

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

J.E.Z.R.,	)	
A# 	)	
	)	
Petitioner,	)	
	)	CASE NO.:
vs.	)	
	)	
JASON STREEVAL, in his official capacity as	)	
<i>Warden of Stewart Detention center; and</i>	)	
KRISTEN SULLIVAN, <i>Field Office Director for ICE</i>	)	
<i>Atlanta Field Office, and</i>	)	
DAVID J. VENTURELLA, as <i>Acting</i>	)	
<i>Director of Immigration and Customs Enforcement;</i>	)	
MARKWAYNE MULLIN, <i>DHS Secretary; and</i>	)	
TODD BLANCHE, <i>U.S. Attorney General.</i>	)	
	)	
Respondents.	)	
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VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

1. This Petition challenges the ongoing and unlawful detention of Petitioner, J.E.Z.R., A# , by U.S. Immigration and Customs Enforcement (ICE) at Stewart Detention Center in Lumpkin, Georgia. The ICE detainee locator confirms that Petitioner is in ICE custody in Georgia at Stewart Detention Center. See Exhibit 1 (ICE locator).
2. Petitioner is a long-time resident of the United States, a husband, a father of U.S. citizen children, a crime victim, and the principal applicant for T

nonimmigrant status whose Form I-914 package was re-submitted to United States Citizenship and Immigration Services on July 22, 2026, by FedEx Overnight Priority after an earlier rejection for missing applicant signatures. See Exhibit 2. (T Visa Cover Letter and Fedex Shipping label).

3. Petitioner is a member of the preliminarily certified Pending Petition Class in *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026). The ICWC court certified a Pending Petition Class consisting of all individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions whom ICE detains or seeks to detain for civil immigration enforcement. The class definition contains no geographic limitation. Petitioner falls within that class because he has a pending principal T visa petition and ICE is detaining him for civil immigration enforcement.
4. Petitioner asserts ICWC protection based on his pending or USCIS-submitted T visa application and his status as a detained victim-based-benefit applicant. To the extent Petitioner has requested or requests a stay of removal before enforcement of any final removal order, he also falls within or is similarly situated to the Stay of Removal Class. The ICWC court stayed the 2025 Guidance in favor of the members of all three certified classes and stayed the ~~Blind Removal Policy in favor of the members of the Stay of Removal Class.~~
5. Petitioner was detained in North Carolina.
6. This Petition does not ask this Court to adjudicate Petitioner's removability,

review the validity of any removal order, or grant immigration relief that only USCIS may grant. It challenges Petitioner's detention, ICE's custody classification, ICE's failure to provide a lawful custody process, ICE's failure to comply with statutory and regulatory protections for T visa petitioners, and ICE's attempt to detain and potentially remove him under policies that have been stayed as to ICWC class members and that are contrary to the INA, the APA, the *Accardi* doctrine, and the Fifth Amendment.

7. Respondents' actions violate the Due Process Clause of the Fifth Amendment by depriving Petitioner of liberty without individualized assessment or a meaningful opportunity to be heard before a neutral decisionmaker. They also contravene the INA, implementing regulations, the APA, and the *Accardi* doctrine.
 8. Petitioner seeks immediate habeas, declaratory, and injunctive relief ordering Respondents to release him from custody or, at minimum, release him under an Order of Supervision with reasonable conditions. Petitioner also seeks an order prohibiting his removal while this habeas action is pending and until Respondents comply with the ICWC stay, the INA's protections for T visa petitioners, the *prima facie*-stay process, and all required post-order custody procedures.
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II. JURISDICTION

A. This Court Has Jurisdiction Under 28 U.S.C. § 2241 and 28 U.S.C. § 1331

9. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and challenges the legality of that custody.
 10. This Court has federal-question jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution, the Immigration and Nationality Act, the Administrative Procedure Act, the Declaratory Judgment Act, and the All Writs Act.
 11. For purposes of Petitioner's habeas claim under 28 U.S.C. § 2241, Petitioner names Respondent Jason Streeval, Warden of Stewart Detention Center, as his immediate physical custodian. The remaining federal official Respondents are named only in their official capacities for Petitioner's non-habeas claims for prospective declaratory and injunctive relief under 28 U.S.C. § 1331, the APA, the Declaratory Judgment Act, and the All Writs Act, and to ensure implementation of any order requiring agency-level action, including release, custody review, non-removal, USCIS coordination, or compliance with the ICWC stay.
 12. This Court may grant habeas relief under 28 U.S.C. §§ 2241 and 2243 and may dispose of the matter as law and justice require.
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13. This Court may grant declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202, Federal Rules of Civil Procedure 57 and 65, and its inherent

equitable authority.

14. This Court also has authority under the All Writs Act, 28 U.S.C. § 1651, to preserve its habeas jurisdiction by prohibiting Petitioner's transfer outside this District, change of immediate custodian, or removal from the United States while this action is pending.
15. Petitioner asserts substantial constitutional and statutory claims, including deprivation of liberty without due process, arbitrary and capricious agency action, agency action contrary to law, violation of the Accardi doctrine, unlawful application of ICE Policy No. 11005.4, and unlawful detention without individualized custody review.
16. Federal habeas review remains available to challenge unlawful immigration detention. In *I.N.S. v. St. Cyr*, 533 U.S. 289 (2001), the Supreme Court held that federal courts retain habeas jurisdiction under 28 U.S.C. § 2241 notwithstanding statutory limits on other forms of immigration review.
17. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court recognized that immigration detention is subject to constitutional limits and that habeas is available to test the legality of detention.
18. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court distinguished between detention statutes and confirmed that detention challenges are not automatically channeled into petitions for review of removal orders.

B. The INA's Jurisdictional-Channeling Provisions Do Not Bar This Petition

19. Petitioner challenges detention and custody procedures, not the merits of removability or the validity of a removal order. Section 1252(b)(9) does not bar such detention claims. *Jennings v. Rodriguez*, 583 U.S. 281, 291-92 (2018).
 20. Section 1252(g) is likewise inapplicable. That provision applies only to three discrete actions: the decision or action to commence proceedings, adjudicate cases, or execute removal orders. *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 482 (1999).
 21. Petitioner's claims are reviewable because he does not seek review of the discretionary weight ICE assigned to custody factors or the validity of the underlying removal order. He challenges whether Respondents exceeded their authority, failed to follow mandatory or self-imposed procedures, violated the ICWC APA stay, and deprived him of liberty without constitutionally adequate process.
 22. The REAL ID Act does not bar this action because Petitioner challenges present detention and custody procedures, not the validity of the removal order.
 23. To the extent Respondents characterize Petitioner's requested non-removal relief as relief affecting execution of a final order, Petitioner seeks that relief only to preserve this Court's habeas jurisdiction and to prevent removal before Respondents comply with the ICWC stay and any applicable USCIS
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preliminary-review or stay-related process.

III. VENUE

24. Venue is proper in the Middle District of Georgia because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, within this District.
25. Respondent Jason Streeval, Warden of Stewart Detention Center, is Petitioner's immediate physical custodian and is located in this District.
26. Habeas petitions are generally filed in the district of confinement, and this Court has jurisdiction over Petitioner's immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).
27. Venue is also proper for Petitioner's non-habeas claims for prospective declaratory and injunctive relief against federal officials under 28 U.S.C. § 1391(e).

IV. PARTIES

28. Petitioner, J.E.Z.R. is a noncitizen who has resided in the United States for approximately twenty years. He entered the United States without inspection through the southern border. Since then, Petitioner has lived continuously in the United States, primarily in Clinton, Sampson County, North Carolina. Petitioner is currently detained by ICE at Stewart Detention Center in Georgia.

29. Respondent Jason Streeval is the Jailer/Warden of Stewart Detention Center, Lumpkin Georgia. As such, Respondent Jason Streeval is responsible for the operation of the Detention Center where Petitioner is detained and is the immediate custodian who is currently holding Petitioner in physical custody. Because ICE contracts with private and county-operated detention facilities to house immigration detainees, Respondent Jason Streeval has immediate physical custody of the Petitioner and is sued in his official capacity.
30. Respondent Kristen Sullivan is the Field Office Director for the ICE Atlanta Field Office. As such, Respondent Sullivan is responsible for ICE custody decisions and detention operations affecting Petitioner at Stewart Detention Center. Respondent Sullivan is sued in her official capacity for prospective relief necessary to implement any order requiring release, custody review, non-removal, USCIS coordination, or compliance with the ICWC stay.
31. Respondent David J. Venturella is the Director of Immigration and Customs Enforcement (ICE). As such, Respondent Venturella is responsible for the oversight of ICE operations and the head of the federal agency responsible for all immigration enforcement in the United States. Respondent Venturella is being sued in his official capacity.
32. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS). As Secretary of DHS, Secretary Mullin is the cabinet-level official responsible for the general administration and

enforcement of the immigration laws of the United States. Respondent Secretary Mullin is being sued in his official capacity.

33. Respondent Todd Blanche is the Attorney General of the United States and is sued in his official capacity since U.S. government agencies are Respondents in this complaint. Furthermore, the Immigration Judges who decide removal cases and applications for bond and relief from removal do so as his designees at the Executive Office for Immigration Review (EOIR).
34. Petitioner names Respondents Sullivan, Venturella, Mullin, and Blanche in their official capacities solely for non-habeas prospective relief under 28 U.S.C. § 1331, the APA's waiver of sovereign immunity, 5 U.S.C. § 702, the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and the All Writs Act, 28 U.S.C. § 1651. Petitioner does not name these non-custodial Respondents as immediate custodians for purposes of the habeas claim itself. They are named to ensure effective prospective relief requiring agency-level compliance with DHS/ICE policies, the INA, custody regulations, the ICWC stay, non-removal obligations, USCIS coordination, and any release or supervision order entered by this Court.¹

¹ Petitioner acknowledges, consistent with *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that the proper respondent to the habeas claim is the immediate custodian, and does not rely on the federal officials as "habeas respondents." Rather, Petitioner names these federal officials in their official capacities solely to ensure that the Court can issue effective relief on non-habeas claims, such as declaratory and injunctive relief, and to direct agency action to those with actual authority to implement it. Should the Court find these officials improper as respondents to the habeas count, Petitioner respectfully requests that any dismissal be limited to that claim and without prejudice to their continued status as respondents for the non-habeas claims. Maintaining these officials as parties is necessary to ensure that, if relief is granted, the responsible agency officials cannot simply re-arrest Petitioner or otherwise frustrate the Court's order by invoking their erroneous

V. STATEMENT OF FACTS AND PROCEDURAL HISTORY

35. Petitioner, J.E.Z.R., is a 41-year-old noncitizen, he first entered the United States on November 6, 2002, through Eagle Pass, Texas, where he was encountered by U.S. Border Patrol agents.
36. Upon information and belief, removal proceedings were not initiated against Petitioner at the time of his 2002 entry. Petitioner's family understands that immigration proceedings arose later, in 2016, in connection with a Notice to Appear dated August 9, 2016, which Petitioner did not receive.
37. Since his 2002 entry, Petitioner has resided in the United States for over two decades, most recently in Clinton, Sampson County, North Carolina. He has substantial family and community ties. His daughters are United States citizens. As well as his sister, nieces and nephews.
38. Petitioner is the primary financial provider for his family and works in the construction industry. He also complies with a court-ordered child support obligation for his U.S. citizen daughter.
39. Petitioner suffers from chronic left knee pain and swelling, kidney stones, left shoulder pain, trapezius muscle strain, a ureteral stone with hydronephrosis, and generalized weakness, all of which require medical attention.
40. Petitioner has no history demonstrating that he poses a danger to the

interpretation of the INA. This approach is consistent with *Padilla* and ensures that the Court's orders are both effective and enforceable.

community or a flight risk. His long term residence, extensive family ties, steady employment, compliance with his child-support obligations, community volunteer work, and pending T visa petition demonstrate that release conditions, if any are necessary, would be adequate to ensure his appearance

41. Petitioner was previously in removal proceedings and the immigration judge ordered him removed on November 17, 2016. EOIR's automated case information states that no appeal was received and that there are no future hearings. See Exhibit 3 (EOIR information).
42. On June 27, 2026, at approximately 6:56 a.m., Petitioner was arrested by ICE officers approximately five minutes from his home while driving his work van to a job site. Petitioner's seven-year-old daughter was in the vehicle at the time. Initially, officers approached in an unmarked vehicle and told Petitioner he had been stopped for speeding. They did not immediately identify themselves as ICE officers. Approximately four additional unmarked vehicles then arrived, at which point it became apparent the officers were ICE agents.
43. Despite a request, no arrest warrant was shown to Petitioner or his family. Instead, officers gave inconsistent explanations for the arrest, at one point stating it was connected to gun-related charges and at another point stating it was connected to Petitioner's having missed immigration court proceedings in 2016.

44. Following Petitioner's arrest, he was transported to Cary, North Carolina. At approximately 10:30 a.m. that day, Petitioner called his family and stated that officers had informed him there was a deportation order against him, but that it had never been signed by an immigration judge.
45. Later, at approximately 8:29 p.m. that same evening, Petitioner called his family from Charlotte, North Carolina, and stated he was scheduled to be transferred to Georgia. On the following Monday, at approximately 10:26 a.m., Petitioner called to inform his family that he had arrived at Stewart Detention Center in Lumpkin, Georgia, where he remains detained.
46. Petitioner's detention has caused severe hardship to his family, including his U.S. citizen daughters, particularly his youngest daughter, who directly witnessed his arrest and has been significantly traumatized by it.
47. Upon information and belief, Respondents are detaining Petitioner based on a prior final or reinstated order of removal, including the 2016 proceedings associated with the August 9, 2016 Notice to Appear that Petitioner never received.
48. Respondents must identify the operative final or reinstated order, the statutory detention authority, the removal-period calculation, any Order of Supervision, any revocation of supervision, any post-order custody review, and any notice or decision purporting to authorize Petitioner's renewed detention.
49. Respondents also must comply with statutory and regulatory protections for

T visa petitioners and with the ICWC stay of the 2025 Guidance and Blind Removal Policy as applied to class members and organizational-plaintiff clients.

50. Petitioner is similarly situated to the Pending Petition Class certified in ICWC because he has a pending T visa petition and ICE is detaining him for civil immigration enforcement.
51. Petitioner is also directly affected by the Blind Removal Policy because ICE is threatening or preparing to execute a removal order without first ensuring that USCIS has made a *prima facie* determination on his pending T visa petition and without giving operative effect to the statutory framework that protects crime victims who come forward.
52. Petitioner does not rely on ICWC as a substitute for this Court's individualized habeas review. Rather, he relies on ICWC as persuasive and independently relevant authority demonstrating that ICE's 2025 Guidance and Blind Removal Policy are unlawful and stayed as to pending T visa petitioners within the certified class.

VI. EXHAUSTION OF REMEDIES

53. **No statutory exhaustion requirement applies to this § 2241 habeas action.**

An administrative remedy may be inadequate where the administrative body is shown to be biased or has otherwise predetermined the issue before it as noted in *Gibson v. Berryhill*, 411 U. S. 564, 575, n. 14 (1973). Requiring Petitioner to seek reconsideration with ICE or a bond hearing with an

immigration judge “would be to demand a futile act” as no relief would be granted while Petitioner languishes in detention, as highlighted in *Houghton v. Shufer*, 392 U.S. 639, 640 (1968). Moreover, even if any remedies were available, the habeas statute does not require Petitioner to exhaust them

54. Any administrative remedy would be futile because Respondents have predetermined that Petitioner may be detained and removed under ICL’s current enforcement policies despite his pending T visa petition.
 55. Because Respondents appear to treat Petitioner as detained under § 1231, an Immigration Judge lacks ordinary bond jurisdiction, ICE retains custody authority, and any administrative custody review would not provide the prompt neutral judicial review required to remedy unlawful detention.
 56. Administrative bodies cannot adjudicate Petitioner’s constitutional claims, including his claims that prolonged detention without individualized custody review violates due process
 57. Administrative bodies also cannot grant the full relief requested here, including habeas release and an order preserving this Court’s jurisdiction.
 58. Requiring exhaustion would be futile and would prolong unlawful detention.
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VII. PETITIONER'S PENDING T VISA PETITION AND ICWC CLASS-MEMBER STATUS PROVIDE ADDITIONAL GROUNDS FOR RELIEF

59. Petitioner is the principal applicant for T nonimmigrant status. His counsel re-submitted his Form I-914 package to USCIS by FedEx Overnight Priority on July 22, 2026, after an earlier rejection for lack of applicant signatures. See Exhibit 2.
60. The T visa statute was designed to protect noncitizen victims of qualifying crimes who assist law enforcement.
61. Congress created the T visa to encourage crime victims to report crimes and cooperate with law enforcement, including victims who might otherwise fear removal if they came forward.
62. In *Perez v. Wolf*, 943 F.3d 853 (9th Cir. 2019), the Ninth Circuit explained that the T visa statutory scheme includes specific eligibility requirements, application procedures, and agency duties, and that T visa determinations are governed by meaningful legal standards.
63. For more than a decade, ICE has maintained internal policies instructing officers to exercise prosecutorial discretion in cases involving noncitizen victims of crime and individuals seeking victim-based immigration relief. In June 2011, ICE issued Policy Number 10076.1, directing officers to minimize immigration enforcement actions against victims and witnesses of crime in order to avoid discouraging cooperation with law enforcement. See Exhibit 4 (ICE issued Policy Number 10076.1).
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64. ICE later expanded these protections through Directive 11005.3, issued on August 10, 2021, which adopted a “victim-centered approach” and instructed officers to exercise prosecutorial discretion and, absent exceptional circumstances, refrain from enforcement actions against individuals with pending victim-based immigration petitions. See Exhibit 5 (ICE Directive 11005.3). This expanded the prior ICE Policy 10076.1 that has been in place since 2011. See also Exhibit 6 (crime victims F.A.Q.’s) and Exhibit 7 (using a victim-centered approach).
65. The current administration rescinded ICE Directive 11005.3 through ICE Policy Number 11005.4, citing only the January 20, 2025, Executive Order “Protecting the American People Against Invasion” as justification for a sweeping change in enforcement priorities. See Exhibit 8 (Policy 11005.4). However, the new policy fails to provide any substantive rationale for abandoning the victim-centered approach, nor does it address the reliance interests of noncitizen crime victims and their families. This lack of reasoned explanation and failure to consider reliance interests is precisely the type of arbitrary and capricious agency action the APA prohibits. 5 U.S.C. § 706(2)(A), (D). When rescinding a prior policy, an agency must consider alternatives within the ambit of the existing policy and address any legitimate reliance interests engendered by the prior policy. *Regents*, 591 U.S. at 20–24, 28–34.
66. Petitioner falls within the class of individuals contemplated by these policies.

He is the principal applicant for T nonimmigrant status based on his status as a qualifying trafficking victim, and ICE continues to detain him while his re-submitted victim-based application is pending USCIS receipt, processing, or adjudication

67. In *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026), the court addressed ICE Policy No. 11005.4, which governs ICE civil immigration enforcement actions involving known beneficiaries of victim-based immigration benefits or individuals known to have pending applications or petitions for such benefits.
68. The ICWC court found that the 2025 Guidance rescinded and superseded prior ICE policies, including the 2011 Policy and 2021 Directive, which had generally required ICE officers, absent exceptional or exigent circumstances, to refrain from civil immigration enforcement actions against known beneficiaries of victim-based immigration benefits and pending applicants or petitioners.
69. The ICWC court also found that the prior policies directed ICE officers to coordinate with USCIS to seek expedited adjudication of victim-based immigration petitions when necessary and appropriate.
70. The ICWC court described the 2025 Guidance as replacing a presumption of protection for victim-based-benefit petitioners with a presumption of enforcement.

71. The ICWC court further recognized the Blind Removal Policy, under which ICE detains or removes U and T visa petitioners who request stays of removal without first requesting or obtaining prima facie determinations from USCIS.
72. The ICWC court preliminarily certified a Pending Petition Class consisting of individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions whom ICE detains or seeks to detain for civil immigration enforcement.
73. The ICWC court stayed the 2025 Guidance, including its rescission of prior policies, in favor of all individual plaintiffs, current and future clients of the organizational plaintiffs, and members of all three certified classes.
74. The ICWC court also stayed the Blind Removal Policy in favor of all individual plaintiffs, current and future clients of the organizational plaintiffs, and members of the Stay of Removal Class.
75. Petitioner is a T visa applicant whom ICE has detained for civil immigration enforcement. Upon USCIS acceptance of his re-submitted Form I 914, he falls within the Pending Petition Class, at minimum, he is similarly situated to the Pending Petition Class for purposes of the statutory, APA, Accardi, and due-process arguments asserted here. See *ICWC*.
76. To the extent Petitioner is a current or former client, member, or beneficiary of the Immigration Center for Women and Children or an organizational plaintiff within ICWC, Respondents are independently bound by the ICWC stay as applied to him.

77. Respondents cannot detain Petitioner and threaten removal under the stayed 2025 Guidance or Blind Removal Policy without violating the ICWC order, the APA, the Accardi doctrine, and due process
78. Even apart from ICWC, Respondents' refusal to account for Petitioner's pending T visa petition is arbitrary, capricious, contrary to law, and an abuse of discretion.
79. The government's treatment of Petitioner will chill crime victims from cooperating with law enforcement and from complying with USCIS processing requirements. That result conflicts with the T visa statutory scheme and Congress's humanitarian and law-enforcement purposes.

VIII. THE 2025 GUIDANCE, AS APPLIED TO PETITIONER, VIOLATES THE APA AND ACCARDI DOCTRINE

80. The APA requires agency action to be reasoned, lawful, and consistent with required procedure. 5 U.S.C. § 706(2)(A), (C), and (D).
81. Under *Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1 (2020), an agency changing policy must provide a reasoned explanation and consider reliance interests engendered by the prior policy.
82. ICE's prior victim-centered policies recognized that civil immigration enforcement against crime victims and U visa petitioners can deter reporting, undermine prosecutions, and frustrate congressional objectives.
83. ICE Policy Statement 10076.1 directed officers to minimize the effect of

immigration enforcement on victims, witnesses, and plaintiffs who report crimes and pursue justice.

84. ICE Directive 11005.3 adopted a victim-centered approach and directed officers, absent exceptional circumstances, to refrain from civil immigration enforcement actions against individuals with pending victim-based immigration petitions and to seek expedited USCIS adjudications where appropriate.
85. ICE Policy No. 11005.4 rescinded those prior protections and changed ICE's enforcement posture toward victim-based-benefit petitioners.
86. The ICWC court found that the 2025 Guidance created a materially different enforcement regime and stayed that guidance under APA § 705.
87. Respondents' application of the 2025 Guidance to Petitioner is unlawful because it disregards Petitioner's pending T visa petition, his reliance on the victim-based-benefit process, and the statutory interests Congress sought to protect.
88. Respondents' conduct also violates the *Accardi* doctrine because agencies must follow their own rules, policies, and procedures when those rules are intended to benefit regulated individuals.
89. Even if ICE Policy No. 11005.4 were valid in some applications, ICE has failed to follow its own stated procedures here. ICE has not shown that it coordinated with USCIS, obtained a prima facie determination, considered Petitioner's crime-victim status, considered the pending T visa petition as a

- positive discretionary factor, consulted OPLA in a meaningful way, or considered less restrictive alternatives.
90. The restored victim-centered framework requires more than a conclusory assertion that ICE considered Petitioner's pending victim-based application. The ICWC court described the prior policies as requiring ICE officers generally to refrain from enforcement against known beneficiaries of victim-based immigration benefits and pending applicants or petitioners absent exceptional or exigent circumstances, and to coordinate with USCIS to seek expedited adjudication when necessary and appropriate.
91. Respondents have not shown that, before detaining Petitioner or continuing his detention, ICE consulted available USCIS or ICE records, coordinated with USCIS, requested expedited preliminary review, considered Petitioner's trafficking-victim status, considered less restrictive alternatives, or made a contemporaneous written determination explaining why enforcement was appropriate despite Petitioner's victim-based application.
92. Petitioner does not ask this Court to reweigh ICE's discretionary custody judgment. He asks the Court to determine whether ICE followed mandatory or self-imposed procedures restored by the ICWC APA stay before detaining and continuing to detain a known T visa applicant.
93. ICE's failure to follow those procedures violates the APA, the Accardi doctrine, and due process.
94. Respondents' failure to comply with required procedures is independently

unlawful under 5 U.S.C. § 706(2)(D).

IX. PETITIONER'S POST-ORDER DETENTION UNDER § 1231 IS UNLAWFUL BECAUSE THE REMOVAL PERIOD EXPIRED AND CANNOT BE RESTARTED BY RE-DETENTION

95. Respondents appear to detain Petitioner under 8 U.S.C. § 1231 based on a prior final or reinstated order of removal.
96. Section 1231 does not eliminate habeas jurisdiction over unlawful detention, nor does it authorize indefinite detention. Section 1231 governs detention and release of noncitizens who have been ordered removed; during the 90-day removal period, detention is mandatory, and after that period DHS may either continue detention only as authorized by § 1231(a)(6) or release the person under an order of supervision. *Djelassi v. ICE Field Office Dir.*, 434 F. Supp. 3d 917 (W.D. Wash. 2020).
97. A noncitizen with a final order of removal who is not removed within the 90-day removal period shall be subject to supervision under regulations prescribed by the Attorney General. 8 U.S.C. § 1231(a)(3).
98. A noncitizen may be detained beyond the 90-day removal period only if the person falls within § 1231(a)(6), including where the person is found to be a risk to the community or unlikely to comply with the order of removal.
99. Even where post-removal-period detention is initially authorized, continued detention becomes unlawful when removal is not reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678, 699–701 (2001).

100. The removal period under 8 U.S.C. § 1231(a)(1)(B) is triggered by the latest of three events: the date the order becomes administratively final; if judicial review is sought and a court orders a stay, the date of the court's final order; or, if the noncitizen is detained or confined outside the immigration process, the date of release from that detention or confinement. *Djelassi*, 434 F. Supp. 3d 917.
101. The removal period does not restart merely because ICE later re-detains a noncitizen who was previously released under supervision. Courts have rejected the government's "reset" theory because § 1231(a)(1)(B) refers to a single removal period triggered by the statutory events, not by every later ICE decision to cancel supervision or resume custody. *Diaz Ortega v. Lund*, No. 1:19-CV-670-P, 2019 WL 6003485 (W.D. La. Oct. 15, 2019); *Bailey v. Lynch*, No. 16-2600, 2016 WL 5791407 (D.N.J. Oct. 3, 2016).
102. Courts have likewise held that the six-month presumptively reasonable period recognized in *Zadvydas* does not restart with each successive ICE detention absent delay caused by the noncitizen. *Ilaniana v. Adducci*, No. 17-cv-11910, 2019 WL 2118784 (E.D. Mich. May 15, 2019); *Sied v. Nielsen*, No. 17-CV-06785-LB, 2018 WL 1876907 (N.D. Cal. Apr. 19, 2018); *Somsanuk v. Bondi*, No. C26-48-MLP, 2026 WL 221139 (W.D. Wash. Jan. 28, 2026); *Alam v. Nielsen*, 312 F. Supp. 3d 574 (S.D. Tex. 2018); *Ahmad v. Whitaker*, No. C18-287-JLR-BAT (W.D. Wash. Dec. 4, 2018).
103. If Respondents contend Petitioner is detained under § 1231, they must

produce the operative final order, identify when the removal period began, identify when it expired, produce any Order of Supervision and any revocation decision, and establish that continued detention is authorized under § 1231(a)(6).

104 Respondents also must establish that any re-detention complied with the regulations governing revocation of supervision and post-order custody review, and that Petitioner's detention is not based merely on ICE's unilateral decision to cancel supervision without statutory authorization, individualized findings, or meaningful custody process.

105. Respondents also must show that removal is significantly likely in the reasonably foreseeable future and that any delay is not attributable to their own failure to comply with the statutory and regulatory framework governing Petitioner's pending T visa petition.

106. Respondents cannot avoid § 1231's limits by declining to request or obtain any available preliminary USCIS determination and then claiming removal is imminent. The ICWC court recognized the Blind Removal Policy as one under which ICE detains or removes petitioners who request stays of removal without first conducting an inquiry into whether their petitions present a prima facie case for approval, such as by requesting prima facie determinations from USCIS. *ICWC*.

107. Although 8 U.S.C. § 1227(d)(1) expressly addresses U visa applicants, ICWC's Stay of Removal Class and Blind Removal Policy analysis include individuals

with pending U or T visa petitions who request a stay of a final removal order before enforcement.

108. The ICWC court stayed the Blind Removal Policy in favor of the individual plaintiffs, current and future clients of the organizational plaintiffs, and members of the Stay of Removal Class *Immigration Center for Women and Children*, 2026 WL 1455004.

109. Because Petitioner's T visa application has been re-submitted while he remains detained, Respondents should be ordered to request any available expedited prima facie, bona fide, or other preliminary determination from USCIS and to refrain from removing Petitioner until that process is completed and any stay request is lawfully adjudicated.

X. LEGAL FRAMEWORK FOR RELIEF

110. This Court has authority under 28 U.S.C. § 2241 to remedy unlawful immigration detention.

111. Under 28 U.S.C. § 2243, the Court may dispose of this matter as law and justice require.

112. The Great Writ is an equitable remedy that permits immediate release where custody is unlawful.

113. In *Boumediene v. Bush*, 553 U.S. 723, 787 (2008), the Supreme Court recognized that habeas relief must be effective and may include release from unlawful custody.

114. The Court should grant the writ or order Respondents to show cause forthwith.

115. Section 2243 provides that a return should be filed within three days unless good cause is shown for a longer period not exceeding twenty days.

XI. CAUSES OF ACTION AND CLAIMS FOR RELIEF

COUNT ONE

Unlawful Post-Order Detention Under 8 U.S.C. § 1231(a)(6), *Zadvydas*, and 28 U.S.C. § 2241

116. Respondents appear to detain Petitioner under a prior final, expedited, or reinstated order of removal.

117. Respondents have not identified the operative custody statute, operative removal order, removal-period trigger, or custody review authorizing Petitioner's current detention.

118. If Respondents rely on § 1231, they must establish that detention is authorized under § 1231(a)(2) or § 1231(a)(6), identify any applicable removal-period calculation, and show that continued detention is reasonably related to effectuating removal.

119. Respondents have not produced evidence that Petitioner violated supervision, obstructed removal, refused to cooperate with travel-document requirements, or otherwise caused delay.

120. Respondents have not made an individualized finding that Petitioner is a danger, a flight risk, or unlikely to comply with removal.
121. Respondents also have not shown that detention and threatened removal may proceed consistently with Petitioner's pending 'T' visa petition, the statutory prima facie stay framework, and the IC 'WC' stay.

COUNT TWO
Unlawful Re-Detention and Revocation of Supervision Without Statutory or Regulatory Authority

122. Respondents have not produced a valid Order of Supervision revocation, post-order custody review, or written decision authorizing Petitioner's renewed detention.
123. Respondents have not shown that Petitioner violated any condition of supervision.
124. Respondents have not shown that Petitioner's removal is significantly likely in the reasonably foreseeable future.
125. Respondents have not shown that Petitioner is a danger to the community or unlikely to comply with removal.
126. Respondents' re-detention of Petitioner without lawful revocation procedures, individualized findings, and meaningful custody review violates § 1231, the APA, and the Due Process Clause.
127. The Court should order Petitioner's immediate release, or at minimum release under an Order of Supervision with reasonable conditions.

COUNT THREE
Violation of the Fifth Amendment of the U.S. Constitution
Procedural and Substantive Due Process

128. Petitioner has a fundamental liberty interest in freedom from physical detention
129. Petitioner has been deprived of liberty without individualized custody review, without a meaningful opportunity to contest detention, and without a neutral decisionmaker.
130. Petitioner's detention is arbitrary because Respondents have not demonstrated that he is a danger or flight risk.
131. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the private interest, risk of erroneous deprivation, and governmental interest all favor additional process.
132. Petitioner's private interest is exceptionally strong because he is physically detained, separated from his family, unable to work, and unable to care for his U.S. citizen children.
133. The risk of erroneous deprivation is high because ICE has not afforded a neutral custody hearing and has not accounted for Petitioner's pending T visa petition or class-member protections.
134. The government has no legitimate interest in detention unsupported by lawful authority or constitutionally adequate process.

135. Petitioner is entitled to immediate release or, at minimum, release under an Order of Supervision with reasonable conditions. In the alternative, if the Court declines to order release, Petitioner is entitled to a prompt, constitutionally adequate individualized custody hearing before a neutral decisionmaker, at which Respondents bear the burden of proving by clear and convincing evidence that continued detention is justified by flight risk or danger and that removal is significantly likely in the reasonably foreseeable future.

COUNT FOUR
Violation of the APA and Accardi Doctrine: Unlawful Application of the 2025 Guidance

136. ICE Policy No. 11005.4 rescinded prior victim-centered policies that generally protected T visa petitioners and other victim-based-benefit applicants from civil immigration enforcement absent exceptional or exigent circumstances.
137. The ICWC court stayed the 2025 Guidance in favor of ICWC class members and organizational plaintiffs' clients.
138. Petitioner is a pending T visa petitioner detained for civil immigration enforcement and therefore falls within the Pending Petition Class.
139. Respondents' application of the 2025 Guidance to Petitioner violates the ICWC stay, the APA, the Accardi doctrine, and due process.
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140. Respondents failed to consider Petitioner's pending T visa petition, crime-victim status, reliance interests, and the statutory purpose of the T visa scheme.
141. Respondents failed to follow required or self-imposed procedures, including coordination with USCIS, consultation with OPLA, consideration of victim-based-benefit protections, and consideration of less restrictive alternatives.
142. Respondents have not shown that Petitioner falls within any narrow exceptional-circumstances framework that would justify enforcement against a known T visa applicant. Respondents have not identified any national-security concern, violent conviction, or specific present fact showing that Petitioner poses an articulable risk of death, violence, or physical harm to any person. Nor have Respondents produced any written justification, chain-of-command approval, Headquarters approval, OPLA consultation record, USCIS coordination record, database-check record, or case-management documentation supporting enforcement against Petitioner despite his victim based application.
143. Respondents' conduct is arbitrary, capricious, contrary to law, and without observance of procedure required by law.

COUNT FIVE

Violation of the INA, APA, and ICWC Stay: Blind Removal Policy

144. Petitioner has re-submitted a T visa application to USCIS.

145. EOIR's automated case information reflects that the immigration judge ordered Petitioner removed on November 17, 2016, that no appeal was received, and that there are no future hearings.
 146. ICE may not proceed under the Blind Removal Policy without compliance with the statutory and ICWC-required process.
 147. Although 8 U.S.C. § 1227(d)(1) expressly refers to U visa applications, ICWC's Blind Removal Policy analysis and Stay of Removal Class encompass detained individuals with pending U or T visa petitions who request a stay of removal before enforcement.
 148. The ICWC court stayed the Blind Removal Policy, under which ICE detains or removes U and T visa petitioners who request stays of removal without first obtaining prima facie determinations from USCIS.
 149. Respondents' threatened removal of Petitioner without first requesting any available USCIS preliminary determination and adjudicating any stay request would violate the INA, the APA, the ICWC stay, and due process.
 150. The Court should enjoin Respondents from removing Petitioner unless and until Respondents request and obtain any available prima facie, bona fide, or other preliminary determination from USCIS, adjudicate any stay request in accordance with law, and obtain leave of this Court while this habeas petition remains pending.
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XII. REMEDIES

THE COURT SHOULD ORDER IMMEDIATE RELEASE

151. Immediate release is warranted because Respondents have not established a lawful basis for Petitioner's detention.
152. If Respondents rely on § 1231, they have not demonstrated that continued detention is lawful, that removal is reasonably foreseeable, or that removal may proceed despite Petitioner's pending T visa petition and ICWC class-member protections.
153. A delayed or inadequate post-order custody review would not fully remedy the ongoing deprivation of liberty.
154. If the Court does not order immediate release, it should order Respondents to release Petitioner under an Order of Supervision with reasonable conditions, or require Respondents to justify continued detention through a prompt, constitutionally adequate custody process.
155. The Court should also order Respondents to produce all documents authorizing Petitioner's arrest, detention, custody classification, prior removal orders, expedited removal orders, reinstatement or execution decisions, custody reviews, and removal notices, including all records reflecting ICE's compliance or noncompliance with the restored victim-centered policies, USCIS coordination, OPLA consultation, database checks, supervisory approvals, Headquarters approval, written justifications for enforcement against a known T visa applicant, case-

management documentation, and any USCIS prima facie, bona fide, or other preliminary action concerning Petitioner's T visa application.

156. The Court should prohibit Respondents from removing Petitioner while this action is pending absent prior leave of Court.

157. The Court should order Respondents to request an expedited prima facie or bona fide determination from USCIS regarding Petitioner's pending T visa petition and to refrain from executing removal until the statutory and ICWC-required process has been completed.

XIII. CONCLUSION AND PRAYER FOR RELIEF

Petitioner's continued detention violates the INA, the APA, the Accardi doctrine, and the Due Process Clause of the Fifth Amendment. Petitioner has no adequate remedy other than immediate judicial intervention. His ongoing detention causes irreparable harm, including loss of liberty, separation from his family, inability to work, inability to support his U.S. citizen children, and interference with his pending T visa petition.

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Grant the Petition and order Respondents to immediately release Petitioner from custody;
- 2) Declare that, to the extent Respondents rely on 8 U.S.C. § 1231, Petitioner's 90-day removal period has expired and Respondents may not restart that

period merely by re-detaining him;

- 3) Declare that Respondents may not continue detaining Petitioner under § 1231(a)(6) absent lawful revocation of supervision, individualized findings, custody review, and a showing that removal is significantly likely in the reasonably foreseeable future;
- 4) Declare that Respondents may not detain or remove Petitioner under ICE Policy No. 11005.4, the 2025 Guidance, or the Blind Removal Policy in violation of the ICWC stay, the INA, the APA, the Accardi doctrine, and due process;
- 5) Order Respondents to refrain from removing Petitioner from the United States while this habeas action remains pending absent prior leave of Court;
- 6) Order Respondents to request any available expedited prima facie, bona fide, or other preliminary determination from USCIS regarding Petitioner's T visa application, and to refrain from executing removal unless and until all statutory, regulatory, and stay-related processes have been completed;
- 7) In the alternative to immediate release, order Respondents to release Petitioner under an Order of Supervision with reasonable conditions;
- 8) In the further alternative, order Respondents to identify the statutory basis for custody and provide a prompt, constitutionally adequate individualized custody hearing before a neutral decisionmaker, at which Respondents bear the burden of proving by clear and convincing evidence that continued detention is justified by flight risk or danger and that

removal is significantly likely in the reasonably foreseeable future;

- 9) Order Respondents to show cause and produce all documents authorizing Petitioner's arrest, detention, custody classification, removal-order execution, reinstatement, custody review, and current detention, including any Form I-200, Form I-205, Form I-286, Form I-871, warrant of removal, expedited removal order, voluntary departure order, BIA order, immigration judge order, custody determination, notice of custody rights, or removal notice;
- 10) Order Respondents to produce all records reflecting compliance with the restored victim-centered policies and, if necessary, hold a limited evidentiary hearing on ICE's compliance with those policies, the asserted basis for detention, and whether removal is significantly likely in the reasonably foreseeable future;
- 11) Issue an Order to Show Cause directing Respondents to file a return within three days pursuant to 28 U.S.C. § 2243;
- 12) Pending final resolution, issue an order under 28 U.S.C. §§ 1651(a) and 2241 prohibiting Respondents from transferring Petitioner outside the Middle District of Georgia, changing his immediate custodian, or removing him from the United States without prior leave of Court;
- 13) Award reasonable attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
- 14) Grant such other and further relief as the Court deems just, proper, and

equitable.

Respectfully Submitted,

This 6th day of August, 2026.

/s/ Karen Weinstock

Karen Weinstock

Attorney for Petitioner

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed the foregoing Petition and that the facts and statements made in this Petition and Complaint are true and correct to the best of my knowledge or belief pursuant to 28 U.S.C. § 2242.

This 6th day of August, 2026.

/s/ Karen Weinstock
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