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U.S.D.C. - COLUMBUS, GA

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

DENILSON GUTIÉRREZ MEJÍA, by and through his Next Friend, CESIA JEMIMA LOPEZ NOJ,

Petitioner,

v.

Civil Action No. _____

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.

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241; VERIFIED EMERGENCY MOTION FOR TEMPORARY

RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST TRANSFER OF PETITIONER

Petitioner Denilson Gutiérrez Mejía, by and through his Next Friend, Cesia Jemima Lopez Noj, 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 Temporary Restraining Order and Preliminary Injunction, and in support thereof states as follows:

I. INTRODUCTION

1. Petitioner Denilson Gutiérrez Mejía ("Petitioner" or "Mr. Gutiérrez Mejía"), A# [redacted] by and through his Next Friend, Cesia Jemima Lopez Noj, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his ongoing 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 is a civil immigration detainee with no criminal history who is presently in removal proceedings before the Executive Office for Immigration Review, with no final order of removal, no order of deportation, and no appeal pending before the Board of Immigration Appeals ("BIA") or any United States Court of Appeals. Notwithstanding the absence of any lawful basis for mandatory, no-bond detention, Petitioner has been held in custody since on or about July 11, 2026, without ever having received an individualized bond hearing before an Immigration Judge.

3. Petitioner's continued detention, without any bond hearing and without any indication that one is forthcoming, violates the Due Process Clause of the Fifth Amendment to the United States Constitution and exceeds the authority granted to Respondents under the Immigration and Nationality Act ("INA")

4 Petitioner further seeks emergency injunctive relief enjoining Respondents from transferring him out of the Middle District of Georgia, or to any other detention facility, during the pendency of this action. Such a transfer would irreparably prejudice Petitioner's ability to litigate this Petition, would frustrate this Court's

jurisdiction, and would sever Petitioner from his family — including his minor daughter, who depends on him for her support and care — without any justification.

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 (federal question) and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2.

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

7. Venue is proper in this Court 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, which lies 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 in this Court and is not defeated by any subsequent transfer of Petitioner to another district. *See Ex parte Endo*, 323 U.S. 283 (1944).

III. PARTIES

9. Petitioner Denilson Gutiérrez Mejía, A# [redacted] is currently detained by ICE at the Stewart Detention Center. At the time of his arrest he held valid employment authorization issued by DHS and had a case pending before the Immigration Court. He has no final order of removal, no order of deportation, and no criminal history.

10. Next Friend Cesia Jemima Lopez Noj is Petitioner's spouse. 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), because Petitioner — confined without counsel and without meaningful ability to prepare or file a federal pleading from inside a remote detention facility

— is unable to appear on his own behalf to protect his liberty interests. The basis for Next Friend standing is set forth in detail 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, which exercises custodial authority over the Stewart Detention Center. 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 and is responsible for the administration and enforcement of the immigration laws of the United States. He is sued in his official capacity.

15. Respondent Pamela Bondi is the Attorney General of the United States and is named as a Respondent 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, such as inaccessibility or incapacity, for why the real party in interest cannot appear on his own behalf, and (b) that the next friend is truly dedicated to the best interests of the person on whose behalf she seeks to litigate, and has a significant relationship with that person. Both requirements are met here.

17. First, Petitioner cannot practically appear on his own behalf. He is confined at the Stewart Detention Center, a remote, rural facility with severely limited access to a law library, limited and monitored telephone access, no meaningful ability to conduct legal research or electronic filing, and no retained counsel. Petitioner has no realistic ability to draft, verify, and file a federal habeas petition, calculate and comply with procedural deadlines, or appear at hearings this Court may schedule, all while remaining in custody with no bond and no scheduled avenue for release.

18. Second, Next Friend Cesia Jemima Lopez Noj is Petitioner's spouse. She has a close, significant, and ongoing 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 detention and to be reunited with his family. She has no interest in this matter adverse to Petitioner's and brings this Petition for the sole purpose of securing his lawful release or, at minimum, a constitutionally adequate bond hearing.

V. STATEMENT OF FACTS

19. Petitioner and Next Friend are spouses and, together, are responsible for the care of their minor daughter, **[NOMBRE DE LA HIJA – COMPLETAR]**, age **[EDAD – COMPLETAR]**.

20. Prior to his detention, Petitioner had an open, pending case before the Immigration Court and held a valid Employment Authorization Document ("EAD") issued by DHS, permitting him to work lawfully in the United States while that case remained pending.

21. On or about July 11, 2026, Petitioner was arrested while on his way to his regular place of employment, as he did every day. Petitioner was not engaged in any unlawful conduct and was not informed of any charge or basis for his arrest. He was initially taken into custody by local sheriff's authorities and thereafter transferred to the custody of ICE.

22. At no point during his arrest or subsequent transfer to ICE custody was Petitioner provided with a clear, written explanation of the specific statutory basis for his detention, nor was he provided with a custody determination explaining why he was being held without bond.

23. Petitioner has no criminal history whatsoever. He has never been arrested, charged, or convicted of any criminal offense. There is no evidence that Petitioner poses any danger to the community, nor any flight risk that could not be reasonably addressed through conditions of release such as bond, electronic monitoring, or a supervised release program.

24. Since his initial arrest, Petitioner has been held continuously in custody first by local authorities and subsequently at the Stewart Detention Center — for a period that, as of the date of this filing, Next Friend states in good faith has exceeded twenty (20) days, without Petitioner ever having been brought before an Immigration Judge for an individualized custody or bond determination **[Nota para verificación: confirmar fecha exacta de detención para que coincida con el número de días transcurridos antes de presentar este documento ante la corte.]**

25. Petitioner's continued detention has caused, and continues to cause, severe and ongoing harm to his family. Petitioner is a primary provider and caregiver responsible for the financial support, feeding, education, and general well-being of his minor daughter, who depends on him for her basic needs. Since his detention, his family has been deprived of the income and daily care that Petitioner customarily provided, placing the minor child's welfare and stability at serious and immediate risk. This harm compounds with every additional day that Petitioner remains detained without a bond hearing.

26. Next Friend has reasonable cause to believe that Respondents may transfer Petitioner to a detention facility outside the Middle District of Georgia, a practice ICE frequently employs with respect to detainees held at Stewart Detention Center. Such a transfer would further separate Petitioner from his family, obstruct his ability to obtain and communicate with counsel, frustrate the orderly adjudication of this Petition, and could be used to attempt to complicate or moot this Court's jurisdiction over this matter.

VI. CLAIMS FOR RELIEF

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

27. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

28. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. This protection extends fully to noncitizens present in the United States, regardless of immigration status. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("[T]he

Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.").

29. Civil immigration detention is constitutionally permissible only where it serves a legitimate, non-punitive regulatory purpose — such as ensuring appearance at removal proceedings or protecting public safety — and only when accompanied by adequate procedural safeguards. *See Demore v. Kim*, 538 U.S. 510, 527–31 (2003)

30. Upon information and belief, Petitioner is detained under 8 U.S.C. § 1226(a), the general discretionary-detention provision, because he has no qualifying criminal conviction that would trigger mandatory detention under 8 U.S.C. § 1226(c). Where a detainee is held under § 1226(a), due process requires, at a minimum, a prompt, individualized bond hearing before a neutral Immigration Judge at which the government bears the burden of justifying continued detention, particularly once detention becomes prolonged. *See Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Diouf v. Napolitano*, 634 F.3d 1081, 1091–92 (9th Cir. 2011) (requiring a bond hearing, with the burden on the government, once detention becomes prolonged).

31. Petitioner has been detained for more than twenty (20) days without ever having received any bond hearing whatsoever, and without any opportunity to demonstrate that he is neither a danger to the community nor a flight risk — notwithstanding his complete absence of any criminal history, his valid work authorization, his open, non-final immigration case, and his responsibility for the care of his minor daughter.

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

GROUND TWO: Detention Without Statutory Authorization

33. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

34. Absent a qualifying criminal conviction bringing Petitioner within the narrow, mandatory, no-bond detention provision of 8 U.S.C. § 1226(c), Petitioner's detention is governed by 8 U.S.C. § 1226(a), which expressly authorizes release "on—(A) bond… or (B) conditional parole."

35. By holding Petitioner without bond and without ever docketing him for a custody redetermination hearing before an Immigration Judge, Respondents have, upon information and belief, treated Petitioner as though he were subject to mandatory detention without lawful basis for doing so. This constitutes executive detention exceeding the authority actually conferred by Congress, contrary to the INA and fundamental separation-of-powers principles.

GROUND THREE: Irreparable Harm to Petitioner and to His Minor Daughter

36. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

37. Petitioner's minor daughter depends on him for her food, housing stability, education, and daily care. Every additional day of Petitioner's unreviewed detention inflicts concrete, ongoing, and irreparable harm on a child who bears no responsibility for, and has no ability to remedy, her father's confinement. Disruption of the parent-child relationship and threats to a minor child's welfare constitute irreparable harm warranting urgent judicial intervention.

38. Petitioner's continued, unreviewed detention likewise inflicts irreparable harm upon Petitioner himself in the form of an ongoing deprivation of physical liberty that cannot be remedied through money damages and that compounds with each day that passes without a bond hearing.

VII. VERIFIED EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST TRANSFER

39. Petitioner respectfully moves, under Federal Rule of Civil Procedure 65 and the All Writs Act, 28 U.S.C. § 1651(a), for a Temporary Restraining Order and Preliminary Injunction enjoining Respondents, their agents, employees, contractors, and all persons acting in concert with them, from transferring Petitioner out of the Middle District of Georgia, or to any other detention facility, during the pendency of this action.

40. Petitioner satisfies each of the four factors required for emergency injunctive 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 claim that his continued detention without any bond hearing violates the Due Process Clause and exceeds Respondents' statutory authority.

(b) **Irreparable harm absent relief.** Absent an order preventing transfer, Petitioner faces a real and immediate risk of being moved to a distant facility, which would sever his access to Next Friend and any future counsel, interfere with the preparation of his defense in his pending immigration proceedings, and could be used to frustrate this Court's continuing jurisdiction over this Petition.

(c) **Balance of the equities.** The harm Petitioner would suffer from an unnecessary transfer — dislocation, loss of contact with family, and disruption of pending proceedings — substantially outweighs any burden to Respondents in maintaining Petitioner's current place of confinement while this Petition is resolved on an expedited basis.

(d) **Public interest.** The public has a strong interest in ensuring that federal habeas corpus jurisdiction is not undermined by administrative transfers, and that no person is moved beyond the reach of the very court in which he has sought protection of his constitutional rights.

41. Emergency relief is warranted because Respondents retain the practical ability to transfer Petitioner at any time and without prior notice, and any such transfer would substantially complicate and delay resolution of this otherwise urgent Petition.

VIII. PRAYER FOR RELIEF

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

A. Assume jurisdiction over this matter;

B. Issue an Order to Show Cause directing Respondents to demonstrate the lawful basis for Petitioner's continued detention within a time period set by the Court;

C. Grant the Writ of Habeas Corpus and order Respondents to provide Petitioner with a prompt, individualized bond hearing before an Immigration Judge, at which the government bears the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is justified;

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

E. Issue a Temporary Restraining Order and Preliminary Injunction prohibiting Respondents from transferring Petitioner outside the Middle District of Georgia, or to any other detention facility, during the pendency of this action;

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, Cesia Jemima Lopez Noj, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Next Friend of Petitioner Denilson Gutiérrez Mejía, 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 8 day of 10, 2026.

Cesia

Cesia Jemima Lopez Noj
Next Friend of Petitioner Denilson Gutiérrez Mejía
[redacted]
Email [redacted]icloud.com
Appearing Pro Se as Next Friend

X. CERTIFICATE OF SERVICE

I hereby certify that on this 8 day of 10, 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, by **[método de notificación – COMPLETAR: correo certificado / notificación electrónica]**.

Respectfully submitted,

Cesia

Cesia Jemima Lopez Noj
Next Friend of Petitioner, Pro Se