

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Jose MONDRAGON MEJIA
Petitioner,

v.

Jason STREEVAL, *in his official capacity*
as Warden of Stewart Detention Center, and
David VENTURELLA, *in his official capacity as*
Acting Director of I.C.E.
and Kristen SULLIVAN, *Field Office Director*
ICE Atlanta Field Office, and Markwayne MULLIN
Secretary of Homeland Security,
Respondents.

Case No. 4:26-cv-919

PETITION FOR WRIT
OF HABEAS CORPUS

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INTRODUCTION

1. Petitioner, Jose MONDRAGON MEJIA, is a thirty-six-year-old native and citizen of Mexico who first entered the United States without inspection in approximately 2006 and has lived in the United States since that time, with the exception of a brief departure in 2022 due to his mother's illness.

2. Petitioner was detained by Respondents on or about March 5, 2026 and detained at Stewart Detention Center. Upon information and belief, Petitioner's valid employment authorization document ("EAD") and North Carolina Drivers License were placed into the secure property storage by Respondents. *See, Exhibit A*, EAD, and *Exhibit B*, Driver's License.

3. The bond was posted on or about March 16, 2026 and Petitioner was

released from custody that same day but without his EAD or Driver's license.

4. Respondents failed to follow their own guidance when they retained Petitioner's valid EAD or North Carolina Driver's License, without which his ability to travel or work are severely limited.

5. Petitioner, through the undersigned, files the instant Petition for Writ of Habeas Corpus, (28 U.S.C. §2241); Petition for Writ of Mandamus, (28 U.S.C. §1361), and Complaint for declaratory and injunctive relief, under 28 U.S.C. §§1331 (federal question), and 1346(a)(2) (actions against Officers of the United States), together with 28 U.S.C. §2201 (Declaratory Judgment Act).

VENUE AND JURISDICTION

6. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the Constitution (Suspension Clause).

7. This action arises under the Constitution of the United States, 28 U.S.C. § 2241(c)(1), and the Immigration and Nationality Act, as amended ("INA"), 8 U.S.C. § 1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution ("Suspension Clause"), and 28 U.S.C. § 1331.

8. Venue is proper in this Court pursuant to 28 U.S.C. 1391(b)(2) as this is where "a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated."

PARTIES

9. Petitioner, Jose Mondragon Mejia is a citizen and national of Mexico who was in immigration detention at Stewart Detention from on or about March 5, 2026 through on or about March 19, 2026.

10. Respondent Jason Streeval is the Warden of Stewart Detention Center. As such, Respondent is responsible for the operation of the Detention Center where Petitioner was detained and where, on information and belief, Petitioner's EAD and Driver's License were stored.

11. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (hereinafter "ICE"). As such, Respondent Lyons is responsible for the oversight of ICE operations. Respondent Lyons is being sued in his official capacity.

12. Respondent Kristen Sullivan is the Atlanta Field Office Director for Immigration and Customs Enforcement (hereinafter "FOD"). As such, Respondent Sterling is responsible for the oversight of ICE operations at the Stewart Detention Center. Respondent Sterling is being sued in his official capacity.

13. Respondent Markwayne Mullin is the Acting Secretary of the Department of Homeland Security (hereinafter "DHS"). As Acting Secretary of DHS, Secretary Noem is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary Mullin is being sued in his official capacity.

EXHAUSTION OF REMEDIES

14. No statutory exhaustion requirement applies. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

STATEMENT OF FACTS

15. Petitioner is a thirty-six-year-old native and citizen of Mexico.

16. Petitioner has resided in the United States since approximately 2006 and lives in Woodstock, Georgia. He has long work history in landscaping, and his children attend local schools. He is employment authorized and has a valid Georgia driver's license.

17. Or or around March 5, 2026, Petitioner was detained by ICE while driving to work. He was driving with a lawful Georgia driver's license, and he has not been charged with any crime in relation to this stop by ICE. He was transferred to DHS ICE custody and was held at the Stewart Detention Center.

18. On March 9, 2026, Petitioner filed a petition for a writ of habeas corpus with this Court under docket number 4:26-cv-00361, challenging his mandatory detention under *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

19. On March 10, 2026, this Court granted his petition and ordered a bond hearing. *See, Exhibit C*, Habeas Order, CM/ECF No. 4.

20. On March 13, 2026, an Immigration Judge ("IJ") ordered Petitioner

released on a \$9,000 bond, finding he poses neither danger to the community nor a significant flight risk. No additional conditions were imposed. *See, Exhibit D, Bond Order*

21. On or about March 16, 2026, Petitioner was released from ICE custody, without his documents.

22. Following his release, Petitioner through his counsel, sought to obtain his documents, but to date, Respondents have failed and refused to return them to him. *See, Exhibit E, Emails sent to ICE.*

23. As a result, Petitioner is no longer able to work or travel. Similarly, he is unable to produce his EAD as evidence of his status in the United States or to produce his drivers license to other law enforcement officers as proof of identity or for other valid purposes.

24. Without his EAD (which is valid through February 4, 2030), petitioner is unable to obtain a replacement for his Driver's License (valid through the same date).

25. A replacement EAD, according to USCIS published processing times, will take 13 months or longer. *See, Exhibit F, Processing Times.*

26. This places significant restrictions on his liberty not shared by the populace at large, within the meaning of *Jones v. Cunningham*, 371 U.S. 236,240 (1963).

LEGAL FRAMEWORK FOR RELIEF SOUGHT

27. Habeas corpus relief extends to a person "in custody under or by color

of the authority of the United States” if the person can show he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner’s claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).

28. “[H]abeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that “[t]he court shall ... dispose of [] as law and justice require,” 28 U.S.C. § 2243. “[T]he court’s role was most extensive in cases of pretrial and noncriminal detention.” *Boumediene v. Bush*, 553 U.S. 723, 779-80 (2008) (citations omitted). “[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner’s release.” *Id.* at 787.

29. Habeas corpus jurisdiction “has been extended beyond that which the most literal reading of the statute might require, to individuals who, though not subject to ‘immediate physical imprisonment,’ are subject to ‘restraints not shared by the public generally’ that ‘significantly confine and restrain [their] freedom’.” *Jones v. Cunningham*, 371 U.S. 236, 240, 243 (1963) (internal citation omitted). Thus, federal courts have exercised habeas corpus jurisdiction over a state prisoner released on parole, *id.*, a convict released on his own recognizance pending execution of his sentence, *Hensley v. Municipal Court*, 411 U.S.345, 351

(1973), an individual sentenced to attend an alcohol rehabilitation program for fourteen hours, *Dow v. Circuit Court of the First Circuit*, 995 F.2d 922, 923 (9th Cir. 1993), and an individual who, though not in physical custody, was subject to a final order of deportation. *Williams v. INS*, 795 F.2d 738, 744-45 (9th Cir. 1986).

30. On January 20, 2025, President Trump issued Executive Order 14159, *Protecting the American People Against Invasion*¹, in which he directed the Secretary of Homeland Security to take all appropriate action to identify “unregistered illegal aliens” residing in the United States. *Id.* Section 7.

31. Section 264 of the INA requires aliens over age 18 to carry issued proof of registration. Failure to comply with these and other registration requirements, codified at 8 U.S.C. §§1301-1306, may subject aliens to misdemeanor penalties and serve as grounds for removal from the United States.

32. The alien registration requirement dates back to 1940, when Congress passed a law to require all foreign nationals to register with the federal government, provide biographic details, and carry proof of their registration. 8 U.S.C. § 1302. The Order clarified that individuals who had been issued an employment authorization card, were considered “registered” under the law.

33. All registered foreign nationals must carry proof of registration on their person at all times in the United States. 8 U.S.C. 1304(e). Failure to do so is a misdemeanor crime. *Id.*

34. Congress increased the importance of the employment authorization

¹ <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

card with its adoption of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. No. 99-603, 1986 U.S. Code Cong. & Admin. News (100 Stat.) 3359 (codified at various sections throughout Title 8 of the United States Code). IRCA substantively amended several provisions of the INA. In large part, the IRCA amendments focused on the issue of alien employment within the domestic economy. In section 101(a) of IRCA, Congress set out to preclude the employment of aliens who had neither obtained LPR status nor *been granted special employment authorization* by the Attorney General. 8 U.S.C. §§ 1324a(a), 1324a(h)(3).

35. Domestic employers are subject to both civil and criminal penalties if they knowingly hire an unauthorized alien or fail to comply with the verification process established by the statute. 8 U.S.C. §§ 1324a(a), 1324a(e) & (f). IRCA's verification scheme requires that an employer attest that it has confirmed a prospective employee's identity (for example, a Driver's License) and employment authorization (or "EAD") by reviewing one or more statutorily designated documents. 8 U.S.C. § 1324a(b). In adopting this elaborate verification scheme, Congress sought to stem the tide of undocumented aliens into the United States. *McNary v. Haitian Refugee Ctr., Inc.*, 498 U.S. 479, 481 (1991).

36. Respondents' refusal to provide Petitioner with evidence of his registration, his employment authorization and his license to drive places significant restrictions on his liberty not shared by the populace at large, within the meaning of *Jones v. Cunningham*, 371 U.S. 236,240 (1963).

37. Petitioner is suffering irreparable harm:

38. He does not have proof of employment authorization.

39. A situation may arise where he is asked for identification and cannot produce it. He does not want to spend time in detention or have to fight a criminal misdemeanor charge due to failure to maintain proof of his registration. This is distressing and costly.

CAUSES OF ACTION

COUNT ONE (PROCEDURAL DUE PROCESS)

40. Petitioner incorporates paragraphs 1 through 39 as if fully set out herein.

41. The Fifth Amendment forbids a deprivation of liberty without notice and a meaningful opportunity to be heard before a neutral decision-maker.

42. Subsection 1003.19(i)(2) strips Petitioner of that protection by allowing Respondent's to continue to restrict and restrain him after his release on bond.

43. Applying the *Mathews v. Eldridge*, 424 U.S. 319 (1976), test, Petitioner's liberty interest is paramount; the risk of erroneous deprivation is extreme considering the Immigration Judge's determination that Petitioner should be released from restraints on his liberty. Likewise, the risk of erroneous deprivation of liberty is great due to the lack of a non-independent adjudicator. *Marcello v. Bonds*, 39 U.S. 302, 305-306 (1955).

**COUNT TWO
(SUBSTANTIVE DUE PROCESS)**

44. Petitioner incorporates paragraphs 1 through 39 as if fully set out herein.

45. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

46. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall be ... deprived of life, liberty, or property, without due process of law.” U.S. CONST. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention or other deprivation of liberties by the federal government.

**COUNT FOUR
(MANDAMUS)**

47. Petitioner incorporates paragraphs 1 through 39 as if fully set out herein.

48. Under 8 U.S.C. §1304(d), Respondents have a non-discretionary duty to provide Petitioner with “a certificate of alien registration or an alien registration receipt card in such form and manner and at such time as shall be prescribed under regulations issued by the Attorney General.” See, 8 C.F.R. §264.1 (“Prescribed Registration Forms”) and 8 C.F.R. §299.1 (showing I-766 Employment Authorization Card as the “Prescribed Form” as evidence of registration). Respondents’ refusal to provide Petitioner with such a document,

one which was already issued to him violates the laws and Constitution of the United States.

49. In failing and refusing to do, Respondents are exposing Petitioner to a restraint on his liberty, and a risk of arrest and prosecution or detention 'not shared by the public generally' that 'significantly confine and restrain [their] freedom'." *Jones v. Cunningham*, 371 U.S. 236, 240, 243 (1963)

50. Respondents have a duty to provide Petitioner with proof of his registration. This duty is a purely ministerial one, subject to enforcement by Writ of Mandamus.

COUNT FIVE (INJUNCTIVE RELIEF)

51. Under 8 U.S.C. §1304(d), Respondents have a duty to provide Petitioner with a certificate of alien registration or an alien registration receipt card. Their refusal to do so is unreasonable and an abuse of discretion. As a result, Petitioner is entitled to injunctive, and corresponding declaratory relief.

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 the Respondents to immediately return or replace Petitioner's EAD and Drivers License;
3. Order Respondents to file a response within 3 days of the filing of

this petition;

4. Award attorneys' fees to Petitioner; and
5. Grant any other and further relief which this Court deems just and proper.

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

Respectfully submitted this 8th day of June, 2026.

/s/ Helen L Parsonage
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