

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

BEATRIZ A. HERNANDEZ - MATUL,	)	
	)	
Petitioner,	)	
	)	
V.	)	
TODD LYONS, Acting Director of Immigration	)	
and Custom Enforcement ("ICE"),	)	
GEORGE STERLING, Field Office Director,	)	
ICE Atlanta Field Office,	)	
JASON STREEVAL,	)	
Warden, Stewart Detention Center,	)	
	)	
Respondents.	)	
	)	

No. :

PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner, Ms. Hernandez - Matul, hereby petitions this Court to use its authority under 28 U.S.C. § 2241 and 28 U.S.C. § 2243 to issue a writ of habeas corpus ordering the Respondent to release the Petitioner immediately as well as for a federal injunction to enjoin Petitioner's removal from the country to Guatemala, or any third country Respondents may designate. Given the deliberate indifference and reckless disregard towards Ms. Hernandez - Matul's well-being, Ms. Hernandez - Matul is charging that the government's actions are unconstitutional and violate her right to liberty, protected by the due process clause, and violate her right to be free from cruel and unusual punishment. Additionally, she asserts that her removal to Guatemala would violate not only her constitutional due process rights, but immediately violate a withholding or removal order issued by the Stewart Immigration Court on August 8, 2025. Moreover, removing her to a third country without providing her the ability to contest removal, would constitute yet another violation

of due process particularly as she has been subject to persecution in multiple countries, not just Guatemala. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows

PARTIES

1. Petitioner Beatriz Adriana Hernandez - Matul (“Ms. Hernandez - Matul”) is a citizen and national of Guatemala. She is currently detained at Stewart Detention Center,
2. Respondent, Todd Lyons, is sued in his official capacity as the Acting Director of Immigration and Custom Enforcement (“ICE”). As such, Respondent has the authority over the actions of ICE employees and the policies applied through this government body.
3. Respondent, George Sterling, is sued in his official capacity as the Field Office Director for the ICE Atlanta Field Office. Respondent is responsible for local custody decisions relating to detainees at immigration detention facilities in Georgia, North Carolina, and South Carolina, including those detained at Stewart Detention Center.
4. Respondent, Jason Streeval, is sued in his official capacity as the Warden of Stewart Detention Center, located in Lumpkin, Stewart County, Georgia. Respondent is responsible for the administration and enforcement of the policies and procedures for the Stewart Detention Center, where Ms. Hernandez - Matul is detained.

JURISDICTION AND VENUE

5. This Court has jurisdiction to review Ms. Hernandez - Matul’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. This Court also has jurisdiction to issue declaratory relief under 28 U.S.C. § 2201. Further, the Court has jurisdiction under 28 U.S.C. § 1331 because this case arises from a federal statute.

6. Venue is proper in this Court because Ms. Hernandez - Matul is detained at Stewart County Detention Center, Stewart County, Georgia, in the Middle District of Georgia – Columbus. Division. 28 U.S.C. § 1391.
7. Venue is also proper because Ms. Hernandez Matul's last known location was that of Stewart County Detection Center. As of this morning, Friday September 19, 2025 she is not able to be found on the ICE Locator. *See Exhibit B*.
8. Venue is also proper as the unknown custodian exception allows for filing a habeas petition in a detainee's last known location, and against their ultimate custodia whne the government moves a detainee and the attorney cannot discover their location with reasonable inquiry. *See Suri v. Trump* WL 1806692 (EDVA 2025).
9. Additionally habeas jurisdiction would remain in the district court from which petitioner was removed if the government is not forthcoming with the custodian's identity and place of detention. *See Padilla v. Rumsfeld*, 542 U.S. 426 (2004) at 450-454; *Ozturk v. Hyde*, 136 F.4th at 392-93.
10. Ms. Hernandez - Matul has exhausted all required administrative remedies.

FACTS

11. Ms. Hernandez - Matul is a citizen and national of Guatemala. She is thirty- one years old.
12. Ms. Hernandez - Matul last entered the United States at or near Hidalgo, Texas, on or about March 18, 2023.
13. Ms. Hernandez Matul has been detained at Stewart Detention Center since March 18, 2023, and has properly and lawfully been fighting to remain in the United States via an I-589 Application for Asylum, Withholding of Removal, and. Protection Under the Convention Against Torture.

14. Ms. Hernandez - Matul has remained ineligible for bond or ICE parole due to current enforcement priorities, and re-entry to the United States.
15. Ms. Hernandez was ineligible for asylum due to her re-entry to the United States.
16. Ms. Hernandez- Matul has no criminal record in the United States or anywhere else in the world.
17. Respondent fled Guatemala following the murder of her brother, after she and he family suffering beatings, and following her being kidnapped and raped by this same Guatemalan government sponsored group.
18. While these actions were occurring, Ms. Hernandez Matul fled to and was kidnapped from Mexico and forced to return to subjugation in Guatemala by the government sponsored Guerilla group.
19. Hereby, Ms. Hernandez Matul also has fear of being sent to Mexico.
20. Following a denial of her original withholding of removal application, her case was once again heard on remand by the Immigration Court.
21. On August 8, 2025, following the remand order, Ms. Hernandez Matul was granted withholding of removal from the country of Guatemala.
22. On September 18, 2025, Ms. Hernandez Matul filed a Stay of Removal with ICE ERO, asking that she be placed on an order of supervision given her compliance with the law for over two years, as well as her withholding order form Guatemala.
23. On September 18, 2025, Ms. Hernandez Matul's removal officer attempted to force her to sign documents undisclosed to counsel, indicating that she would be removed.
24. Ms. Hernandez Matul refused to sign the documents.

25. The removal officer then told Ms. Hernandez Matul that she would be “on a plane to Guatemala on Saturday regardless” if she signed the documents or not.
26. On September 19, 2025, Ms. Hernandez Matul disappeared from the ICE locator.
27. Ms. Hernandez Matul has communicated with her family that agents are currently in the process of returning her to Guatemala.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

28. Immigration detainees cannot be subjected to punishment without due process. *See Wong Wing v. United States*, 163 U.S. 228, 235 (1896).
29. All persons within the territory of the United States are entitled to the protections guaranteed by the Fifth Amendment, and even non-citizens shall not be deprived of life, liberty or property without due process of law. *Id.* at 238. Therefore, due process protections are afforded to anyone on U.S. soil, whether their presence is “lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
30. The Constitution requires government actors to ensure the safety and general well-being of all persons taken into custody, including non-citizens and persons who are not legally admitted to the United States. Detainees are protected by the Eighth Amendment, which prohibits cruel and unusual punishment despite an adjudication of criminal guilt.
31. The deliberate indifference to the needs of detainees constitutes an Eighth Amendment violation as this deliberate indifference is a form of cruel and unusual punishment. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976). However, detainees in immigration detention—in civil, not criminal detention—need not demonstrate “deliberate indifference” to establish a constitutional violation. *See Jones v. Blanas*, 393 F.3d 918, 933- 34 (9th Cir. 2004).

**COUNT ONE
VIOLATION OF DUE PROCESS**

32. The allegations in the above paragraphs are realleged and incorporated herein.
33. Ms. Hernandez- Matul has a right to be free from violations of due process pursuant to the Fifth Amendment of the United States Constitution.
34. Respondents' agents have demonstrated deliberate disregard for Ms. Hernandez Matul's due process rights and safety as they firstly attempted to circumvent a court order and have her sign documents enabling her removal to a country where she has been found more likely than not to be persecuted.
35. Respondents' agents have additionally indicated intention to ignore court orders by stating that regardless of her acquiescence and signature of these documents, Ms. Hernandez Matul would be removed to Guatemala – in direct violation of her withholding order.
36. The actions Respondents' agents have committed have been so deliberately in violation or indicated intent of violation of the law, that her Fifth Amendment rights have been violated.

COUNT TWO VIOLATION OF DUE PROCESS

37. The allegations in the above paragraphs are realleged and incorporated herein.
38. Ms. Hernandez- Matul has a right to be free from violations of due process pursuant to the Fifth Amendment of the United States Constitution.
39. Respondents' agents have demonstrated deliberate disregard for Ms. Hernandez Matul's due process rights and safety as they firstly attempted to circumvent a court order and have her sign documents enabling her removal to a country other than Guatemala where she has never lived.

40. Respondents' agents have ignored the complex nature of Ms. Hernandez Matul's situation, as she not only has fear of returning to Guatemala but other countries where she may suffer persecution.

41. Removal of Ms. Hernandez Matul without due process and the ability to contest removal to a third country is a deprivation of her due process rights and an action which may cost her life.

42. The actions Respondents' agents have committed have been so deliberately in violation or indicated intent of violation of the law, that her Fifth Amendment rights have been violated.

**COUNT THREE
CRUEL AND UNUSUAL PUNISHMENT VIOLATION**

43. The allegations in the above paragraphs are realleged and incorporated herein.

44. Ms. Hernandez- Matul has a right to be free from cruel and unusual punishments pursuant to the Eighth Amendment of the U.S. Constitution.

45. Respondents' agents have demonstrated deliberate disregard for Ms. Hernandez Matul's due process rights and safety as they firstly attempted to circumvent a court order and have her sign documents enabling her removal to Guatemala, or in the alternative, a third country where she has never lived.

46. Respondents' agents have ignored the complex nature of Ms. Hernandez Matul's situation, as she not only has fear of returning to Guatemala but other countries where she may suffer persecution.

47. Removal of Ms. Hernandez Matul to Guatemala, a country where she has successfully demonstrated a clear probability of persecution, would be a violation of her Eighth Amendment right.

48. Likewise, removal of Ms. Hernandez Matul to a third country she has never lived in, without the right to contest her removal and show a likelihood of future persecution, would be a violation of her Eighth Amendment right.

PRAYER FOR RELIEF

Ms. Hernandez - Matul respectfully requests the following relief:

- 49. Grant Ms. Hernandez - Matul's writ of habeas corpus;
- 50. Order Respondent to release Ms. Hernandez - Matul immediately;
- 51. Order Respondent to withhold the removal of Ms. Hernandez Matul to Guatemala – pursuant to court order;
- 52. Order Respondent to halt the removal of Ms. Hernandez and allow her to present claims for third country removal;
- 53. Order any other relief that this Court deems reasonable and necessary to ensure justice is served.

September 19, 2025

Respectfully Submitted,

s/Johanna Cochran
JOHANNA COCHRAN, ESQ.
Attorney
Cochran Immigration
3675 Crestwood Parkway, Ste. 400
Duluth, GA 30096
GA Bar No.: 611902
P: 336-420-4876
Email:
johanna@cochranimmigration.com
Attorney for Petitioner