Rishda Akida Zambrano Abu Helu
Country Of Birth: Venezuela
A-Number: [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815
Visitor Information: (229) 838-5000
Pro se

UNITED STATES DISTRICT
COURT MIDDLE DISTRICT OF GEORGIA

Rishda Akida Zambrano Abu Helu A-Number: [redacted] Proceeding Pro Se, Petitioner, v. _____, WARDEN/FACILITY ADMINISTRATOR, Stewart Detention Center; _____, FIELD OFFICE DIRECTOR, U.S. Immigration and Customs Enforcement, Atlanta Field Office; DAVID J. VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States, *Respondents.*	Civil Action No.: PETITION FOR WRIT OF HABEAS CORPUS

NATURE OF THE PROCEEDING

1. This is a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 seeking Petitioner Rishda Akida Zambrano Abu Helu's immediate release from unlawful civil immigration detention.
2. Petitioner is a Venezuelan national who entered the United States in November 2021 and has resided in the interior of the country for approximately five years. She established a home in Greensboro, North Carolina, where she lived with her wife and their U.S.-born daughter, worked as an electrician apprentice, filed tax returns, and complied with annual ICE reporting requirements.

3. On August 27, 2026, Petitioner voluntarily appeared for her annual ICE check-in in Charlotte, North Carolina, as she had done every year since 2022. Instead of conducting a routine check-in, ICE detained her. She was subsequently transferred to Stewart Detention Center in Lumpkin, Georgia.
4. As of August 31, 2026, Petitioner has been detained for approximately 4 days without an individualized bond hearing before a neutral adjudicator.
5. Petitioner has a pending asylum application and a pending removal case before the Immigration Court. Her next hearing is scheduled for September 24, 2026, before Immigration Judge Steven B. Fuller. No final order of removal has been entered.
6. Petitioner has no criminal convictions. A Certified Criminal Record Search from Guilford County Superior Court, dated August 28, 2026, confirmed that no record was found.
7. Petitioner is the primary economic provider for her wife, who is recovering from a cesarean delivery and gallbladder surgery, and for their four-month-old daughter, [redacted] Salerno-Zambrano, born in Greensboro, North Carolina, who is exclusively breastfed.
8. Respondents' detention of Petitioner without a bond hearing is unlawful because her arrest at an ICE check-in in Charlotte, North Carolina, places her under the discretionary detention framework of 8 U.S.C. § 1226(a), not the mandatory detention provisions of § 1225(b)(2). Her continued confinement without a bond hearing violates the Due Process Clause of the Fifth Amendment. The proper habeas remedy is immediate release.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction to grant a writ of habeas corpus pursuant to 28 U.S.C. § 2241(a). Petitioner is in the custody of Respondents and challenges her detention

as being in violation of the Constitution and laws of the United States.

2. The statutory restrictions of 8 U.S.C. § 1252 do not eliminate habeas jurisdiction over custody challenges. The protections of habeas corpus are especially strong against executive detention. INS v. St. Cyr, 533 U.S. 289, 301 (2001).
3. Venue is proper in the Middle District of Georgia because Petitioner is physically confined at the Stewart Detention Center, located in Lumpkin, Georgia, which lies within this District. See Ochoa-Ochoa v. Gillis (M.D. Ga. 2013) (confirming venue for habeas petitions from Stewart Detention Center lies in the Middle District of Georgia).

PARTIES

1. Petitioner RISHDA AKIDA ZAMBRANO ABU HELU is a native and citizen of Venezuela, born on [redacted], in Coro, Venezuela. Her Alien Registration Number is [redacted]. She is currently detained by Respondents at the Stewart Detention Center.
2. Respondent WARDEN of the Stewart Detention Center is the individual with immediate physical custody of Petitioner.
3. Respondent FIELD OFFICE DIRECTOR, ICE ENFORCEMENT AND REMOVAL OPERATIONS, ATLANTA FIELD OFFICE, is the ICE official responsible for detention operations in the region where Petitioner is detained.
4. Respondent DAVID J. VENTURELLA is the Acting Director of U.S. Immigration and Customs Enforcement.
5. Respondent MARKWAYNE MULLIN is the Secretary of the U.S. Department of Homeland Security.
6. Respondent TODD BLANCHE is the Acting Attorney General of the United States.

STATEMENT OF FACTS

1. Petitioner was born on [redacted], in Coro, Venezuela. She is a citizen of Venezuela.
2. Petitioner entered the United States in November 2021 by crossing the southern border. She has resided in the interior of the United States for approximately five years.
3. Petitioner established a residence at [redacted]. This address is documented by a Duke Energy bill dated August 24, 2026, just days before her detention, City of Greensboro utility bills, her North Carolina driver's license, her Employment Authorization Document, and her 2023 federal and state tax returns.
4. Petitioner has a pending asylum application (Form I-589). Her Employment Authorization Document (EAD), Category C08, is valid from May 9, 2025, through May 8, 2030.
5. Petitioner holds a North Carolina driver's license issued on August 3, 2023, with expiration date of March 2, 2031.
6. Petitioner filed federal and North Carolina state tax returns for the 2023 tax year, listing her occupation as laborer and her address in Greensboro.
7. Since August 2022, Petitioner has reported annually to ICE in Charlotte, North Carolina. She has never missed a check-in. Her August 27, 2026 appearance was approximately her fifth annual presentation.
8. On August 14, 2024, Petitioner married Stefania Salerno Chirinos in Guilford County, North Carolina.
9. On [redacted], Petitioner's daughter, [redacted] Salerno-Zambrano, was born at Cone Health Moses Cone Hospital in Greensboro, North Carolina. [redacted] is approximately four months old.

10. Petitioner's wife, Stefania, gave birth via cesarean section and recently underwent gallbladder surgery. She is recovering and unable to return to work immediately.
11. Petitioner's daughter is exclusively breastfed. Petitioner was the primary economic provider for her family before her detention.
12. Since April 2024, Petitioner has worked as an electrician apprentice and is a member of IBEW Local Union 342.
13. Petitioner has no criminal history. A Certified Criminal Record Search from the Guilford County Superior Court, dated August 28, 2026, certified that "no record was indexed by the name(s) given above." A Defendant Record Check for Guilford County returned "No Defendants were found for the criteria provided."
14. Petitioner has strong community ties. Multiple support letters have been submitted by Dewayne Elliott Collins, Travon Jordan Wade Lett, Christopher Dalton Leverett, and Yakelin Luna Buchillon, a United States citizen. All describe Petitioner as hardworking, responsible, peaceful, dedicated to her family, and not a danger to the community.
15. On August 27, 2026, Petitioner voluntarily appeared for her annual ICE check-in in Charlotte, North Carolina. She arrived at approximately 8:00 AM. At approximately 11:40 AM, ICE informed her that she was detained. She was placed in handcuffs and transferred to another room. This was not a border arrest, a criminal arrest, or a traffic stop. Petitioner was voluntarily complying with ICE reporting requirements.
16. On August 28, 2026, Petitioner was transferred to the Stewart Detention Center in Lumpkin, Georgia.
17. During the transfer process, Petitioner went from approximately 8:00 AM to 11:00 PM without being provided food. She experienced nausea and vomited more than once. She

was transported in handcuffs and shackles that left marks on her body.

18. Upon arrival at Stewart Detention Center, Petitioner was involved in a frightening incident in which a man in an orange uniform approached the women in the processing area, stared at her, and began laughing. Petitioner feared for her safety. She and other women moved toward the guards. The man was removed. Petitioner and another woman suffered panic attacks. Since that incident, Petitioner has experienced nightmares, anxiety, and recurring panic attacks.
19. Petitioner's removal case is pending before the Immigration Court. EOIR confirms that the case is pending, that no final order of removal has been entered, and that no appeal has been filed with the Board of Immigration Appeals.
20. Petitioner's next hearing is a preliminary hearing scheduled for September 24, 2026, at 8:30 AM, in person, before Immigration Judge Steven B. Fuller, at the Lumpkin, Georgia Immigration Court.
21. Petitioner has never previously filed a petition for a writ of habeas corpus or a motion for bond.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. If ICE is improperly classifying Petitioner under a mandatory detention policy such as 8 U.S.C. § 1225(b)(2), an Immigration Judge would lack jurisdiction to conduct a custody determination.
2. This Petition raises constitutional claims under the Due Process Clause of the Fifth Amendment. Administrative bodies lack the authority to adjudicate these constitutional claims.

3. Requiring Petitioner to exhaust administrative remedies that are unavailable or futile would serve no legitimate purpose while she suffers an ongoing deprivation of her liberty.

FIRST CLAIM FOR RELIEF SECTION 1226(a) GOVERNS DETENTION, NOT SECTION 1225(b)(2)

1. Petitioner was arrested at an ICE check-in office in Charlotte, North Carolina, approximately five years after her entry in November 2021. She was not at a border, port of entry, or seeking admission to the United States. She was voluntarily complying with ICE reporting requirements.
2. Under Jennings v. Rodriguez, 138 S. Ct. 830, 842-43 (2018), 8 U.S.C. § 1226(a) provides the default detention framework for aliens already present in the United States while their removal proceedings are pending, and it expressly permits release on bond or conditional parole.
3. The mandatory detention provision of 8 U.S.C. § 1225(b)(2) applies to applicants for admission at borders or ports of entry, not to persons arrested in the interior after years of continuous residence and voluntary compliance with ICE reporting requirements.
4. Because Petitioner's detention is properly governed by § 1226(a), she is statutorily entitled to seek release on bond.

SECOND CLAIM FOR RELIEF NO QUALIFYING CRIMINAL CONVICTION: SECTION 1226(c) DOES NOT APPLY

1. The mandatory detention provision of 8 U.S.C. § 1226(c) requires a qualifying criminal conviction.
2. Petitioner has no criminal convictions. A Certified Criminal Record Search from Guilford County Superior Court, dated August 28, 2026, confirmed that no record was found.

3. Because no qualifying criminal conviction exists, mandatory detention under § 1226(c) is inapplicable, and Petitioner is entitled to the discretionary bond framework of § 1226(a).

THIRD CLAIM FOR RELIEF DETENTION WITHOUT A BOND HEARING VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

1. The Due Process Clause of the Fifth Amendment protects all persons within the United States from arbitrary physical restraint. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).
2. Petitioner was detained while voluntarily appearing for an ICE check-in. She has been held without any individualized custody hearing before a neutral adjudicator.
3. Under the three-part balancing test of Mathews v. Eldridge, 424 U.S. 319, 335 (1976), Petitioner's due process rights require an immediate bond hearing: a. Private Interest: Petitioner's interest in her liberty is profound. She is the primary economic provider for her wife, who is recovering from surgery, and for her four-month-old exclusively breastfed daughter. She has five years of established residence, a valid EAD, stable employment, and deep community ties. b. Risk of Erroneous Deprivation: The risk of error is exceptionally high. Without a hearing, no neutral decision-maker has assessed her extensive community ties, lack of any criminal convictions, voluntary compliance with ICE reporting, or other factors weighing against detention. c. Government's Interest and Burden: The government's burden in providing a routine bond hearing is minimal compared to the severe deprivation of liberty.
4. The fact that Petitioner was detained while voluntarily complying with ICE reporting requirements makes the denial of process particularly egregious. She was not apprehended while fleeing or committing a crime. She presented herself as required, and was detained without any pre-deprivation hearing.

5. Respondents' failure to provide Petitioner with an individualized bond hearing violates the Due Process Clause of the Fifth Amendment.

FOURTH CLAIM FOR RELIEF IMMEDIATE RELEASE IS THE PROPER HABEAS REMEDY

1. The core function of the writ of habeas corpus is to secure release from unlawful physical custody. Preiser v. Rodriguez, 411 U.S. 475, 484 (1973). The protections of habeas corpus are especially strong against executive detention. INS v. St. Cyr, 533 U.S. 289, 301 (2001).
2. The government has shown no justification for detaining Petitioner that outweighs her profound liberty interest. She has no criminal record, a pending asylum claim, a valid EAD, a U.S.-born four-month-old daughter who is exclusively breastfed, a wife recovering from surgery, five years of residence, stable employment, and deep community and family ties.
3. The Court should restore the status quo ante by ordering Petitioner's immediate release from custody under appropriate conditions of supervision.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Grant the Petition for Writ of Habeas Corpus;

B. Declare that 8 U.S.C. § 1226(a) governs Petitioner's custody and that mandatory detention under § 1225(b)(2) and § 1226(c) does not apply;

C. Declare that Respondents' denial of a bond hearing violates the Due Process Clause of the Fifth Amendment;

D. Require Respondents to show cause within seven (7) days why the writ should not issue;

E. Order Respondents to release Petitioner immediately from physical custody under appropriate

conditions of supervision;

F. Alternatively, if the Court declines to order immediate release, require Respondents to provide Petitioner with an individualized bond hearing under 8 U.S.C. § 1226(a) before a neutral adjudicator within seven (7) days, at which the government bears the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or a risk of flight;

G. Prohibit Respondents from transferring Petitioner outside the Middle District of Georgia or removing her from the United States while this Petition is pending;

H. Retain jurisdiction until Respondents demonstrate full compliance; and

I. Grant such other relief as the Court deems just and proper.

VERIFICATION

I, Rishda Akida Zambrano Abu Helu, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 2, 2026.

Rishda Zambrano

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