UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Civil Action No. _____

EDWIN JAVIER MARQUEZ DOBLADO, A# [redacted],

Petitioner,

v.

WARDEN, STEWART DETENTION CENTER;
ATLANTA FIELD OFFICE DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES;
and DIRECTOR, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND MOTION FOR IMMEDIATE RELEASE OR ORDER TO SHOW CAUSE

I. RELIEF REQUESTED

1. Edwin Javier Marquez Doblado, A# [redacted] (the "Petitioner") is currently detained by ICE at Stewart Detention Center in Lumpkin, Georgia. He brings this emergency petition under 28 U.S.C. § 2241 to challenge the legality of his present civil immigration detention.

2. Petitioner does not ask this Court to review a final order of removal, determine removability, adjudicate his Form I-360 VAWA self-petition, or sit as an appellate tribunal over the Immigration Judge's denial of termination or bond. The requested relief is

narrower: release from unlawful custody that applies the operative federal-law framework after the nationwide injunction issued 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) ("ICWC"). Specifically, Petitioner requests that the Court:

- grant the writ and order Respondents to release Petitioner from ICE custody under reasonable non-custodial conditions;

- order Respondents not to rely, as to Petitioner, on ICE Policy No. 11005.4, Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits (Jan. 30, 2025), or on that policy's rescission of the 2011 Policy and 2021 Directive, because that guidance and rescission have been stayed under 5 U.S.C. § 705 for *ICWC* class members;

- in the alternative, order a new custody redetermination within seven days before a neutral adjudicator, with directions that the adjudicator must apply *ICWC*, the restored pre-2025 victim-centered framework, and the USCIS prima facie VAWA determination, and may not second-guess the merits of the I-360 based on lay assumptions about domestic violence, reconciliation, cohabitation, pregnancy, or the absence of an abuser-filed Form I-130;

- order Respondents to show cause within the time required by 28 U.S.C. § 2243 why Petitioner's detention is lawful; and

- grant any further relief the Court deems just and proper.

II. JURISDICTION, VENUE, AND LOCAL RULE COMPLIANCE

6. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under color of federal authority and challenges that custody as contrary to the Constitution, laws, and treaties of the United States. The Court also has jurisdiction under 28 U.S.C. § 1331, 28 U.S.C. § 1361, 28 U.S.C. § 1651, 28 U.S.C. §§ 2201-2202, and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, to the extent those authorities are necessary to effectuate habeas relief.

7. Federal courts have jurisdiction under § 2241 to consider challenges to immigration detention. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018).

8. Venue is proper in the Middle District of Georgia, Columbus Division, because Petitioner is detained at Stewart Detention Center in Lumpkin, Stewart County, Georgia; the immediate custodian is located within this District; and the custody claim arises there. See *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). Middle District of Georgia Local Rule 3.4 also permits filing in the division in which the defendant resides or the claim arose.

9. The proper immediate custodian is the Warden of Stewart Detention Center. Petitioner also names responsible federal officials in their official capacities because they exercise legal control over ICE detention, immigration custody policy, and the challenged detention framework.

10. Under 28 U.S.C. § 2243, the Court should award the writ forthwith or require Respondents to show cause. If the Court orders a return, the statute directs that the return be made within three days unless, for good cause, additional time not exceeding twenty days is allowed.

11. To the extent this filing is treated as an emergency motion accompanying the petition, this memorandum supplies the supporting authorities required by Local Rule 7.1. Petitioner requests expedited consideration without oral argument unless the Court determines a hearing would assist its review.

12. Pursuant to Local Rule 83.1.2, undersigned counsel is designated lead counsel. Pursuant to Local Rule 83.1.3, counsel's signature on this pleading constitutes an appearance for Petitioner.

IV. PARTIES

13. Petitioner Edwin Javier Marquez Doblado is a native and citizen of Honduras. He is detained in civil immigration custody at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815.
14. Respondent Warden, Stewart Detention Center, is Petitioner's immediate physical custodian and is sued in an official capacity.
15. Respondent Atlanta Field Office Director, U.S. Immigration and Customs Enforcement, exercises legal and practical authority over ICE detention operations affecting Petitioner and is sued in an official capacity.
16. Respondent Director, U.S. Immigration and Customs Enforcement, is responsible for ICE detention and enforcement policy, including the policy framework stayed in ICWC, and is sued in an official capacity.
17. Respondent Secretary, U.S. Department of Homeland Security, is responsible for DHS and ICE, including civil immigration detention and enforcement, and is sued in an official capacity.
18. Respondent Attorney General of the United States oversees the Department of Justice, including EOIR, immigration courts, and the BIA, and is sued in an official capacity.

19. Respondent Director, Executive Office for Immigration Review, is responsible for EOIR administration and is sued in an official capacity to the extent relief requires coordination with immigration-court custody procedures.

V. FACTUAL AND PROCEDURAL BACKGROUND

A. Petitioner's Pending VAWA Self-Petition and Prima Facie Determination

20. USCIS received Petitioner's Form I-360 VAWA self-petition on December 9, 2024. See Exhibit A.

21. On March 10, 2026, USCIS issued a Notice of Prima Facie Case under the VAWA self-petitioning provisions.

22. Petitioner also filed Form I-485 with USCIS. The custody record reflects that Petitioner submitted filing receipts for Forms I-360 and I-485.

23. USCIS, not the Immigration Court and not ICE, adjudicates the Form I-360 VAWA self-petition. See 8 U.S.C. § 1154(a)(1)(A)(iii); 8 C.F.R. § 204.2(c).

24. Petitioner seeks to avoid disclosure of confidential VAWA-related abuse facts in this public filing. This petition therefore relies on the USCIS prima facie notice and on the existence and pendency of the I-360, not on public recitation of protected details.

B. DHS Initiated Proceedings After the VAWA Filing and Prima Facie Determination

25. On March 25, 2026, DHS served Petitioner with a Notice to Appear, charging him under INA § 212(a)(6)(A)(i) and INA § 212(a)(7)(A)(i)(I).

26. DHS initiated those proceedings after USCIS had received the I-360 and after USCIS had issued the prima facie determination.

27. Petitioner remains in civil immigration custody at Stewart Detention Center. There is no final order of removal.

C. The Bond Proceedings and Prior § 2241 Order

28. Petitioner first sought a custody determination in immigration court. The Orlando Immigration Court denied the request as moot for lack of jurisdiction under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), treating Petitioner as detained under INA §235(b)(2).

29. On April 30, 2026, Petitioner filed his first petition for relief under 28 U.S.C. 2241. This Honorable Court granted the petition in part and ordered that the Immigration Court provide petitioner with a bond hearing.

30. On May 15, 2026, the Immigration Court held a custody redetermination hearing. The written custody decision was issued on or about May 21, 2026, with service reflected on May 28, 2026.

31. The Immigration Judge denied bond. On July 20, 2026, the Respondent requested that his custody be reconsidered in light of *ICWC*, and the Immigration Judge denied bond insisting that Respondent is not subject to *ICWC*.

D. The ICWC Classwide Stay and the Immigration Court's Denial of Termination

32. On May 20, 2026, the Central District of California entered its order in *ICWC*. The court provisionally certified the Pending Petition Class: "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*, 2026 WL 1455004, at *18, *47.

33. The court stayed the 2025 Guidance under 5 U.S.C. § 705, including the guidance's rescission of prior policies. The stay applies to members of all three certified classes.

34. Petitioner is a member of the Pending Petition Class because he has a pending VAWA self-petition, and ICE currently detains him for civil immigration enforcement.

VI. LEGAL FRAMEWORK

A. VAWA and Interim Protections

35. VAWA permits certain abused spouses, children, and parents of U.S. citizens or lawful permanent residents to self-petition for immigrant classification without the abuser's knowledge, control, consent, or participation. See 8 U.S.C. § 1154(a)(1)(A)(iii); 8 C.F.R. § 204.2(c). USCIS regulations provide for prima facie determinations in VAWA cases. 8 C.F.R. § 204.2(c)(6)(ii)-(iii).

36. The point of the self-petition structure is to prevent abusers from weaponizing immigration status. A custody decision that treats reconciliation, cohabitation, pregnancy, or the absence of an abuser-filed Form I-130 as negative evidence against a prima facie VAWA self-petitioner conflicts with that structure and substitutes lay speculation for USCIS's specialized adjudicatory role.

B. *ICWC* Restored the Pre-2025 Victim-Centered Enforcement Baseline for Covered Class Members

37. *ICWC* held that ICE's January 30, 2025 Guidance dramatically changed ICE's enforcement posture toward noncitizens with pending victim-based petitions, moving from a policy of refraining from enforcement in deference to pending applications to a policy of enforcement despite those pending applications. *ICWC*, 2026 WL 1455004, at *1-*7, *34-*47.

38. The stayed rescission matters. The 2011 Policy stated that, absent special circumstances or aggravating factors, it was against ICE policy to initiate removal proceedings against known victims, and that absent serious adverse factors such as national-security concerns or serious criminal history, favorable discretion - including release, deferral, or a stay of removal - generally was appropriate. The 2021 Directive continued ICE's policy to refrain from civil enforcement against persons known to have pending victim-based petitions; required, absent exceptional circumstances, deferral of enforcement until USCIS adjudication or a negative interim determination; directed requests for expedited USCIS adjudication for persons in ICE

custody; treated eligibility for victim-based benefits as a positive discretionary factor; and instructed ICE officers to notify OPLA in pending removal proceedings so OPLA could consider whether to stay proceedings. See *ICWC*, 2026 WL 1455004, at *6-*7.

39. Because the 2025 Guidance and its rescission of those policies have been stayed for Pending Petition Class members, Respondents may not continue detaining Petitioner as though that rescission remained operative. At a minimum, ICE must identify a non-stayed, case-specific basis for detaining a class member despite a pending VAWA self-petition and a USCIS prima facie determination. It has not done so.

C. Section 1226(a) Detention Is Discretionary, Not Mandatory

40. The Middle District of Georgia and the Eleventh Circuit have already recognized that noncitizens like Petitioner are detained under § 1226(a), not under mandatory detention at § 1225(b). See Hernandez Alvarez v. Warden, -- F.4th --, 2026 WL 1243395 (11th Cir. May 6, 2026); J.A.M. v. Streeval, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); P.R.S. v. Streeval, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

41. That matters here because § 1226(a) leaves release available. Respondents' continued custody decision must be lawful, reasoned, and consistent with the legal framework that applies to this Petitioner. A detention decision infected by the stayed 2025 Guidance, or by the assumption that the rescinded victim-centered policies no longer matter, is not a lawful exercise of § 1226(a) discretion.

VII. ARGUMENT

A. Petitioner Is Detained in Violation of the *ICWC* Stay and the Restored Victim-Centered Framework.

42. Petitioner falls squarely within the ICWC Pending Petition Class: he has a pending VAWA self-petition and ICE detains him for civil immigration enforcement. The Central District stayed the 2025 Guidance, including its rescission of the 2011 Policy and 2021 Directive, for class members. DHS and ICE are parties bound by that order. OPLA is ICE's litigating arm in removal proceedings. The custody and prosecution posture here therefore must be assessed under the restored framework, not under the stayed 2025 Guidance or the rescission it attempted to impose.

43. No record evidence shows that Respondents complied with that framework. Respondents have not identified a special circumstance, aggravating factor, exceptional circumstance, serious adverse factor, national-security concern, or serious criminal history. To the contrary, the Immigration Judge expressly found no criminal history, no national-security concern, and no danger to the community. Respondents have not shown that ICE requested expedited USCIS

adjudication. Respondents have not shown that ICE or OPLA considered staying proceedings. Respondents have not shown that they considered the USCIS prima facie determination as a positive factor.

44. Instead, Respondents have continued to detain Petitioner and opposed termination through the same general enforcement posture that *ICWC* stayed. That is precisely the problem the class order addresses: detaining and pursuing removal of victim-benefit petitioners as though pending VAWA, U, and T petitions no longer carry the protection, weight, and procedural consequences built into prior policy and congressional design.

45. The government may argue that *ICWC* does not command immediate release of every class member. Petitioner does not contend that every class member automatically receives identical relief. The point is narrower: Respondents cannot detain this class member under a framework the issuing court stayed, cannot ignore the restored framework, and cannot ask this Court to presume a lawful custody basis that Respondents have never articulated.

B. Subsequent ICWC Habeas Decisions Confirm That the Stay Has Immediate Custody Consequences.

46. The limited reported decisions located to date applying *ICWC* are habeas decisions. They are nevertheless directly relevant because they reject the premise that *ICWC* may be ignored in individual enforcement and detention matters.
47. In *Osorio Gonzalez v. Wesling*, No. 1:26-cv-00231-JJM-AEM, slip op. at 22-24 (D.R.I. June 19, 2026), the district court applied *ICWC* to a petitioner with a pending victim-based petition, ordered release, prohibited the government from acting under the 2025 Guidance in any renewed detention effort, and barred interference with the petitioner's ability to pursue ordinary adjudication of the pending petition. That decision treats the ICWC stay as operative relief with concrete consequences for ICE, not as background commentary.
48. In *Ayala-Morales v. Olson*, No. 2:26-cv-00375-JRS-MJD, slip op. at 5-7 (S.D. Ind. June 22, 2026), the court denied automatic release because the derivative U-visa petition was filed after ICE arrested the petitioner. Even so, the court held that *ICWC* required ICE to treat victim-benefit petitioners consistently with the pre-2025 policies and concluded that a post-arrest applicant was at least entitled to expedited adjudication. Petitioner's case is materially stronger: his I-360 was filed approximately fifteen months before DHS served the NTA, and USCIS issued the prima facie notice before DHS initiated proceedings.
49. In *Perdomo Reynaud v. Lyons*, No. 1:26-cv-05905, slip op. at 8 n.4 (D.N.J. June 10, 2026), the court noted as significant the government's failure to meaningfully address *ICWC* where the petitioner appeared to fall within a certified class. Respondents have repeated that same omission here.
50. Together, these decisions support a measured rule for this case: *ICWC* does not make every class member automatically entitled to the same remedy, but it requires Respondents to operate under the restored legal and policy framework and to explain any case-specific departure.

Where, as here, Respondents have not done that and Petitioner remains detained, habeas relief is warranted.

C. The Court Should Order Release, or at Minimum a New Custody Redetermination With ICWC-Specific Instructions.

51. The appropriate remedy is release. Petitioner has a pending VAWA self-petition, a USCIS prima facie determination, no criminal history, no national-security concern, no danger finding, and significant family and community ties. Respondents have never identified an *ICWC*-compliant reason to detain him. Continued detention therefore lacks a lawful basis.

52. If the Court does not order immediate release, it should order a new custody redetermination within seven days with clear instructions. The decisionmaker should be required to recognize Petitioner's *ICWC* class membership; apply the restored pre-2025 policies; treat the USCIS prima facie VAWA determination as a positive factor; require DHS to identify any case-specific exception to the restored framework; and prohibit reliance on the 2025 Guidance, the stayed rescission, or speculative adverse inferences based on reconciliation, cohabitation, pregnancy, continued marriage, lack of I-130, or ordinary USCIS processing time.

53. A remand without those safeguards would not cure the legal defect. Petitioner already received a custody hearing; the problem is that the hearing did not apply the legal framework that now governs his custody as a detained VAWA self-petitioner and *ICWC* class member.

VIII. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. issue the writ of habeas corpus and order Respondents to release Petitioner from ICE custody under reasonable conditions;
2. declare that Petitioner is a member of the *ICWC* Pending Petition Class because he has a pending VAWA self-petition and ICE detains him for civil immigration enforcement;
3. order Respondents not to rely on the 2025 Guidance or its stayed rescission of the 2011 Policy and 2021 Directive as to Petitioner;
4. order Respondents to apply the restored pre-2025 victim-centered enforcement framework to Petitioner and to document any asserted exception;
5. in the alternative, order a new custody redetermination within seven days consistent with the instructions set forth above;
6. order Respondents to file a return within the period required by 28 U.S.C. § 2243 unless the writ is granted forthwith;
7. award reasonable costs and fees if authorized by law; and

8. grant all further relief the Court deems just and proper.

Dated: July 22, 2026

Respectfully submitted,

/s/ S. Eli Bennett
Georgia Bar No. 573767
Counsel for Petitioner
5425 Peachtree Parkway
Peachtree Corners, GA 30092
Telephone: (678) 906 4120
Email: eli@bennettlaw.org

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

I represent Petitioner, Edwin Marquez Doblado, and submit this verification on his 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.

Dated: July 22, 2026

Respectfully submitted,

/s/ S. Eli Bennett
Georgia Bar No. 573767