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DETAINED

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

MARIO VALENCIA OCAMPO

Petitioner,

Vs.

WILLIE THOMAS, WARDEN OF THE IRWIN COUNTY DETENTION CENTER IN OCILLA, GEORGIA,
in his official capacity
as the immediate custodian of Petitioner

Civil Action No.

7:26-cv-107

PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

LASALLE CORRECTIONS, LLC, *in its official capacity* as the private contractor operating the Irwin County Detention Center in Ocilla, Georgia

KRISTEN SULLIVAN, who is sued *in her official capacity* as Acting Field Office Director of the ICE Atlanta Field Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, and Removal Operations (ERO) in Atlanta, GA

TODD M. LYONS, *in his official capacity* as Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security

MARKWAYNE MULLIN, *in his official capacity* as Secretary, U.S. Department of Homeland Security; and

TODD BLANCHE, *in his official capacity* as the Acting Attorney General of the United States,

Respondents.

INTRODUCTION

1. Petitioner, Mario Valencia Ocampo (hereinafter "Petitioner"), is a citizen of Mexico who has resided continuously in the United States for almost ten (10) years and has established deep and substantial ties to this country and to his community and family.

2. Petitioner is currently detained at the Irwin County Detention Center located in Ocilla, Georgia (***See Exhibit A, "ICE Detainee Locator Results"***).

3. Petitioner was not apprehended at or near a port of entry. Rather, he was apprehended within the interior of the United States after years of residence, family formation, and community integration.

4. Despite these facts, Respondents are detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A), thereby denying him access to a bond hearing.

5. This detention is unlawful.

6. Petitioner is entitled to custody review under 8 U.S.C. § 1226(a), which permits release on bond.

7. Petitioner seeks declaratory and injunctive relief, as well as immediate habeas relief, including immediate release or, in the alternative, a prompt and constitutionally adequate bond hearing.

CUSTODY

8. Petitioner is currently in the custody of the Irwin County Detention Center,

located at 132 Cotton Drive, Ocilla, Georgia 31774 (***See Exhibit A***).

9. Petitioner is therefore in the custody of the Department of Homeland Security within the meaning of the habeas corpus statute. See Jones v. Cunningham, 371 U.S. 236 (1963).

JURISDICTION

10. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 2243, 28 U.S.C. § 1331, Article I, Section 9, Clause 2 of the United States Constitution, and the Immigration and Nationality Act.

11. Federal district courts have jurisdiction to review challenges to the legality of immigration detention. See Zadvydas v. Davis, 533 U.S. 678 (2001).

REQUIREMENTS OF 28 U.S.C. §§ 2241 and 2243

12. This Court is required to grant the writ of habeas corpus or issue an order to show cause forthwith unless it appears from the petition that Petitioner is not entitled to relief. See 28 U.S.C. § 2243.

13. If the Court issues an order to show cause, Respondents must make a return within three days unless additional time, not exceeding twenty days, is allowed for good cause. Id.

14. Petitioner is in custody within the meaning of 28 U.S.C. § 2241, as he is detained by Respondents.

VENUE

15. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) because Petitioner is detained within the Middle District of Georgia.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. Administrative exhaustion is not required in this case because it would be futile.

17. Nevertheless, Petitioner has diligently pursued all available administrative remedies prior to seeking relief before this Court.

18. On April 7, 2026, Petitioner, through counsel, filed a Motion to Set Bond before the Immigration Court.

19. That filing was received and acknowledged by the Executive Office for Immigration Review ("EOIR"), and a Custody Redetermination Hearing was scheduled for April 13, 2026, at 8:30 a.m. The Immigration Judge found at said Hearing that, pursuant to *Matter of Yajure Hurtado*, it did not have jurisdiction to consider the Petitioner's Motion to Set Bond (***See Exhibit B, "Order of the Immigration Judge"***).

20. Despite Petitioner's efforts to obtain relief through the Immigration Court, he remains detained without access to a bond hearing.

21. Immigration Courts routinely decline jurisdiction over bond in cases such as this, relying solely on *Matter of Yajure Hurtado*, thereby rendering administrative

remedies ineffective and futile.

22. Accordingly, further exhaustion would serve no purpose and would only prolong Petitioner's unlawful detention.

PARTIES

23. Petitioner, Mario Valencia Ocampo, is a citizen of Mexico who has resided continuously in the United States for almost ten (10) years.

24. Petitioner is currently detained at the Irwin County Detention Center located in Ocilla, Georgia (***See Exhibit A***).

25. Respondent Willie Thomas is the Warden of the Irwin County Detention Center and is sued in his official capacity as Petitioner's immediate custodian.

26. Respondent LaSalle Corrections, LLC is sued in its official capacity as the private contractor operating the Irwin County Detention Center.

27. Respondent Kristen Sullivan is sued in her official capacity as Acting Field Office Director of the ICE Atlanta Field Office of Enforcement and Removal Operations.

28. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement.

29. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the U.S. Department of Homeland Security.

30. Respondent Todd Blanche is sued in his official capacity as Acting Attorney

General of the United States.

LEGAL BACKGROUND AND ARGUMENT

31. The Immigration and Nationality Act establishes distinct statutory schemes governing the detention of noncitizens.

32. Section 1226 of that Act governs the detention of noncitizens who are present in the United States and not seeking admission at a port of entry.

33. Under 8 U.S.C. § 1226(a), such individuals are entitled to individualized custody determinations and may be released on bond.

34. Section 1225 applies to individuals who are seeking admission to the United States at or near a port of entry.

35. For decades, individuals apprehended within the interior of the United States have been detained under § 1226(a) and afforded bond hearings before Immigration Judges.

36. Respondents are improperly detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A).

37. Petitioner is not an arriving noncitizen and is not seeking admission to the United States at or near a port of entry.

38. Respondents' application of § 1225(b)(2) to Petitioner is contrary to the plain language of the statute and longstanding precedent.

39. As a result, Petitioner has been denied access to a bond hearing to which he is

entitled under § 1226(a).

40. The Supreme Court has made clear that immigration detention must comply with statutory and constitutional limits. See Zadvydas v. Davis, 533 U.S. 678 (2001).

41. Federal courts have rejected the government's interpretation of § 1225(b)(2) in similar circumstances.

42. Accordingly, Petitioner's continued detention is unlawful.

STATEMENT OF FACTS

43. Petitioner is a citizen of Mexico and has resided continuously in the United States since approximately 2016.

44. Petitioner is legally married to his spouse, Adelmira Corona Avalos.

45. Petitioner is the devoted father of four (4) United States citizen children who substantially depend on him for emotional and financial support.

46. Petitioner owns property and maintains a stable residence in the State of Georgia.

47. Petitioner has consistently filed federal and state tax returns, demonstrating continuous presence, employment, and good moral character.

48. Petitioner has no significant criminal history and does not pose a danger to the community.

49. Petitioner has established strong community ties through family, employment,

and community involvement.

50. On April 7, 2026, Petitioner, through counsel, filed a motion for a custody redetermination before the Immigration Court.

51. The Executive Office for Immigration Review acknowledged receipt of the filing, and a Custody Redetermination Hearing was scheduled for April 13, 2026, at 8:30 a.m. The Immigration Judge found at said Hearing that, pursuant to *Matter of Yajure Hurtado*, it did not have jurisdiction to consider the Petitioner's Motion to Set Bond (***See Exhibit B)***.

52. Thus, despite the best efforts of the Petitioner and his legal counsel, Petitioner remains detained without access to a meaningful bond hearing on the merits.

COUNT I

Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond

53. Petitioner restates and realleges all preceding paragraphs as if fully set forth herein.

54. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

55. Under § 1226(a) and its implementing regulations, Petitioner is entitled to an individualized bond hearing before an Immigration Judge.

56. Respondents have unlawfully subjected Petitioner to mandatory detention and denied him access to a bond hearing.

57. Because Petitioner has not been, and will not be, provided with the bond hearing required by law, his continued detention is unlawful.

COUNT II

Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19

59. Petitioner restates and realleges all preceding paragraphs as if fully set forth herein.

60. Following the enactment of IIRIRA, federal regulations made clear that noncitizens present in the United States without having been admitted or paroled are eligible for custody determinations and bond hearings.

61. Specifically, the governing regulations provide that such individuals may seek release on bond and are entitled to custody redetermination before an Immigration Judge.

62. Respondents' application of mandatory detention under 8 U.S.C. § 1225(b)(2) directly contravenes these binding regulations.

63. As a result, Petitioner has been unlawfully deprived of the procedural protections guaranteed by 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III

Violation of 8 U.S.C. § 1225(b)(2) and Unlawful Detention Under This Provision

64. Petitioner restates and realleges all preceding paragraphs as if fully set forth herein.

65. Section 1225(b)(2) applies only to noncitizens who are seeking admission to the United States at or near the border or a port of entry.

66. Petitioner is not an arriving noncitizen and is not presently seeking admission to the United States at or near the border or a port of entry.

67. Petitioner has resided continuously in the United States for almost ten (10) years and was apprehended in the interior of the country.

68. Accordingly, the statutory framework governing arriving applicants for admission does not apply to him.

69. Respondents' application of § 1225(b)(2) to Petitioner is therefore contrary to the plain language of the statute, its implementing regulations, and longstanding federal precedent.

70. Because § 1225(b)(2) does not apply to Petitioner, his detention under that provision is unlawful.

COUNT IV

Violation of the Fifth Amendment Right to Due Process

71. Petitioner restates and realleges all preceding paragraphs as if fully set forth herein.

72. The Fifth Amendment's Due Process Clause prohibits the federal government from depriving any person of liberty without due process of law.

73. The Supreme Court has repeatedly emphasized that the Constitution requires a meaningful bond hearing before the government may deprive a person of liberty.

74. Petitioner has been deprived of his liberty through civil immigration detention without being afforded a constitutionally adequate opportunity to challenge the legality and necessity of that detention.

75. Under the balancing framework established in Mathews v. Eldridge, the factors weigh overwhelmingly in favor of Petitioner.

76. Petitioner's interest in freedom from physical detention is fundamental.

77. The risk of erroneous deprivation is exceptionally high where, as here, Petitioner has been categorically denied a bond hearing.

78. Petitioner has no significant criminal history and poses no danger to the community.

79. Petitioner has substantial family ties, including four U.S. citizen children.

80. The Government's interest in detaining Petitioner without providing a bond hearing is minimal.

81. Immigration detention is civil in nature and not punitive and may only be justified to prevent danger to the community or ensure appearance at proceedings.

82. The categorical denial of a bond hearing violates fundamental principles of due process.

83. Accordingly, Petitioner's continued detention without an individualized bond hearing violates the Fifth Amendment.

IRREPARABLE HARM

84. Petitioner is suffering and will continue to suffer irreparable harm absent immediate judicial intervention.

85. Continued detention deprives Petitioner of his fundamental liberty interest, which constitutes irreparable injury as a matter of law.

86. Petitioner's detention is causing severe harm to his four (4) United States citizen children, who substantially depend on him for emotional and financial support.

87. The separation of a parent from his minor children constitutes a profound and irreparable injury that cannot be remedied by monetary damages.

88. Each additional day of unlawful detention exacerbates the constitutional injury suffered by Petitioner.

LIKELIHOOD OF SUCCESS ON THE MERITS

89. Petitioner has demonstrated a strong likelihood of success on the merits of his claims.

90. As set forth above, his detention under 8 U.S.C. § 1225(b)(2) is contrary to the plain language of the statute, its implementing regulations, and controlling federal precedent.

91. Federal courts have rejected the interpretation adopted in *Matter of Yajure Hurtado* as applied to individuals apprehended within the United States.

92. Petitioner is therefore entitled to a bond hearing under 8 U.S.C. § 1226(a).

BALANCE OF EQUITIES AND PUBLIC INTEREST

93. The balance of equities weighs overwhelmingly in Petitioner's favor. Petitioner faces continued unlawful detention and prolonged separation from his family, including his four (4) United States citizen children, while Respondents suffer no cognizable harm from providing a bond hearing or releasing Petitioner under appropriate conditions.

94. The public interest strongly favors adherence to constitutional protections and statutory limits on government authority. Ensuring that immigration detention complies with the Immigration and Nationality Act and the Constitution serves the public interest.

IIABEAS ACTIONS AND BAIL DETERMINATIONS

95. Petitioner has diligently sought relief through available administrative channels prior to filing this action.

96. On April 7, 2026, Petitioner, through counsel, filed a Motion to Set Bond before the Immigration Court.

97. The Executive Office for Immigration Review acknowledged receipt of the filing, and a Custody Redetermination Hearing was scheduled for April 13, 2026, at 8:30 a.m. The Immigration Judge found at said Hearing that, pursuant to *Matter of Yajure Hurtado*, it did not have jurisdiction to consider the Petitioner's Motion to Set Bond (***See Exhibit B)***.

98. Clearly and despite Petitioner's efforts to obtain relief through the Immigration Court, he remains detained without access to a meaningful bond hearing on the merits.

99. Immigration Courts routinely decline jurisdiction over bond in cases such as this, relying solely on *Matter of Yajure Hurtado*, thereby rendering administrative remedies ineffective.

100. Federal courts possess inherent authority to grant release on bond where such relief is necessary to render the habeas remedy effective. See Mapp v. Reno, 241 F.3d 221 (2d Cir. 2001).

101. Courts have recognized that release is appropriate where a petitioner presents substantial claims and where continued detention would render habeas relief meaningless.

102. Under these circumstances, this Court possesses both the authority and the obligation to ensure that the writ of habeas corpus remains an effective remedy.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

(1) Assume jurisdiction over this matter;

(2) Order that Petitioner not be transferred outside of this District during the pendency of these proceedings;

(3) Issue an Order to Show Cause directing Respondents to demonstrate, within three days, why this Petition should not be granted;

(4) Declare that Petitioner's continued detention is unlawful under the Immigration

and Nationality Act and the Constitution of the United States;

(5) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody, or, in the alternative, to provide a prompt and meaningful bond hearing on the merits before an Immigration Judge pursuant to 8 U.S.C. § 1226(a) and the Due Process Clause, within a time certain not to exceed seven days;

(6) Grant such temporary and preliminary injunctive relief, including a Temporary Restraining Order, as may be necessary to preserve the Court's jurisdiction and prevent irreparable harm pending final adjudication of this matter;

(7) Award Petitioner attorney's fees and costs pursuant to the Equal Access to Justice Act and any other applicable provisions of law; and

(8) Grant such other and further relief as this Court deems just and proper.

Dated this 13th day of April 2026.

Respectfully Submitted,



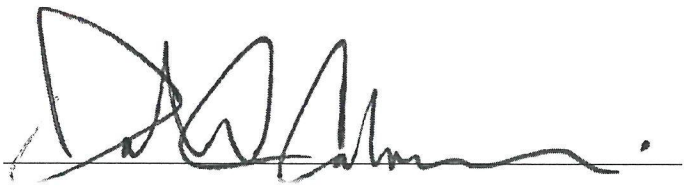
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent the Petitioner, **Mario Valencia Ocampo**, and submit this verification on his behalf. I hereby declare under penalty of perjury that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief, pursuant to 28 U.S.C. § 2242 and the Constitution of the United States.

Dated this 13th day of April 2026.

Respectfully Submitted,



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