

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

Allison Athziri BUSTILLO
CHINCHILLA
Petitioner,

v.

TERRANCE DICKERSON, *in his official capacity*
as Warden of Stewart Detention Center, and
TODD LYONS, *in his official capacity as Acting*
Director of Immigration and Customs Enforcement
and GEORGE STERLING, *Field Office Director*
ICE Atlanta Field Office, and KRISTI NOEM
Secretary of Homeland Security,
Respondents.

Case No. 4:25-CV-260

**PETITION FOR WRIT
OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner Allison Athziri Bustillo Chinchilla ("Allison"), A#  is a 20-year-old citizen and national of Honduras who has lived in the United States since she was nine years old. She is currently detained at Stewart Detention Center in Lumpkin, Georgia.
2. Allison has been detained by Immigration and Customs Enforcement (ICE) since February 25, 2025, while removal proceedings are pending. Her prolonged detention is unconstitutional and inhumane in light of her serious medical vulnerabilities and deteriorating health, as detailed in the attached medical declaration.

3. Petitioner respectfully requests that this Court find that her prolonged detention violates the Due Process Clause of the Fifth Amendment and applicable statutory and regulatory provisions, and to order her release on bond or other appropriate conditions pending the outcome of her removal proceedings. The failure to provide adequate medical care, particularly in light of her deteriorating neurological condition, further violates her constitutional rights.

JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq.
5. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper in this District because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, which lies within the Columbus Division of the Middle District of Georgia. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

10. Petitioner Allison Athziri Bustillo Chinchilla is a 20-year-old Honduran national currently detained at Stewart Detention Center. She is under the physical custody and control of Respondents and their agents.
11. Respondent Terrance Dickerson is the Warden of Stewart Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.
12. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (hereinafter “ICE”). As such, Respondent Lyons is responsible

for the oversight of ICE operations. Respondent Lyons is being sued in his official capacity. Respondent Alejandro Mayorkas is sued in his official capacity as Secretary of the U.S. Department of Homeland Security ("DHS"). He oversees ICE and is responsible for implementation and enforcement of the INA. He is a legal custodian of Petitioner.

13. Respondent George Sterling is the Atlanta Field Office Director for Immigration and Customs Enforcement (hereinafter "FOD"). As such, Respondent Sterling is responsible for the oversight of ICE operations at the Stewart Detention Center. Respondent Sterling is being sued in his official capacity.

14. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (hereinafter "DHS"). As Secretary of DHS, Secretary Noem is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary Noem is being sued in her official capacity.

STATEMENT OF FACTS

15. Petitioner arrived in the United States on March 31, 2014, at the Bridge of the Americas Port of Entry in El Paso, Texas, when she was nine (9) years old. She lacked a valid entry document and was paroled into the United States. (EXH A, Notice to Appear)

16. In 2015, the petitioner's mother failed to comply with ICE requirements by missing check-ins. At that time, Allison was only 10 years old, resulting in

the lapse of her compliance through no fault of her own. (EXH B. ICE Check-In Sheet)

17. Petitioner has since resided continuously in the United States of America for more than ten (10) years. She graduated from Crest High School in 2023 with academic honors and was admitted to Gardner-Webb University. There have been no criminal charges, and no indication that anything has changed.
18. On the morning of February 25, 2025, at approximately 8:00 a.m., Petitioner, Allison, was in the kitchen of her home when she observed several vehicles arriving and multiple armed men exiting them. She immediately called her mother to report the presence of the men, but before she could receive further guidance, they forcibly entered the home by breaking down the front door. At the time, Allison was inside with her 17-year-old brother, who is homeschooled, her 9-year-old brother, who is autistic, and her 8-year-old brother. The men stated they were searching for an individual named Eduardo Luján.
19. While the search was ongoing, Allison's mother arrived and informed the agents she used to rent Mr. Luján a room, but he no longer resided in the home. She even directed them to his current location within the condominium complex. Despite this information, the agents took Allison, her mother, and her 17-year-old brother into custody. The three were held in a hotel for four days. During transport, Allison's 17-year-old brother was shackled from his hips to his hands, an unnecessarily harsh and traumatic measure for a minor

with no criminal history. Thereafter, because Allison was 20 years old, she was separated from her family, taken to a jail in Winston-Salem for one day, and subsequently transferred to an immigration detention facility in Georgia. (EXH C. News Report)

20. While in ICE custody, Petitioner's health has significantly deteriorated, as documented in the attached medical declaration (EXH D, Medical Expert Declaration). She has experienced fainting, dehydration, panic attacks, and severe gastrointestinal distress, including the presence of blood in her stool. ICE medical staff have documented that her current medications are ineffective and that she continues to suffer despite ongoing treatment.
21. The medical declaration details the inadequate and delayed medical care provided to Petitioner while in ICE custody. Of particular concern are:
- **Mental Health:** Anxiety and possible PTSD, with no psychiatric evaluation or medication despite specific requests.
 - **Gastrointestinal:** Unresolved acid reflux, abdominal pain, and constipation, with rectal bleeding, warranting further investigation for conditions beyond GERD.
 - **Neurological:** Left-sided neurological deficits (weakness, sensory changes) with cervical pain and scoliosis history, requiring urgent and comprehensive neurological evaluation (MRI).
22. Petitioner has been repeatedly admitted to medical observation and prescribed numerous medications, including Acid Gone, Omeprazole,

Naproxen, Dulcolax, and Polyethylene Glycol. Despite these efforts, her symptoms persist.

23. Petitioner has reported that the conditions of detention exacerbate her physical and mental health symptoms, cause extreme discomfort, and contribute to her medical decline. She does not feel safe in custody.

24. Petitioner has no criminal history and poses no danger to the community. She has significant family and community ties in Charlotte, North Carolina, and is not a flight risk.

25. ICE has not provided an individualized determination that her detention is necessary, nor has it adequately considered alternatives to detention, such as release on bond or supervised release, despite her serious medical condition.

LEGAL FRAMEWORK

27. Habeas corpus relief extends to a person “in custody under or by color of the authority of the United States” if the person can show she is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden*, U.S.P. Atlanta, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner’s claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).

28. “[H]abeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that “[t]he court shall ... dispose of [] as law and justice require,” 28 U.S.C. § 2243. “[T]he court’s role was most extensive in cases of

pretrial and noncriminal detention.” *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008) (citations omitted). “[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner’s release.” *Id.* at 787.

29. The Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law. *See generally Demore v. Kim*, 538 U.S. 510 (2003).

30. Under INA § 236(a), 8 U.S.C. § 1226(a), civil detention pending removal proceedings must be reasonable in relation to its purpose and accompanied by adequate procedural safeguards.

31. Detention during the pendency of removal proceedings must be based on an individualized determination of necessity, considering factors such as flight risk and danger to the community. *See, e.g., Diop v. ICE/Homeland Sec.*, 658 F.3d 229 (3d Cir. 2011).

32. ICE's failure to provide medically necessary care violates the constitutional requirement that civil confinement must not amount to punishment. *See Kingsley v. Hendrickson*, 576 U.S. 389 (2015). This is especially true where, as here, the medical condition is exacerbated by detention.

CLAIMS FOR RELIEF

COUNT ONE: Violation of Fifth Amendment Right to Due Process

31. The allegations in the paragraphs 1-32 are realleged and incorporated herein.
32. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall be ... deprived of life, liberty, or property, without due process of law.” U.S. CONST. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.
33. Under the civil-detention framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.
34. Petitioner's detention has become unconstitutionally prolonged without an individualized bond hearing. She has now been in ICE custody since February 25, 2025, with no opportunity to seek release before an immigration judge, despite her serious medical conditions and strong community ties.
35. Civil detention may not be punitive in nature or effect. Yet Petitioner has been subjected to harsh and degrading conditions at Stewart Detention Center, including multiple admissions to medical observation, untreated or worsening health symptoms, and denial of adequate medical care, all of which exacerbate her mental and physical health. (EXH. E Parole Denial)

36. ICE has violated procedural due process by failing to provide Petitioner a constitutionally sufficient process to challenge her continued detention, such as an individualized bond hearing before a neutral adjudicator.

37. For these reasons, Allison Athziri Bustillo Chinchilla's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO: Violation of 8 U.S.C. § 1226(a) and Implementing Regulations

36. The allegations in paragraphs 1-32 are realleged and incorporated herein.

37. 8 U.S.C. § 1226(a) authorizes detention during removal proceedings, but that detention must be reasonable and not arbitrary.

38. ICE's detention of Petitioner is unreasonable because no-one has made an individualized determination that she is a flight risk or a danger to the community. Moreover, her serious medical conditions and the lack of adequate medical care make her detention particularly unreasonable.

39. ICE's policies and practices violate 8 U.S.C. § 1226(a) and the Fifth Amendment because they do not provide for adequate consideration of alternatives to detention for individuals with serious medical conditions.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

- (3) Declare that Allison Athziri Bustillo Chinchilla's detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1226(a);
- (4) Order Respondents to provide Petitioner with an individualized bond hearing before an immigration judge, or, in the alternative, to release Petitioner on bond or other appropriate conditions immediately;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Helen L Parsonage
Helen L. Parsonage, Esq.
NC Bar No. 35492
328 N Spring Street
Winston-Salem, NC 27101
Telephone: (336) 724 2828
hparsonage@emplawfirm.com

Counsel for Petitioner

CERTIFICATE OF COMPLIANCE

I hereby certify that the document to which this certificate is attached has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1 for documents prepared by computer.

/s/ Helen L Parsonage
Elliot Morgan Parsonage, PLLC
328 N Spring St.
Winston-Salem, NC 27101
NC Bar # 35492
GA Bar # 435330
Attorney for Petitioner

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Allison Athziri BUSTILLO CHINCHILLA

(b) County of Residence of First Listed Plaintiff Stewart
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Helen L. Parsonage, 328 N Spring Street, Winston-Salem, NC 27101

DEFENDANTS

Terrance Dickerson, Todd Lyons, George Sterling, Kristi Noem

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241(c)(1)Brief description of cause:
Habeas Corpus

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/13/2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Helen Parsonage

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 12/06/2004

Event No: CLT2502000245

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: ALLISON ATHZIRI BUSTILLO-CHINCHILLA

currently residing at:

See Continuation Page Made a Part Hereof

(229) 838-5000

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☒ You are an arriving alien.
- ☐ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS;
3. You applied for admission at BRIDGE OF THE AMERICAS TX on March 31, 2014;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

146 CCA RD, PO BOX 248, LUMPKIN, GEORGIA 31815. EOIR Lumpkin, GA

(Complete Address of Immigration Court, including Room Number, if any)

on April 30, 2025 at 1:00 PM

(Date)

(Time)

to show why you should not be removed from the United States based on the

charge(s) set forth above.

TARTANGER STEPHENS - Supervisory Detention and

(Signature and Title of Issuing Officer)

Date: April 13, 2025

Lumpkin, GA

(City and State)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <http://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Alien's Name BUSTILLO-CHINCHILLA, ALLISON ATHZIRI	Event No: [REDACTED]	Date 04/13/2025
CURRENTLY RESIDING AT: ----- Stewart Detention Center 146 CCA ROAD Lumpkin, GEORGIA 31815		
ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW: ----- 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.		
Signature TARTANGER STEPHENS	Title Supervisory Detention and Deportati	

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(a)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on April 13, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

KIRK (KRSJ 11365) SCOTT -
Deportation Officer

(Signature and Title of officer)

They fight for the release of Allison Bustillo, detained by ICE in Charlotte.

enlacialatinonc.org/en/They-are-fighting-for-the-release-of-Allison-Bustillo--detained-by-ICE-in-Charlotte.

Patricia Ortiz

June 10, 2025



The morning of February 20th turned chaotic at Keily Chinchilla's home when armed ICE agents violently burst into her east Charlotte apartment. Her children, ages 20, 17, 9, and 8, were present. Chinchilla was working at a construction site at the time.

Her 20-year-old daughter, Allison Bustillo, was babysitting her younger siblings when she saw several ICE agents and other agencies arriving through the window. She quickly locked herself in the room with her three siblings.

The young woman managed to call her mother to let her know that ICE was arriving, but after a few seconds the call was interrupted by a loud bang.

"The officers didn't knock, but they just slammed the door and entered our apartment with high-caliber weapons. That terrified my children, it was horrible," Keily told **Enlace Latino NC**.

They were looking for someone else

Keily, of Honduran origin, left work immediately and at the same time received a call from an ICE agent telling her they needed her to come to her home to identify a person they were looking for.

"They were looking for a man I rented a room from last year. When I lost my job, I had to do it to cover the bills," said the Honduran mother.

However, because they could not show documents from this country, Keily, her daughter Allison, and her son Hanzel Bustillo, 17, ended up arrested by immigration agents.

Her youngest children, born in this country, Noah, 9, who suffers from severe autism, and Alan, 8, were left in the care of other relatives.

Only Allison was sent to Georgia

Although Keily and her son were released after a few days from being held in a Hilton hotel room in Charlotte, she was told that Allison, being an adult, would remain in custody. She was later transferred to a detention center in Georgia, where he has been since February 26.

"She has been my right hand, she helped me take care of her little brothers, she has been a very sweet girl, and dedicated to her studies," Keily told **Enlace Latino NC**.

Allison has distinguished herself as a young fighter who, despite her immigration status and suffering from scoliosis, graduated with a degree in nursing assistant from Cleveland Community College. She won a \$60,000 scholarship to continue her studies at Garner Webb University in North Carolina, which she has been unable to take advantage of due to her immigration status.

You may be interested: What rights do you have in immigration court and how can you enforce them?

Petition to Senator and Fundraising

Since her daughter's arrest, Keily has waged a battle to have her released from Immigration and Customs Enforcement (ICE) custody at the Stewart Detention Center in Lumpkin, Georgia.

The mother started a petition on the platform [Change.org](#), which already has 755 signatures, is addressed to Georgia Democratic Senator Jon Ossoff, asking him to advocate on their behalf before immigration authorities.

He also started a fundraising campaign on the platform [Gofundme](#), to pay the [legal representation](#) that her daughter needs. The campaign has garnered support from 241 donors, with the goal of raising at least \$10,000. She also created a video describing the situation her daughter and her family are going through, starting with the ICE "visit" to their home.

Young fighter, good student and compassionate

The messages posted on both platforms say the following about the young woman: "Allison arrived in the United States at age 8 with her mother and siblings, fleeing danger in Honduras."

"Despite growing up undocumented due to the cancellation of the program [DACA](#)"Allison excelled in school, graduating with a degree in nursing assistant and earning a \$60,000 scholarship to attend Gardner-Webb University in North Carolina," the two platforms read.



Allison Bustillo has been her mother Keily's right-hand woman, helping her at home by taking care of her younger siblings, one of whom has severe autism/Courtesy

"She was building a life dedicated to helping others, until ICE took it away from her. This request is personal and urgent," the message continues.

"Allison has no criminal record. She was kidnapped during a mistaken identity operation and has now been separated from her family for over three months. Known for her compassion, she worked in nursing homes, providing essential care to the elderly, and plays a key role in raising her younger siblings, one of whom is autistic," the message states.

You may be interested in: [Immigration Court Hearings by Video Call: Who Can Request It and How to Do It](#)

They don't want to give him bail.

Allison Bustillo's case is complicated because, although Keily hired the services of immigration attorney Marty Rosenbluth, known for handling and winning some high-profile cases involving immigrants arriving at detention centers in Georgia, she has not been granted bail.

"We're seeking bail, but the hearing has been canceled three times. The judge says she doesn't have jurisdiction over her case because she entered the country legally. Although her lawyer says the parole was accepted, ICE has refused to release her," the mother says.

They fear for Allison's health

Keily says that she is very concerned about her physical health and mental of her daughter, due to poor nutrition and the inhumane conditions of the federal prison.

"She's suffering from anxiety, and because her scoliosis hasn't been treated, she's gotten sicker. She says people are dying, women are losing their babies, and they're not getting medical treatment. She told me she feels like something's wrong with her stomach because she's bleeding," the Honduran woman said.

With hope to continue fighting to stay in the country

After nearly three months of this legal battle for Allison's freedom, her mother remains hopeful of having her back with her.

"I hope my daughter has the opportunity to stay in this country. She's more of a local, since she doesn't know anything about Honduras. She has everything here: her family, her future," the mother said.

She, for her part, also faces her own legal battle, because, although she was released on parole with her 17-year-old son, she must wear a shackle and chose to remain in this country.

"After we were detained, while we were at the ICE office in Tyvola, they gave us the credible fear interview, and they told me the only solution for us was to be deported to Mexico, and that they would give us tickets," Keily said.

According to Keily, she refused to accept that solution and argued that because she has two children born in this country, one of whom has autism, and because she had been in the country for more than 10 years, she wanted to stay and fight her case.

EXHIBIT D

EXHIBIT E

U.S. Department of Homeland Security
Office Address
City, ST Zip00



U.S. Immigration
and Customs
Enforcement

Date 06/24/2025

BUSTILLO-Chinchilla, Allison
146 CCA Road
Lumpkin, Georgia 31815



In Reference to: A #



NOTIFICATION DECLINING TO GRANT PAROLE

Dear: **Allison BUSTILLO-Chinchilla**

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided not to parole you from detention at this time. Under ICE policy, arriving aliens determined by an Asylum Officer to have a credible fear of persecution or torture are initially considered for parole. While the decision whether to grant parole is discretionary, ICE policy is generally to grant parole to aliens determined to have a credible fear if they establish their identity and that they pose neither a flight risk nor danger to the community.

As part of its determination whether to parole you, on 06/10/2025, ICE conducted an initial interview with you. Your immigration files and any supplemental documentation that you provided were reviewed at that time. After reviewing all available information, ICE has determined that parole is not appropriate in your case at this time based on the following reason(s):

- ☐ You have not established your identity to the satisfaction of ICE.
 - ☐ You did not present valid, government-issued documentation of identity, or any documents you submitted did not, to ICE's satisfaction, establish your identity.
 - ☐ You did not provide third-party verification of your identity, or any third-party information you provided did not, to ICE's satisfaction, establish your identity.
 - ☐ You did not, to ICE's satisfaction, establish your identity through credible statements.
- ☐ You have not established to ICE's satisfaction that you are not a flight risk.
 - ☐ You failed to provide, to ICE's satisfaction, a valid U.S. address where you will reside while your immigration case is pending.
 - ☐ You did not establish, to ICE's satisfaction, substantial ties to the community.
 - ☒ Imposition of a bond or other conditions of parole would not ensure, to ICE's satisfaction, your appearance at required immigration hearings pending the outcome of your case.

☐ You have not established to ICE's satisfaction that you are not a danger to the community or U.S. security. In making this determination, ICE has taken into account any evidence of past criminal activity, activity contrary to U.S. national security interests, activity giving rise to concerns of public safety or danger to the community, disciplinary infractions or incidents, or other criminal or detention history that shows you have harmed or would likely harm yourself or others.

☐ Additional exceptional, overriding factors (e.g., law enforcement interests or potential foreign policy consequences) in your case militate against parole, as follows:

☐ ICE previously provided you with a written decision declining to grant parole, and you have failed to provide additional documentation or to demonstrate any significant changed circumstances which would alter ICE's previous determination.

You may request a redetermination of this decision in writing, based upon changed circumstances in your case or additional documentation you would like ICE to consider. Such changed circumstances or documentation should relate to the reason(s) indicated above why ICE is not paroling you from custody at this time. For example, if you have not established your identity to ICE's satisfaction, you may wish to consider providing previously unfurnished government-issued documents such as passports, birth certificates, or identity cards. Identity can also be established through written statements prepared by individuals whom you know in the United States and whose identity ICE can verify to its satisfaction. These statements should include the address of the person you know in the United States and evidence of his or her identity. Finally, if there are multiple grounds checked above, you should try to provide further evidence addressing each of them.

If you request redetermination of this decision, please direct your written request to the address above, include a copy of this letter and any other prior ICE written decision(s) declining to grant you parole, and clearly explain what changed circumstances or additional documents you would like considered. Failure to provide satisfactory documentation and explanation may result in a denial of your request for redetermination.

Sincerely,

DAN H JONES

Digitally signed by DAN H
JONES
Date: 2025.06.25 11:28:27
-04'00'

Jarvis McMillar
Acting Field Office Director
Atlanta, GA