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

CARLOS MARÍN CRUZ,
by and through his Next Friend,
MARÍA DEL PILAR NOYOLA CISNEROS,

Petitioner,

v.

JASON STREEVAL, in his official capacity as Warden of the Stewart Detention Center;

SEAN GALLAGHER, in his official capacity as Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Atlanta Field Office;

DAVID VENTURELLA, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement;

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

PAMELA BONDI, in her official capacity as Attorney General of the United States,

Respondents.

Civil Action No. _____

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241; VERIFIED EMERGENCY MOTION FOR IMMEDIATE BOND HEARING AND/OR RELEASE ON MEDICAL AND HUMANITARIAN

GROUNDS

Petitioner Carlos Marín Cruz, by and through his Next Friend, María del Pilar Noyola Cisneros, appearing pro se, respectfully submits this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with a Verified Emergency Motion for Immediate Bond Hearing and/or Release, and in support thereof states as follows:

I. INTRODUCTION

1. Petitioner Carlos Marín Cruz ("Petitioner" or "Mr. Marín Cruz"), A# [redacted], by and through his Next Friend, María del Pilar Noyola Cisneros, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his prolonged civil immigration detention by the U.S. Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE") at the Stewart Detention Center in Lumpkin, Georgia, within the Middle District of Georgia.

2. Petitioner has now been detained for more than five (5) months — first in Georgia county custody and, since the completion of that custody, in ICE custody — without ever having received a bond hearing, a custody redetermination hearing, or a hearing to contest the legal basis on which Respondents are treating him as ineligible for bond.

3. Petitioner has no criminal history other than the single, non-violent incident described herein, has a pending Petition for U Nonimmigrant Status based on his relationship to a United States citizen family member, suffers from a serious chronic medical condition requiring ongoing treatment, and is the sole financial provider and caregiver for four children, including a five-year-old child and an adult son living with a serious mental health disability. His continued, unreviewed detention violates the Due Process Clause of the Fifth Amendment and exceeds the scope of Respondents' statutory authority.

4. Petitioner further seeks emergency relief in the form of an immediate bond hearing or, in the alternative, immediate release, given the compounding medical and humanitarian harms described below and Petitioner's upcoming Immigration Court hearing scheduled for August 4, 2026.

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(a) and (c)(3), which authorizes federal district courts to grant writs of habeas corpus to persons held "in custody in violation of the Constitution or laws or treaties of the United States." Jurisdiction further arises under 28 U.S.C. § 1331 and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2.

6. This Court is authorized to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201–2202 and the All Writs Act, 28 U.S.C. § 1651(a).

7. Venue is proper under 28 U.S.C. § 1391(e) and the immediate-custodian rule of *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), because Petitioner is confined at the Stewart Detention Center, 146 CCA Road, Lumpkin, Stewart County, Georgia, within the Middle District of Georgia, Columbus Division.

8. Because Petitioner is confined within this District at the time of filing, jurisdiction has properly attached and is not defeated by any subsequent transfer. *See Ex parte Endo*, 323 U.S. 283 (1944).

III. PARTIES

9. Petitioner Carlos Marín Cruz, A# [redacted], is a native and citizen of Mexico currently detained by ICE at the Stewart Detention Center. He has a pending Petition for U Nonimmigrant Status, no final order of removal, no order of deportation, and no appeal pending before the Board of Immigration Appeals or any United States Court of Appeals.

10. Next Friend María del Pilar Noyola Cisneros is Petitioner's wife. They are legally married. She brings this action on Petitioner's behalf under Rule 17(c) of the Federal Rules of Civil Procedure and the "next friend" doctrine recognized in *Whitmore v. Arkansas*, 495 U.S. 149 (1990). The basis for Next Friend standing is set forth in Section IV below.

11. Respondent Jason Streeval is the Warden of the Stewart Detention Center and Petitioner's immediate custodian. He is sued in his official capacity.

12. Respondent Sean Gallagher is the Field Office Director for ICE Enforcement and Removal Operations, Atlanta Field Office. He is sued in his official capacity.

13. Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement. He is sued in his official capacity.

14. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security. He is sued in his official capacity.

15. Respondent Pamela Bondi is the Attorney General of the United States and is named in her official capacity insofar as her office retains authority over aspects of immigration adjudication relevant to this proceeding.

IV. NEXT FRIEND STANDING

16. Under *Whitmore v. Arkansas*, 495 U.S. 149, 163–64 (1990), a next friend must show (a) an adequate explanation for why the real party in interest cannot appear on his own behalf, and (b) that the next friend is genuinely dedicated to that person's best interests and has a significant relationship with him. Both requirements are satisfied here.

17. First, Petitioner cannot practically appear on his own behalf. He remains confined at the Stewart Detention Center, a remote, rural facility with severely limited access to a law library and to legal telephone calls, has no retained counsel, and must manage a serious chronic medical condition — diabetes — while detained. Petitioner has no realistic ability to draft, verify, and file a federal habeas petition, to marshal and present the legal and medical grounds described herein, or to meet the procedural deadlines this Court may impose, all while his Immigration Court hearing approaches on August 4, 2026.

18. Second, Next Friend María del Pilar Noyola Cisneros is Petitioner's lawful wife. She has an intimate, longstanding personal relationship with Petitioner, has direct personal knowledge of the facts alleged herein, and is genuinely and solely dedicated to protecting Petitioner's best interests, including his fundamental right to be free from unlawful, prolonged detention and to be reunited with his family. She has no interest adverse to Petitioner's and brings this Petition solely to secure his lawful release or, at minimum, a constitutionally adequate bond hearing.

V. STATEMENT OF FACTS

19. Petitioner and Next Friend are married, as reflected in their Marriage License and Certificate issued in Forsyth County, North Carolina on November 30, 2019 (Exhibit 7). Together, they are the parents of four children, as reflected in the children's respective birth certificates (Exhibits 3–6): Yaritzi Marin-Noyola (born [redacted] 2001); E[redacted] (born [redacted] 2002), who was

diagnosed with schizophrenia at age sixteen and currently requires ongoing monthly medication management; J[redacted] (born [redacted] 2010), a minor child; and F[redacted] (born [redacted] 2020), a minor child. Petitioner is the primary financial provider and caregiver for this family.

20. Petitioner has a pending Petition for U Nonimmigrant Status ("U visa"), filed on the basis of his qualifying relationship as an immediate family member of a United States citizen, as provided under 8 U.S.C. § 1101(a)(15)(U) and 8 C.F.R. § 214.14. That petition remains pending and unadjudicated before U.S. Citizenship and Immigration Services.

21. On February 9, 2026, Petitioner was stopped and arrested by a Georgia state trooper while collecting scrap metal, cable, and wire that Petitioner reasonably believed had been discarded and abandoned, intending to resell the materials at a scrap recycling yard ("chatarrería"). Petitioner was thereafter accused of theft in connection with that conduct.

22. A bond of $10,000 was set in connection with the state charges brought against Petitioner. Petitioner could not afford to pay that amount and, as a direct and sole result of that inability to pay, he remained in county jail for approximately five (5) months while those charges remained pending. Petitioner was never convicted of any criminal offense arising from this incident; his confinement during that period was attributable exclusively to his inability to post the bond set, and not to any judicial finding of wrongdoing. Petitioner has no criminal history of any kind: he has never been convicted of any criminal offense in the United States or elsewhere.

23. Immediately upon the conclusion of his approximately five months in county custody, Petitioner was transferred directly into the custody of ICE, where he has remained ever since. Petitioner has now been in continuous custody — state pretrial custody and ICE custody combined — for a period exceeding five (5) months, without ever having been convicted of any crime.

24. At no point since his transfer into ICE custody has Petitioner received any bond hearing, custody redetermination hearing, or hearing of the type described in *Matter of Joseph*, 22 I&N Dec. 799 (BIA 1999), to examine either his eligibility for bond or the propriety of any mandatory, no-bond detention classification Respondents may be applying to him.

25. Petitioner has his first hearing before the Immigration Court since his detention began currently scheduled before Immigration Judge George James Ward, Jr., at the Stewart Immigration Court, on August 4, 2026, at 1:00 p.m. No bond hearing, custody redetermination, or any other hearing addressing Petitioner's eligibility for release has taken place at any point prior to this scheduled date.

26. Petitioner suffers from diabetes, a serious chronic medical condition that requires an ongoing, physician prescribed treatment regimen, including timely access to his prescribed medical formula and medication. As of the date of this filing, Petitioner is currently ill while detained at the Stewart Detention Center and has experienced difficulty obtaining adequate and timely treatment for his condition, presenting an urgent and immediate medical concern.

27. Petitioner's prolonged detention has caused, and continues to cause, severe and ongoing harm to his family. Petitioner is the sole provider and caregiver responsible for the financial support, supervision, and daily care of his four children, including his minor children [redacted] (age five) and [redacted] (age fifteen), and his adult son [redacted] who lives with schizophrenia and depends on consistent support to maintain his monthly medication regimen. Since Petitioner's detention, his family has been left without the income, supervision, and care that Petitioner customarily provided, placing the welfare of his minor children and his dependent adult son with a serious disability at real and ongoing risk.

VI. CLAIMS FOR RELIEF

GROUND ONE: Violation of the Due Process Clause of the Fifth Amendment — Prolonged Detention Without Any Bond Hearing

28. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

29. The Due Process Clause of the Fifth Amendment applies fully to noncitizens within the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Civil immigration detention is permissible only where it serves a legitimate, non-punitive purpose and is reasonably limited in duration. *See Demore v. Kim*, 538 U.S. 510, 529–31 (2003) (assuming detention pending removal proceedings would last, on average, no more than a matter of weeks).

30. Petitioner has now been detained for more than five (5) months since his arrest, and for the entirety of his time in ICE custody, without ever receiving any

individualized bond hearing. This period far exceeds the presumptively brief period of detention contemplated in *Demore*, and squarely implicates the due process concerns identified in *Diouf v. Napolitano*, 634 F.3d 1081, 1091–92 (9th Cir. 2011) (requiring a bond hearing, with the burden on the government, once civil immigration detention becomes prolonged).

31. Respondents' failure to provide Petitioner with any bond hearing, for a detention period that is indefinite, prolonged, and continuing, violates Petitioner's right to due process of law under the Fifth Amendment.

GROUND TWO: Detention Without Any Statutory Basis — Petitioner Has No Qualifying Criminal Conviction

32. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

33. Mandatory, no-bond detention under 8 U.S.C. § 1226(c) applies only to noncitizens who have been convicted of specified, qualifying criminal offenses. Petitioner has never been convicted of any criminal offense. His only contact with the criminal legal system arose from state charges that never resulted in a conviction, and for which he was held in pretrial custody for approximately five months solely because he could not afford the $10,000 bond set in that case — a circumstance of poverty, not of any judicial finding of guilt. Because Petitioner has no qualifying conviction of any kind, there is no statutory basis whatsoever for treating him as subject to mandatory, no-bond detention under § 1226(c).

34. Petitioner's detention is therefore governed, if at all, by 8 U.S.C. § 1226(a), the general discretionary-detention provision, which expressly authorizes release on—(A) bond, or (B) conditional parole, pending completion of removal proceedings. Due process requires that Petitioner be afforded a prompt, individualized hearing before an Immigration Judge to determine his eligibility for such release, particularly given that he has no criminal history whatsoever, presents no danger to the community, and has strong, verifiable ties to the United States, including four children in his care and a pending U-visa petition.

35. Respondents' continued detention of Petitioner without bond, without any hearing, and without any legitimate statutory or factual basis for treating him as subject to mandatory detention constitutes unauthorized executive detention, in violation of the INA and fundamental due process.

GROUND THREE: Denial of Adequate Medical Care for a Serious, Chronic Medical Condition

36. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

37. The government's obligation to provide civil detainees with adequate medical care for serious medical needs arises directly from the Due Process Clause of the Fifth Amendment. Petitioner suffers from diabetes, a serious chronic condition that, if not properly and consistently managed through prescribed medication and formula, poses real risk of acute medical harm. Respondents are obligated to ensure Petitioner receives consistent, medically appropriate treatment for this condition throughout his detention.

38. As of the date of this filing, Petitioner is presently ill while detained at the Stewart Detention Center and has experienced difficulty obtaining adequate and timely medical treatment for his condition. This is not a speculative or future harm: it is an active, ongoing medical concern that requires this Court's prompt attention, and it independently supports Petitioner's request for immediate release or, at minimum, an order requiring Respondents to provide immediate and adequate medical care.

GROUND FOUR: Irreparable Harm to Petitioner and to His Dependent Children

39. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

40. Petitioner's four children — including his minor children [redacted] (age five) and [redacted] (age fifteen), and his adult son [redacted] who lives with schizophrenia — depend on Petitioner for their care, supervision, and financial support. Every additional day of Petitioner's unreviewed detention inflicts concrete, ongoing, and irreparable harm on this family, particularly on his minor children and his dependent adult son with a serious mental health disability, none of whom bears any responsibility for, or ability to remedy, Petitioner's continued confinement.

GROUND FIVE: Pending Bona Fide U Visa Petition Weighs Strongly in Favor of Release

41. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

42. Congress created the U nonimmigrant classification to encourage victims of qualifying crimes and their family members to cooperate with law enforcement without fear of removal. 8 U.S.C. § 1101(a)(15)(U); 8 C.F.R. § 214.14. Petitioner has a pending, unadjudicated U-visa petition based on his relationship to a United

States citizen family member. Continued civil detention of a noncitizen with a pending, good-faith U-visa petition disserves the humanitarian purpose of that statutory scheme and weighs strongly in favor of Petitioner's release pending adjudication of his petition.

VII. VERIFIED EMERGENCY MOTION FOR IMMEDIATE BOND HEARING AND/OR RELEASE ON MEDICAL AND HUMANITARIAN GROUNDS

43. Petitioner respectfully moves, under Federal Rule of Civil Procedure 65 and the All Writs Act, 28 U.S.C. § 1651(a), for an order requiring Respondents to immediately provide Petitioner with a bond hearing before an Immigration Judge or, in the alternative, to release him immediately, in light of the medical and humanitarian circumstances described above and Petitioner's upcoming Immigration Court hearing on August 4, 2026.

Emergency Circumstances Affecting Petitioner's Family

44. Petitioner is the sole and irreplaceable financial provider and caregiver for his four children. Three of those children face circumstances of particular and immediate urgency. his youngest child, F[redacted] five (5) years old; his daughter J[redacted] fifteen (15) years old, a minor still in his direct care; and his adult son, E[redacted] twenty-three (23) years old, who lives with schizophrenia, diagnosed at age sixteen, and who currently depends on monthly medication management to remain stable.

45. Petitioner's youngest child, F[redacted] only five years old, is at a developmental stage in which the sudden and prolonged absence of a parent causes profound emotional distress and disruption. He depends entirely on Petitioner and Next Friend for food, housing stability, medical care, and emotional security. Petitioner's daughter J[redacted] fifteen years old, likewise depends on Petitioner during a critical adolescent stage of her development, for financial support, guidance, and daily stability. Every day that passes without their father's return deepens the harm to children who cannot understand why he has not come home, and who have no ability whatsoever to remedy their own situation.

46. Petitioner's adult son, E[redacted] presents an even more acute and time-sensitive emergency. Individuals living with schizophrenia require strict continuity of psychiatric care and consistent access to monthly medication; any interruption in that continuity carries a well-documented risk of psychiatric decompensation, including relapse, hospitalization, or crisis. Petitioner has historically played a

central role in ensuring [redacted] attends medical appointments, obtains and takes his prescribed medication on schedule, and receives the day-to-day structure and supervision his condition requires. Petitioner's prolonged absence has placed that continuity of care at serious and immediate risk, at a time when Next Friend alone cannot reasonably be expected to manage the needs of two minor children, an adult son with a serious psychiatric disability, and the remaining child in the household, without Petitioner's support.

47. Since Petitioner's detention began, the family has already suffered concrete, compounding hardship: the loss of Petitioner's income as the family's primary means of financial support; mounting difficulty covering rent, food, and basic household expenses; and the burden placed on Next Friend, who must now attempt, alone, to meet the needs of four children — including coordinating her adult son's ongoing psychiatric treatment and medication schedule — while also managing the practical and emotional toll of her husband's indefinite detention.

48. The cumulative effect of Petitioner's continued detention is a family in crisis: a spouse struggling to simultaneously provide for a young child and safeguard the psychiatric stability of a dependent adult son, without the financial support, physical presence, or shared responsibility that Petitioner has always provided, at the very same time that Petitioner himself remains confined without any hearing and without adequate treatment for his own chronic illness.

49. Courts have long recognized that the separation of a parent from dependent children, and the disruption of care for a family member with a serious disability, constitute quintessential examples of irreparable harm warranting urgent judicial intervention. The harm described here is not speculative or merely foreseeable: it is presently occurring, it is escalating with each additional day of detention, and it cannot be remedied through monetary damages or through proceedings that move at the ordinary, unhurried pace of civil litigation. Immediate action by this Court is required.

50. Petitioner satisfies each of the four factors required for emergency relief:

(a) **Likelihood of success on the merits.** As set forth in Grounds One and Two above, Petitioner has demonstrated a substantial likelihood of success on his claims that his prolonged detention without any bond hearing, and in the absence of any qualifying criminal conviction, violates due process and exceeds Respondents' statutory

authority.

(b) **Irreparable harm absent relief.** Absent emergency relief, Petitioner will continue to be deprived of his liberty without any hearing, will continue to face uncertainty regarding consistent management of his diabetes, and his children — including two minor children and an adult son with schizophrenia — will continue to be deprived of his care and support, harm that cannot be undone through later monetary relief.

(c) **Balance of the equities.** The severe harm to Petitioner and his family from continued, unreviewed detention far outweighs any burden to Respondents in providing the process a bond hearing — to which Petitioner is already constitutionally and statutorily entitled.

(d) **Public interest.** The public has a strong interest in ensuring that civil immigration detention is not prolonged indefinitely without process, that serious medical needs of detained individuals are met, and that the humanitarian purposes of the U-visa program are not undermined by unnecessary continued detention.

51. Given Petitioner's upcoming Immigration Court hearing on August 4, 2026, and the ongoing medical and family harms described herein, Petitioner respectfully requests that this Court consider this matter on an expedited basis.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner, by and through his Next Friend, respectfully requests that this Honorable Court:

A. Assume jurisdiction over this matter and consider it on an expedited basis;

B. Issue an Order to Show Cause directing Respondents to demonstrate the lawful basis for Petitioner's continued detention, including the specific statutory provision under which he is being held without bond;

C. Grant the Writ of Habeas Corpus and order Respondents to provide Petitioner with an immediate, individualized bond hearing before an Immigration Judge, including a Joseph hearing to the extent Respondents rely on 8 U.S.C. § 1226(c), at which the government bears the burden of justifying continued detention;

D. In the alternative, order Petitioner's immediate release from custody, subject to any reasonable conditions of supervision this Court deems appropriate;

E. Order Respondents to ensure Petitioner has consistent, timely access to all medically necessary treatment, medication, and formula for his diabetes throughout the pendency of his detention;

F. Award Petitioner his costs and reasonable attorney's fees to the extent authorized by law, including under the Equal Access to Justice Act, 28 U.S.C. § 2412;

G. Grant such other and further relief as this Court deems just and proper.

IX. VERIFICATION OF NEXT FRIEND

I, María del Pilar Noyola Cisneros, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Next Friend of Petitioner Carlos Marín Cruz, that I am his lawful wife, that I have read the foregoing Petition and Emergency Motion, and that the factual statements contained therein are true and correct to the best of my personal knowledge, information, and belief.

Executed on this 27 day of July, 2026.

María del Pilar Noyola Cisneros
Next Friend of Petitioner Carlos Marín Cruz

[redacted]

Appearing Pro Se as Next Friend

X. CERTIFICATE OF SERVICE

I hereby certify that on this 27 day of July, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and Verified Emergency Motion was served upon each Respondent identified above at their respective official addresses, including the Office of the United States Attorney for the Middle District of Georgia, in accordance with the method of service required under the Federal Rules of Civil Procedure and the Local Rules of this Court.

Respectfully submitted,

María del Pilar Noyola Cisneros
Next Friend of Petitioner, Pro Se