UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

FELIX MOCKEY Petitioner, v. **JASON STREEVAL**, Warden, Stewart Detention Center; **KRISTEN SULLIVAN,** Field Office Director, Atlanta Field Office, U.S. Immigration and Customs Enforcement; **DAVID VENTURELLA**, Acting Director, U.S. Immigration and Customs Enforcement; **MARKWAYNE MULLIN**, Secretary of Department of Homeland Security; **TODD BLANCHE**, Acting Attorney General of the United States, in their official capacities; In their official capacities, Respondents.	**Civil No.** **PETITION FOR WRIT OF HABEAS CORPUS**

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241

INTRODUCTION

1. Petitioner Felix Mockey, a citizen and national of Ivory Coast, is in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, GA.

2. Petitioner was ordered removed by EOIR Atlanta on 12/31/2014. The Petitioner does not challenge any aspect of the original removal process. The Petitioner is instead challenging the government's arbitrary decision to effectuate his detainment when there is no evidence that can be discerned that would support the government's arbitrary decision to detain him absent a violation of the terms of the Order of Supervision.

3. Counsel concedes that the Petitioner's 2001 conviction for misdemeanor sexual battery does not weigh favorably in the court's discretion. However, the Petitioner has not reoffended and has faithfully complied with ICE check requirements for his Order of Supervision since the removal decision was issued in December 2014. ICE does not appear to have followed established protocols for the cancellation of the Petitioner's OSUP, which gives rise to this Habeas petition.

4. Accordingly, Petitioner seeks a writ of habeas corpus requiring that Felix Mockey be released.

JURISDICTION

5. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Detention Center in Lumpkin, GA.

6. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

7. 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

8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the judicial district in which Petitioner currently is detained.

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

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

11. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

12. Petitioner Felix Mockey is a citizen of Ivory Coast who has been in immigration detention since on or about May 8, 2026. After arresting Petitioner at a routine ICE check in at the Atlanta ICE Field Office, with no evidence that the Petitioner had violated the terms of his Order of Supervision, ICE transported him to the Stewart Detention Center where he currently remains.

13. Respondent Kristen Sullivan is the Acting Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, Acting Director Sullivan is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. Acting Director Sullivan is named in her official capacity.

14. 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.

15. Respondent David Venturella is the Acting Director of Immigration and Customs Enforcement (ICE). As such, Acting Director Venturella oversees the agency that is Petitioner's immediate custodian and is also responsible for Petitioner's detention and removal. Acting Director Venturella is named in his official capacity.

16. Respondent Todd Blanche is the Acting 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 her official capacity.

17. Respondent Jason Streeval is employed by as Warden of the CoreCivic detention facility in Lumpkin, GA where Petitioner is detained. Warden Streeval has immediate physical custody of Petitioner. Warden Streeval is sued in his official capacity.

LEGAL FRAMEWORK

18. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

19. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

20. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

21. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

22. This case concerns the detention provisions at 8 U.S.C. § 1231(a)–(b).

23. The detention provisions at 8 U.S.C. § 1231(a)–(b) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

FACTS

24. Based on information and belief, the Petitioner has resided in the United States for more than 25 years and currently resides at [redacted] Lithia Springs, GA 30122. Based on information and belief, he entered the U.S. on a visitor visa more than 25 years ago and overstayed. He was eventually placed into removal proceedings and ordered removed by the EOIR Atlanta on December 31, 2014.

25. On 11/18/2025, Petitioner was arrested while attending a routine "check in" at the Atlanta ICE Field Office. ICE has not alleged that the Petitioner has violated any of the OSUP conditions that would justify a decision to cancel his OSUP and take him into detention. Petitioner is now detained at the Stewart Detention Center.

26. Based on information and belief, DHS now seeks to enforce the removal order and effectuate the Petitioner's removal back to the Ivory Coast.

27. Petitioner, who admittedly stands convicted of a misdemeanor sexual battery from 2001, has since that time observed the laws and has not engaged in any further criminal activity. At the time of his detention he was employed by [redacted] as a factory worker.

28. The Petitioner has strong U.S. citizen ties (17 year old U.S. citizen daughter) who would be in a position to initiate his permanent residency process once she turns 21.

29. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, or the imminent removal to Ivory Coast if the Ivory Coast government issues travel documents.

CLAIMS FOR RELIEF

COUNT I
VIOLATION OF DUE PROCESS

30. U.S. Immigration and Customs Enforcement (ICE) is authorized to revoke an Order of Supervision (OSUP / Form I-220B) pursuant to 8 C.F.R. § 241.4 if a Respondent violates the conditions of release, commits new crimes, or when travel documents become available for deportation. It is alleged that ICE has engaged in improper OSUP revocation procedures;

31. None of the conditions as provided in 8 C.F.R. § 241.4 apply in this instant case. Counsel is unaware of any evidence that the Respondent has violated

the conditions of release or that he has committed new crimes. There is no evidence that travel documents have been procured. There is no evidence of which counsel is aware that the Petitioner did not faithfully attend his ICE check in appointments.

32. It alleged that ICE did not provide the Petitioner with the prompt informal interview required by 8 C.F.R. § 241.4(1)(2) in the process of cancelling his OSUP and initiating his detention, which would constitute a due process violation.

33. It is alleged that ICE's decision to terminate the Petitioner's OSUP and take him into detention is an abuse of discretion. There does not appear to be any evidence in the record that circumstances related to public safety have changed that would warrant detaining the Petitioner.

34. The failure to comply with 8 C.F.R. § 241.4 has caused the Petitioner to suffer extensive harm through his continued detention.

35. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

36. Petitioner has a fundamental interest in liberty and being free from official restraint.

37. The government's detention of Petitioner through an arbitrary cancellation of his OSUP violates his right to due process.

COUNT II
THE GOVERNMENT HAS NOT MET ITS BURDEN TO SHOW THAT REMOVAL IS REASONABLY FORESEEABLE

38. Counsel recognizes that the test imposed under the seminal case Zadvydas v. Davis, 533 U.S. 678, 701, centers around a presumption that six months of post removal order detention is reasonable, and that the period beyond gives rise to circumstances where a detained individual is realistically entitled to seek release under the habeas provisions as it has not been shown that removal is imminent. However, in Escalante v. Noem, 2025 WL 2206113 (E.D. Tex. Aug. 2, 2025), the court held that when a non-citizen released pursuant to an OSUP is re-detained for the purposes of removal, the government immediately bears the burden to show a substantial likelihood of removal in the now foreseeable future. See also Roble v. Bondi, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453, at *4 (D. Minn. Aug. 25, 2025) (applying the "default rule" that the burden falls on the party who generally seeks to change the present state of affairs and that is ICE that seeks to change the present state of affairs by revocation of an OSUP); Tadros v. Noem, 2025

WL 1678501 (D.N.J. June 13, 2025) (finding individual had "the better argument" that the burden shifts to the government upon re-detention, although individual also presented unrebutted evidence that removal was not likely in the foreseeable future); Nguyen v. Hyde, No. 25-cv-11470, 2025 WL 1725791 (D. Mass. June 20, 2025) (finding Zadvydas 6 month presumption not applicable where alien is re detained after having been on supervised release).

39. In this instant case, the Respondent has been held in detention post revocation of his OSUP for more than 2 ½ months. If ICE was in possession travel documents then surely the Petitioner would have been removed by this point. ICE should not be entitled to re-detain the Petitioner based on a vague hope that the government will be able to procure the necessary travel documents.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Order that Petitioner shall not be removed from the U.S. or transferred outside the Middle District of Georgia while this habeas petition is pending;

c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner within seven days;

e. Declare that Petitioner's detention is unlawful;

f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

g. Grant any other and further relief that this Court deems just and proper.

DATED this 24th day of July, 2026.

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EXHIBITS IN SUPPORT OF HABEAS PETITION

Exhibit A – ICE locator record to prove that the Petitioner is detained in ICE legal custody at the Stewart Detention Center and proof that a removal order was issued; 1-3

Exhibit B Petitioner's passport picture page, birth certificate of the Petitioner's U.S. citizen daughter and EAD that was issued under the C18 code, which is for an Order of Supervision 4-6

Exhibit C – Petitioner's 2001 criminal disposition for misdemeanor sexual battery, miscellaneous immigration documentation for the Petitioner, proof of taxes and employment 7-32

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

I hereby verify that the statements in the Petitioner are true and correct to the best of my knowledge.

Dated: July 24, 2026

By /s/ Felix Mockey
Petitioner