

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

A.M.H.,

Petitioner,

v.

Warden, STEWART DETENTION CENTER, et al.,

Respondents.

Case No. 4:26-cv-719-CDL-AGH

VERIFIED AMENDED PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW Petitioner A.M.H., through counsel (“Petitioner”), and, with the Court’s leave, amends the petition filed pro se on April 29, 2026, ECF Doc. 1, in order to assert new facts and claims for relief.¹

INTRODUCTION

Petitioner, 62 years old later this month, was born in Cuba but has lived in the U.S. since his parents brought him here as a baby in 1965. His criminal history includes a conviction for aggravated assault that led to an order of removal, to Cuba, in 2023. Now detained post-final order of removal for nearly a full year, he does not challenge Respondents’ right to attempt his deportation to a third country (since Cuba is not an option). Congress, though, requires the third country be one “whose government will accept [Petitioner] into that country.” Mexico has already refused to accept him once based on his advanced age and failing health (e.g., diabetes, mobility

¹ The Court appointed the undersigned as Petitioner’s pro bono counsel on June 11, 2026. ECF Doc. 5 at 3.

and cognition issues).

Respondents will argue Mexico's refusal was not because of Petitioner's age and health profile, but instead because he does not consent to being removed there. It is true Petitioner refused to provide written consent to being deported to Mexico. (He told his deportation officer he will not survive in a country he has never been to, where he knows no one.) That, however, is not why Petitioner is still at the Stewart Detention Center. To facilitate his removal to Mexico, Respondents transferred Petitioner from Georgia to a detention facility in Texas—but they did so only after he refused to provide written consent. If Mexico rejects those who do not consent, why would Respondents, knowing this, send Petitioner to a detention center on the U.S.-Mexico border after he refused to consent? The answer: because Petitioner's refusal to consent was in fact not determinative, and therefore not the reason Mexico refused to accept him. The other explanation is Respondents hoped Petitioner, once moved within spitting distance of the only place he would ever again be free of detention, might change his mind and give up.

Petitioner's immediate release is required on three independent bases. *First*, Respondents violated Petitioner's due process rights, as well as their own regulations, by revoking his order of supervision ("OSUP") and re-detaining him in July of last year without knowing whether Mexico would accept him for deportation, and without providing Petitioner with the opportunity to contest the OSUP's revocation. *Second*, if the Court finds it is not warranted for the unlawful OSUP revocation, release is still required based on there being no significant likelihood of removal to Cuba in the reasonably foreseeable future, in accordance with the U.S. Supreme Court's *Zadvydas* decision. *Third*, if the Court ultimately finds Mexico will accept Petitioner for removal, his detention is nonetheless unlawful based on Respondents' refusal to allow him the opportunity to contest removal to that country, by raising a Convention Against Torture defense or otherwise.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question), 2241 (habeas corpus), and the Suspension Clause, U.S. Const., Art. I, § 9, cl. 2, as Petitioner is currently detained under color of the authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651

2. Venue is proper in the United States District Court for the Middle District of Georgia pursuant to 28 U.S.C. § 1391(b)(2) and (e)(1) because Respondents reside in this District; Petitioner is currently detained in this District, where a substantial part of the events or omissions giving rise to this action occurred and continue to occur; and Petitioner's immediate physical custodian is in this District.

PARTIES

3. Petitioner A.M.H., male, is a native and citizen of Cuba. He was ordered removed to Cuba in January of 2023. Since July 10, 2025, he has been confined at the Stewart Detention Center in Lumpkin, Georgia, with the exception of approximately two weeks in Texas detention facilities.

4. Respondent Jason Streeval is sued in his official capacity as Petitioner's immediate legal and physical custodian. Respondent Streeval is the Warden of Stewart Detention Center, where Petitioner is currently detained.

5. Respondent Kristen Sullivan is sued in her official capacity as a legal custodian of Petitioner. Respondent Sullivan is the Field Office Director of the U.S. Immigration and Customs Enforcement ("ICE") Atlanta Field Office. In this role, Respondent Sullivan is responsible for ICE activities in the Atlanta Area of Responsibility, which includes Georgia and its detention facilities,

including Stewart Detention Center.

6. Respondent David J. Venturella is sued in his official capacity as a legal custodian of Petitioner. As the Acting Director of ICE, Respondent Venturella is responsible for the administration of immigration law pursuant to 8 U.S.C. § 1103.

7. Respondent Markwayne Mullin is sued in his official capacity as a legal custodian of Petitioner. As the Secretary of the Department of Homeland Security (“DHS”), he directs DHS and its components, which include ICE, and is responsible for administering immigration laws pursuant to 8 U.S.C. § 1103.

8. Respondent Todd Blanche is sued in his official capacity as a legal custodian of Petitioner. As the Attorney General of the United States, Respondent Blanche administers immigration laws pursuant to 8 U.S.C. § 1103(g).

BACKGROUND

9. Petitioner was born in Cuba on [REDACTED] His parents brought him to the United States as a public interest parolee on November 19, 1965, when he was exactly [REDACTED] months old. He has never left the United States. He will turn 62 years old [REDACTED] See Exhibit 1 (admission document).²

10. Petitioner did not graduate high school, and he has significant difficulty reading and writing. He does not speak fluent Spanish.

11. Petitioner is a citizen of no country other than Cuba.

12. Petitioner has various health issues. He takes blood pressure medication and, for

² This document was first provided by Respondents and is in their possession. See Motion to Dismiss, ECF Doc. 4, *A.M.H. v. Warden, Stewart Detention Center, et al.*, Case No. 4:25-cv-00483-CDL-AGH. On June 11th, the Court recommended dismissal of Case No. 4:25-cv-00483-CDL-AGH. ECF Doc. 5 at 2. Other documents in Respondents’ custody and provided in Case No. 4:25-cv-00483-CDL-AGH include those attached hereto as Exhibits 2, 3 and 4.

his diabetes, requires daily insulin injections and pills (metformin and glipizide). He also has cognition and mobility problems, as well as dizzy spells, that arise from a head injury suffered in or around 2020 while on the job at a sawmill in Cordele, Georgia.

13. On January 4, 2023, an Immigration Judge at the Atlanta Immigration Court ordered Petitioner deported to Cuba. *See Exhibit 2* (redacted IJ order). At the time, Petitioner was serving a state prison sentence in Georgia for aggravated assault.

14. Petitioner was released from Georgia Department of Corrections custody around eight months later, on September 12, 2023. ICE immediately took him into custody and requested travel documents from Cuba. ICE was unable to obtain the requested travel documents, and accordingly could not deport Petitioner to Cuba. On December 14, 2023, ICE released Petitioner “under supervision.” *See Exhibit 3* (Jan. 7, 2026 declaration of ICE Deportation Officer Kirk R. Scott, Jr.) and *Exhibit 4* (“Release Notification” dated Dec. 14, 2023).

15. The Dec. 14, 2023 Release Notification states in relevant part: “Your release will be subject to certain written conditions that will be provided to you shortly on the Order of Supervision and Addendum to the Order of Supervision forms, and by which you must abide.” Petitioner recalls being provided with copies of something when he was released from detention.

16. ICE’s release of Petitioner on December 14, 2023 under the Order of Supervision (herein, the “OSUP”) necessarily entailed a determination, as required by agency regulations, that there was no significant likelihood of Petitioner’s removal to Cuba in the reasonably foreseeable future, and that his OSUP included conditions sufficient to protect the public safety and to promote the ability of ICE to effect Petitioner’s removal as ordered, or removal to a third country, should the circumstances change in the future.

17. Over the next year and a half, Petitioner lived with his adult nephew, Joel Burgess,

a career law enforcement officer. (Officer Burgess, formerly of the Stockbridge Police Department, is now employed with the College Park Police Department.) Petitioner lived with Officer Burgess and his family at their residence in Hampton, Georgia.

18. Petitioner never violated the terms of his OSUP.

19. On July 10, 2025, ICE re-detained Petitioner at a regularly scheduled in-person report in Atlanta, Georgia. When Petitioner asked why he was being detained, the ICE officer responded, “Because Trump is president.” Petitioner was never afforded the opportunity to contest the revocation of his OSUP or to provide evidence in support of not revoking it. At no point did anyone tell Petitioner he was to be deported to Mexico. Petitioner recalls being provided with copies of something when he was re-detained on July 10, 2025.

20. Upon information and belief, as of July 10, 2025, ICE had not offered the government of Mexico an opportunity to express its willingness or lack thereof to accept Petitioner for removal.

21. Upon his re-detention on July 10, 2025, Petitioner was sent to the Stewart Detention Center in Lumpkin, Georgia (herein, “Stewart”).³

22. Sometime in or around mid- to late December of 2025—but in all cases, *after* Petitioner filed his first pro se habeas petition (i.e., Case No. 4:25-cv-00483-CDL-AGH) on December 17th—ICE Deportation Officer Kirk R. Scott, Jr. asked Petitioner for his signature on documents he said would allow ICE to deport him to Mexico. *This was the first time Petitioner had heard ICE intended to deport him to Mexico.* Petitioner refused to sign the documents, telling Officer Scott he had never been to Mexico and knew no one there. Hearing this, Officer Scott left

³ Copies of documents related to the OSUP’s grant and revocation were on Petitioner’s person when he arrived at Stewart in July of last year. Upon information and belief, they are currently in the custody of Respondent Streeval.

without saying more. He did not mention to Petitioner the possibility of an interview or screening regarding Petitioner's fear of being sent to Mexico. Neither did he mention the possibility of contesting his deportation to Mexico before an Immigration Judge.

23. Petitioner has good reason to fear being sent to Mexico. When deported there, older Cubans like himself, who have lived in the U.S. all their lives and who have no connections to Mexico, end up without shelter or food and vulnerable to extreme violence. True and correct copies of reporting on the plight of Cubans deported to Mexico are attached as **Exhibit 5** (New York Times article dated May 27, 2026) and **Exhibit 6** (May 2026 report of Human Rights Watch).⁴

24. In or around January of this year—around a month after Officer Scott requested Petitioner's signature on the Mexico deportation documents—an ICE officer told Petitioner he was being deported to Cuba. The ICE officer showed Petitioner documents on which Petitioner could see the word "Cuba." Petitioner asked how he could be sent to Cuba if ICE had not obtained a travel document. The ICE officer responded that the travel document had already been "sent ahead" to Cuba, and that in any event, Petitioner need not concern himself with such details. Sensing the officer was lying, Petitioner refused to sign any documents.

25. That night, ICE flew Petitioner to the East Hidalgo Detention Center in La Villa, Texas (herein, "East Hidalgo"). On or around the third day he was there, Petitioner and other detained Cubans were informed of their imminent deportation to Mexico. However, before he could be put on the bus and taken across the border, Petitioner was instructed to return to his cell. Petitioner was later told, by someone he thinks was a guard at East Hidalgo, that Mexico did not accept him for deportation because of his age and health issues.

⁴ The New York Times article is available at https://www.nytimes.com/2026/05/27/us/cuba-deport-mexico.html?eafs_enabled=false (last visited July 2, 2026).

26. After approximately six days at East Hidalgo, ICE flew Petitioner to a detention facility in El Paso, Texas. Petitioner spent around seven days at this facility. He was then returned to Stewart, where he remains to date.

27. Around two months ago, Officer Scott again told Petitioner he would be deported to Mexico. Petitioner responded that Mexico will not take him because of his medical issues. Officer Scott told Petitioner he was lying. Petitioner again refused to sign documents that, as represented by Officer Scott, would allow his deportation to Mexico.

28. To date, Petitioner has not been afforded the opportunity to request relief from removal to Mexico. He has not received a fear screening conducted by an immigration officer. He has not appeared before an Immigration Judge to assert fear-based claims against removal to Mexico.

LEGAL FRAMEWORK
Post-Removal Order Detention Under 8 U.S.C. § 1231

29. 8 U.S.C. § 1231 permits ICE to detain noncitizens during the “removal period,” which is defined as the 90-day period during which “the Attorney General shall remove the [noncitizen] from the United States.” 8 U.S.C. § 1231(a)(1)(B). The removal period begins on the latest of the following:

- (i) The date the order of removal becomes administratively final.
- (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court’s final order.
- (iii) If the [noncitizen] is detained or confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement.

Id. § 1231(a)(1)(B).

30. If an individual is ordered removed by an Immigration Judge and does not appeal, their removal order becomes administratively final when the 30-day deadline for appeal expires, or immediately if the person waives appeal. *See* 8 C.F.R. §§ 1241.1(b), (c).

31. Detention is mandatory only during the 90-day “removal period.” *See* 8 U.S.C. § 1231(a)(1)(A). After the 90-day removal period, detention is no longer mandatory, and ICE may release noncitizens under an OSUP. *See* 8 U.S.C. § 1231(a)(3).

32. The implementing regulations of the Immigration and Nationality Act (“INA”) provide a comprehensive regulatory scheme governing the issuance and revocation of an OSUP. The regulations state that ICE may release a noncitizen on an OSUP if he “would not pose a danger to the community . . . or a significant risk of flight,” 8 C.F.R. § 241.4(d)(1), or if “there is no significant likelihood that [he] will be removed in the reasonably foreseeable future,” *id.* § 241.13(g)(1).

Constitutional Limits on Detention Under 8 U.S.C. § 1231

33. ICE may continue to detain some noncitizens who are not released on an OSUP. Noncitizens who are “inadmissible,” who have been ordered removed because of certain criminal convictions, or who are deemed “a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period[.]” 8 U.S.C. § 1231(a)(6). But that period of post-removal order detention is not without limits.

34. In *Zadvydas v. Davis*, the Supreme Court applied the doctrine of constitutional avoidance to hold that § 1231(a)(6) authorizes detention only for “a period reasonably necessary to bring about that [noncitizen]’s removal from the United States,” which is presumptively no longer than six months. 533 U.S. at 689, 701.

35. A person’s continued detention pursuant to § 1231(a)(6) is constitutionally impermissible if it is not reasonably related to the statutory purpose of ensuring the individual’s prompt removal or protecting against dangerousness in certain narrow circumstances. *Zadvydas*, 533 U.S. at 690. The justification of preventing a noncitizen’s flight is “weak or nonexistent”

where removal is not foreseeable, and detention based on dangerousness is only permissible “when limited to specially dangerous individuals and subject to strong procedural protections.” *Id.* at 690–91.

36. To avoid the “serious constitutional problem” of indefinite civil detention under § 1231(a)(6), the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a “reasonable period of detention” for noncitizens after a removal order. *Id.* at 690, 700–01. The Court determined that six months of detention could be deemed a “presumptively reasonable period of detention,” after which the burden shifts to the government to justify continued detention if the noncitizen provides a “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701. The noncitizen need not show that their removal is “impossible.” *Id.* at 702. And once the burden shifts to the government, the government must do more than simply claim that “good faith efforts to effectuate . . . deportation continue.” *See id.* If the government fails to rebut the noncitizen’s showing that there is no significant likelihood of removal in the reasonably foreseeable future, the government must release the noncitizen. *See id.*; *Singh v. Att’y Gen.*, 945 F.3d 1310, 1313–14 (11th Cir. 2019).

37. The Eleventh Circuit has distilled a noncitizen’s burden under *Zadvydas* into two elements. To state a claim under *Zadvydas*, the noncitizen must show (1) detention for over six months, and (2) that there is no significant likelihood of removal in the reasonably foreseeable future. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

38. Release is the proper remedy for unconstitutionally prolonged post-order detention. *See Zadvydas*, 533 U.S. at 699–700 (explaining that supervised release is the appropriate relief when “the detention in question exceeds a period reasonably necessary to secure removal” because, at that point, detention is “no longer authorized by statute”).

39. Where ICE releases the noncitizen on an OSUP because there is no significant likelihood of removal in the reasonably foreseeable future—that is, where the OSUP is granted pursuant to 8 C.F.R. § 241.13—the OSUP can be revoked only where “on account of changed circumstances, [ICE] determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2).

40. “Changed circumstances” has been interpreted to mean a general development that occurred between the grant of the OSUP and its revocation, and which applies to the noncitizen but is not necessarily a change in circumstances so individualized that it amounts to ICE having “a visa and a plane ticket for the noncitizen before even detaining him.” *Thuy v. Streeval*, 2026 WL 1379587, *4 (N.D. Ga. May 18, 2026).

41. That said, whereas “changed circumstances” can refer to a broad, generally applicable development, what comes next in § 241.13(i)(2) is an individualized inquiry that asks whether there exists a significant likelihood of removal in the reasonably foreseeable future *with respect to the specific noncitizen whose OSUP is to be revoked*. See *Rodriguez Romero v. Ladwig*, -- F.Supp.3d --, 2026 WL 321437, *5-6 (M.D. La. 2026) (“While the changed circumstance need not be unique to the petitioner, it does need to affect the likelihood of the individual petitioner’s removal, hence the individualized determination.”). See also *Thuy*, 2026 WL 1379587 at *4 (“The court in [*Rodriguez Romero*] struck the cleanest balance between making the changed circumstances requirement do actual work and avoiding a reading that overly restricts the government.”).

42. For purposes of OSUP revocation under 8 C.F.R. § 241.13, ICE has the burden of establishing that removal is significantly likely in the reasonably foreseeable future. See *Thuy*, 2026 WL 1379587 at * 5 (placing burden on ICE); *T.C.T. v. Warden*, 2025 WL 4648417, *2 (M.D.

Ga. Dec. 22, 2025)(“Because 8 C.F.R. § 241.13(i) applies to Petitioner,... the burden shifts to Respondent to show that there is a significant likelihood of removal in the reasonably foreseeable future.”), *report and recommendation adopted in part, rejected in part*, 2026 WL 493471 (M.D. Ga. Feb. 23, 2026).

43. ICE must follow certain procedures when revoking an OSUP. “Upon revocation,” ICE must (1) “notify[] [the noncitizen] of the reasons for revocation”; (2) “conduct an initial informal interview promptly after [their] return to [ICE] custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification”; and (3) conduct a “revocation custody review” that “include[s] an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.” 8 C.F.R. § 241.13(i)(3).

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231 *Presumptively Unreasonable Detention Under Zadvydas*

44. Petitioner re-alleges and incorporates by reference each allegation contained above.

45. Petitioner was ordered removed to Cuba on January 4, 2023. The order reflects Petitioner waived appeal, so it became administratively final that same day.

46. Petitioner is currently detained under 8 U.S.C. § 1231(a)(6), as he is subject to a final order of removal, and has been detained for more than eleven consecutive months, well beyond the mandatory 90-day removal period under 8 U.S.C. § 1231(a)(1)(A).

47. Petitioner’s continued detention violates 8 U.S.C. § 1231, as interpreted by *Zadvydas*. First, ICE has detained Petitioner far in excess of the six months deemed presumptively reasonable. And second, there is no significant likelihood of Petitioner’s removal to Cuba—the

only country designated on the IJ's removal order—in the reasonably foreseeable future.

48. ICE has already released Petitioner from custody once, in December of 2023, based on a determination that it could not remove him to Cuba.

49. That decision necessarily entailed a finding that his OSUP included conditions sufficient “to protect the public safety and to promote the ability of [ICE] to effect [Petitioner’s] removal as ordered, or removal to a third country, should the circumstances change in the future.” 8 C.F.R. § 241.13(h)(1).

50. It follows that no “sufficiently strong special justification” exists to justify Petitioner’s continued detention beyond the removal period and the presumptively reasonable six-month limit. *See Zadvydas*, 533 U.S. at 690–91.

51. Given that Mexico has refused to accept Petitioner for deportation, there is no country other than Cuba to which he can be sent. *See* 8 U.S.C. § 1231(b)(2)(E)(vii)(where “impracticable, inadvisable, or impossible” to remove to a country described in (i) through (vi), then to “another country *whose government will accept the alien into that country*”)(emphasis supplied).

52. Petitioner’s continued detention violates 8 U.S.C. § 1231, and he is entitled to immediate release from Respondents’ custody.

COUNT TWO

VIOLATION OF DUE PROCESS CLAUSE OF FIFTH AMENDMENT TO U.S. CONSTITUTION

Indefinite Civil Detention Unrelated to Ensuring Removal or Protecting Community

53. Petitioner re-alleges and incorporates by reference each allegation contained above.

54. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Fifth Amendment’s Due

Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

55. Civil detention requires a “special justification” that “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)).

56. The Supreme Court in *Zadvydas* recognizes that “indefinite detention” of those with final removal orders “would raise serious constitutional concerns” of the kind implicated here. *Id.* at 691.

57. Mitigating flight risk is not an issue where, as here, “removal seems a remote possibility at best.” *Id.* at 690. And detention based on dangerousness is permissible only “when limited to specially dangerous individuals and subject to strong procedural protections.” *Id.* at 691.

58. Because his removal to Cuba is not reasonably foreseeable, there is no constitutionally valid justification for Petitioner’s continued, indefinite civil detention.

COUNT THREE

VIOLATION OF DUE PROCESS CLAUSE OF FIFTH AMENDMENT TO U.S. CONSTITUTION

Failure to Provide Notice, Meaningful Opportunity to Contest Removal to Third Country

59. Petitioner re-alleges and incorporates by reference each allegation contained above.

60. “‘It is well established that the Fifth Amendment entitles aliens to due process of law’ in the context of removal proceedings.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025)(per curium)(quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

61. Petitioner is thus “entitled to notice and opportunity to be heard ‘appropriate to the nature of the case.’” *Id.* (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950)).

62. This means Petitioner must receive notice that he is to be removed to a third country

“within a reasonable time and in such a manner as will allow [him] to actually seek habeas relief in the proper venue before such removal occurs.” *Id.* See also *D.V.D. v. Dep’t of Homeland Sec.*, 821 F.Supp.3d 102 (D. Mass. 2026)(vacating third-country removal guidance based on due process concerns, including that the guidance “extinguishes valid challenges to third-country removal by effecting removal before those challenges can be raised”), *stay granted*, No. 26-1212 (1st Cir. Mar. 16, 2026).

63. Petitioner is a citizen of no country other than Cuba, and he has never been ordered removed to any country other than Cuba.

64. To comport with due process, a meaningful opportunity to contest deportation to a third country, including Mexico, entails a fear screening or interview conducted by an immigration officer and, in the event the immigration officer concludes the facts alleged do not trigger Petitioner’s right to contest his deportation before an immigration judge, review of that immigration officer’s decision by an immigration judge. See *Sagastizado v. Noem*, 802 F.Supp.3d 992 (S.D. Tex. 2025).

65. Post-order detention is meant to facilitate the noncitizen’s removal. See *Zadvydas*, 533 U.S. at 690. It follows, then, that if Petitioner’s removal to a third country is effected in violation of his due process rights—that is, without the opportunity to contest it—his post-order detention is illegal. This due process claim “necessarily impl[ies] the invalidity of [Petitioner’s] confinement and removal” to a third country not yet named in any removal order. *J.G.G.*, 604 U.S. at 672. A habeas petition is the proper vehicle for this claim. *Id.* Release from detention is the proper remedy.

COUNT FOUR

**VIOLATION OF DUE PROCESS CLAUSE OF
FIFTH AMENDMENT TO U.S. CONSTITUTION
*Failure to Follow OSUP Revocation Policies, Regulations***

66. Petitioner re-alleges and incorporates by reference each allegation contained above.

67. The OSUP revocation regulations at 8 C.F.R. § 241.13(i) protect noncitizens' right to due process. *See Rodriguez Romero*, 2026 WL 321437 at * 10.

68. As of July 10, 2025, the date on which they revoked Petitioner's OSUP, Respondents (1) had no reason to believe Petitioner's deportation to Cuba was any more likely than it had been when they granted his OSUP in December of 2023; (2) had not offered Mexico the opportunity to accept or refuse to accept Petitioner for deportation; and (3) had no reason to believe that Petitioner, specifically, would be accepted by Mexico for deportation.

69. Respondents did not give Petitioner the opportunity to contest revocation of his OSUP.

70. It was not until December of 2025—well after the revocation of his OSUP on July 10, 2025—that Respondents first told Petitioner they intended to deport him to Mexico.

71. In short, Respondents failed to provide Petitioner with the procedural protections required by 8 C.F.R. § 241.13(i).

COUNT FIVE

**VIOLATION OF ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(A)
*Accardi Doctrine***

72. Petitioner re-alleges and incorporates by reference each allegation contained above.

73. Under the so-called *Accardi* doctrine, agencies are bound to follow their own regulations. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

74. Respondents violated the regulations codified at 8 C.F.R. § 241.13(i) insofar as they

revoked Petitioner's OSUP without basis; failed to advise Petitioner upon revocation of his OSUP that they intended to deport him to Mexico; and failed to offer him the opportunity to contest revocation of his OSUP.

75. Respondents' revocation of Petitioner's OSUP constitutes "final agency action" under 5 U.S.C. § 704.

76. Respondents' revocation of Petitioner's OSUP in violation of the regulations codified at 8 C.F.R. § 241.13(i) was "arbitrary, capricious, an abuse of discretion," and "otherwise not in accordance with law" as contemplated by 5 U.S.C. § 706(2)(A).

PRAYER FOR RELIEF

WHEREFORE, Petitioner A.M.H. respectfully requests that the Court:

- A. Assume jurisdiction over this matter;
- B. Order Respondents to show cause why the writ should not be granted, to "be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed." 28 U.S.C. § 2243;
- C. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
- D. Enjoin Respondents from transferring Petitioner outside of this judicial district pending litigation of this matter in order to preserve jurisdiction and Petitioner's access to counsel and in-person family visitation;
- E. In the event that this Court determines that a genuine dispute of material fact exists regarding the likelihood of Petitioner's removal in the reasonably foreseeable future, or regarding any other material factual issue, schedule an evidentiary hearing and allow Petitioner to conduct discovery, *see Singh*, 945 F.3d at 1315–16;
- F. Declare that Petitioner's detention violates the Immigration and Nationality Act;
- G. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution;
- H. Hold unlawful and set aside Respondents' revocation of Petitioner's OSUP;
- I. Grant a Writ of Habeas Corpus, ordering Respondents to immediately release Petitioner from their custody based on any or all of the findings above;

J. Award Petitioner's costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

K. Grant such further relief as the Court deems just and proper.

Respectfully submitted, this 6th day of July, 2026.

GEORGIA STATE UNIVERSITY
COLLEGE OF LAW

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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner A.M.H. ("Petitioner") because I am Petitioner's attorney. I have discussed with Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this Amended Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

GEORGIA STATE UNIVERSITY
COLLEGE OF LAW

BY: /s/ Willis L. Miller IV
WILLIS L. MILLER IV

Counsel for Petitioner