE internally released “interim guidance” regarding a change in their longstanding interpretation of which noncitizens are eligible for release on bond; specifically, ICE is now arguing that only those already admitted to the U.S. (typically requiring lengthy legal efforts with representation of counsel, such as adjusting status to a legal permanent resident or refugee) are eligible to be released from custody during their removal proceedings, and that all others are subject to mandatory detention under 8 U.S.C. § 1225, instead of being detained under 8 U.S.C. § 1226, and will remain detained with only extremely limited parole options at *ICE’s discretion*. Exhibit 2. Interim

Guidance Regarding Detention Authority for Application for Admission (July 8, 2025).

This is a reversal of ICE's established practice of releasing from custody the majority of noncitizens in removal proceedings, who are found not to pose a flight risk or a danger to the community, on bond.

44. This novel interpretation means that potentially millions of noncitizens who enter the United States without inspection (who have not already been formally admitted or paroled) that are contacted by ICE in the interior of the U.S. will be treated as if they were an "arriving alien" at the border and subject to mandatory detention, regardless of how long they have been present in the United States of other equities (such as complete lack of criminal history or U.S. citizen family members including dependent children).

45. On June 8, 2026 Petitioner filed a Motion for Bond Redetermination.

46. A hearing was held on June 12, 2026 where the Immigration Judge denied bond on the basis of lack of jurisdiction under 8 U.S.C. § 1225 stating that Petitioner was detained under mandatory detention as an "arriving alien" even though the NTA did not charge her as such. Exhibit C.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Fifth Amendment Due Process Clause

47. The allegations in the above paragraph are realleged and incorporated herein.

48. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings" *Demore v Kim*, 538 U.S. 510, 523 (2003)(quoting *Reno v. Flores*, 507 U.S. 292, 306(1993)). "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 v. Davis*, 533 U.S. 678, 690 (2001).

49. Due Process requires that there be “adequate procedural protections” to ensure that the government’s asserted justification for a noncitizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. A noncitizen may only be detained based on these two justifications if they are otherwise statutorily eligible for bond. *Zadvydas*, 533 U.S. at 690. In this case, Ms. Ramirez-Valle’s, has never had a hearing to review his current detention.

50. “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). To determine what process Petitioner is due, this Court should consider (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of that private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government’s interest in maintaining the current procedures, including the governmental function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail. *Id.* at 335.

51. The Due Process Clause asks whether the government’s deprivation of a person’s life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Petitioner of her liberty.

52. The government's detention of Petitioner is unjustified. Respondents have not demonstrated that Petitioner needs to be detained. See *Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Petitioner cannot be safely released back to his community.

53. For these reasons, the Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

54. The allegations in the above paragraph are realleged and incorporated herein.

55. Title 8 of the United States Code, Section 1221 et seq., controls the United States Government's authority to detain noncitizens during their removal proceedings.

56. The INA authorizes detention for noncitizens under four distinct provisions:

- 1) **Discretionary Detention.** 8 U.S.C. § 1226(a) generally allows for the detention of noncitizens who are in regular, non-expedited removal proceedings; however, permits those noncitizens who are not subject to mandatory detention to be released on bond or on their own recognizance.
- 2) **Mandatory Detention of "Applicants for Admission."** 8 U.S.C. § 1225(b) generally requires detention for certain noncitizen applicants for admission, such as those noncitizens arriving in the U.S. a port of entry or other noncitizens who have not been admitted or paroled into the U.S. and are apprehended soon after crossing the border.
- 3) **Detention Following Completion of Removal Proceedings.** 8 U.S.C. § 1231(a) generally requires the detention of certain noncitizens who are subject to a final removal order during

the 90-day period after the completion of removal proceedings and permits the detention of certain noncitizens beyond that period. *Id.* at § 1231(a)(2),(b).

57. The instant case concerns the detention provisions at §§ 1226(a) and 1225(b).

58. Both detention provisions, §§ 1226(a) and 1225(b), were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009– 546, 3009–582 to 3009–583, 3009–585, Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).

59. Following enactment of the IIRIRA, the Executive Office for Immigration Review drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225(b) and that they were instead detained under § 1226(a) after an arrest warrant was issued by the Attorney General. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) **will be eligible for bond and bond redetermination**”)(emphasis added).

60. For nearly thirty years, the practice of the government, specifically ICE and Executive Office for Immigration Review, which operate under DHS, was that most individual noncitizens that were apprehended in the interior of the United States after they had been living in the U.S. for more than two years (as opposed to “arriving” at a point of entry, border crossing, or being apprehended near the border and soon after entering without inspection) received a bond hearing. If determined to not be a danger to the community or

a flight risk and, as a result, granted a change in custody status, the individuals were released from detention either on their own recognizance or after paying the bond amount set by the IJ in full. 8 U.S.C. § 1226(a)(2)(A). *See* Ex. 2 Kerry Doyle Memorandum (March 27, 2026) (explaining The Department's immigration bond proceeding process and prosecutorial discretion).

61. Recently, ICE has— without warning and without any publicly stated rationale—reversed course and adopted a policy of attempting to treat all individual noncitizens that were not previously admitted to the U.S. that are contacted in the interior of the U.S. at any time after their entry as “arriving” and ineligible for bond regardless of the particularities of their case. As a result, ICE is now ignoring particularities that have historically been highly relevant to determinations whether a noncitizen such remain or custody or be released— such as; when, why or how they entered the U.S.: whether they have criminal convictions; whether they present a danger to the community or flight risk; whether they have serious medical conditions requiring ongoing care; whether U.S. citizen family members dependent upon them to provide necessary care; or, whether the noncitizen's detention is in the community's best interest. *See* Ex. 3.

62. As a result of ICE's interpretation and practice change, individual noncitizens, including long-time U.S. community members and even those who have had their particular circumstances reviewed and were ordered to be released upon posting bond by an IJ, continue to be detained by ICE and subjected to automatic stay provisions. To be clear, Petitioner and other noncitizens are being held in continued ICE detention, even when IJs do not agree with ICE's interpretation of the statutes and regulations at hand.

63. “The idea that a different detention scheme would apply to non-citizens ‘already in the country,’ is consonant with the core logic of our immigration system.” *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D.Mass. July, 2025)(citing *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)); *see also Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DFH), 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025)(“the Court need not reach the outer limits of the scope of the phrase ‘seeking admission’ in § 1225(b) – it is sufficient here to conclude that it does not reach someone who has been residing in this country for more than two years, and that as someone ‘already in the country,’ *Jennings* 583 U.S. at 289, Petitioner may be subject to detention only as a matter of discretion under § 1226(a)(emphasis added).
64. The government’s erroneous interpretation of the INA defines the plain text of 8 U.S.C. § 1226. For decades § 1225 has applied only to noncitizens “seeking admission into the country”-- i.e., new arrivals. *Jennings*, 583 U.S. at 289. This contrasts with § 1226, which applies to noncitizens “already in the country.” *Id.* at 289. Petitioner has been in the United States for over three years.
65. This new interpretation is now advanced by the government after decades of consistent use to the contrary. The government’s position contravenes the plain language of the INA and its regulations and has been consistently rejected by courts. *See, e.g., Martinez*, 2025 WL 2084238; *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299 (D.Mass. July 7, 2025); *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025). See also Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (explaining that “[d]espite being applicants for admission, aliens who

are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”).

66 This new interpretation is inconsistent with the plain language of the INA. First the government disregards a key phrase in § 1225 “[I]n the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien **seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a[.]” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). In other words, mandatory detention applies when the “individual is: (1) an ‘applicant for admission’; (2) ‘seeking admission’; and (3) ‘not clearly and beyond a doubt entitled to be admitted.’” *Martinez*, 2025 WL 2084238, at *2.

67. The “seeking admission” language, “necessarily implies some sort of present tense action.” *Martinez*, 2025 WL 2084238, at *6; *see also Matter of M-D-C-V-*, 28 I. & N. Dec. 18, 23 (B.I.A. 2020) (“The use of the present progressive tense ‘arriving,’ rather than the past tense ‘arrived,’ implies some temporal or geographic limit”); *U.S. v. Wilson*, 503 U.S. 329, 333 (1992) (“Congress’ use of verb tense is significant in construing statutes.”).

68. In other words, the plain means of § 1225 applies to immigrants currently seeking admission into the United States at the nation’s border or another point of entry. It does not apply to noncitizens “already present in the United States”—only § 1226 applies in those cases. *See Jennings*, 583 U.S. at 303.

69. When interpreting a statute, “every clause and word . . . should have meaning.” *United States ex rel. Polansky, M.D. v. Exec Health Res., Inc.*, 599 U.S. 419, 432 (2023) (internal quotation marks and citation omitted). And the “words of the statute must be read in their context and with a view to their place in the overall statutory scheme.” *Gundy v. United*

States, 588 U.S. 128, 141 (2019) (quotation omitted). The government’s position requires the Court to ignore critical provisions of the INA.

70. Second, the government’s interpretation would render newly enacted portions of the INA superfluous. “When Congress amends legislation, courts must presume it intends its amendment to have real and substantial effect.” *Van Buren v. United States*, 593 U.S. 374, 393 (2021). Congress passed the Laken Riley Act (the “Act”) in January 2025. The Act amended several provisions of the INA, including §§ 1225 and 1226. Laken Riley Act, Pub. L. No. 118-1, 139 Stat. 3 (2025). Relevant here, the Act added a new category of noncitizens subject to mandatory detention under § 1226(c)—those already present in the United States who have also been arrested, charged with, or convicted of certain crimes. 8 U.S.C. § 1226(c)(1)(E); 8 U.S.C. § 1182(a)(6)(A). Of course, under the government’s position, these individuals are already subject to mandatory detention under § 1225—rendering the amendment redundant. Likewise, mandatory-detention exceptions under § 1226(c) are meaningful only if there is a default of discretionary detention—and there is, under § 1226(a). *See Rodriguez*, 2025 WL 1193850, at *12.

71. Additionally, “[w]hen Congress adopts a new law against the backdrop of a long-standing administrative construction, the court generally presumes that the new provision works in harmony with what came before.” *Monsalvo v. Bondi*, 604 U.S. ___, 145 S. Ct. 1232, 1242 (2025). Congress adopted the Act against the backdrop of decades of agency practice applying § 1226(a) to immigrants like Petitioner, who are present in the United States but have not been admitted or paroled. *Rodriguez*, 2025 WL 119350, at *15, *Martinez*, 2025 WL 2084238, at *4; 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants

for admission, aliens who are present without having been admitted or paroled . . . will be eligible for bond and bond redetermination.)

72. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” Removal hearings for noncitizens under 1226(a) are held under § 1229a, which “decid[e] the inadmissibility or deportability of a [] [noncitizen].”

73. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States.

74. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to Petitioner.

75. Petitioner was detained pursuant to “authority contained in section 236” of the INA; section 236 is codified at 8 U.S.C. § 1226. Under DHS policy, he is detained subject to 8 U.S.C. § 1225(b)(2) and is not eligible for a bond hearing.

76. Respondents have wrongfully adopted a policy and practice of arguing all noncitizens, such as Petitioner, are subject to mandatory detention under § 1225(b)(2).

77. The unlawful application of § 1225(b)(2) to Petitioner violates the INA.

78. The Eleventh Circuit's decision on May 6, 2026 compels the same result. *Hernandez Alvarez v. Warden*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026). The court held that § 1225(b)(2)(A) reaches only an applicant for admission who is actively “seeking admission,” meaning one pursuing “lawful entry . . . after inspection and authorization by an immigration officer.” *Id.* at *7 (quoting 8 U.S.C. § 1101(a)(13)(A)). Petitioner entered over nine years ago. She was detained and released. She has remained in the United States

ever since. See was not at the border, and she was not pursuing entry. Her detention is governed by § 1226(a) and is subject to the bond procedures that section requires.

79. In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Ca.), the Court certified the Bond Eligible Class.

80. The Bond eligible class is defined as All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

81. Petitioner is a member of the *Maldonado Bautista* class, and is therefore, not subject to mandatory detention under § 1225(b)(2).

82. This Court is obligated to apply the law to all class members, as determined in the bind, final judgement issued in *Maldonado Bautista*.

83. The Executive Office for Immigration Review is a Defendant in *Maldonado Bautista*, and is thus bound by the ruling there, which has the full “force and effect of a final judgment” 28 U.S.C. § 2201(a). It is a “basic proposition that all orders and judgments of courts must be complied with promptly,” *Maness v. Meyers*, 419 U.S. 449, 458 (1975), and thus, in “suits against government officials and departments, [courts] assume that they will comply with declaratory judgments.” *United Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023).

84. Declaratory judgments like the one in *Maldonado Bautista* have “the same effect as an injunction in fixing the parties’ legal entitlements.” Florida ex rel. *Bondi v. U.S. Dep’t of Health & Hum. Servs.*, 780 F.2d 202, 208 n.8 (D.C. Cir. 1985) (Scalia, J.)

(“[T]he discretionary relief of declaratory judgment is, in a context such as this where federal officers are defendants, the practical equivalent of specific relief such as injunction or mandamus, since it must be presumed that federal officers will adhere to the law as declared by the court.”), abrogated on other grounds by, *Schieber v. United States*, 77 F.4th 806 (D.C. Cir. 2023), cert. denied, 144 S. Ct. 688 (2024), *Smith v. Reagan*, 844 F.2d 195, 200 (4th Cir. 1988) (describing declaratory relief as “the functional equivalent of a writ of mandamus”); *Pub. Citizen v. Carlin*, 2 F. Supp. 2d 18, 20 (D.D.C. 1998) (“The government’s decision to appeal this Court’s ruling does not affect the validity of the declaratory judgment unless and until the judgment is reversed on appeal or the government seeks and is granted a stay pending appeal.”), rev’d on other grounds, 184 F.3d 900 (D.C. Cir. 1999).

85. Accordingly, as a member of the Bond Eligible Class, Ms. Ramirez-Valle is entitled to the application of the law as stated in the Maldonado Bautista orders granting summary judgment and class certification. See 2025 WL 3288403, at *9 (“When considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”).

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court grant the following:

- 1) Assume jurisdiction over this matter;
- 2) Issue an Order to Show Cause, ordering Respondents to justify why this writ should not be granted to Petitioner and the basis of Petitioner’s detention in fact and law, **within the 3 days authorized by the statute;**

- 3) Declare that Petitioner is not an “applicant for admission under § 1225(B), seeking admission,” or an “arriving alien” and that Petitioner’s detention is unlawful;
 - 4) Grant Petitioner a Writ of Habeas Corpus, and Order the immediate release of Petitioner pending these proceedings,
 - 5) In the alternative, Order Respondent receive a bond hearing;
 - 6) Order Respondents not to transfer Petitioner out of the District of Middle Georgia during the pendency of;
 - 7) These proceedings to preserve jurisdiction and access to counsel;
 - 8) Declare that Respondents’ actions to detain Petitioner violate the Due Process Clause of the Fifth Amendment, violates the Immigration and Nationality Act, and is *ultra vires*;
 - 9) Issue a Writ of Habeas Corpus pursuant to 28 U.S.C § 2241 and order Immigration Judge to hold a bond hearing within 7 days;
 - 10) Award reasonable attorney fees and costs for this action;
 - 11) Recognize Petitioner as a member of the class under Maldonado Bautista and order Immigration Judge to hold a bond hearing within 7 days; and
 - 12) Grant such further relief as the Court deems just and proper.
-

Dated: July 2, 2026
Respectfully Submitted,

/s/Rachel Effron Sharma
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VERIFICATION

I am local counsel for Petitioner in this matter. I have not yet had direct contact with Petitioner in order to verify this petition. The Petition for writ of habeas corpus is based on information provided by lead counsel and local counsel's review of all available records. Counsel will file a verification from Petitioner as soon as counsel receives it, or in the alternate, lead counsel will file a complete verification once admitted pro hac vice. Due to Petitioner being detained far from his counsel, it will take extra time to obtain verification from Petitioner directly, but because this is an urgent matter, counsel requests leave of the court to file the verification as soon as it is available.

Dated this 2nd day of July, 2026.

/s/ Rachel Effron Sharma
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