UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

MAYRA HONORIA IZAGUIRRE CRUZ,
Petitioner,

v. Civil Action No. 5:26-cv-1045

ICE ENFORCEMENT AND REMOVAL OPERATIONS OFFICE OF CIIIEF COUNSEL, WARDEN OF THE STEWART ICE PROCESSING CENTER, and THE DEPARTMENT OF HOMELAND SECURITY,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner, Mayra Honoria Izaguirre Cruz, is a noncitizen currently detained by U.S. Immigration and Customs Enforcement ("ICE") at Stewart Detention Center. She is being held without bond based on the government's assertion that she is subject to mandatory detention under INA §236(c).

That assertion is legally incorrect. Petitioner does not fall within any category triggering mandatory detention. As a result, her continued detention without a bond hearing is unlawful and violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

Petitioner seeks a writ of habeas corpus ordering her release or, at minimum, an individualized bond hearing.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. §2241 because Petitioner is in custody in violation of the Constitution and laws of the United States.

Venue is proper in the Southern District of Georgia because Petitioner is detained within this district.

III. PARTIES

Petitioner is detained at Stewart Detention Center, 146 CCA Rd, Lumpkin, GA 31815

Respondents include:

- Kristen Sullivan, Field Office Director for ICE Enforcement and Removal Operations
  Office of the chief Counsel
  Immigration and Customs Enforcement
  146 CCA Road P.O. Box 248
  Lumpkin, GA 31815;
- The Warden of the Stewart Detention Center where Petitioner is detained;
  146 CCA Rd., Lumpkin, GA 31815
- Markwayne Mullin, Secretary of the Department of Homeland Security. Washington, D.C. 20528.

IV. FACTS

1. Petitioner is the mother of two United States citizen children, M[redacted], year 2024 and L[redacted] year 2025 and has established family ties in the United States since 2023 (she is not an arriving alien)
2. Petitioner was arrested in Myrtle Beach, South Carolina, and has a **pending No Driver's license charge**. She has not been convicted of that offense.

3. ICE subsequently detained Petitioner and placed her in removal proceedings.
4. Petitioner requested a bond hearing before an Immigration Judge.
5. The Immigration Judge denied jurisdiction, relying on Matter of Yajure Hurtado and concluding that Petitioner is subject to mandatory detention under INA §236(c).
6. As a result, Petitioner remains detained without any opportunity for an individualized custody determination.
7. "Petitioner's continued detention also interferes with her ability to defend her pending case in South Carolina."

V. CLAIMS FOR RELIEF
COUNT I – UNLAWFUL DETENTION UNDER INA §236(c)

INA §236(c) mandates detention only for noncitizens removable based on specific criminal offenses enumerated in the statute.

Petitioner's only alleged criminal issue is a pending NO Driver's license charge. A No driver's license offense does not fall within the categories triggering mandatory detention under §236(c). Because Petitioner does not have a qualifying conviction, the government lacks statutory authority to detain her under §236(c).

Accordingly, Petitioner's detention is governed by INA §236(a), which provides for a bond hearing before an Immigration Judge.

COUNT II – VIOLATION OF DUE PROCESS

The Fifth Amendment prohibits the government from depriving individuals of liberty without due process of law.

Petitioner has been detained without any bond hearing based solely on an incorrect legal classification. The Immigration Judge relied on Matter of Garcia Arreola without properly determining whether Petitioner is subject to mandatory detention.

This denial of any individualized custody determination violates due process.

COUNT III – ENTITLEMENT TO A BOND HEARING

Because Petitioner is not subject to mandatory detention, she is entitled to a bond hearing under INA §236(a).

At such a hearing, the government must justify continued detention. *See Hernandez-Lara v. Lyons.*

The government's failure to provide such a hearing renders Petitioner's continued detention unlawful.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the petition for writ of habeas corpus;
2. Declare that Petitioner's detention under INA §236(c) is unlawful;
3. Order Respondents to provide Petitioner with an individualized bond hearing within a specified time; or
4. In the alternative, order Petitioner's immediate release; and
5. Grant such other relief as the Court deems just and proper.

VII. VERIFICATION

I, Dennis R. Kurz, Attorney for Petitioner, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that a copy of the instant pleading has been timely served to all parties concerned.

Respectfully submitted,

This 22ND of July, 2026

s/ Dennis R. Kurz

Dennis Kurz
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have sent a copy out for service to each of the below respondents on the date below to all parties concerned, as noted below:

- Kristen Sullivan, Field Office Director for ICE Enforcement and Removal Operations
  Office of the chief Counsel
  Immigration and Customs Enforcement
  146 CCA Road P.O. Box 248
  Lumpkin, GA 31815;

- The Warden of the Stewart Detention Center where Petitioner is detained;
  146 CCA Road Lumpkin, GA 31815

- Markwayne Mullin, Secretary of the Department of Homeland Security. Washington, D.C. 20528.

This 22ND of July, 2026

s/ Dennis R. Kurz

Dennis Kurz
Attorney for Petitioner