

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

Yovani Amilcar MARTIN-CHAVEZ,

Petitioner,

v.

Warden of the Stewart Detention Center in
Lumpkin GA;

Steven SCHULTZ, *in his official capacity*
as Deputy Field Office Director of the ICE
Atlanta Field Office of Enforcement and
Removal Operations, U.S. Immigrations
and Customs Enforcement;

David VENTURELLA *in his official*
capacity as Acting Director of U.S.
Immigration and Customs Enforcement;

Markwayne MULLIN, *in his official*
capacity as Secretary of U.S. Department
of Homeland Security;

Todd BLANCHE, *in his official capacity*
as Acting Attorney General of the United
States; and

Daren MARGOLIN, *in his official capacity*
as Director of Executive Office for
Immigration Review;

Respondents.

C/A No. 4:26-cv-00999

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

A#

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Petitioner, Yovani Amilcar Martin-Chavez, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and states as follows:

INTRODUCTION

1. Petitioner is a civil immigration detainee who has been held in the custody of U.S. Immigration and Customs Enforcement ("ICE") at the Stewart Detention Center in Lumpkin, Georgia, since March 3, 2026, despite (a) a prior federal habeas order requiring Respondents to provide Petitioner a bond hearing, followed by two subsequent immigration-judge bond denials that failed to adequately weigh Petitioner's circumstances, including a currently pending Form I-914 T-nonimmigrant visa petition establishing that Petitioner is a survivor of labor trafficking, and (b) a nationwide class-wide preliminary injunction in *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, LEXIS 114740, (C.D. Cal. May 20, 2026) ("*ICWC v. Noem*"), staying the very ICE enforcement and detention policies under which Petitioner continues to be held.
2. Petitioner is, on information and belief, a member of at least one of the classes certified in *ICWC v. Noem* — specifically, the "Pending Petition Class," defined to include individuals with a pending T-visa petition whom ICE detains or seeks to detain for purposes of civil immigration enforcement. The class-wide preliminary injunction stays the January 2025 ICE guidance and related policies (including the "Blind Removal Policy") that have permitted ICE and the immigration courts to disregard the existence of pending survivor-based immigration benefits when making custody determinations.

Petitioner's most recent bond denial — which rejected Petitioner's pending T-visa and asylum applications as insufficient to show a “material change in circumstances” — is precisely the kind of enforcement action the *ICWC v. Noem* injunction forbids.

3. Independent of the ICWC class relief, Petitioner's continued detention, now exceeding four months and persisting despite a prior court order requiring a bond hearing, violates the Due Process Clause of the Fifth Amendment and this Circuit's and the Supreme Court's prolonged-detention jurisprudence. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011).
4. Petitioner respectfully requests that this Court order Respondents to show cause why the writ should not issue, and, following review, order Petitioner's immediate release or, in the alternative, a new, constitutionally adequate bond hearing before an immigration judge at which Respondents bear the burden of proving by clear and convincing evidence that Petitioner is a flight risk or danger to the community, with express consideration of Petitioner's pending T-visa and the protections afforded by *ICWC v. Noem*.

CUSTODY

5. Petitioner is currently in the custody of Immigration and Customs Enforcement (“ICE”) at the Stewart Detention Center, located at 146 CCA Road, Lumpkin, Georgia 31815. He is therefore in “‘custody’ of [the DHS] within the meaning of the habeas corpus statute.” *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

JURISDICTION

6. This Court has 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 the INA, 8 U.S.C. § 1101 *et seq.*
7. 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.*, the All Writs Act, 28 U.S.C. § 1651, and the INA, 8 U.S.C. § 1252(e)(2).
8. Petitioner is presently in custody under color of the authority of the United States and challenges his custody as in violation of the Constitution, laws, or treaties of the United States.
9. Federal district courts retain habeas corpus jurisdiction under 28 U.S.C. § 2241 to hear noncitizens' challenges to the lawfulness and constitutionality of their physical detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (confirming that 28 U.S.C. § 2241 “left habeas untouched as the basic method for obtaining review of continued custody after a deportation order had become final”).
10. The Suspension Clause of the United States Constitution, Article I, § 9, cl. 2, prohibits Congress from suspending the writ of habeas corpus except in cases of rebellion or invasion. Petitioner's right to seek habeas relief is constitutionally protected.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC 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.*

12. Petitioner is “in custody” for the purpose of § 2241 because he was arrested and detained by Respondents.

VENUE

13. Venue is proper in this Court under 28 U.S.C. § 1391(e) because Petitioner is detained at the Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, which is located in Stewart County, Georgia. Stewart County falls within the Columbus Division of the United States District Court for the Middle District of Georgia. See M.D. Ga. Local Rules; *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (proper respondent and venue for a § 2241 petition is the district of confinement).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. Administrative exhaustion is unnecessary as it would be futile. *See, e.g. Aguilar v. Lewis*, 50 F. Supp. 2d 539, 542-43 (E.D. Va. 1999) (excusing exhaustion as futile where pursuing an administrative appeal would not provide adequate or timely relief).
15. Petitioner has already substantially pursued administrative process. Prior counsel obtained a favorable habeas ruling on March 27, 2026, ordering Respondents to provide Petitioner a bond hearing within seven days; Petitioner has since received two further custody redeterminations before an immigration judge; and, following the June 18, 2026

denial, undersigned counsel filed a timely notice of appeal to the Board of Immigration Appeals that same day, which remains pending.

16. Requiring Petitioner to await the outcome of that pending BIA appeal before proceeding to this Court would serve no purpose and would independently work an irreparable injury. Bond appeals before the BIA frequently take months or longer to resolve, during which Petitioner would remain confined, extending a term of detention that already exceeds four months. Continued loss of liberty during the pendency of an administrative appeal is itself an irreparable harm sufficient to excuse further exhaustion. *See Aguilar*, 50 F. Supp. 2d at 542–43.
17. Exhaustion is independently unnecessary because a significant part of the relief Petitioner seeks — enforcement of the class-wide preliminary injunction entered in *ICWC v. Noem* by a federal district court in a different circuit, and vindication of Petitioner's Fifth Amendment due process rights — falls outside the scope of relief a bond appeal before the BIA can provide. A BIA bond appeal reviews only whether the immigration judge properly weighed the individualized custody factors; it affords no mechanism to enforce a co-equal district court's class-wide injunctive order or to adjudicate the constitutionality of Petitioner's prolonged detention. The IJ and the BIA lack jurisdiction to review Petitioner's claim of unlawful custody in violation of his due process rights, and it would therefore be futile for him to pursue administrative remedies. *Reno v Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940 (1999) (finding exhaustion to be a “futile exercise because the agency does not have jurisdiction to review” constitutional claims).

18. For these reasons, exhaustion of administrative remedies should be excused, and this Court should proceed directly to the merits of Petitioner's claims.

PARTIES

19. Petitioner is a citizen and national of Guatemala who last entered the United States without inspection as an unaccompanied alien minor in February 2018 and has resided in the United States since then. He is currently detained at the Stewart Detention Center in Lumpkin, Georgia, within the custody of ICE, and is thus a proper petitioner under 28 U.S.C. § 2241. ICE has held him in custody since March 3, 2026.
20. Respondent Warden/Facility Administrator of the Stewart Detention Center and Petitioner's immediate custodian, sued in his/her official capacity. *See Rumsfeld v. Padilla*, 542 U.S. at 435 (immediate custodian is proper respondent).
21. Respondent Steven Schultz is the Deputy Field Office Director for the Atlanta Field Office of ICE Enforcement and Removal Operations, which has custodial authority over the Stewart Detention Center, and is sued in his official capacity.
22. Respondent David Venturella is the Acting Director of ICE and is sued in his official capacity.
23. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security and is sued in his official capacity. He has ultimate legal authority over ICE and its enforcement and detention decisions.
24. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States.

25. Respondent Daren Margolin is sued in his official capacity as the Director of Executive Office for immigration Review.

STATEMENT OF FACTS

26. Petitioner last entered the United States without inspection as an unaccompanied alien minor on or about February 27, 2018 and has remained continuously in the United States since that time.

27. Petitioner is the parent of two United States citizen children, ages three and two, who reside in Greensboro, Georgia and depend on Petitioner for financial and parental support.

28. On or about March 3, 2026, Petitioner was taken into ICE custody and transferred to the Stewart Detention Center in Lumpkin, GA, where he has remained continuously since that date — a period now exceeding four months.

29. Petitioner, through a prior counsel, filed a petition for writ of habeas corpus (Case No. 4:26-cv-00482-CDL-ALS) with the Middle District of Georgia requesting consideration for bond pursuant to his detention under 8 U.S.C. §1226(a) or alternatively his immediate release. The petition was granted on March 27, 2026. *See* Exhibit A.

30. Based on the habeas corpus decision, a custody redetermination request was subsequently submitted on April 2, 2026 with the Lumpkin GA Immigration Court. On April 7, 2026, the bond hearing was held, at which bond was denied on flight-risk grounds. *See* Exhibit B.

31. Undersigned counsel was retained by Petitioner at the end of April. On May 27, 2026, based on the documentation and information provided by Petitioner, undersigned counsel filed a I-589 Application for Asylum, withholding of removal and protection under the Convention Against Torture with the Immigration Court. Through the jail visit on June 11, 2026, undersigned counsel discovered Petitioner's eligibility for T nonimmigrant status based upon circumstances arising from his prior employment. On June 15, 2026 undersigned counsel filed another custody redetermination request upon a showing of materially changed circumstances (filed I-589 relief and eligibility for T visa relief) under 8 C.F.R. §1003.19(e). *See* Exhibit C. On June 18, 2026, undersigned counsel filed a Form I-914 petition for T-nonimmigrant status with USCIS and a copy to the immigration court, based on Petitioner's status as a survivor of labor trafficking and exploitation. The T visa Form I-914 petition remains pending before USCIS.
32. Despite these newly discovered reliefs, on June 18, 2026, the immigration judge denied the bond request, finding that Petitioner had not established a material change in circumstances sufficient to warrant a new bond hearing, notwithstanding the pending T-visa and asylum applications. *See* Exhibit D and E.
33. Undersigned counsel filed a timely notice of appeal of the June 18, 2026 bond denial to the Board of Immigration Appeals that same day. That appeal remains pending.
34. On May 20, 2026, the United States District Court for the Central District of California entered an order in *ICWC v. Noem* certifying three nationwide classes and granting in substantial part Plaintiffs' motion for a preliminary injunction, staying under 5 U.S.C. § 705 (a) the January 2025 ICE guidance rescinding victim-centered enforcement policies,

(b) the “De Facto Revocation Policy” under which ICE has declined to honor USCIS-conferred deferred action for pending U- and T-visa applicants, and (c) the “Blind Removal Policy.” *ICWC v. Noem*, No. 2:25-cv-09848-AB-AS, Order re Mot. for Class Cert. & Mot. for Prelim. Inj., ECF No. 57 (C.D. Cal. May 20, 2026).

35. On information and belief, Petitioner falls within the “Pending Petition Class” certified in *ICWC v. Noem*, defined to include individuals with a pending T-visa petition whom ICE detains or seeks to detain for purposes of civil immigration enforcement. The June 18, 2026 denial of bond — which discounted Petitioner's pending T-visa on the theory that it did not constitute a material change in circumstances — is the type of enforcement action that the class-wide injunction stays.

36. Undersigned counsel contacted the Stewart Detention Center and the Atlanta Field Office of ICE ERO regarding Petitioner's continued detention in light of *ICWC v. Noem* and Petitioner's pending T-visa application, but has received no substantive response as of the date of this filing.

37. Petitioner has no criminal history. Petitioner presents no danger to the community, and the record — including Petitioner's longstanding residence in the United States, his U.S. citizen spouse and children, and his pending applications for humanitarian relief — establishes strong ties rebutting any presumption of flight risk.

CLAIMS FOR RELIEF

COUNT I

Violation of the ICWC v. Noem Class-Wide Preliminary Injunction

38. Petitioner incorporates by reference paragraphs above.

39. As a member of the Pending Petition Class certified in *ICWC v. Noem*, Petitioner is entitled to the protections of the May 20, 2026 class-wide preliminary injunction, which stays the enforcement policies under which Respondents continue to detain Petitioner without meaningful consideration of his pending T-visa application.

40. Respondents' June 18, 2026 denial of bond, and Petitioner's continued detention thereafter, disregard the pending T-visa petition in a manner inconsistent with the class-wide relief ordered in *ICWC v. Noem* and with the victim-centered enforcement framework that order restores.

41. Petitioner is entitled to enforcement of the *ICWC v. Noem* injunction in this individual habeas proceeding, to a custody determination that gives Petitioner's pending T-visa application the weight required by that order, and to release or a new bond hearing conducted consistent with that order.

COUNT II

Due Process Violation — Prolonged Detention Without Adequate Bond Process (Fifth Amendment)

42. Petitioner incorporates by reference paragraphs above.

43. Civil immigration detention that is not reasonably related to its purpose of ensuring appearance at removal proceedings or protecting public safety violates the Due Process Clause. *Zadvydas*, 533 U.S. at 690; *Jennings*, 583 U.S. at 330-331 (Breyer, J., dissenting, adopted in relevant part by subsequent circuit authority).

44. Petitioner has now been detained for more than four months, notwithstanding a prior federal court order requiring Respondents to provide a bond hearing. In the two custody redeterminations held since that order, the immigration judge either failed to place the

burden of proof on the government (April 7, 2026, flight-risk denial) or failed to meaningfully account for changed circumstances material to flight risk and dangerousness (June 18, 2026, material-change denial).

45. The June 18, 2026 denial, in particular, applied an unduly rigid “material change in circumstances” standard to disregard newly filed applications for humanitarian relief — the T-visa petition and the I-589 application — that bear directly on Petitioner's incentive to appear for future proceedings and on the merits of the danger and flight-risk inquiry.
46. Due process requires that a noncitizen subject to prolonged detention receives a bond hearing at which the government bears the burden of justifying continued detention, *Diouf*, 634 F.3d at 1091–92, by clear and convincing evidence that the individual is a flight risk or danger to the community, *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011), and at which the immigration judge must consider alternatives to detention and the individual’s ability to pay, *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). On information and belief, Petitioner’s prior bond hearings did not comport with these standards.
47. Petitioner’s continued detention, on this record, is not reasonably related to any legitimate governmental purpose and violates the Fifth Amendment’s Due Process Clause.

COUNT III

In the Alternative — Request for a Constitutionally Adequate Bond Hearing

48. Petitioner incorporates by reference paragraphs above.

49. Should this Court decline to order Petitioner's immediate release, Petitioner requests, in the alternative, an order directing Respondents to provide Petitioner with a new bond hearing before an immigration judge at which (a) the government bears the burden of proving by clear and convincing evidence that Petitioner is a flight risk or danger to the community; (b) the immigration judge must consider Petitioner's ability to pay bond and alternatives to detention; and (c) the immigration judge must give due consideration to Petitioner's pending T-visa petition and the protections established by *ICWC v. Noem*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Order Respondents to show cause, within a time set by the Court, why the writ should not issue;
- (3) Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment and/or the class-wide preliminary injunction entered in *ICWC v. Noem*;
- (4) Order Petitioner's immediate release from custody, with or without appropriate conditions of supervision;
- (5) In the alternative, order Respondents to provide Petitioner a new, constitutionally adequate bond hearing within a specified, expedited time period, at which the government bears the burden of proof by clear and convincing evidence and the

immigration judge must consider Petitioner's pending T-visa application and the *ICWC v. Noem* injunction;

- (6) Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
- (7) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Margaret W. Wong
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Attorney for the Petitioner

VERIFICATION

I represent the Petitioner and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

Dated this 8th day of July, 2026

Respectfully submitted,

/s /Margaret W. Wong
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, 2026, a true and correct copy of the foregoing Writ of Habeas Corpus Petition was served via the Court's CM/ECF system along with a copy to the United States Attorney for the Middle District of Georgia, as required by 28 U.S.C. § 2243 and the Federal Rules of Civil Procedure.

Respectfully submitted,

/s /Margaret W. Wong
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