UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

G.R.J., A# [redacted], Petitioner, vs. JASON STREEVAL, in his official capacity as *Warden of Stewart Detention center*; and KRISTEN SULLIVAN, *Field Office Director for ICE Atlanta Field Office*, and TODD LYONS, in his official capacity as *Acting Director of Immigration and Customs Enforcement*; MARKWAYNE MULLIN, *DHS Secretary*; and TODD BLANCHE, *U.S. Attorney General*. Respondents.	)	CASE NO.:

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

I. INTRODUCTION

1. This Petition challenges the ongoing and unlawful detention of Petitioner, G.R.J., A# [redacted] by U.S. Immigration and Customs Enforcement (ICE) at Stewart Detention Center in Lumpkin, Georgia. Although the ICE Locator does not currently display a location, counsel verified with family members that Petitioner is detained at Stewart. See Exhibit 1 (ICE locator).

2. Petitioner is a long-time resident of the United States, a husband, a father of U.S. citizen children, a crime victim, and the principal petitioner on a pending

U visa petition filed with United States Citizenship and Immigration Services on September 5, 2025. He has not been granted a U visa, deferred action, or employment authorization based on a bona fide determination. His U visa petition remains pending. See Exhibit 2 (U Visa Receipt Notice).

3. Petitioner is a member of the preliminarily certified Pending Petition Class in *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026). The ICWC court certified a Pending Petition Class consisting of all individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions whom ICE detains or seeks to detain for civil immigration enforcement. The class definition contains no geographic limitation. Petitioner falls within that class because he has a pending principal U visa petition and ICE is detaining him for civil immigration enforcement.

4. Petitioner asserts ICWC protection based on his membership in the Pending Petition Class. To the extent Petitioner is also a current or future client, member, or beneficiary of one of the ICWC organizational plaintiffs, Respondents are independently bound by the ICWC stay as applied to him on that basis as well. Petitioner is contemporaneously requesting a stay of removal before enforcement of any final removal order, he also falls within the Stay of Removal Class. ICE may not detain or remove victim-based-benefit petitioners under the stayed 2025 Guidance or Blind Removal Policy without the statutorily contemplated preliminary inquiry into prima facie

eligibility and without honoring the protections Congress created for crime victims who come forward and assist law enforcement.

5. Petitioner was detained in Raleigh, North Carolina, when he appeared in connection with fingerprinting or biometrics related to his pending U visa petition. He was detained before he completed biometrics and therefore did not complete the biometrics process. ICE's arrest at that time undermined and deterred the very cooperation with USCIS and law enforcement that the U visa statutory scheme was designed to encourage.

6. ICE has provided Petitioner with a notice titled, in substance, "Notice to Remove Alien Who May Be Seeking Judicial Review," stating that he has an administrative final order of removal of an immigration judge, that ICE is authorized to execute the administrative final removal order, and that even if he has filed a petition for review with a court of appeals, in the event the petition for review is granted, the United States may permit his return to the United States. Petitioner signed that notice.

7. ICE now asserts that Petitioner has prior removal history. According to ICE, Petitioner was granted voluntary departure on October 13, 2011, departed on November 1, 2011, reentered on November 4, 2011, was issued an expedited removal order, was convicted of illegal reentry, and was removed on January 17, 2012. ICE further asserts that Petitioner reentered on August 20, 2012, was again processed for expedited removal, was removed on August 27, 2012, and reentered the United States sometime thereafter.

8. This Petition does not ask this Court to adjudicate Petitioner's removability, review the validity of any removal order, or grant immigration relief that only USCIS may grant. It challenges Petitioner's detention, ICE's custody classification, ICE's failure to provide a lawful custody process, ICE's failure to comply with statutory and regulatory protections for U visa petitioners, and ICE's attempt to detain and potentially remove him under policies that have been stayed as to ICWC class members and that are contrary to the INA, the APA, the *Accardi* doctrine, and the Fifth Amendment.

9. Respondents' continued detention is unlawful because Petitioner is detained, if at all, under 8 U.S.C. § 1231 following a prior final or reinstated order of removal. The 90-day statutory removal period associated with that order expired years ago, and Respondents have not shown that Petitioner's renewed detention is authorized under § 1231(a)(6), that Petitioner violated an Order of Supervision, that Petitioner is a danger to the community or unlikely to comply with removal, or that removal is significantly likely in the reasonably foreseeable future. Respondents also may not execute removal in disregard of Petitioner's pending U visa petition, the statutory prima facie-stay framework, and the ICWC stay of the Blind Removal Policy.

10. Respondents' actions violate the Due Process Clause of the Fifth Amendment by depriving Petitioner of liberty without individualized assessment or a meaningful opportunity to be heard before a neutral decisionmaker. They also contravene the INA, implementing regulations, the APA, and the *Accardi*

doctrine.

11. Petitioner seeks immediate habeas, declaratory, and injunctive relief ordering Respondents to release him from custody or, at minimum, release him under an Order of Supervision with reasonable conditions. Petitioner also seeks an order prohibiting his removal while this habeas action is pending and until Respondents comply with the ICWC stay, the INA's protections for U visa petitioners, the prima facie-stay process, and all required post-order custody procedures.

II. JURISDICTION

A. <u>This Court Has Jurisdiction Under 28 U.S.C. § 2241 and 28 U.S.C. § 1331</u>

12. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and challenges the legality of that custody.

13. This Court has federal-question jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution, the Immigration and Nationality Act, the Administrative Procedure Act, the Declaratory Judgment Act, and the All Writs Act.

14. For purposes of Petitioner's habeas claim under 28 U.S.C. § 2241, Petitioner names Respondent Jason Streeval, Warden of Stewart Detention Center, as his immediate physical custodian. The remaining federal official Respondents are named only in their official capacities for Petitioner's non-

habeas claims for prospective declaratory and injunctive relief under 28 U.S.C. § 1331, the APA, the Declaratory Judgment Act, and the All Writs Act, and to ensure implementation of any order requiring agency-level action, including release, custody review, non-removal, USCIS coordination, or compliance with the ICWC stay.

15. This Court may grant habeas relief under 28 U.S.C. §§ 2241 and 2243 and may dispose of the matter as law and justice require.

16. This Court may grant declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202, Federal Rules of Civil Procedure 57 and 65, and its inherent equitable authority.

17. This Court also has authority under the All Writs Act, 28 U.S.C. § 1651, to preserve its habeas jurisdiction by prohibiting Petitioner's transfer outside this District, change of immediate custodian, or removal from the United States while this action is pending.

18. Petitioner asserts substantial constitutional and statutory claims, including deprivation of liberty without due process, arbitrary and capricious agency action, agency action contrary to law, violation of the Accardi doctrine, unlawful application of ICE Policy No. 11005.4, and unlawful detention without individualized custody review.

19. Federal habeas review remains available to challenge unlawful immigration detention. In *I.N.S. v. St. Cyr*, 533 U.S. 289 (2001), the Supreme Court held that federal courts retain habeas jurisdiction under 28 U.S.C. § 2241

notwithstanding statutory limits on other forms of immigration review.

20. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court recognized that immigration detention is subject to constitutional limits and that habeas is available to test the legality of detention.

21. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court distinguished between detention statutes and confirmed that detention challenges are not automatically channeled into petitions for review of removal orders.

B. The INA's Jurisdictional-Channeling Provisions Do Not Bar This Petition

22. Petitioner challenges detention and custody procedures, not the merits of removability or the validity of a removal order. Section 1252(b)(9) does not bar such detention claims. *Jennings v. Rodriguez*, 583 U.S. 281, 291–92 (2018).

23. Section 1252(g) is likewise inapplicable. That provision applies only to three discrete actions: the decision or action to commence proceedings, adjudicate cases, or execute removal orders. *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 482 (1999).

III. VENUE

24. Venue is proper in the Middle District of Georgia because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, within this

District.

25. Respondent Jason Streeval, Warden of Stewart Detention Center, is Petitioner's immediate physical custodian and is located in this District.

26. Habeas petitions are generally filed in the district of confinement, and this Court has jurisdiction over Petitioner's immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

27. Venue is also proper for Petitioner's non-habeas claims for prospective declaratory and injunctive relief against federal officials under 28 U.S.C. § 1391(e).

IV. PARTIES

28. Petitioner, G.R.J. is a noncitizen who has resided in the United States for fourteen years. He entered the United States without inspection through the southern border. Since then, Petitioner has lived continuously in the United States, primarily in Robbins, North Carolina. Upon information and belief, the Petitioner is currently detained by ICE at the Stewart Detention Center in Georgia.

29. Respondent Jason Streeval is the Jailer/Warden of Stewart Detention Center, Lumpkin Georgia. As such, Respondent Jason Streeval is responsible for the operation of the Detention Center where Petitioner is detained and is the immediate custodian who is currently holding Petitioner in physical custody. Because ICE contracts with private and county-operated detention facilities

to house immigration detainees, Respondent Jason Streeval has immediate physical custody of the Petitioner and is sued in his official capacity.

30. Respondent Kristen Sullivan is the Field Office Director for the ICE Atlanta Field Office. As such, Respondent Sullivan is responsible for the oversight of ICE operations at the Stewart Detention Center. Respondent Sullivan is being sued in her official capacity. She is the head of the ICE office that unlawfully arrested Petitioner, and such arrest took place under her direction and supervision. She is the immediate legal custodian of Petitioner.

31. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). As such, Respondent Lyons is responsible for the oversight of ICE operations and the head of the federal agency responsible for all immigration enforcement in the United States. Respondent Lyons is being sued in his official capacity.

32. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS). As Secretary of DHS, Secretary Mullin is the cabinet-level official 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.

33. Respondent Todd Blanche is the Attorney General of the United States and is sued in his official capacity since U.S. government agencies are Respondents in this complaint. Furthermore, the Immigration Judges who decide removal

cases and applications for bond and relief from removal do so as his designees at the Executive Office for Immigration Review (EOIR).

34. Petitioner names Respondents Sullivan, Lyons, Mullin, and Blanche in their official capacities solely for non-habeas prospective relief under 28 U.S.C. § 1331, the APA's waiver of sovereign immunity, 5 U.S.C. § 702, the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and the All Writs Act, 28 U.S.C. § 1651. Petitioner does not name these non-custodial Respondents as immediate custodians for purposes of the habeas claim itself. They are named to ensure effective prospective relief requiring agency-level compliance with DHS/ICE policies, the INA, custody regulations, the ICWC stay, non-removal obligations, USCIS coordination, and any release or supervision order entered by this Court[1]

V. STATEMENT OF FACTS AND PROCEDURAL HISTORY

35. Petitioner, G.R.J., is a 39-year-old noncitizen who first entered the United

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[1] Petitioner acknowledges, consistent with *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that the proper respondent to the habeas claim is the immediate custodian, and does not rely on the federal officials as "habeas respondents." Rather, Petitioner names these federal officials in their official capacities solely to ensure that the Court can issue effective relief on non-habeas claims, such as declaratory and injunctive relief, and to direct agency action to those with actual authority to implement it. Should the Court find these officials improper as respondents to the habeas count, Petitioner respectfully requests that any dismissal be limited to that claim and without prejudice to their continued status as respondents for the non-habeas claims. Maintaining these officials as parties is necessary to ensure that, if relief is granted, the responsible agency officials cannot simply re-arrest Petitioner or otherwise frustrate the Court's order by invoking their erroneous interpretation of the INA. This approach is consistent with *Padilla* and ensures that the Court's orders are both effective and enforceable.

States as a minor child and resided here for a number of years before departing in 2011.

36. ICE asserts that Petitioner was granted voluntary departure on October 13, 2011, departed on November 1, 2011, reentered the United States on November 4, 2011, was issued an expedited removal order, was convicted of illegal reentry, and was removed on January 17, 2012.

37. ICE further asserts that Petitioner reentered on August 20, 2012, was again processed for expedited removal, was removed on August 27, 2012, and later reentered the United States.

38. Since his most recent entry, Petitioner has resided in the United States for many years, primarily in Robbins, North Carolina.

39. Petitioner has substantial family and community ties. He is married to a lawful permanent resident and is the father of four U.S. citizen children, ages 7, 15, 21, and 22.

40. Petitioner's youngest child, age 7, suffers from asthma and requires ongoing care.

41. Petitioner owns and operates a construction company and has been the primary financial provider for his family.

42. Petitioner suffers from high blood pressure, high cholesterol, stomach ulcers, and damaged back discs, all of which require medical attention.

43. Petitioner has no history demonstrating that he poses a danger to the community or a flight risk. His long-term residence, family ties, business

ownership, and pending U visa petition demonstrate that release conditions, if any are necessary, would be adequate to ensure appearance.

44. On September 5, 2025, Petitioner filed a U visa petition with USCIS based on his status as a qualifying crime victim and his cooperation with law enforcement.

45. Petitioner has not been granted a U visa. Petitioner has not been granted U-visa-based deferred action. Petitioner has not been granted employment authorization through the U visa bona fide determination process.

46. On or about May 19, 2026, Petitioner was detained in Raleigh, North Carolina, when he appeared in connection with fingerprinting or biometrics for his pending U visa petition.

47. Petitioner did not complete biometrics because ICE detained him beforehand.

48. ICE held Petitioner in Raleigh until approximately 5:00 p.m., transferred him to Charlotte, North Carolina, and then transferred him to Stewart Detention Center in Lumpkin, Georgia, where he remains detained.

49. Petitioner's detention has caused severe hardship to his family, including his U.S. citizen children and particularly his youngest daughter, who suffers from asthma.

50. ICE provided Petitioner with a notice stating that he has an administrative final order of removal, that ICE is authorized to execute that administrative final removal order, and that even if he filed a petition for review with a court

of appeals, the United States may grant his return if the petition for review is granted. Petitioner signed that notice. That notice references an administratively final removal order and ICE's authority to execute that order, supporting the inference that ICE purports to detain Petitioner under the post-order detention framework of 8 U.S.C. § 1231 rather than under pre-final-order detention authority.

51. Upon information and belief, Respondents are detaining Petitioner under 8 U.S.C. § 1231 based on a prior final, expedited, or reinstated order of removal. If Respondents rely on the 2011 or 2012 removal history as the operative final order, the statutory removal period associated with that order expired years ago. If Respondents contend that a later reinstatement, execution decision, or other event triggered a new removal period, Respondents must produce the operative order, Form I-871, Form I-205, custody notice, removal-period calculation, and statutory authority for detention.

52. Respondents must identify the operative final or reinstated order, the statutory detention authority, the removal-period calculation, any Order of Supervision, any revocation of supervision, any post-order custody review, and any notice or decision purporting to authorize Petitioner's renewed detention.

53. Respondents also must comply with statutory and regulatory protections for U visa petitioners and with the ICWC stay of the 2025 Guidance and Blind Removal Policy as applied to class members and organizational-plaintiff

clients.

54. Petitioner is similarly situated to the Pending Petition Class certified in ICWC because he has a pending U visa petition and ICE is detaining him for civil immigration enforcement.

55. Petitioner is also directly affected by the Blind Removal Policy because ICE is threatening or preparing to execute a removal order without first ensuring that USCIS has made a prima facie determination on his pending U visa petition and without giving operative effect to the statutory framework that protects crime victims who come forward.

56. Petitioner has submitted a request for stay of removal based on his pending U visa petition and requests that ICE obtain an expedited prima facie determination from USCIS before taking any action to execute removal.

57. Petitioner does not rely on ICWC as a substitute for this Court's individualized habeas review. Rather, he relies on ICWC as persuasive and independently relevant authority demonstrating that ICE's 2025 Guidance and Blind Removal Policy are unlawful and stayed as to pending U visa petitioners within the certified class.

VI. EXHAUSTION OF REMEDIES

58. **No statutory exhaustion requirement applies to this § 2241 habeas action.** An administrative remedy may be inadequate where the administrative body is shown to be biased or has otherwise predetermined the issue before it as

noted in *Gibson v. Berryhill*, 411 U. S. 564, 575, n. 14 (1973). Requiring Petitioner to seek reconsideration with ICE or a bond hearing with an immigration judge "would be to demand a futile act" as no relief would be granted while Petitioner languishes in detention, as highlighted in *Houghton v. Shafer*, 392 U.S. 639, 640 (1968). Moreover, even if any remedies were available, the habeas statute does not require Petitioner to exhaust them.

59. Any administrative remedy would be futile because Respondents have predetermined that Petitioner may be detained and removed under ICE's current enforcement policies despite his pending U visa petition.

60. Because Respondents appear to treat Petitioner as detained under § 1231, an Immigration Judge lacks ordinary bond jurisdiction, ICE retains custody authority, and any administrative custody review would not provide the prompt neutral judicial review required to remedy unlawful detention.

61. Administrative bodies cannot adjudicate Petitioner's constitutional claims, including his claims that prolonged detention without individualized custody review violates due process.

62. Administrative bodies also cannot grant the full relief requested here, including habeas release and an order preserving this Court's jurisdiction.

63. Requiring exhaustion would be futile and would prolong unlawful detention.

VII. PETITIONER'S PENDING U VISA PETITION AND ICWC CLASS-MEMBER STATUS PROVIDE ADDITIONAL GROUNDS FOR RELIEF

64. Petitioner is the principal petitioner on a pending U visa petition filed with USCIS on September 5, 2025. Exhibit 2.

65. The U visa statute was designed to protect noncitizen victims of qualifying crimes who assist law enforcement.

66. Congress created the U visa to encourage crime victims to report crimes and cooperate with law enforcement, including victims who might otherwise fear removal if they came forward.

67. In *Perez v. Wolf*, 943 F.3d 853 (9th Cir. 2019), the Ninth Circuit explained that the U visa statutory scheme includes specific eligibility requirements, application procedures, and agency duties, and that U visa determinations are governed by meaningful legal standards.

68. Petitioner's detention when he appeared for U visa-related biometrics undermines the statutory purpose of the U visa scheme. It sends the message that crime victims who comply with USCIS processing requirements may be arrested before they can complete those requirements.

69. For more than a decade, ICE has maintained internal policies instructing officers to exercise prosecutorial discretion in cases involving noncitizen victims of crime and individuals seeking victim-based immigration relief. In June 2011, ICE issued Policy Number 10076.1, directing officers to minimize immigration enforcement actions against victims and witnesses of crime in

order to avoid discouraging cooperation with law enforcement. See Exhibit 3 (ICE issued Policy Number 10076.1).

70. ICE later expanded these protections through Directive 11005.3, issued on August 10, 2021, which adopted a "victim-centered approach" and instructed officers to exercise prosecutorial discretion and, absent exceptional circumstances, refrain from enforcement actions against individuals with pending victim-based immigration petitions. See Exhibit 4 (ICE Directive 11005.3). This expanded the prior ICE Policy 10076.1 that has been in place since 2011. See also Exhibit 5 (crime victims F.A.Q.'s) and Exhibit 6 (using a victim-centered approach).

71. The current administration rescinded ICE Directive 11005.3 through ICE Policy Number 11005.4, citing only the January 20, 2025, Executive Order "Protecting the American People Against Invasion" as justification for a sweeping change in enforcement priorities. See Exhibit 7 (Policy 11005.4). However, the new policy fails to provide any substantive rationale for abandoning the victim-centered approach, nor does it address the reliance interests of noncitizen crime victims and their families. This lack of reasoned explanation and failure to consider reliance interests is precisely the type of arbitrary and capricious agency action the APA prohibits. 5 U.S.C. § 706(2)(A), (D). When rescinding a prior policy, an agency must consider alternatives within the ambit of the existing policy and address any legitimate reliance interests engendered by the prior policy. *Regents*, 591 U.S. at 20–24,

28–34.

72. Petitioner, G.R.J., falls within the class of individuals contemplated by these policies. He is the principal petitioner on a pending U-visa application based on his status as a qualifying crime victim. Notwithstanding these longstanding policies encouraging discretion toward crime victims pursuing humanitarian immigration relief, ICE has nevertheless detained Petitioner and continues to hold him in custody while his victim-based petition remains pending.

73. In *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026), the court addressed ICE Policy No. 11005.4, which governs ICE civil immigration enforcement actions involving known beneficiaries of victim-based immigration benefits or individuals known to have pending applications or petitions for such benefits.

74. The ICWC court found that the 2025 Guidance rescinded and superseded prior ICE policies, including the 2011 Policy and 2021 Directive, which had generally required ICE officers, absent exceptional or exigent circumstances, to refrain from civil immigration enforcement actions against known beneficiaries of victim-based immigration benefits and pending applicants or petitioners.

75. The ICWC court also found that the prior policies directed ICE officers to coordinate with USCIS to seek expedited adjudication of victim-based

immigration petitions when necessary and appropriate.

76. The ICWC court described the 2025 Guidance as replacing a presumption of protection for victim-based-benefit petitioners with a presumption of enforcement.

77. The ICWC court further recognized the Blind Removal Policy, under which ICE detains or removes U and T visa petitioners who request stays of removal without first requesting or obtaining prima facie determinations from USCIS.

78. The ICWC court preliminarily certified a Pending Petition Class consisting of individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions whom ICE detains or seeks to detain for civil immigration enforcement.

79. The ICWC court stayed the 2025 Guidance, including its rescission of prior policies, in favor of all individual plaintiffs, current and future clients of the organizational plaintiffs, and members of all three certified classes.

80. The ICWC court also stayed the Blind Removal Policy in favor of all individual plaintiffs, current and future clients of the organizational plaintiffs, and members of the Stay of Removal Class.

81. Petitioner is a pending U visa petitioner whom ICE has detained for civil immigration enforcement. He therefore falls within the Pending Petition Class.

82. To the extent Petitioner is a current or former client, member, or beneficiary of the Immigration Center for Women and Children or an organizational

plaintiff within ICWC, Respondents are independently bound by the ICWC stay as applied to him.

83. Respondents cannot detain Petitioner and threaten removal under the stayed 2025 Guidance or Blind Removal Policy without violating the ICWC order, the APA, the Accardi doctrine, and due process.

84. Even apart from ICWC, Respondents' refusal to account for Petitioner's pending U visa petition is arbitrary, capricious, contrary to law, and an abuse of discretion.

85. ICE cannot lawfully transform compliance with USCIS U visa processing into an enforcement trap. Petitioner appeared in connection with U visa biometrics, did not complete biometrics because ICE detained him first, and remains detained despite his pending humanitarian petition.

86. The government's treatment of Petitioner will chill crime victims from cooperating with law enforcement and from complying with USCIS processing requirements. That result conflicts with the U visa statutory scheme and Congress's humanitarian and law-enforcement purposes.

VIII. THE 2025 GUIDANCE, AS APPLIED TO PETITIONER, VIOLATES THE APA AND ACCARDI DOCTRINE

87. The APA requires agency action to be reasoned, lawful, and consistent with required procedure. 5 U.S.C. § 706(2)(A), (C), and (D).

88. Under *Department of Homeland Security v. Regents of the University of California*,

591 U.S. 1 (2020), an agency changing policy must provide a reasoned explanation and consider reliance interests engendered by the prior policy.

89. ICE's prior victim-centered policies recognized that civil immigration enforcement against crime victims and U visa petitioners can deter reporting, undermine prosecutions, and frustrate congressional objectives.

90. ICE Policy Statement 10076.1 directed officers to minimize the effect of immigration enforcement on victims, witnesses, and plaintiffs who report crimes and pursue justice.

91. ICE Directive 11005.3 adopted a victim-centered approach and directed officers, absent exceptional circumstances, to refrain from civil immigration enforcement actions against individuals with pending victim-based immigration petitions and to seek expedited USCIS adjudications where appropriate.

92. ICE Policy No. 11005.4 rescinded those prior protections and changed ICE's enforcement posture toward victim-based-benefit petitioners.

93. The ICWC court found that the 2025 Guidance created a materially different enforcement regime and stayed that guidance under APA § 705.

94. Respondents' application of the 2025 Guidance to Petitioner is unlawful because it disregards Petitioner's pending U visa petition, his reliance on the victim-based-benefit process, and the statutory interests Congress sought to protect.

95. Respondents' conduct also violates the *Accardi* doctrine because agencies

must follow their own rules, policies, and procedures when those rules are intended to benefit regulated individuals.

96. Even if ICE Policy No. 11005.4 were valid in some applications, ICE has failed to follow its own stated procedures here. ICE has not shown that it coordinated with USCIS, obtained a prima facie determination, considered Petitioner's crime-victim status, considered the pending U visa petition as a positive discretionary factor, consulted OPLA in a meaningful way, or considered less restrictive alternatives.

97. Respondents' failure to comply with required procedures is independently unlawful under 5 U.S.C. § 706(2)(D).

IX. PETITIONER'S POST-ORDER DETENTION UNDER § 1231 IS UNLAWFUL BECAUSE THE REMOVAL PERIOD EXPIRED AND CANNOT BE RESTARTED BY RE-DETENTION

98. Respondents appear to detain Petitioner under 8 U.S.C. § 1231 based on a prior final or reinstated order of removal.

99. Section 1231 does not eliminate habeas jurisdiction over unlawful detention, nor does it authorize indefinite detention. Section 1231 governs detention and release of noncitizens who have been ordered removed; during the 90-day removal period, detention is mandatory, and after that period DHS may either continue detention only as authorized by § 1231(a)(6) or release the person under an order of supervision. *Djelassi v. ICE Field Office Dir.*, 434 F. Supp. 3d 917 (W.D. Wash. 2020).

100. A noncitizen with a final order of removal who is not removed within the 90-day removal period shall be subject to supervision under regulations prescribed by the Attorney General. 8 U.S.C. § 1231(a)(3).

101. A noncitizen may be detained beyond the 90-day removal period only if the person falls within § 1231(a)(6), including where the person is found to be a risk to the community or unlikely to comply with the order of removal.

102. Even where post-removal-period detention is initially authorized, continued detention becomes unlawful when removal is not reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678, 699–701 (2001).

103. The removal period under 8 U.S.C. § 1231(a)(1)(B) is triggered by the latest of three events: the date the order becomes administratively final; if judicial review is sought and a court orders a stay, the date of the court's final order; or, if the noncitizen is detained or confined outside the immigration process, the date of release from that detention or confinement. *Djelassi*, 434 F. Supp. 3d 917.

104. The removal period does not restart merely because ICE later re-detains a noncitizen who was previously released under supervision. Courts have rejected the government's "reset" theory because § 1231(a)(1)(B) refers to a single removal period triggered by the statutory events, not by every later ICE decision to cancel supervision or resume custody. *Diaz Ortega v. Lund*, No. 1:19-CV-670-P, 2019 WL 6003485 (W.D. La. Oct. 15, 2019); *Bailey v. Lynch*, No. 16-2600, 2016 WL 5791407 (D.N.J. Oct. 3, 2016).

105. Courts have likewise held that the six-month presumptively reasonable period recognized in *Zadvydas* does not restart with each successive ICE detention absent delay caused by the noncitizen. *Hamama v. Adducci*, No. 17-cv-11910, 2019 WL 2118784 (E.D. Mich. May 15, 2019); *Sied v. Nielsen*, No. 17-CV-06785-LB, 2018 WL 1876907 (N.D. Cal. Apr. 19, 2018); *Somsanuk v. Bondi*, No. C26-48-MLP, 2026 WL 221139 (W.D. Wash. Jan. 28, 2026); *Alam v. Nielsen*, 312 F. Supp. 3d 574 (S.D. Tex. 2018); *Ahmad v. Whitaker*, No. C18-287-JLR-BAT (W.D. Wash. Dec. 4, 2018).

106. If Respondents contend Petitioner is detained under § 1231, they must produce the operative final order, identify when the removal period began, identify when it expired, produce any Order of Supervision and any revocation decision, and establish that continued detention is authorized under § 1231(a)(6).

107. Respondents also must establish that any re-detention complied with the regulations governing revocation of supervision and post-order custody review, and that Petitioner's detention is not based merely on ICE's unilateral decision to cancel supervision without statutory authorization, individualized findings, or meaningful custody process.

108. Respondents also must show that removal is significantly likely in the reasonably foreseeable future and that any delay is not attributable to their own failure to comply with the statutory and regulatory framework governing Petitioner's pending U visa petition.

109. Respondents cannot avoid § 1231's limits by declining to request or obtain a prima facie determination from USCIS and then claiming removal is imminent. The ICWC court recognized the Blind Removal Policy as one under which ICE detains or removes U and T visa petitioners who seek stays of removal without first obtaining prima facie determinations from USCIS. *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026).

110. Under 8 U.S.C. § 1227(d)(1), if the Secretary determines that a U visa application filed by a noncitizen in the United States sets forth a prima facie case for approval, the Secretary may grant an administrative stay of a final order of removal.

111. The ICWC court stayed the Blind Removal Policy in favor of the individual plaintiffs, current and future clients of the organizational plaintiffs, and members of the Stay of Removal Class. *Immigration Center for Women and Children*, 2026 WL 1455004.

112. Because Petitioner's U visa petition remains pending and ICE prevented completion of biometrics by arresting him at or before the biometrics process, Respondents should be ordered to request an expedited prima facie or bona fide determination from USCIS and to refrain from removing Petitioner until that process is completed and any stay request is lawfully adjudicated.

X. LEGAL FRAMEWORK FOR RELIEF

113. This Court has authority under 28 U.S.C. § 2241 to remedy unlawful immigration detention.

114. Under 28 U.S.C. § 2243, the Court may dispose of this matter as law and justice require.

115. The Great Writ is an equitable remedy that permits immediate release where custody is unlawful.

116. In *Boumediene v. Bush*, 553 U.S. 723, 787 (2008), the Supreme Court recognized that habeas relief must be effective and may include release from unlawful custody.

117. The Court should grant the writ or order Respondents to show cause forthwith.

118. Section 2243 provides that a return should be filed within three days unless good cause is shown for a longer period not exceeding twenty days.

XI. CAUSES OF ACTION AND CLAIMS FOR RELIEF

COUNT ONE
Unlawful Post-Order Detention Under 8 U.S.C. § 1231(a)(6), *Zadvydas*, and 28 U.S.C. § 2241

119. Respondents appear to detain Petitioner under a prior final, expedited, or reinstated order of removal.

120. Respondents have not identified the operative custody statute, operative removal order, removal-period trigger, or custody review authorizing Petitioner's current detention.

121. If Respondents rely on § 1231, they must establish that detention is authorized under § 1231(a)(2) or § 1231(a)(6), identify any applicable removal-period calculation, and show that continued detention is reasonably related to effectuating removal.

122. Respondents have not produced evidence that Petitioner violated supervision, obstructed removal, refused to cooperate with travel-document requirements, or otherwise caused delay.

123. Respondents have not made an individualized finding that Petitioner is a danger, a flight risk, or unlikely to comply with removal.

124. Respondents also have not shown that detention and threatened removal may proceed consistently with Petitioner's pending U visa petition, the statutory prima facie-stay framework, and the ICWC stay.

COUNT TWO
Unlawful Re-Detention and Revocation of Supervision Without Statutory or Regulatory Authority

125. Respondents have not produced a valid Order of Supervision revocation, post-order custody review, or written decision authorizing Petitioner's renewed detention.

126. Respondents have not shown that Petitioner violated any condition of supervision.

127. Respondents have not shown that Petitioner's removal is significantly likely in the reasonably foreseeable future.

128. Respondents have not shown that Petitioner is a danger to the community or unlikely to comply with removal.

129. Respondents' re-detention of Petitioner without lawful revocation procedures, individualized findings, and meaningful custody review violates § 1231, the APA, and the Due Process Clause.

130. The Court should order Petitioner's immediate release, or at minimum release under an Order of Supervision with reasonable conditions.

COUNT THREE
Violation of the Fifth Amendment of the U.S. Constitution
Procedural and Substantive Due Process

131. Petitioner has a fundamental liberty interest in freedom from physical detention.

132. Petitioner has been deprived of liberty without individualized custody review, without a meaningful opportunity to contest detention, and without a neutral decisionmaker.

133. Petitioner's detention is arbitrary because Respondents have not demonstrated that he is a danger or flight risk.

134. Petitioner's detention is especially arbitrary because ICE arrested him when he appeared in connection with U visa processing, before he could complete biometrics.

135. Detaining a crime victim for appearing for U visa biometrics undermines the statutory scheme Congress created to encourage victims to come forward.

136. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the private interest, risk of erroneous deprivation, and governmental interest all favor additional process.

137. Petitioner's private interest is exceptionally strong because he is physically detained, separated from his family, unable to work, and unable to care for his U.S. citizen children.

138. The risk of erroneous deprivation is high because ICE has not afforded a neutral custody hearing and has not accounted for Petitioner's pending U visa petition or class-member protections.

139. The government has no legitimate interest in detention unsupported by lawful authority or constitutionally adequate process.

140. Petitioner is entitled to immediate release or, at minimum, release under an Order of Supervision with reasonable conditions. In the alternative, if the Court declines to order release, Petitioner is entitled to a prompt, constitutionally adequate individualized custody hearing before a neutral decisionmaker, at which Respondents bear the burden of proving by clear and convincing evidence that continued detention is justified by flight risk or

danger and that removal is significantly likely in the reasonably foreseeable future.

COUNT FOUR
Violation of the APA and Accardi Doctrine: Unlawful Application of the 2025 Guidance

141. ICE Policy No. 11005.4 rescinded prior victim-centered policies that generally protected U visa petitioners and other victim-based-benefit applicants from civil immigration enforcement absent exceptional or exigent circumstances.

142. The ICWC court stayed the 2025 Guidance in favor of ICWC class members and organizational plaintiffs' clients.

143. Petitioner is a pending U visa petitioner detained for civil immigration enforcement and therefore falls within the Pending Petition Class.

144. Respondents' application of the 2025 Guidance to Petitioner violates the ICWC stay, the APA, the Accardi doctrine, and due process.

145. Respondents failed to consider Petitioner's pending U visa petition, crime-victim status, reliance interests, and the statutory purpose of the U visa scheme.

146. Respondents failed to follow required or self-imposed procedures, including coordination with USCIS, consultation with OPLA, consideration of victim-based-benefit protections, and consideration of less restrictive alternatives.

147. Respondents' conduct is arbitrary, capricious, contrary to law, and without observance of procedure required by law.

COUNT FIVE
Violation of the INA, APA, and ICWC Stay: Blind Removal Policy

148. Petitioner has a pending U visa petition.

149. ICE has issued a notice indicating that it is authorized to execute a final administrative removal order.

150. ICE may not proceed under the Blind Removal Policy without compliance with the statutory and ICWC-required process.

151. Under 8 U.S.C. § 1227(d)(1), a prima facie determination on a U visa petition is the statutory gateway for administrative-stay consideration.

152. The ICWC court stayed the Blind Removal Policy, under which ICE detains or removes U and T visa petitioners who request stays of removal without first obtaining prima facie determinations from USCIS.

153. Respondents' threatened removal of Petitioner without first obtaining USCIS's prima facie determination and adjudicating any stay request would violate the INA, the APA, the ICWC stay, and due process.

154. The Court should enjoin Respondents from removing Petitioner unless and until Respondents obtain a prima facie or bona fide determination from USCIS, adjudicate any stay request in accordance with law, and obtain leave of this Court while this habeas petition remains pending.

XII. REMEDIES

THE COURT SHOULD ORDER IMMEDIATE RELEASE

155. Immediate release is warranted because Respondents have not established a lawful basis for Petitioner's detention.

156. Petitioner was arrested in the interior, appeared for U visa-related processing, and was detained before completing biometrics.

157. If Respondents rely on § 1231, they have not demonstrated that continued detention is lawful, that removal is reasonably foreseeable, or that removal may proceed despite Petitioner's pending U visa petition and ICWC class-member protections.

158. A delayed or inadequate post-order custody review would not fully remedy the ongoing deprivation of liberty.

159. If the Court does not order immediate release, it should order Respondents to release Petitioner under an Order of Supervision with reasonable conditions, or require Respondents to justify continued detention through a prompt, constitutionally adequate custody process.

160. The Court should also order Respondents to produce all documents authorizing Petitioner's arrest, detention, custody classification, prior removal orders, expedited removal orders, criminal illegal reentry conviction, reinstatement or execution decisions, custody reviews, and removal notices.

161. The Court should prohibit Respondents from removing Petitioner while this action is pending absent prior leave of Court.

162. The Court should order Respondents to request an expedited prima facie or bona fide determination from USCIS regarding Petitioner's pending U visa petition and to refrain from executing removal until the statutory and ICWC-required process has been completed.

XIII. CONCLUSION AND PRAYER FOR RELIEF

Petitioner's continued detention violates the INA, the APA, the Accardi doctrine, and the Due Process Clause of the Fifth Amendment. Petitioner has no adequate remedy other than immediate judicial intervention. His ongoing detention causes irreparable harm, including loss of liberty, separation from his family, inability to work, inability to support his U.S. citizen children, and interference with his pending U visa petition.

WHEREFORE, Petitioner respectfully requests that this Court:

1) Grant the Petition and order Respondents to immediately release Petitioner from custody;
2) Declare that, to the extent Respondents rely on 8 U.S.C. § 1231, Petitioner's 90-day removal period has expired and Respondents may not restart that period merely by re-detaining him;
3) Declare that Respondents may not continue detaining Petitioner under §

1231(a)(6) absent lawful revocation of supervision, individualized findings, custody review, and a showing that removal is significantly likely in the reasonably foreseeable future;

4) Declare that Respondents may not detain or remove Petitioner under ICE Policy No. 11005.4, the 2025 Guidance, or the Blind Removal Policy in violation of the ICWC stay, the INA, the APA, the Accardi doctrine, and due process;
5) Order Respondents to refrain from removing Petitioner from the United States while this habeas action remains pending absent prior leave of Court;
6) Order Respondents to request an expedited prima facie determination from USCIS under 8 U.S.C. § 1227(d)(1), and/or any available bona fide determination, regarding Petitioner's pending U visa petition, and to refrain from executing removal unless and until all statutory and regulatory stay-related processes have been completed;
7) In the alternative to immediate release, order Respondents to release Petitioner under an Order of Supervision with reasonable conditions;
8) In the further alternative, order Respondents to identify the statutory basis for custody and provide a prompt, constitutionally adequate individualized custody hearing before a neutral decisionmaker, at which Respondents bear the burden of proving by clear and convincing evidence that continued detention is justified by flight risk or danger and that removal is significantly likely in the reasonably foreseeable future;

9) Order Respondents to show cause and produce all documents authorizing Petitioner's arrest, detention, custody classification, removal-order execution, reinstatement, custody review, and current detention, including any Form I-200, Form I-205, Form I-286, Form I-871, warrant of removal, expedited removal order, voluntary departure order, BIA order, immigration judge order, custody determination, notice of custody rights, criminal judgment, or removal notice;
10) Issue an Order to Show Cause directing Respondents to file a return within three days pursuant to 28 U.S.C. § 2243;
11) Pending final resolution, issue an order under 28 U.S.C. §§ 1651(a) and 2241 prohibiting Respondents from transferring Petitioner outside the Middle District of Georgia, changing his immediate custodian, or removing him from the United States without prior leave of Court;
12) Award reasonable attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
13) Grant such other and further relief as the Court deems just, proper, and equitable.

Respectfully Submitted,

This 8th day of June, 2026.

/s/ Karen Weinstock
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed the foregoing Petition and that the facts and statements made in this Petition and Complaint are true and correct to the best of my knowledge or belief pursuant to 28 U.S.C. § 2242.

This 8th day of June, 2026.

/s/ Karen Weinstock
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