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

NADINE PIERRE, A# [redacted] *Plaintiff,* **v.** **JASON STREEVAL,** Warden, Stewart Detention Center; **KRISTEN SULLIVEN**, Director, Atlanta ICE Field Office; **MARKWAYNE MULLIN,** Secretary, Department of Homeland Security; **TODD BLANCHE** Acting Attorney General, *Respondents.*	Civil Action File No. TBA

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

I. INTRODUCTION

1. PETITIONER, MS. NADINE PIERRRE (henceforth, "Petitioner" or "Ms. Pierre"), by and through undersigned counsel, respectfully petition this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the unlawful revocation of Petitioner's Order of Supervision (henceforth, "OSUP") resulting in Petitioner's lawful detention by Respondents without notice, an individualized bond hearing, or any of the fundamental due process rights under the United States Constitution, or statutory regulations.

2. Alternatively, and/or additionally Petitioner challenges Respondents actions insofar that Petitioner never received a *Notice to Appear*, resulting in her inability to file any relief with the Immigration Court, prolonging her detention indefinitely (*Zadvydas v. Davis* 533 U.S. 678 (2001)).

3. Petitioner has been held in the custody of U.S. Immigration and Customs Enforcement ("ICE") at the Lumpkin Detention Center, Georgia since August 2025, a period of approximately almost twelve (12) months — without being served with a Notice to Appear, or appearing before an immigration judge for an individualized determination of whether she poses a danger to the community or a risk of flight, including her right to a custody and bond hearing.

4. Petitioner, a native and citizen of Haiti, was previously a Green Card holder, who has resided in the United States since 3/12/1989. She was taken into ICE custody on in around August 2025, whilst under the benefit of an OSUP, as well as employment work authorization documents. Her detention would no doubt result in the revocation of her OSUP and EAD's.

5. *Furthermore, On Sunday August 23rd, 2026, Ms. Pierre was notified she would be deported outside this court's jurisdiction, and from there removed to Haiti— 12 months after being detained with no notice. Making it near*

impossible to be returned. Petitioner requests that the court grant her ex parte TRO while it decides this petition.

6. Petitioner has strong family times, namely three adult United States Citizen (henceforth "USC") daughters facing significant life-debilitating diseases (see Exs. C-G). Petitioner also has a USC sister and father residing within close proximity. Petitioner ardently expresses that she is of good-moral-character. The criminal allegations laid against her in the "2010 criminal matter" disclosed in her affidavit (and below) are as a result of her ex-partner's conspiracy to intentionally and fraudulently consign the charges on her (Exs. C & R; Petr'rs Aff. at 31).

7. Continued detention on these facts— prolonged, indefinite, and without any individualized inquiry into presenting a danger or flight risk, violate Petitioner's Due Process Clause of the Fifth Amendment, as well as her constitutional liberty interests.

8. In addition, there is no legitimate interest in the government ignoring its own regulations that intend to ensure discretion afforded to government agents are not exercised arbitrarily (*Romero, et al. v. Ladwig et al.* 25-1106-JWD-EWD, 7 (M.D. La. Feb 06, 2026) citing *Rombot v. Souza*, 296 F. Supp 3d 383, 389 (D. Mass 2017)).

9. Petitioner respectfully requests that this Court grant the writ and directing her immediate release; or if necessary, in the alternative Petitioner requests that the Court direct Respondents to provide Ms. Pierre with an individualized [emergency] bond hearing before an immigration judge, at which the government bears the burden of justifying her continued detention by clear and convincing evidence, and such declaratory and injunctive relief as set forth in the *Prayer for Relief* below.

10. If a bond hearing is necessary, the Petitioner then requests an expedited hearing before this Honorable Court so that the Respondents may show cause as to why Petitioner has been subjected to prolonged detention, and without notice, bond or review.

II. JURISDICTION

11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, which authorizes federal courts to grant habeas relief to persons held "in custody in violation of the Constitution or laws or treaties of the United States"; 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States.

12. This Court further has jurisdiction to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201–2202, and to secure the constitutional

guarantees of the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, and the Due Process Clause of the Fifth Amendment.

13. Respondents have no authority to subject Petitioner to detention. (see Specifically, *Thuy, v. Streeval*, No. 1:26-cv-0063-VMC-JEM (N.D.Ga. May 18, 2026).

14. Petitioner had the benefit of an Order of Supervision (henceforth "OSUP") (Ex. N), and up to the point of detention; never violating its terms or obligations (Pet'r's. Aff. at 40). Once detained, Petitioner was never served nor was a *Notice to Appear* filed (as of June 25 2026[1]). A procedural defect justifying immediate termination of her detention, and placed back in the position she originally was in, protected by a government benefit and subject to adjustment of status in the future.

15. Petitioner's detention serves no legitimate statutory purpose, violates binding Eleventh Circuit precedent, and independently violates the Fifth Amendment's guarantee of due process. The sole full-time caregiver to three adult children with life-threatening illnesses; (each satisfying the *exceptional and extremely unusual hardship* threshold; (§240((A)(b)(1)(D)), *see generally*

[1] Petitioner's Counsel requesting a copy from the EOIR.

Pet'r's Exs. C to G) her removal would undoubtedly subject each of her adult USC children to unspeakable levels of hardship.

III. VENUE

16. Venue is proper in the Middle District of Georgia, Columbus Division, under 28 U.S.C. § 2241(a). Petitioner is physically confined at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, within the geographic boundaries of this District. Under *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004), for core habeas petitions challenging present physical confinement, venue lies in the district of confinement.

17. Venue is also proper under 28 U.S.C. § 1391(e)(1). The historical location of prior immigration hearings in Florida has no bearing on venue in this habeas action. Petitioner is currently detained in Stewart Detention Center, and since approximately February 2025, Petitioner's domicile and her dependent family members are in Macon, Georgia (*See Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 493–94 (1973)).

IV. PARTIES

A. Plaintiff.

18. PETITIONER, NADINE PIERRE a 52 y/o Haitian National; initially entered without inspection as a 17-year-old young girl. She later obtained Legal

Permanent Resident status, after which her LPR status was revoked following a questionable criminal conviction (Ex. C at 33-40). She was later afforded the benefit of an OSUP. Ms. Pierre has been detained at SDC since August 2025. She is the sole caregiver of three adult children with life-threatening illnesses requiring daily medical supervision and assistance. (Pet'r's Aff. at 21-41). She poses no danger to the community and no risk of flight.

B. Respondents.

19. RESPONDENT, JASON STREEVAL is the Warden of Stewart Detention Center and the immediate custodian of Petitioner, in his official capacity. He has been named as respondent in multiple analogous habeas proceedings before this Court. See *P.R.S. v. Streeval* (M.D. Ga. Nov. 24, 2025).

20. RESPONDENT, KRISTEN SULLIVEN, the ICE Atlanta Field Office Director, is the senior ICE official with supervisory authority over bond and custody determinations for detainees at Stewart Detention Center.

21. RESPONDENT, TODD LYONS is the Secretary of the Department of Homeland Security, named in his official capacity. DHS, through ICE, and is responsible for Petitioner's civil immigration detention.

22. RESPONDENT, TODD BLANCHE is acting Attorney General of the United States, named in his official capacity, with supervisory authority over

EOIR and the immigration courts in which Petitioner's proceedings have been adjudicated.

V. STATEMENT OF FACTS

a. Petitioner's Immigration and Detention History

23. Petitioner, has already suffered the cancellation of her LPR status following a questionable criminal conviction obtained through constitutionally defective proceedings as described below. She subsequently applied for asylum, in which the Immigration Judge denied that application and found her removable. Thereafter, Ms. Pierre successfully applied and obtained an OSUP. Ex. N.

24. Prior to her current detention, Petitioner resided in Florida. In early-2025, she relocated to Georgia. The circumstances under which her current OSUP has not been recognized, is not fully discernible from the record.

25. Following her arrest and current detention, Petitioner was never served with Notice to Appear, or Notice of Revocation. In response to her attempts to negotiate with her ICE officer, on each attempt she had been verbally told that she will shortly be removed. Petitioner was also denied bond during her bond hearing and bond redetermination hearing. Now still incarcerated, with no other form of relief, for almost 12 months.

26. Respondent's have provided Petitioner no evidence of any alleged violations of her OSUP terms and obligations, and no evidence of being a flight risk, harm to the public or imminent removal.

27. Petitioner is a caregiver of three vulnerable adult USC children, each with her own specific life-threatening illness. During Ms. Pierre's time in detention, each of her daughters has significantly continued to suffer mentally and physically, waiting for their mother's return Exs. C-G.

28. Petitioner asserts that the events surrounding her imprisonment occurred without constitutionally adequate notice or opportunity to be heard. As of June 25th 2026, the Immigration Court had no record of an NTA for Ms. Pierre.[2]

29. Since her arrival at SDC in August 2025, Petitioner sought a bond and bond redetermination hearing. Exs. I, K. The presiding Immigration Judge declined to exercise jurisdiction, disputing that the EOIR did not have jurisdiction to issue a Bond Order (Ex. J; Hr'g Tr. 1:13, 2:1-2). Petitioner has now been held for over 12 months without a lawful bond determination, or due process.

[2] June 25, 2026 was the latest confirmation by EOIR clerk- reviewing the Petitioner's file at the request of Petitioners counsel.

30. By way of summary, since August 2025:

a) Petitioner has been held at SDC without the right or capability to hold any other hearing;

b) Petitioner has not been served with a Revocation Notice;

c) Petitioner has not been served with a Notice to Appear nor is there any no known NTA on Petitioner's file;

d) Detainee's ECAS portal is closed off to Counsel —making it inaccessible in the usual manner to submit motions/petitions/ documentation in general, on the Detainee's behalf;

e) Ms. Pierre asserts that she has not violated the terms of her OSUP, yet has been detained in violation of her Fifth Amendment due process rights; and,

f) During her detention, on every occasion Ms. Pierre has attempted to speak with her officer to negotiate her release; the only response she receives is one threatening that her removal is imminent — silencing her from questioning her detention or attempting to negotiate terms of release with her officer.

b. Petitioner's Criminal History and Its Constitutional Infirmities.

31. Petitioner's 2015 removal proceedings. Ex. Q are grounded in a criminal conviction that in and of itself the product of a wrongful conviction and a constitutionally defective proceeding.

32. More than ten years ago, Petitioner was involved in a motor vehicle accident caused by a third-party driver who struck the vehicle she was a passenger in; that driver fled the scene.

33. Petitioner's ex- partner, Mr. Jean Sainlot (who had previously subjected her to extensive domestic abuse) was the driver of their vehicle. Pet'r's Aff. at 29-31. Following the accident, Mr. Saintlot engineered a fraudulent insurance scheme and conspired to place criminal liability on Ms. Pierre. Pet'r's Aff. at 31; Exs. C;R;S).

34. Sometime after the accident an arrest warrant, was issued in the Petitioner's name. Initially, Ms. Pierre had pled not guilty to the charges as a *pro se* defendant.

35. However, court-appointed counsel was later assigned to her matter and: (a) failed to explain the charges to Petitioner; and (b) failed to advise her of the immigration consequences of a guilty plea, as required by *Padilla v. Kentucky*, 559 U.S. 356 (2010); and (c) coerced her into accepting a guilty plea by threatening that she would face more than ten years of imprisonment if she

proceeded to trial. This constitutes ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984), and bears directly on the equitable calculus governing her detention.

VI. CLAIMS FOR RELIEF

Pursuant to § 2241, this Petition raises three (3) causes of action, as enumerated below:

36. Count I: Unlawful Re-detention and Revocation of Petitioner's Order of Supervision (OSUP) is Without Due Process and in Violation of the Fifth Amendment —and Contrary to Procedural Regulations Under 8 C.F.R §241.

37. Count II: Failure To Serve Petitioner with Notice of Revocation of Order of Supervision (OSUP) and/or *Notice to Appear* (Form I-862)) is a Violation of Procedural Regulations under 8 C.F.R. §241.13(i) — that Encroach on Petitioner's Constitutional Liberty Interests, Necessitating Immediate Release from Detention, and

38. Count III: In The Alternative, Petitioner's Continued Detention Exceeds the Presumptively Reasonable Period Under 8 U.S.C. § 1231(A)(6) and *Zadvydas v. Davis*.

COUNT I:

Unlawful Detention & Revocation of Petitioner's Order of Supervision (OSUP) is Without Due Process and in Violation of U.S. Const. Amend. V. — and Contrary to Procedural Regulations under 8 C.F.R. §241.4; 8 C.F.R 13

39. Petitioner restates and realleges all paragraphs as if fully set forth here.

40. 8 C.F.R §241.13(i) enumerates the procedural requirements should a foreign national violate conditions of an OSUP, these include but are not limited to, notification of reasons, and an opportunity to respond (sections 241.13(i)(1)-(3)).

41. The regulation separately requires that notice of the reasons for revocation as well as a prompt informal interview before detention are afforded (§ 241.13(i)(3)). The interview's purpose is to prevent wrongful detention on the front end.

42. Section 1231(a) provides that a detainee who has been released and then re-detained has a protectable liberty interest and a viable procedural due process claim distinct from and stronger than a *Zadvydas* claim (*Romero v. Ladwig*, No. 25-1106-JWD-EWD (M.D. La. Feb. 6, 2026) citing (*Trejo v. Warden of ERO El Paso E. Montana* 807 F.Supp.3d 697, 708 (W.D. Tex. Oct.

24, 2025); see also *Garcia v. Andrews*, No. 25-cv-1884, 2025 WL 1927596, at *3-5 (E.D. Cal. July 14, 2025); *Perez v. Berg*, 24-cv-3251 (PAM/SGE) at *1, 5-7 (D. Minn. Jan 06, 2025).

43. Prejudice may be presumed where compliance with regulations is mandated by the Constitution. Likewise, where an entire procedural framework, designed to ensure the fair processing of an action affecting an individual is created, but then not followed by an agency, it can be deemed prejudicial. *Delgado-Corea v. I.N.S.*, 804 F.2d 261, 263 (4th Cir. 1986) quoting *In re Garcia-Flores*, 17 I & N Dec. 325 (BIA 1980).

44. Petitioner must demonstrate prejudice resulting from violation of regulations by the Respondent's (*Romero* quoting *Accardi.)* Prejudice is presumed (no separate showing required) when an agency creates an entire procedural framework meant to ensure fair process and then fails to follow it (*Delgado-Corea v. Immigr. & Naturalization Serv.,* 804 F.2d 261, 263 (4th Cir 1986); *Romero v. Ladwig*, No. 25-1106-JWD-EWD * at 17 (M.D. La. Feb. 6, 2026)).

45. Here, Ms. Pierre's, position is substantially sounder than *Romero*. She never received either *Notice*, nor prompt *Informal Interview*.[3]

46. Additionally, Respondents have made no findings or produced evidence that Petitioner is a danger to the community, or produced evidence of 'changed circumstances' as required by §241.

47. Petitioner is not a flight risk because: (a) she is the only carer giver to her USC adult children that suffer exceptional and extremely unusual hardship; (b) she has been under supervision of the OSUP for over 10 years with no proof of violations or change of circumstances.

48. By detaining the Petitioner, Respondents have categorically violated their own regulations.

49. As incorporated in paragraphs 46 and 47 above, Respondent's violated of their own statutory regulations when detaining Petitioner, including providing no evidence of changes to facts of her circumstances. Separately, Respondent's actions violate Petitioner's constitutionally protected liberty interests. To date, Respondents have provided no evidence, proof of "satisfactory explanation" for its actions, "including a rational connection

[3] Only Gaston Sanchez in Romero received zero notice, as the other three Petitioner's received deficient notices.

between the facts found and the choice made" *Motor Veh. Mfrs. Ass'n v. State Farm Ins.*, 463 U.S. 29 (1983).

50. To the contrary, Respondents have detained Ms. Pierre for 12 months, with no revocation notice, internal interview, or explanation as to the justification behind detaining her and revoking the OSUP.

51. Ms. Pierre's matter is one of the most extreme examples of Respondent's violation of their own regulations and/or violation of constitutionally protected liberty interests (*Romero*). The Petitioner has been 12 months, with no explanation as to any alleged wrong doing; no opportunity for internal reviews; and no procedural reliabilities afforded. Any attempted negotiations with officers have been met with threats of removal (Pet'r's Aff).

52. While ICE retains broad discretion to revoke a foreign national's supervised release under the INA, that discretion is bounded by the regulations DHS itself has promulgated to implement the statute. See *Mohammed H. v. Trump*, 781 F. Supp. 3d 886, 895 (D. Minn. 2025) (citing *Accardi*). ICE's discretion under 8 C.F.R. § 241.13 does not include the authority to disregard the prompt-interview requirement of subsection (i)(3).

53. The *Romero* holding clearly spells out the due process prerequisite: before ICE can revoke an OSUP to effectuate deportation, its own regulation

requires an individualized finding that removal is "significantly likely in the reasonably foreseeable future" (8 C.F.R. § 241.13(i)(2)).

54. That is, if an OSUP is revoked for the purpose of effectuating deportation, ICE must show that 'on account of *changed circumstances'* there is a *significant likelihood'* that the Petitioner may be removed in the reasonably foreseeable future (8 C.F.R. § 241.13(i)(2)) *Romero* at* 9. The burden is on the agency to demonstrate Petitioner's removal is significantly likely to occur in the *reasonably foreseeable* future *Garcia-Aleman* at 4.

55. Ms. Pierre was detained in August 2025, during which she was the beneficiary of an ongoing OSUP. The department had previously assessed her against the statutory risk factors prior to conferring the OSUP. Additionally, she had not violated any terms of her OSUP. Therefore, the changed circumstances argument cannot stand.

56. Majority of courts throughout the country find that the Department's regulations mandate important procedural safeguards against wrongful detention. This is especially warranted in cases considering detention, following supervised release that deprives an individual of personal liberty. Even if the government has a discretion to revoke one's order of supervision, their constitutionally protected liberty interests are implicated by their confinement.

(*Romero v. Ladwig*, No. 25-1106-JWD-EWD (M.D. La. Feb. 6, 2026) citing *Villanueva v. Tate* 801 F. Supp. 3d 689, 695–704 (S.D. Tex. 2025)).

57. The fifth amendment due process clause forbids the government to deprive any person of liberty without due process of the law. What's more, individuals who have been conditionally released from detention have a protected interest in their continued liberty, this is true even when they released an individual subject to extensive conditions of release. The Romero Court joins the multitude of courts across the country, recognizing that non-citizens have an overwhelming liberty interest in their continued release under an Order of Supervision. *Romero* at *24.

58. The *Romero* Court and the *Trejo* Court, along with others around the country concur that noncitizens previously released on an OSUP, but now re-detained, enjoy a liberty interest that is stronger than the usual *Zadvydas* petitioner. *Romero* at * 26.

59. Petitioner has an overwhelming liberty interest in her continued supervised release that was entitled to due process protections. When ICE failed to follow its own mandatory regulations including affording Petitioner any meaningful notice or opportunity to be heard was *per se* prejudicial. For these

reasons, Petitioner is entitled to habeas relief and immediate release from detention *Romero,* (M.D. La. Feb. 6, 2026).

COUNT II:

Failure To Serve Petitioner with Notice of Revocation of Order of Supervision (OSUP) and/or *Notice to Appear* (Form I-862)) is a Violation of Procedural Regulations under 8 C.F.R. §241.13(i) —that Encroach on Petitioner's Constitutional Liberty Interests- Necessitating Immediate Release from Detention.

60. Petitioner restates and realleges all paragraphs as if fully set forth here, including those under "Count I" above.

61. When Ms. Pierre was detained by ICE agents nearly 12 months ago, and she was not served with a Notice to Appear (Form I-862), and she was not served with a Notice of Revocation of an Order of Supervision.

62. Instead, Ms. Pierre, a loyal, fearful mother of three USC adult children with significant health care needs has been perishing away at Stewart Detention Center with the intimidation of imminent removal above her.

63. It is a "firm rule of law," not merely a matter of discretion, that an agency must follow its own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 265 (1954); *Chevron Oil Co. v. Andrus*, 588 F.2d 1383, 1386 (5th Cir. 1979) ("We think *Accardi* stands for the unremarkable

proposition that an agency must abide by its own regulations."); *Gonzalez v. Reno*, 212 F.3d 1338, 1349 (11th Cir. 2000) ("Executive agencies must comply with the procedural requirements imposed by statute" and "must respect their own procedural rules and regulations.").

64. Courts around the country have repeatedly and consistently held that ICE's delay in providing the informal interview required by § 241.13(i)(3); whether measured in weeks or months, violates the regulation and renders the foreign national's continued detention unlawful:

i. In *Franco v. Warden, Baker Cnty. Det. Ctr.*, the court held that a delay of approximately four months between revocation of an OSUP and the informal interview "cannot be said to comply with the regulation," and ordered the petitioner's release within twenty-four hours. No. 3:26-cv-176-JEP-SJH, at *2–3 (M.D. Fla. Apr. 22, 2026).

ii. In *Grigorian v. Bondi*, the court found that ICE's failure to provide an informal interview for more than seventy-five days violated the analogous prompt-interview requirement in 8 C.F.R. § 241.4(l). No. 25-CV-22914-RAR, 2025 WL 2604573, at *9–10 (S.D. Fla. Sept. 9, 2025).

iii. In *Pham v. Warden*, the court held that "[a]n interview weeks or months after revocation of release is not a prompt initial informal

interview." No. 1:25-CV-1873 DC AC, 2026 WL 673404, at *13 (E.D. Cal. Mar. 10, 2026), rep. & rec. adopted, 2026 WL 849861 (E.D. Cal. Mar. 27, 2026).

iv. In *Bui v. Warden of the Otay Mesa Detention Facility*, the court held that an interview conducted four months after the petitioner's re-detention did not satisfy the "prompt" requirement. No. 25-CV-2111 JES DEB, 2025 WL 2988356, at *4 (S.D. Cal. Oct. 23, 2025).

v. In *M.S.L. v. Bostock*, the court concluded that an informal interview provided twenty-seven days after re-detention was not in compliance with the regulation. No. 6:25-CV-01204-AA, 2025 WL 2430267, at *11 (D. Or. Aug. 21, 2025).

65. Because ICE failed to provide Petitioner with a prompt informal interview after revoking her OSUP, as required by 8 C.F.R. § 241.13(i)(3), Petitioner's re-detention violates the INA's implementing regulations and the *Accardi* doctrine (*Franco*, at *2–3; *Fuentes v. Ripa*, No. 3:26-cv-134-MMH, 2026 WL 717982, at *3 (M.D. Fla. Mar. 16, 2026)). Petitioner is therefore entitled to immediate release, subject to the conditions of her pre-existing order of supervision.

66. For almost 12 years the Petitioner had been under the terms and conditions of an OSUP, abiding by those terms OSUP, afforded an employment authorization document, and raising three adult children Pet'r's Aff at 41-52.

67. From the time Ms. Pierre was wrongfully detained, she has not been afforded reasons for her detention, her alleged wrongdoing, reasons for revocation of her OSUP, or the ability to address her wrongful detention.

68. Here, it has been almost 12 months between the date of Petitioner's detention and the filing of this habeas petition, yet Ms. Pierre has received no notice revocation or informal review. Under the weight of the above authority, the delay not only violates 8 C.F.R. § 241.13(i)(3), but Petitioner would satisfy the requirement for immediate release far more than any of the aforementioned examples.

69. *Separately*, proof of service of a *Notice to Appear* (Form I-862) is non-existent in Petitioner's EOIR files, and Petitioner claims she was never personally served with an NTA Pet'r's Aff at 40.

70. Without a *Notice to Appear*, the Immigration Court has no authority over Ms. Pierre, compounding the Petitioner's due-process violations *Matter of*

Burmudez-Cota 27 I&N Dec. 441 (BIA 2018)[4] as in the Petitioner's case, the failure goes beyond 'the date and place of the proceedings.' Respondents should not be permitted to keep an individual in detention for twelve months with no accountability, to then be enabled to cure service and later serve the NTA.

71. Ms. Pierre's entire immediate family members are US citizens (being the mother of three USC children and her father and sister having obtained citizenship years ago). She wishes to exercise her rights and ability to vacate the underlying criminal charges, being the instigating cause of these immigration setbacks.

72. Following a six-month time period (*Zadvydas*) the agency has not demonstrated a significant likelihood of removal in the foreseeable future, or any evidence of changed circumstances in the case of this Petitioner.

73. However, to do so, she must first be released from SDC to carry out the various administrative and legal obligations.

---

[4] (In this matter the defect goes beyond just date and time). "The issue of whether a defective NTA deprives an immigration court of jurisdiction will continue to be litigated in the circuit courts and practitioners can continue to make and preserve jurisdictional arguments under *Pereira*. Unless and until a circuit court rules otherwise."—American Immigration Council, Practice Advisory, Notices to Appear: Legal Challenges and Strategies at 15 (Feb. 27, 2019), https://www.americanimmigrationcouncil.org/practice-advisory/notices-appear/.

COUNT III:

In The Alternative, Petitioner's Continued Detention Exceeds the Presumptively Reasonable Period Under 8 U.S.C. § 1231(A)(6) and *Zadvydas v. Davis*

74. Under the U.S. Const. amend. V., an individual threatened with the loss of liberty or property, due to actions by the federal government are entitled to due process of law.

75. The Petitioner, as a recipient of an Order of Supervision and employment authorization documents, in conformance with statue and regulations upon assurances she was eligible to secure such documents. She has a liberty interest in being able to obtain the benefits she was granted. The liberty interest flows from the statue and regulations which grant her the OSUP.

76. Petitioner followed all legal requirements to obtain the benefit. Respondents' unilateral efforts without due process have stripped her of those benefits is unlawful under the Fifth Amendment of the Constitution.

77. Petitioner restates and re-alleges the factual allegations set forth in the Statement of Facts above. To the extent this Court does not grant relief under Count I and/or II, Petitioner alternatively asserts the following independent ground for release.

78. Under 8 U.S.C. § 1231(a)(6) and *Zadvydas v. Davis*, 533 U.S. 678 (2001), the government may detain a noncitizen beyond the 90-day removal period only for so long as is reasonably necessary to effectuate removal; it may not detain a noncitizen indefinitely consistent with the Due Process Clause. *Id.* at 690, 699. Six months is the presumptively reasonable outer limit. *Id.* at 701. Once a petitioner provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the government to rebut that showing with evidence; if it cannot, the petitioner must be released. *Id.*; *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021).

79. Petitioner has now been detained for approximately twelve months — double the presumptively reasonable period, and considerably longer than the periods found unreasonable in the authority cited in Count I above. Respondents have offered no evidence, individualized or otherwise, of a significant likelihood that Petitioner will be removed in the reasonably foreseeable future. Continued detention on this record is no longer authorized by statute and is unconstitutional. For these reasons, and in the alternative to *Count I and/or II*, Petitioner is entitled to release from detention under 8 U.S.C. § 1231(a)(6), subject to the conditions of her preexisting Order of Supervision.

80. However, to date, Respondent and the immigration court have pushed back against the Petitioner's requests for custody and bond hearing. Exs. I, J, K.

81. Ms. Pierre was never served an NTA, and/or a Notice of Revocation. To date, almost 12 months later, she has not been afforded an informal interview and her prolonged detention is far beyond the tolerable *Zadvydas* time limit.

82. The government does not secure or attain any benefit from the prolonged and continued detention of Ms. Pierre. In reality, the government incurs a significant amount of costs and resources for each detainee.

83. It is settled-law that prejudice is presumed where an agency creates "an entire procedural framework designed to ensure fair processing" and then fails to follow it, particularly where compliance is constitutionally mandated *Accardi* and *Delgado-Corea.*

84. When ICE or another government agency's regulations have been created to protect and/or ensure a fair process (here, being the custody and bond hearing) then when the agency fails to follow those rules, especially when it is constitutionally mandated, prejudice is presumed. When such fundamental liberties are violated, the Petitioner is entitled to immediate release *Accardi* and *Delgado-Corea.*

85. When the Petitioner moved the Immigration Court for a custody and bond hearing in November 2025, Respondents acted with complete disregard to due process by failing to mention to the Immigration Court about Petitioner's OSUP, or right to internal review. Hr'g Tr at 8, 12; Ex. J.

86. Thus, under *Zadvydas* and the V. amend., Petitioner's Procedural Due Process rights have been violated, Petitioner is entitled to immediate release.

V. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;

2. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner;

3. Issue a Temporary Protective Order (TPO) and/or Temporary Restraining Order, immediately enjoining and restraining Respondents, their officers, agents, servants, employees, and all persons acting in concert with them, from removing, transferring, or further detaining Petitioner pending the resolution of this action[5];

[5] The Department is now attempting to wrongfully and expeditiously remove her without notice.

4. Declare that Respondents' revocation of Petitioner's Order of Supervision was unlawful, in violation of 8 C.F.R. § 241.13, the Due Process Clause of the Fifth Amendment of the United States Constitution;

5. Declare that Petitioner's Order of Supervision, and all conditions and benefits attached thereto, including any employment authorization issued in connection with that order, remain valid and in full force and effect;

6. Order Respondents to restore Petitioner to the same status, terms, and conditions of supervision that existed immediately prior to Petitioner's unlawful detention in August 2025 without imposition of new or more restrictive conditions, absent a constitutionally adequate, individualized hearing (only if legally required);

7. Declare that Petitioner's continued detention, without cause or justification, is improper and punitive in violation of the Due Process Clause.

8. *In the alternative*, Order Respondents to show cause within 48 hours of service, why Petitioner's continued detention without a Notice to Appear and/or a Notice of Revocation and Internal Review is lawful; and

9. Order Respondent's to immediately provide Petitioner with an [emergency] individualized bond hearing before an immigration judge, at which

Respondents bear the burden of proving by clear and convincing evidence that Petitioner's continued detention is justified.

10. Award Petitioner reasonable costs and attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority and

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

Respectfully submitted this 23rd day of August 2026.

/s/ Monar Amie Ead
Monar Amie Ead, esq.
Counsel for Petitioner
Georgia Bar no. 243034
Mead Legal, LLC
Ste 300/ 303 Perimeter Ctr. N.
Atlanta, Georgia 30346
(404) 510-5585
<mimi@meadlegal.co>

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent PETITIONER, MS NADINE PIERRE and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 23rd day of August, 2026

/s/ Monar Amie Ead

Monar Amie Ead, esq.
Counsel for Petitioner
Georgia Bar no. 243034
Mead Legal, LLC
Ste 300/ 303 Perimeter Ctr. N.
Atlanta, Georgia 30346
(404) 510-5585
<mimi@meadlegal.co>