UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLOMBUS DIVISION

MARIEL IRIS LASSO BELTRAN,

Petitioner,

v.

LADEON FRANCIS, Field Office Director of Enforcement and Removal Operations, ATLANTA Field Office, TODD LYONS, in his official capacity as Acting director of Immigration and Customs Enforcement; Immigration and Customs Enforcement; MARK MULLIN, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; TODD BLANCHE, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; JASON STREEVAL, Warden of STEWART DETENTION CENTER,

Respondents.

Case No. 4:26-CV-1016

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, MARIEL IRIS LASSO BELTRAN, A[redacted] brings this petition for a writ of habeas corpus to seek enforcement of her rights as a member of the Deferred Action Class certified in *Immigration Center for Women and Children v. Noem* ("*ICWC*"), a class action brought on behalf of immigrant victims of domestic violence, trafficking, and other serious crimes. *Immigr. Ctr. for Women & Child. v. Noem*, No. 2:25-CV-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026) ("*ICWC* PI Order"). Despite having a pending VAWA I-360 petition, Petitioner remains unlawfully detained by Respondent U.S. Immigration and Customs Enforcement ("ICE") at the Stewart Detention Center. This contravenes the *ICWC* PI Order, in which the court certified a nationwide class and issued a ruling staying ICE's policy of refusing to "honor grants of deferred action conferred by USCIS to individuals with pending petitions for VAWA, U or T visas." *Id.* at *47.

2. Petitioner is a survivor of domestic abuse. On April 9, 2026, Petitioner applied for a VAWA self-petition, which Congress made available to noncitizens who have suffered domestic violence and sexual assault crimes and provided federal resources to encourage community-coordinated responses to combating violence against women. *See* Violent Crime Control and Law Enforcement Act of 1994, Title IV, Pub. L. 103-322, 108 Stat. 1796 (September 13, 1994).

3. Despite having a pending I-360 VAWA self-petition, immigration authorities arrested Petitioner on May 17, 2026.

4. As a result of Respondents' actions, Petitioner has suffered unjustified detention, separation from her family, and her children have suffered emotional distress.

5. Accordingly, Petitioner respectfully requests the court issue a writ of habeas corpus and order her release.

JURISDICTION

6. A writ under 28 U.S.C. § 2241 may issue if, among other things, a person "is in custody under or by color of the authority of the United States," or is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c).

7. Petitioner is in the physical custody of Respondents under color of the authority of the United States. Petitioner is detained by ICE at the Stewart Detention Center in Lumpkin, Georgia

8. This Court has jurisdiction under 28 U.S.C. § 2241(c) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Venue is proper in this Middle District of Georgia, because it is the judicial district in which Petitioner currently is detained. *See Braden v. 30th Jud. Cir. Ct. of Ky*, 410 U.S. 484, 493-500 (1973).

11. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and/or agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this Middle District of Georgia.

PARTIES

12. Petitioner Mariel Iris Lasso Beltran is a national and citizen of Panama who has resided in the United States since . Petitioner applied for VAWA on September 10, 2023. The Petitioner applied for an I-360 VAWA self -petition on April 13, 2026. Despite this pending application, Respondents continue to unlawfully detain Petitioner.

13. Respondent Todd Lyons is named in his official capacity as the Acting Director of the Immigration and Customs Enforcement ("ICE"). As the senior Official Performing the duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in the Southern District of Georgia; is legally responsible for any effort to detain Petitioner; and as such is a custodian of the Petitioner. His

address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington DC 20536-5900.

14. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division; however, on information and belief, the DHS is rotating their Field Office Director without publishing a schedule of rotation. As such, Ladeon Francis or his unknown, unannounced provisional replacement is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He or his acting counterpart is named in his or her official capacity. Respondent Francis's address is 180 Ted Turner Dr Se, Ste 522. Atlanta GA 30303.

15. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Secretary Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

16. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

17. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity. Respondent Blanches's address is U.S. Department of Homeland Security, Office of the General Counsel, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

18. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

19. Respondent, Warden Jason Streeval is, is employed by the private, for-profit detention

corporation contracted by the Government as an agent to confine immigrants at Stewart Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity. Respondent Warden's address is Warden, Stewart Detention Center, 1116 S Washington Ave, Lumpkin, GA 39862.

FACTUAL ALLEGATIONS

20. Petitioner was born in Panama and resides in Georgia. She entered the U.S. with her two children on September 10, 2023. She married her U.S. citizen husband on November 3, 2024.

21. The Petitioner is married to her U.S. citizen spouse Mr. Juan November 3, 2024. Together they have built a home in Stockbridge GA. The Petitioner has maintained stable employment for the past two years for herself and her children.

22. Soon after they married, Petitioner's husband began to change and exhibited aggressive and controlling behavior towards the Petitioner. He began to control many aspects of the Petitioner's life including whether she would be able to attend her mandated ICE appointments. When unable to attend, the Petitioner would message ICE using the ISAP phone application provided to her informing them of the situation or requesting aid. This unfortunately, went unanswered. The harm suffered became so extreme that there were times when the Petitioner's husband forced the Petitioner and her children's departure from the marital home without any financial assistance, clothing, food, and basic necessities.

23. On April 9, 2026, Petitioner filed an I-360 VAWA Self-Petition, which remains pending with USCIS.

24. Petitioner has no criminal history.

25. On May 17, 2026, ICE officials arrived at Petitioner's home informing her that they would be checking on the operating capacity of her ankle monitor. The Petitioner exited her home under this guise. Upon exiting her home, ICE officials detained and arrested the Petitioner.

26. After the arrest, immigration agents transported the Petitioner to the Stewart Detention Center in Lumpkin, Georgia. The Petitioner has been detained in ICE custody for over 60 days.

27. Since then, the Petitioner has been separated from her children, suffered inhumane conditions of detention, and her children have had to suffer being displaced while their only support system remains detained. The Petitioner's children have witnessed the abuse endured by the Petitioner and have also suffered similar abuse by the Petitioner's spouse.

28. On July 2, 2026, Petitioner, through counsel, requested a bond hearing. ICE opposed Petitioner's bond request. On July 8, 2026, the immigration court denied Petitioner's bond redetermination request.

29. To date, USCIS has not issued Petitioner any Notice of Intent to Deny in regard to the Petitioner's I-360 petition.

LEGAL FRAMEWORK

30. In 1994, Congress passed the Violence against Women Act ("VAWA") to address the widespread problem of noncitizens remaining in relationships with abusers who held the key to their eligibility for lawful immigration status in the United States. *See* Violent Crime Control and Law Enforcement Act of 1994, Title IV, Pub. L. 103-322, 108 Stat. 1796 (September 13, 1994). "[T]he goal of the bill is to 'permit[ ] battered immigrant women to leave their batterers without fearing deportation.'" *Hernandez v. Ashcroft*, 345 F.3d 824, 841 (9th Cir. 2003) (quoting H.R. Rep. No. 103–395, at 25).

31. In 2000, with overwhelming bipartisan support, Congress passed the Victims of Trafficking and Violence Protection Act of 2000 ("VTVPA"), which reauthorized VAWA through the Violence Against Women Act of 2000 ("VAWA 2000"). The VTVPA dramatically expanded protections for immigrant survivors.

32. Through Title 5 of VAWA 2000 – the Battered Immigrant Women Protection Act of 2000 ("BIWPA") – Congress created the U visa, providing a pathway to U.S. citizenship to noncitizen survivors of qualifying crimes who assist law enforcement in investigating or prosecuting those crimes. *See* BIWPA § 1513(a)(2)(B), (b); 8 U.S.C. § 1101(a)(15)(U).

A. PETITIONER IS A CLASS MEMBER IN *ICWC*.

33. On October 14, 2025, several individual plaintiffs and non-profit legal organizations serving immigrant survivors filed a class action complaint in *ICWC*, challenging

the lawfulness of the 2025 Guidance and the Blind Removal Policy. *See* Compl. ¶¶ 200-233 *Immigr. Ctr. for Women & Child. v. Noem, et al.*, No. 2:25-cv-09848-AB-AS (C.D. Cal. Oct. 14, 2025) [Dkt. 1].

34. On May 20, 2026, the U.S. District Court for the Central District of California granted plaintiffs' Motion for Class Certification and granted in part plaintiffs' Motion for APA § 705 Relief and Individual and Classwide Preliminary Injunction. *ICWC* PI Order.

35. As part of its ruling, the court provisionally certified three classes, including, as relevant here, the Pending Petition Class,[1] and stayed the 2025 Guidance and the Blind Removal Policy pursuant to 5 U.S.C. § 705 as to Pending Petition Class members. *Id.* at *47 ("Pursuant to 5 U.S.C. § 705, the Court hereby **STAYS** the 2025 Guidance" … and "Pursuant to 5 U.S.C. § 705, the Court hereby **STAYS** the Blind Removal Policy").

36. Specifically, the court concluded that plaintiffs were likely to prevail on the merits of their claims that the De Facto Revocation Policy is arbitrary and capricious under the APA, violates the *Accardi* doctrine requiring agencies to follow their own procedures, and violates class members' due process rights under the Fifth Amendment. *Id.* at *37-40 ("Because ICE lacks authority to revoke USCIS grants of deferred action status, ICE cannot de facto revoke that status."); *id.* at *40 (holding ICE violated class members' "right to due process because pursuant to the Policy, Defendants have pursued immigration enforcement actions against them despite their deferred action status."). Similarly, ICE may not detain Pending Petition Class members as they are also a recognized class and Respondents have also pursued immigration enforcement actions against the Petitioner despite her pending petition.

37. Here, Petitioner is a member of the Pending Petition Class in *ICWC* because she:

a. is an individual who is a principal applicant of a VAWA self-petition; and

b. ICE is currently detaining for civil immigration enforcement. *Id.* at *47; *see also* n.5 *supra*.

38. Accordingly, the 2025 Guidance and Blind removal Policy may not be applied to

[1] The Pending Petition Class is defined as: "All individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement." *ICWC* PI Order at *47.

Petitioner. *Id.* at *47. Therefore, immediate release is warranted.

39. Absent release, Petitioner will continue to experience prolonged detention,

CLAIMS FOR RELIEF

40. The "historic purpose of the writ" of habeas corpus is "to relieve detention by executive authorities without judicial trial." *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001) (cleaned up). A habeas court's role is at its "most extensive in cases of pretrial and noncriminal detention," especially "where there ha[s] been little or no previous judicial review of the cause for detention," as is the case here. *Boumediene v. Bush*, 553 U.S. 723, 780 (2008). Here, Petitioner sets for the following claims for issuance of the writ.

CLAIM ONE
Violation of APA 5 U.S.C. § 706(2)(A)
Petitioner's Detention Is Not in Accordance with Law because It Violates the ICWC PI ORDER

41. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

42. Under the APA, courts "shall . . . hold unlawful and set aside agency action . . .found to be . . .not in accordance with law." 5 U.S.C. § 706(2)(A).

43. Respondent's detention of Petitioner constitutes final agency action under the APA. 5 U.S.C. § 551(13), 704; *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997).

44. In *ICWC,* the court concluded that plaintiffs were likely to succeed on their claim that the De Facto Revocation Policy is arbitrary and capricious and not in accordance with law under the APA. *ICWC* PI Order at *37.

45. As a result, the court stayed the 2025 Guidance and the Blind Removal Policy. *Id.* at *47.

46. The stay applies in favor to members of the Pending Petition Class, which includes Petitioner. *Id.*

47. Respondents detained Petitioner pursuant to the stayed 2025 Guidance.

48. Accordingly, Respondents' detention of Petitioner is not in accordance with law in violation of the APA, as it directly contravenes the § 705 relief issued in the *ICWC* PI Order.

CLAIM TWO

Violation of the Fifth Amendment to the United States Constitution

Procedural Due Process Requires Notice and Opportunity to Be Heard before Deferred Action May Be Revoked

49. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

50. "Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The essence of due process is the requirement that a person in jeopardy of serious loss" receive "notice" and "opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Id.* at 333, 348-49 (citations omitted).

51. Here, Petitioner has a protected liberty interest in their pending I-360 VAWA petition. *See ICWC* PI Order at *40.

52. In determining what process is due when ICE chooses to Detain Pending Petition Class members courts must apply the *Mathews* three-part balancing test, considering (1) "the private interest that will be affected by the official action," (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards," and (3) "the Government's interest . . .that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335. Here, the *Mathews* balancing test comes out strongly in favor of Petitioner.

53. First, the private interests that will be affected are profound. First, Petitioner's liberty is at stake. There is no question that freedom from government imprisonment is a significant private interest that "lies at the heart of the liberty that" Due Process protects. *Zadvydas*, 533 U.S. at 690.

54. In addition, Petitioner's "private interest in avoiding removal or detention pending removal is great." *ICWC* PI Order at *41. Petitioner has maintained stable employment to which

has allowed her two children attend and graduate from High school in Stockbridge Georgia.

55. Second, "the risk of an erroneous deprivation of" these interests "through the procedures used" is extremely high, compared to "the probable value" of a pre-deprivation process where Respondents have provided *no process at all* before engaging in immigration enforcement that effectively limits Petitioner's ability to continue with her Petition. *Mathews*, 424 U.S. at 335. Here, the Petitioner at one point will be forced to either respond to a Request for Evidence or attend a USCIS interview or deem her application abandoned. All of which she will be unable to do while in detention.

56. Third, "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail," are minimal. *Mathews*, 424 U.S. at 335. USCIS already has a process set in place; the agency has delineated the circumstances on which it may approve or deny an I-360 petition, and thus subject people like Petitioner to immigration detention. PM vol. 3, pt. D, ch. 5.D.2,) (discussing adjudications). Respondents can thus claim no legitimate interest in circumventing that process by automatically detaining the Petitioner while her petition remains pending through enforcement and arbitrarily detaining Petitioner.

57. Accordingly, without any procedural protections, Petitioner has been deprived of due process under the Fifth Amendment.

CLAIM THREE

Violation of Fifth Amendment of United States Constitution
Detaining Individuals with Valid Deferred Action Status Violates Substantive Due Process

58. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

59. Because "[a]rbitrary civil detention is not a feature of our American government," *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018), civil confinement is only permissible "in certain special and narrow non-punitive circumstances," where a "special justification" asserted by the government "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (cleaned up).

60. Immigration detention only comports with due process when it furthers the

government's goals of "ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community." *Id.* (cleaned up). The only two accepted justifications for keeping someone in civil immigration detention are insufficient as applied to Petitioner.

61. "The first justification—preventing flight—is weak or nonexistent where removal seems a remote possibility." *Id.* at 679.

62. Here, deportation is a "remote possibility" as Petitioner's pending VAWA petition protects them from removal. *Id.*

63. Moreover, in applying for her I-360 the Petitioner attended her biometrics appointment to which the Petitioner was subjected to the necessary background checks and was vetted for national security and public safety risks. Thus, any dangerousness justification here would be specious, because Petitioner has not engaged in any acts that would change that determination. "[T]he government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by . . . alternative conditions." *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017).

64. Accordingly, because Petitioner's detention is not justified by flight risk or danger concerns, it bears no reasonable relation to a legitimate government purpose, and thus violates Petitioner's substantive due process rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Order Respondents to show cause why the writ should not be granted, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;

(3) Issue a writ of habeas corpus and order Respondents to immediately release Petitioner and forbid them from redetaining Petitioner while her I-360 petition remains pending;

(4) Declare that Petitioner's detention is unlawful;

(5) Award reasonable costs and attorneys' fees; and

(6) Grant such further relief as the Court deems just and proper.

DATED this 16th of July 2026.

/s/ Peter Tadeo, **Esq.**
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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 USC § 2242.

DATED this 16th day of July, 2026.

/s/ Peter Tadeo, Esq.
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