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

Ramila Patel a.k.a. Ruhin R. Momin

Petitioner,

Case No.

GEORGE STERLING, Deputy Managing Director,
Atlanta Field Office, Immigration and Customs Enforcement
And Removal Operations (“ICE/ERO”); **TODD LYONS**,
Acting Director of Immigration and Customs Enforcement
(“ICE”); U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; **KRISTI NOEM**, Secretary of the
Department of Homeland Security (“DHS”); U.S.
DEPARTMENT OF HOMELAND SECURITY; **PAMELA
BONDI**, Attorney General of the United States; **JASON
STREEVAL**; Warden, Stewart Detention Facility, Lumpkin,
GA.

**PETITION FOR WRIT
OF HABEAS CORPUS**

Respondents,

AMENDED COMPLAINT FOR WRIT OF HABEAS CORPUS

Petitioner, Ramila Patel a.k.a Ruhin Momin, (hereinafter “the Petitioner” or “Ms. Momin”) files to amend her Petition for Habeas Corpus and Complaint for Declaratory and Injunctive Relief filed on September 5, 2025, under 28 U.S.C. §§2241, (habeas corpus) 1331 (federal question), with the Administrative Procedure Act, 5 U.S.C. §702 et seq; 28 U.S.C. §2201 (Declaratory Judgment Act). In support of this, Petitioner states the following:

I. INTRODUCTION

Petitioner, by and through the undersigned counsel, respectfully petitions this Court for a writ of habeas corpus to review the lawfulness of her detention by the Respondents. Petitioner’s

continued detention is unlawful.

1. Petitioner, a native and citizen of India, entered the United States without visa and surrendered on or about November 23, 1999. At the time of her entry Petitioner told the Immigration and Naturalization Service (INS) that her name was “Ramila Patel.” Later, INS issued Order to Show Cause and Notice of Hearing to the Petitioner in the name of Ramila Patel. Subsequently, removal proceedings were initiated against the Petitioner, and she was ordered removed by the Chicago Immigration Court on February 17, 2000.
2. On January 8, 2024, Petitioner’s U.S. Citizen son, Mausufali Momin, filed an I-130 petition for Alien Relative with the United States Citizenship and Immigration Services (USCIS), making Petitioner the beneficiary in his petition. *Please see **Exhibit 1***, I-130 Receipt Notice. The petition was approved on September 4, 2025. On May 15, 2024, Respondent filed a motion to reopen and terminate her removal proceedings before the Chicago Immigration Court. On June 10, 2024, Petitioner’s removal proceedings were reopened and terminated by the Chicago Immigration Court. *Please see **Exhibit 2***, Order Granting Reopen and Termination of Removal Proceedings¹. Chicago Office for the Principal Legal advisor (OPLA) for Department of Homeland Security (DHS) did not oppose the motions or appeal against the Immigration Judge Patti Sebastian’s decision. Please see again **Exhibit 2**.
3. Thereafter, on February 25, 2025, Petitioner applied for her adjustment of status under INA 245(i) with USCIS. *Please see **Exhibit 3***, I-485 Receipt Notice. Petitioner also filed I-601 Petition for Waiver of Inadmissibility with USCIS, for using the “Ramila Patel” at the time of her entry to the United States in 1999. Petitioner’s lawful permanent resident (LPR)

¹ Doctrine of Res Judicata (https://www.law.cornell.edu/wex/res_judicata) – it is the principle that a cause of action may not be relitigated once there has been a final judgment on the merits. In this context, “*finality*” refers to a court’s rendering of such a judgment.

mother, Rafika Momin, is the qualifying relative in Petitioner's I-601 petition. The petition is pending with USCIS. *Please see **Exhibit 4***, I-601 Receipt Notice.

4. On August 29, 2025, Petitioner was apprehended by the Immigration and Customs Enforcement (ICE), while she was trying to complete her biometrics at the USCIS Application Support Center in Atlanta, Georgia. *Please see **Exhibit 5***, Biometrics Notice. Petitioner is currently detained by ICE at Stewart Detention Facility in Lumpkin, Georgia.
5. On September 11, 2025, Petitioner's bond redetermination petition filed with the Stewart Immigration Court in Lumpkin, Georgia, was denied by the Immigration quoting because Department of Homeland Security argued that the Immigration Court did not have jurisdiction to grant Petitioner's bond under Matter of Hurtado, 29 I&N Dec. 216 (BIA 2025).

II. JURISDICTION AND VENUE

6. This action arises under the constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. §1101 et. seq.
7. This court has subject matter jurisdiction under 28 U.S.C. §§2241 (habeas corpus), U.S.C. §1331 (federal question), and Article I, §9, cl. 2 of the United States Constitution (Suspension Clause).
8. This court may grant relief under the habeas corpus statutes, 28 U.S.C. §2241 et. seq., the Declaratory Judgement Act, 28 U.S.C. §2201 et. seq., the All-Writs Act, 28 U.S.C. §1651, and the Immigration and Nationality Act, 8 U.S.C. §1252(e)(2).

III. VENUE

9. Venue is proper because Petitioner is in Respondents custody at the Stewart Detention

Facility in Lumpkin, Georgia. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondents' custody. 28 U.S.C. §1391(e).

IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

10. 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 OSC 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.*

11. 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).

12. Petitioner is "in custody" for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

V. THE PARTIES

13. Petitioner is a 61-year-old citizen of India. Petitioner is present within the state of Georgia as of the time of the filing of this petition.

14. Respondent George Sterling, Deputy Managing Director, Atlanta ICE Field Office. The Atlanta Field Office is responsible for local custody decisions relating to non-citizens charges with being removable from the United States, including the arrest, detention, and custody status of non-citizens. Respondent Sterling is a legal custodian of the Petitioner.

15. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs and Enforcement, and he has authority over the actions of respondent Drew Bostock and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

17. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

18. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

19. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

20. This action is commenced against all Respondents in their official capacities.

VI. LEGAL FRAMEWORK

21. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

22. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

23. The Immigration and Nationality Act (INA) establish various procedures through which individuals may be detained pending a decision on whether the noncitizen is to be removed. 8 U.S.C. § 1226(a).

24. Removal proceedings described in section 240 of the INA are used to determine whether individuals, such as Petitioner, should be removed from the United States. *See* 8 U.S.C. § 1229a.

29. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

30. Custody determinations for individuals in 1229a removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to people or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

31. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.

32. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that

individual back into custody by revoking the individual's release when the facts and circumstances warrant it.

33. Revocation and return to custody are authorized only based on individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

VII. FACTUAL BACKGROUND

34. Petitioner is a 61-year-old female from India. She entered USA in November of 1999 and has lived in the United States for more than **twenty-five (25)** years. Petitioner has lived, worked, and attended her place of worship in Atlanta GA for over 25 years. She has a U.S. Citizen son Mausufali Momin, his U.S. Citizen wife Farhin Momin, and child [REDACTED] also U.S. Citizen and a lawful permanent resident mother Rafika Momin. All of them live together at [REDACTED]

[REDACTED] She lives with her family, takes care of her mother and her grandchild. She is there for them when she returns from school. Respondent is her LPR mother's primary caregiver.

35. Petitioner has no criminal records. She has never committed any crimes in the United States or anywhere else in this world. She has applied for her adjustment of status as stated above. She was scheduled for her biometrics and appeared for it on August 29, 2025 when she was arrested by ICE that was waiting for her. On the same day, ICE determined that they would not release her on bond and kept her detained.

36. Petitioner is eligible for adjustment of status. Respondent's I-485 interview is scheduled for September 4, 2025. *Please see **Exhibit 6***, I-485 Interview Notice. **Petitioner was arrested**

and detained by ICE before the adjudication of her I-485 application or I-601 waiver petition.

37. Petitioner has lived in the United States for more than **twenty-five (25) years** and has never left the United States since her last entry in 1999. Respondent's release will not pose a threat to the community. She does not have any criminal records. She has always abided by the U.S rules and regulations and has never been found guilty of any criminal conduct either in the United States or abroad.

38. Petitioner is suffering from high blood pressure/hypertension, diabetes and cholesterol. Petitioner is not getting adequate medical attention at the detention facility. Petitioner's medical condition is deteriorating every day. Additionally, Petitioners' detention has exacerbated her medical condition. Without urgent hospital care and treatment, Petitioner's medical condition will deteriorate, which may even result in a stroke.

39. Furthermore, Petitioner's LPR eighty-four years old mother will suffer extreme hardship if the Petitioner's remains detained. Petitioner cares for her LPR mother and takes care of all her physical and emotional needs. *Please see Exhibit 7, Rafika Momin's Mental Evaluation Report.*

VIII. CLAIMS FOR RELIEF

COUNT THREE

EXHAUSTION OF ADMINISTRATIVE REMEDIES

40. This Court has jurisdiction to review habeas petitions filed by immigration detainees who assert that they are "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Since exhaustion, as the government recognizes, is not required by statute in this context, its exhaustion argument is measured against the "more

permissive” common-law, rather than statutory, exhaustion standard, which “‘cedes discretion to a [federal] court to decline the exercise of jurisdiction.’” *Brito v. Garland*, 22 F.4th 240, 255-56 (1st Cir. 2021) (quoting *Anversa v. Partners Healthcare Sys., Inc.*, 835 F.3d 167, 174 (1st Cir. 2016)); see ECF 7, at 6. While the exhaustion doctrine often “‘serves the twin purposes of protecting administrative agency authority and promoting judicial efficiency,’” there are “‘circumstances in which the interests of the individual weigh heavily against requiring administrative exhaustion.’” *Portela-Gonzalez v. Sec’y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 145-46 (1992)). As relevant here, “a court may consider relaxing the [exhaustion requirement] when unreasonable or indefinite delay threatens unduly to prejudice the subsequent bringing of a judicial action.” *Id.* “And, relatedly, if the situation is such that ‘a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim,’ exhaustion may be excused even though ‘the administrative decisionmaking schedule is otherwise reasonable and definite.’” *Id.* (quoting *McCarthy*, 503 U.S. at 147). Irreparable harm may be established where a petitioner will be incarcerated or detained pending the exhaustion of administrative remedies. See *Brito*, 22 F.4th at 256 (“‘[E]xhaustion might not be required if [the petitioner] were challenging her incarceration . . . or the ongoing deprivation of some other liberty interest.’” (quoting *Bois v. Marsh*, 801 F.2d 462, 468 (D.C. Cir. 1986))).

41. Waiver of the exhaustion requirement is warranted here because Petitioner is likely to experience irreparable harm if she is unable to seek habeas relief. On September 5, 2025, based on the decision made by the Board of Immigration Appeals (BIA) in the Matter of Yajure Hurtado, BIA proclaimed that any person who crossed the border and entered the United States

unlawfully is no longer eligible for release based on Immigration Court bonds. Even though Petitioner entered the United States without inspection, her removal proceedings were reopened and terminated by Chicago Immigration Court on June 10, 2024. *Please see again **Exhibit 2***. Doctrine of Res judicata applies in Petitioner’s case. Res judicata is a common law principle that provides that “a final judgment on the merits bars a subsequent action between the same parties over the same cause of action.” Channer v. Dep’t of Homeland Sec., 527 F.3d 275, 279 (2d Cir. 2008) (citing Semtek Int’l Inc. v. Lockheed Martin Corp., 531 U.S. 497, 502 (2001)); see also Winget v. JP Morgan Chase Bank, N.A., 537 F.3d 565, 577–78 (6th Cir. 2008). Under res judicata, a subsequent cause of action is barred by an earlier one if it “involves the same ‘claim’ or—‘nucleus of operative fact’—as the first.” Channer, 527 F.3d at 280 (quoting Waldman v. Vill. of Kiryas Joel, 207 F.3d 105, 108 (2d Cir. 2000)); see also Alvear-Velez v. Mukasey, 540 F.3d 672, 677 (7th Cir. 2008) (noting that “a cause of action consists of ‘a core of operative facts which give rise to a remedy.’” Petitioner’s case was reopened by the Chicago Immigration Court and terminated. Immigration and Customs Enforcement cannot sue the same Petitioner again on the same cause of action if the Court has given a judgement on the merits.² *Please see again **Exhibit 2***.

42. On September 11, 2025, Petitioner’s bond redetermination petition filed with the Stewart Immigration Court in Lumpkin, Georgia, was denied by the Immigration quoting because Department of Homeland Security argued that the Immigration Court did not have jurisdiction to grant Petitioner’s bond under Matter of Hurtado, 29 I&N Dec. 216 (BIA 2025). In these circumstances, where Petitioner’s liberty interests “weigh heavily against requiring

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administrative exhaustion,”” waiver of exhaustion is warranted. *Portela-Gonzalez*, 109 F.3d at 77 (quoting *McCarthy*, 503 U.S. at 146); *see Gomes*, 2025 WL 1869299, at *5 (waiving common-law exhaustion in similar circumstances); *dos Santos*, 2025 WL 2370988, at *5-6 (similar); *Rodriguez* 779 F. Supp. 3d at 1253-54 (collecting cases).

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this court grant the following relief:

1. Assume Jurisdiction over this matter;
2. Grant Petitioner a writ of habeas corpus directing Respondents to immediately release Petitioner from custody;
3. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
4. Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted on September 5, 2025.

/s/ Bhavya Chaudhary

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CERTIFICATE OF SERVICE

I, Bhavya Chaudhary, Esq. hereby certify that a copy of the foregoing was mailed First class postage prepaid to the office of the Attorney General at the below mentioned address:

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