IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

KIMBERLY SANCHEZ PEREZ, Petitioner, v. **KRISTEN SULLIVAN**, Acting Field Office Director, Atlanta Field Office, Immigration and Customs Enforcement, in her official capacity, **JASON STREEVAL**, Warden, Stewart Detention Center, in his official capacity, **DAVID J. VENTURELLA**, Senior Director of U.S. Immigration and Customs Enforcement, in his official capacity, **MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security, in his official capacity, **TODD BLANCHE**, U.S. Acting Attorney General, in his official capacity Respondents.	Case No.

PETITION FOR WRIT OF HABEAS CORPUS

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FOR THE MIDDLE DISTRICT OF GEORGIA

KIMBERLY SANCHEZ PEREZ, Petitioner, v **KRISTEN SULLIVAN**, Acting Field Office Director, Atlanta Field Office, Immigration and Customs Enforcement, in her official capacity, **JASON STREEVAL**, Warden, Stewart Detention Center, in his official capacity, **DAVID J. VENTURELLA**, Senior Director of U.S. Immigration and Customs Enforcement, in his official capacity, **MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security, in his official capacity, **TODD BLANCHE**, U.S. Acting Attorney General, in his official capacity Respondents.	Case No.

INTRODUCTION

1. ("Petitioner") **Kimberly Sanchez Perez** (A# [redacted] is a 27-year-old citizen of Guatemala. ***(See Exhibit A).***

2. Petitioner entered the United States on or about 2016. Petitioner was 16 years old at the time of entry. Petitioner entered without inspection and was not apprehended.

3. Petitioner does not have a criminal record.
4. Petitioner has established strong ties and connections during her time in the United States Petitioner has two USC children waiting for her return home. ***(See Exhibit B and C).***
5. Petitioner has a Master Hearing on June 1, 2026, before the Immigration Court.
6. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on May 18, 2026.
7. On May 15, 2026, the Petitioner was driving home from work when she was pulled over by a Sheriff. The Petitioner was asked for a driver's license, but she told the Sheriff she does not have one. The Sheriff told the Petitioner to step out of the vehicle because she was now under arrest. The Sheriff never told the Petitioner the actual reason for the stop.
8. The Petitioner was taken to Spalding County Correctional. The Petitioner was told that she could get released if she paid $1,500 bail but when her brother went to pay the bail, he was told that he could not make the payment. They advised that if ICE did not pick up the Petitioner in 72 hours, she would be released. On May 18, 2026, Immigration Federal Agents arrived and took the Petitioner into custody.
9. Petitioner was taken to the nearest ICE/ERO Field Office and transferred to Stewart Detention Center located in Lumpkin, GA, where she is currently being detained.
10. In order to vindicate Petitioner's constitutional, statutory and regulatory rights, this Honorable Court should grant this instant petition for a writ of habeas corpus to ensure her continued freedom.
11. Petitioner kindly requests that this court find her detention to be unlawful and order ICE to release her.

JURISDICTION

12. This Honorable Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).

13. Venue is proper because Petitioner is currently detained at Stewart Detention Center located in Lumpkin, GA. Therefore, the petitioner remains detained within the District of Georgia.

PARTIES & FACTS ALLEGED

14. The Petitioner, Kimberly Sanchez Perez is a native and citizen of Guatemala.

15. Respondent Kristin Sullivan is the Acting Field Office Director for the Atlanta Field Office, Immigration and Customs Enforcement.

16. Respondent Jason Streeval is Warden for the Stewart Detention Center

17. Respondent David J. Venturella is the Senior Director for U.S. Immigration and Customs Enforcement.

18. Respondent Markwayne Mullin is the U.S. Secretary of Homeland Security.

19. Respondent Todd Blanche is the U.S. Attorney General.

20. All Respondents are named in their official capacities.

21. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on May 18, 2026.

22. On May 15, 2026, the Petitioner was driving home from work when she was pulled over by a Sheriff. The Petitioner was asked for a driver's license, but she told the Sheriff she does not have one. The Sheriff told the Petitioner to step out of the vehicle because she was now under arrest. The Sheriff never told the Petitioner the actual reason for the stop.

23. The Petitioner was taken to Spalding County Correctional. The Petitioner was told that she could get released if she paid $1,500 bail but when her brother went to pay the bail, he was told that he could not make the payment. They advised that if ICE did not pick up the Petitioner in 72 hours, she would be released. On May 18, 2026, Immigration Federal Agents arrived and took the Petitioner into custody.

24. On information and belief, Petitioner is currently in custody in the Middle District of Georgia and one or more of the Respondents is her immediate custodian.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process

25. The Fifth Amendment provides that "no person shall be deprived of life, liberty, or property without due process of law".

26. The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, temporary or permanent" *Zadvydas v. Davis, 553 U.S. 693 (2001).*

27. Respondent's mandatory detention without consideration for release on bond or access to a bond hearing violates her due process rights.

28. On information and belief, Petitioner is currently being detained at the Stewart Detention Center located in Lumpkin, GA, without cause and in violation of her constitutional rights to due process of law.

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

29. Mandatory detention as set forth on 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States whom are subject to the ground of inadmissibility, most

relevant, it does not apply to those who previously entered the country and have been residing in the United States prior to being detained, historically, such noncitizens would be detained under § 1226(a), and therefore, eligible for release on bond.

30. Nonetheless, the Board of Immigration Appeal, under the Department of Justice, issued a decision on September 5th, 2025, binding on all Immigration Judges, thus rendering the Petitioner ineligible for release on Bond. *Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).*

COUNT THREE
Violation of the Bond Regulations, 8 C.F.R. § 236.1, 1236.1 and 1003.19 Unlawful Denial of Release on Bond

31. In 1997, following enactment of IIRIRA, EOIR and the Immigration and Naturalization Service issued an interim rule interpreting its detention provisions. Under the heading "Apprehension, Custody, and Detention of [Noncitizens]," the agencies clarified that "despite being applicants for admission, [noncitizens] who are present without having been admitted or paroled will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Thus, individuals who entered without inspection are eligible for custody redetermination hearings under 8 U.S.C. § 1226 and its implementing regulations.

32. Application of 8 U.S.C. § 1225(b)(2) to Petitioner, who is bond-eligible, unlawfully mandates her continued detention in contravention of 8 C.F.R. § 236.1, 1236.1, and 1003.19.

COUNT FOUR
Violation of the Maldonado Bautista v. Noem (5:25-cv-01873-SSS-BFM) Final Judgement

33. The Petitioner, qualifies as a member of the Certified Bond Eligible Class, as defined in the Judgement, the Bond Eligible Class is defined as "All noncitizens in the United States

without lawful status who (1) have entered or will enter the United States without inspection, (2) were not or will not be apprehended upon arrival, and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or§ 1231 at the time the Department of Homeland Security makes an initial custody determination."

34. The U.S. District Court declared that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under§ 1225(b)(2).

35. The Respondents have consistently denied the Petitioner the access to a Bond Hearing, as stipulated by the final judgement, as they continue to misclassify the Petitioner as detained pursuant to U.S.C. § 1225(b)(2).

36. Although *Maldonado Bautista v. Noem* is currently under appeal at the 9th Circuit, no Stay has been in place, and therefore the issued Final Judgement constitutes the law of the land.

COUNT FIVE
Violation of Administrative Procedure Act ("APA") 5 U.S. Code Sec. 706

37. The Administrative Procedure Act states: **5 U.S. Code Sec. 706**(2)(A) states as follows: "To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall- (2) hold unlawful and set aside agency action, findings, and conclusions found to be- (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; "Petitioner's detention is unlawful and as such Respondents' actions fall under the Administrative Procedure Act and the Court may set aside agency actions that are found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. **5 U.S. Code Sec. 706(2)(A).**

38. Petitioner's mandatory unlawful detention falls under the APA as Respondent's actions are considered arbitrary, capricious and an abuse of discretion. Petitioner's unlawful detention moreover is unreasonable given the length of time, without possibility of release.

PRAYER FOR RELIEF

Wherefore, Petitioner **Kimberly Sanchez Perez** respectfully requests this Court to grant the following:

1) Assume jurisdiction over this matter;
2) Order that Petitioner shall NOT be transferred outside the District of Georgia;
3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or in the alternative issue an order directing the Immigration Court to provide Petitioner with a bond hearing before the Immigration Court within a specified and prompt period of time (date and time of such bond hearing), at which:
    a. The Government bears the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or a risk of flight;
    b. The Immigration Judge considers Petitioner's ability to pay and alternatives to detention; and
    c. The hearing comports with due process of law;
6) Order the Petitioner's counsel be notified by phone 617-418-5442 or by email at lazomargie.law@gmail.com of the exact location and exact time of Petitioner's release if ordered Immediate release.
7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Kimberly Sanchez Perez
Petitioner

Dated: May 30, 2026

By: ***/s/ Margie S. Lazo***

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Dated: May 30, 2026

By: ***/s/Eli Bennett***

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Counselors for Petitioner

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

We, Margie S. Lazo and Eli Bennett, represent **Kimberly Sanchez Perez**, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge

/s/ ***Margie S. Lazo*** Dated: May 30, 2026

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/s/ ***Eli Bennett*** Dated: May 30, 2026

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