

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
Columbus Division**

CHAMINDA UDAYA KUMARA LIYANA
PEDIGE

Petitioner,

v.

TERRENCE DICKERSON, Warden, Stewart
Detention Center, *in his official capacity;*

Respondent.

Case No. 4:25-cv-00028

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

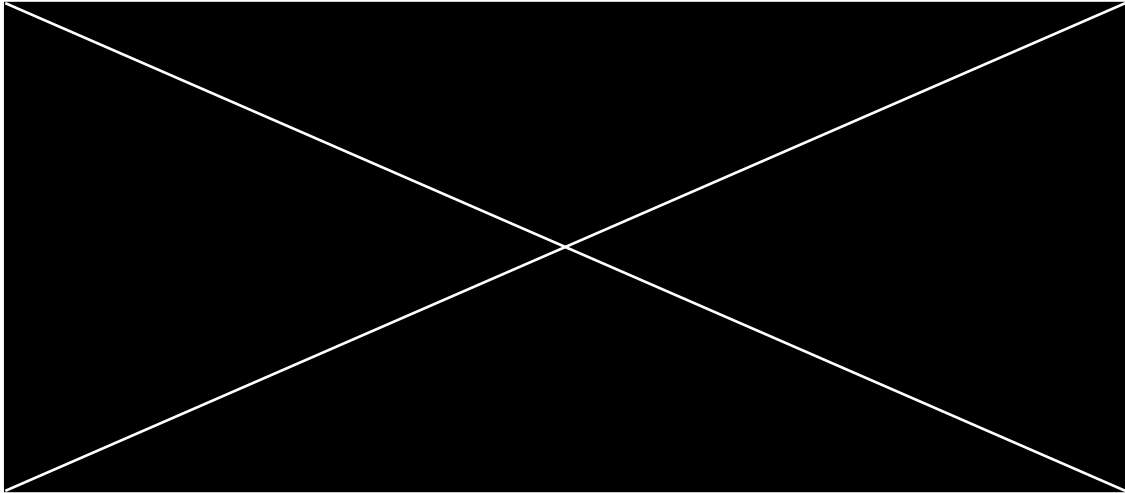
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Counsel for Petitioner

COMES NOW Petitioner, CHAMINDA UDAYA KUMARA LIYANA PEDIGE, by and through his undersigned attorneys, and files this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his prolonged detention in immigration custody. In support of his Petition, he states as follows:

PRELIMINARY STATEMENT

1. Petitioner Chaminda Udaya Kumara Liyana Pedige (“Mr. Liyana Pedige” or “Petitioner”) files this writ of habeas corpus challenging his prolonged detention in immigration custody without adequate or basic due process. Mr. Liyana Pedige has been detained by Immigration and Customs Enforcement (“ICE”) since January 2024 as an “arriving person” pursuant to 8 U.S.C. § 1225(b) (the “Arriving Persons Statute”). This is over a year of detention without adequate justification during the pendency of his immigration proceedings.
2. Mr. Liyana Pedige is a citizen and national of Sri Lanka. He resided in Wathurugama, Sri Lanka, from approximately January 2020 until his arrival in the United States on November 14, 2023.
3. Mr. Liyana Pedige is a proud husband and father to two children. He fled Sri Lanka after he was the target of [REDACTED]
[REDACTED]
4. In April 2023, Mr. Liyana Pedige began [REDACTED]



5. To save his and his family's life, Mr. Liyana Pedige left Sri Lanka in November 2023 and came to the United States to seek asylum and employment. On November 14, 2023, he arrived in the United States at the Miami International Airport in Miami, Florida, where he presented himself for inspection at Customs and Border Protection ("CBP") with a Sri Lankan passport and C-1 visa. He was then detained by CBP for a lack of valid immigration documentation. While detained by CBP, he articulated his fear of returning to Sri Lanka.
6. Following his encounter with CBP, Mr. Liyana Pedige was detained by federal criminal authorities and charged with violating 18 U.S.C. § 1546(a) for fraud and misuse of a visa. On January 19, 2024, a unanimous jury fully acquitted Mr. Liyana Pedige of these charges.
7. Shortly thereafter, Mr. Liyana Pedige received a positive credible fear determination by United States Citizenship and Immigration Services

(“USCIS”) based on his fear of sustained violence or death in Sri Lanka, establishing his eligibility for asylum and withholding of removal.

8. On August 27, 2024, Mr. Liyana Pedige applied for asylum, withholding of removal, and relief under the Convention Against Torture. His I-589 Petition for Asylum and for Withholding of Removal remains pending before the Immigration Court.
9. Since being detained, Mr. Liyana Pedige has sought release on several occasions without any recourse. On April 20, 2024, Mr. Liyana Pedige sought parole from ICE custody. ICE denied the request.
10. On May 24, 2024, Mr. Liyana Pedige moved for a bond and custody redetermination. The Immigration Court declined to exercise jurisdiction, citing that Mr. Liyana Pedige is detained under 8 U.S.C. § 1225(b).
11. On January 11, 2025, Mr. Liyana Pedige submitted another request for parole. This request was also denied, citing Mr. Liyana Pedige as an alleged flight risk with no accompanying rationale underlying that decision.
12. Each parole request was supported by evidentiary and legal authority supporting Mr. Liyana Pedige’s release pending proceedings, including sufficient evidence of his identity—his Sri Lankan birth certificate—as well as evidence that he would, if released, reside with a sponsor, a U.S. military veteran living in Temple, Texas.

13. All of Mr. Liyana Pedige's requests for parole have been summarily denied without any factual basis for his continued detention.
14. Furthermore, the government's failure to secure language interpretation for Mr. Liyana Pedige's individual hearing has prolonged his detention for months. Mr. Liyana Pedige's primary—and best—language is Sinhalese, and he requires language interpretation to ensure that his claims are fully and faithfully heard.
15. Because of a lack of interpreter, Mr. Liyana Pedige's individual hearing scheduled for December 4, 2024, was rescheduled to April 3, 2025. His hearings could remain indefinitely prolonged if the government continues to fail to provide interpretation.
16. Mr. Liyana Pedige remains in ICE custody at the Stewart County Detention Center located at 146 CCA Road, Lumpkin, Georgia. He has now been detained for over a year.
17. There is no justifiable or reasonable basis for Mr. Liyana Pedige's continued detention. As such, this Court should find that his detention is unjustified, unreasonable, and unconstitutional under the Fifth Amendment.

JURISDICTION

18. Petitioner is currently detained in the custody of Respondent at the Stewart Detention Center in Lumpkin, Georgia.

19. Jurisdiction is proper under 28 U.S.C. §§ 1331, 2241, 5 U.S.C. § 702 and the Suspension Clause, U.S. Const. Art. I, § 2.

VENUE

20. Venue is proper in the Middle District of Georgia pursuant to 28 U.S.C. § 1391(e)(1) because Mr. Liyana Pedige is currently detained in this district, where a substantial part of the events or omissions giving rise to this action occurred and continue to occur, and Respondent is an officer or employee of the United States.


PARTIES

21. Mr. Liyana Pedige is a native and citizen of Sri Lanka who fled his home country to seek asylum in the United States. He has been in ICE custody since about January 2024, and detained at Stewart Detention Center in Lumpkin, Georgia since about February 2024.
22. Respondent Terrence Dickerson is sued in his official capacity as Warden of Stewart Detention Center, where Mr. Liyana Pedige is currently detained, as the legal custodian of Petitioner.

STATEMENT OF FACTS

23. Mr. Liyana Pedige is a 48-year-old native and citizen of Sri Lanka who came to the United States fleeing threats of grave political violence in his home country. He has been in ICE's custody since January 2024 and

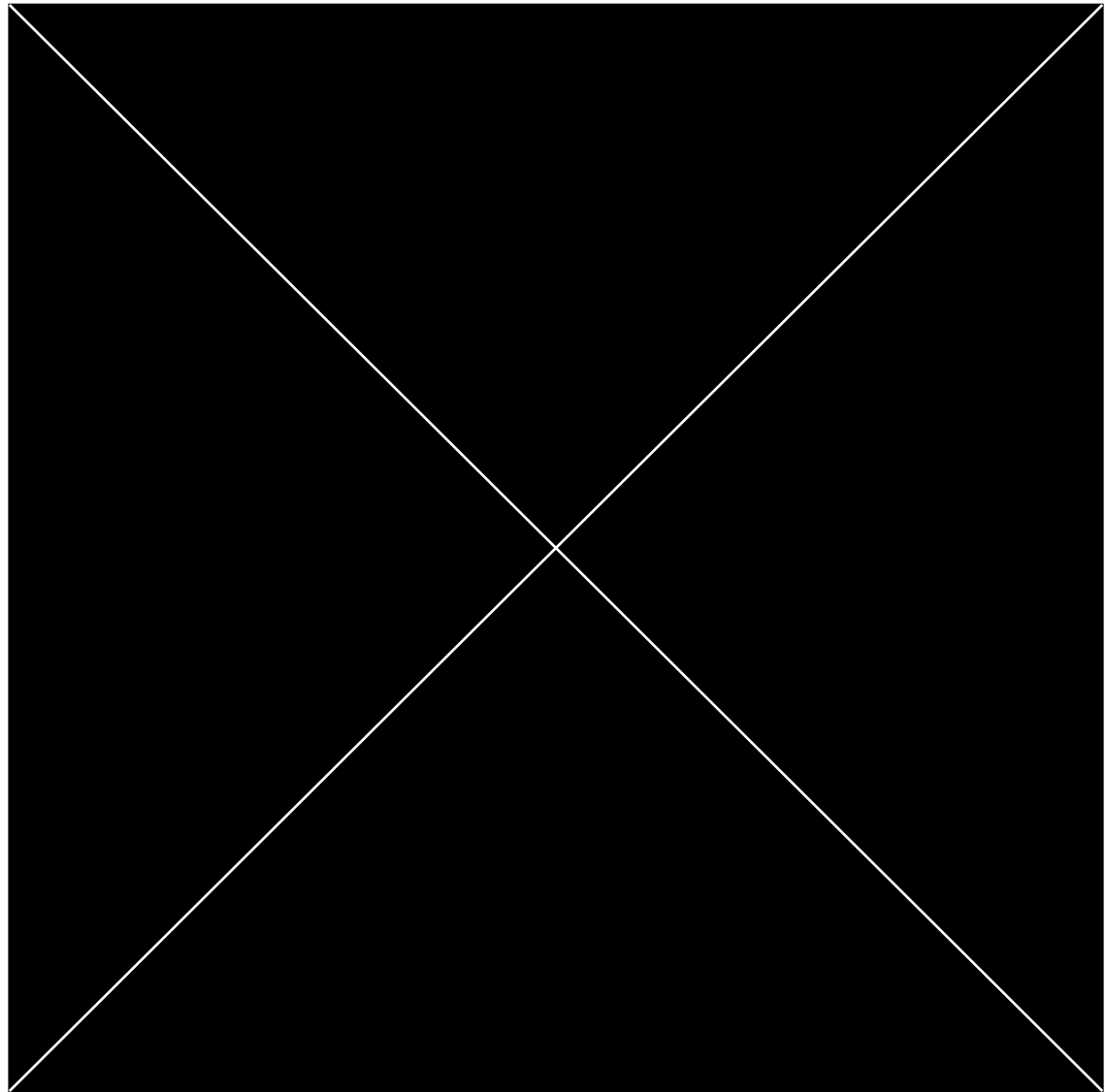
detained at Stewart Detention Center in Lumpkin, Georgia since February 2024, pending resolution of his asylum claim and removal proceedings.

24. Mr. Liyana Pedige fled Sri Lanka to protect his and his family's life after being assaulted and threatened with death by 





25.

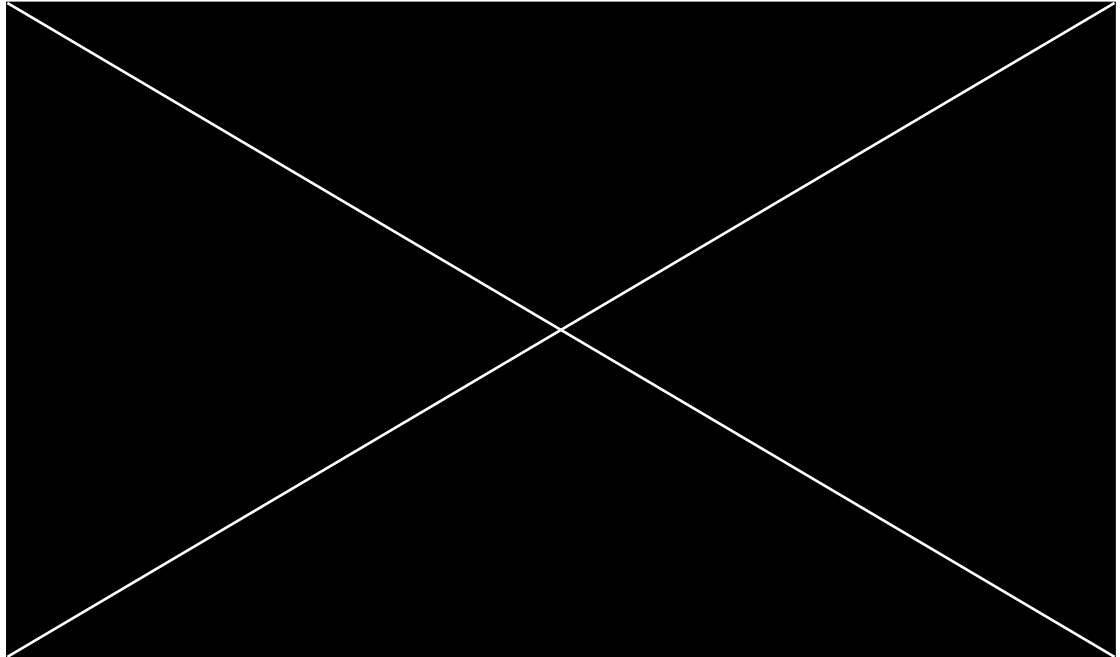


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30. Fearing for his life, Mr. Liyana Pedige fled Sri Lanka and arrived in the United States on November 14, 2023, at the Miami International Airport in Miami, Florida. He sought asylum to protect himself and his family from further violence, or worse, death.
31. Upon arrival at the Miami International Airport, Mr. Liyana Pedige was apprehended and detained by CBP and deemed inadmissible pursuant to 8 U.S.C. §§ 1182(a)(6)(C)(i) and (a)(7)(A)(I) for attempting entry without a valid entry document, and for using an allegedly fraudulent visa to enter.
32. Mr. Liyana Pedige was subsequently detained by criminal authorities and charged in the Southern District of Florida for use of a fraudulent entry visa.
33. On January 19, 2024, a federal jury acquitted Mr. Liyana Pedige of the criminal charge. Mr. Liyana Pedige has no other criminal history in the

United States, Sri Lanka, or elsewhere in the world.

34. While his criminal case was pending, Mr. Liyana Pedige was detained at the Miami Federal Detention Center. After his acquittal, he was transferred to immigration detention at the Broward Transitional Center in Pompano Beach, Florida, in January 2024.
35. On January 30, 2024, Mr. Liyana Pedige had a Credible Fear Interview. He was found to have a credible fear of returning to Sri Lanka based on the threats to his life from government ministers.
36. In February 2024, Petitioner was transferred to Stewart Detention Center, where he has been detained without adequate due process since.
37. On August 27, 2024, Mr. Liyana Pedige filed an I-589. His asylum application is currently pending with the Immigration Court.

LEGAL ARGUMENT

38. Mr. Liyana Pedige is detained pursuant to 8 U.S.C. § 1225(b), which provides procedures for the inspection of applicants for admission into the United States.
39. Section 1225(b)(1)(B)(ii) applies to individuals who are otherwise subject to expedited removal but establish a “credible fear of persecution” during an interview with an asylum officer. Individuals who establish a credible fear of persecution have shown that there is a “significant possibility” that they are

eligible for asylum in the United States. *Id.* § 1225(b)(1)(B)(v).

40. Section 1225(b)(1)(B)(ii) provides that these individuals “shall be detained for further consideration” of their application for asylum, which occurs at a removal hearing inside the United States.
41. While §1225(b)(1)(B)(ii) mandates detention of arriving persons, that mandate is subject to constitutional limits.
42. The Due Process Clause of the Fifth Amendment forbids prolonged arbitrary imprisonment. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 673, 690 (2001). At a minimum, due process requires “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)) (internal quotation marks omitted).
43. Arriving persons within ICE’s custody are entitled to these substantive and procedural due process protections. *See Padilla v. U.S. Immigr. & Customs Enf’t*, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023), *appeal filed*, No. 24-2801 (9th Cir. 2024); *Maldonado v. Macias*, 150 F. Supp. 3d 788, 798-812 (W.D. Tex. 2015); *Shire v. Decker*, No. 1:17-cv-01984, 2018 WL 509740, at

*3-4 (M.D. Pa. Jan. 23, 2018). Courts have thus granted habeas petitions on the ground that just as 8 U.S.C. § 1226(c) is subject to a reasonable time limitation, so too is § 1225(b). *See Maldonado*, 150 F. Supp. 3d at 808.

44. In *Jennings v. Rodriguez*, 138 S. Ct. 840, 845 (2018), the Supreme Court held that 8 U.S.C. § 1225(b) authorizes detention until the conclusion of removal proceedings without a bond hearing. However, the Court did not address the *constitutionality* of prolonged detention without a bond hearing. *Id.* at 851 (“[W]e do not reach [the constitutional] arguments.”). Section 1225(b)’s dictate that arriving persons “shall” be detained therefore does not foreclose Mr. Liyana Pedige from challenging the constitutionality of his detention.¹

45. Due process requires an individual’s release when detention is no longer reasonably related to a government purpose. In the civil immigration context, the only legitimate purposes of detention include preventing flight, protecting the community from danger, and effectuating removal. *See Zadvydas*, 533

¹ While the Eleventh Circuit has not squarely addressed this question, the court’s analysis in *Romero v. Secretary, U.S. Department of Homeland Security*, 20 F.4th 1374, 1380 n.4 (11th Cir. 2021) indicates that Arriving Persons seeking release from custody may do so as a matter of due process after the Supreme Court’s decision in *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 140 (2020). In *Romero*, the court distinguished between petitioners seeking additional administrative review of their denied asylum claims and those seeking release from custody, noting that *Thuraissigiam* does not foreclose individuals from challenging their detention as unlawful even if it forecloses individuals from seeking additional administrative review of their denied asylum claims under the Due Process Clause. *Id.* Petitioner may therefore challenge his detention under § 1225(b) on constitutional grounds.

U.S. at 690; *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199, 1217 (11th Cir. 2016), *vacated as moot*, 890 F.3d 952 (2018); *Ahmed v. Lowe*, No. 3:16-cv-2082, 2017 WL 2374078, at *4 (M.D. Pa. May 31, 2017) (analyzing *Demore*, 538 U.S. 510, 531-33 (2003) (Kennedy, J., concurring)).

46. Courts, including the Eleventh Circuit, have held that a year in detention constitutes an unreasonably prolonged amount of time, even when that detention is statutorily mandated. *See Sopo*, 825 F.3d at 1217; *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 478 (3d Cir. 2015) (“[C]ertainly by the time [petitioner] had been detained for one year, the burdens to [petitioner’s] liberties outweighed any justification... for detain[ing] him without bond to further the goals of the statute.”).
47. In determining whether detention is unreasonably prolonged, courts have considered factors such as the length of detention; the reason for the proceedings’ delay; whether the time spent in detention exceeds time spent in jail or prison; and whether the facility for civil immigration detention differs meaningfully from a penal institution, among other factors. *See Sopo*, 825 F.3d at 1217-18 (applying factors to § 1226(c) detention); *accord* *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 773-74 (S.D. Cal. 2020) (applying factor-based test to § 1225(b) detention); *Rodriguez-Figueroa v. Barr*, 442 F. Supp. 3d 549, 562-69 (W.D.N.Y. 2020) (same); *Banda v. McAleenan*, 385

F. Supp. 3d 1059, 1117-18 (W.D. Wash. 2019) (same); *Jamal A. v. Whitaker*, 358 F. Supp. 3d 853, 858-60 (D. Minn. 2019) (same); *Lett v. Decker*, 346 F. Supp. 3d 379, 384-89 (S.D.N.Y. 2018) (same, citing to *Sopo*).

48. In Mr. Liyana Pedige's case, these factors weigh heavily against his continued detention. At the time of filing, Mr. Liyana Pedige has been in detention for over a year. This period far exceeds his time in jail for an offense of which he was ultimately unanimously acquitted. Further, Mr. Liyana Pedige's case faces months-long delay in his proceedings due to the government's failure to secure Sinhalese language interpretation. Finally, Mr. Liyana Pedige's detention at Stewart Detention Center is functionally indistinguishable from a prison. *See Kydyrali*, 499 F. Supp. 3d at 773 (finding that detention in a private, for-profit detention center operated by CoreCivic mirrors penal confinement) (citation omitted).
49. Civil detention can also become unconstitutionally unreasonable when the government fails to provide an individualized hearing before a neutral decisionmaker whereby the government's justification for continued detention is tested. *See Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (requiring individualized finding of mental illness and dangerousness for civil commitment); *Hendricks*, 521 U.S. at 357 (upholding civil commitment of

sex offenders only after jury trial on lack of volitional control and dangerousness to others).

50. While detained, Mr. Liyana Pedige has sought release on humanitarian parole and bond without any recourse. ICE's failure to fully consider Mr. Liyana Pedige's requests for release without "*some* individualized facially legitimate and bona fide reason for denying parole, and *some* factual basis for that decision in each individual case" violates both due process and the Immigration and Nationality Act's ("INA") parole statute. *Marczak v. Greene*, 971 F.2d 510, 518 (10th Cir. 1992); *see also Sierra v. INS*, 258 F.3d 1213, 1219 (10th Cir. 2001); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082-84 (9th Cir. 2006).

Respondent Has Prolonged Petitioner's Detention By Failing to Provide Him With Adequate Language Access

51. In addition to being deprived of a hearing before a neutral decisionmaker, Mr. Liyana Pedige's removal proceedings have been prolonged due to the Immigration Court's inability to secure language interpretation. As a person with Limited English Proficiency ("LEP"), Mr. Liyana Pedige requires language interpretation.
52. Mr. Liyana Pedige had an individual hearing scheduled for December 2024, during which he would have been able to present the merits of his asylum case, but the Immigration Court continued his individual hearing due to lack

of an interpreter, scheduling his next individual hearing for four months later. Without an interpreter, Mr. Liyana Pedige's case cannot move forward, and he continues to languish in detention.

53. Under the Due Process Clause and the INA, the Government has both a constitutional and statutory responsibility to provide Mr. Liyana Pedige with a competent Sinhalese interpreter at all hearings so that he can fully understand and meaningfully participate in the proceedings against him.
54. Mr. Liyana Pedige seeks protection in the United States based on his fear of political persecution in Sri Lanka but has been unable to meaningfully pursue his bona fide asylum claims because of the government's failure to procure an interpreter during his proceedings.
55. The government's lack of adequate language services has thus subjected Mr. Liyana Pedige to further prolonged wrongful detention. Had the government secured a Sinhalese interpreter, Mr. Liyana Pedige may have had the merits of his asylum petition heard on December 4, 2024. As of the date of filing this Petition, Mr. Liyana Pedige's merits hearing will not occur until at least April 3, 2025, provided that the government successfully secures an interpreter at that time.
56. The prolonging of Mr. Liyana Pedige's immigration case due to lack of adequate language services gravely violates his due process rights by not

only prolonging his detention, but by rendering it impossible for him to pursue his asylum claim. In the context of removal proceedings, “[i]t is well established that the provision of an interpreter is a ‘minimum’ requirement of a fair hearing for asylum applicants who have limited English proficiency; otherwise, an applicant’s ‘procedural rights would be meaningless.’” *B.C. v. Att’y Gen.*, 12 F.4th 306, 314 (3d Cir. 2021) (quoting *Marincas v. Lewis*, 92 F.3d 195, 204 (3d Cir. 1996)); *see also* 8 C.F.R. § 1003.42(c); Dep’t of Justice, Language Access in Immigration Court 1 (2023) (“[N]oncitizens with limited proficiency in English must be provided with in-court interpretation into their preferred language.”).

57. Here, the government is detaining Mr. Liyana Pedige without advancing removal proceedings and can show “no significant likelihood” of advancing his proceedings “in the reasonably foreseeable future.” *Zadvydas*, 535 U.S. at 701. Indefinitely prolonging Mr. Liyana Pedige’s immigration proceedings due to the government’s failure to secure interpretation bears no “reasonable relation to the purpose for which [he] was committed” consistent with due process. *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)) (internal quotation marks omitted).
58. The government thus cannot reasonably justify Mr. Liyana Pedige’s continued detention. Because there is no realistic prospect of “pursuing and

completing” proceedings in the reasonably foreseeable future without an interpreter, “the detention is not to facilitate deportation or protect against risk of dangerousness, but to incarcerate for other reasons.” *Demore*, 538 U.S. at 532-33 (Kennedy, J., concurring).

Respondent Has Denied Petitioner’s Requests for Parole and for Bond

59. Mr. Liyana Pedige’s denial of parole and bond also contravenes the INA’s parole statute and violates ICE’s policy directive to fully consider parole of arriving persons who have established a credible fear of persecution or torture. *See* 8 U.S.C. § 1182(d)(5)(A) (authorizing the parole of arriving aliens for humanitarian reasons or the public benefit); U.S. Immigr. & Customs Enf’t, Dir. No. 11002.1, Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture 6.1–6.2 (2009) (hereinafter “2009 Parole Directive”). Absent any indication that an arriving person presents a flight risk or danger to the community, ICE’s parole directive provides that the Department of Removal Operations (“DRO”) should parole that person and release them. *Id.* at 6.2.
60. Mr. Liyana Pedige has satisfactorily established his identity and proved that he is neither a flight risk nor a danger to the community, sufficient to warrant release on parole by ICE. *Id.* at 8.3 (factors ICE should consider in releasing arriving aliens on parole). Mr. Liyana Pedige has a U.S. citizen sponsor and a

pending asylum petition, which if granted would allow him to reside in the United States away from the danger posed by returning to Sri Lanka.

61. ICE's failure to fully and faithfully consider Mr. Liyana Pedige's requests for release or provide any explanation for his continued detention thus not only constitutes a denial of his due process rights, but a violation of ICE's own directive to release individuals like Mr. Liyana Pedige whose continued detention is unjustifiable.
62. For the last 12 months, Mr. Liyana Pedige has languished in the Stewart Detention Center without any recourse. He has developed stress-related high blood pressure and insomnia because of his inability to support his family while detained.
63. Mr. Liyana Pedige misses his privacy, his family, and his freedom. He hopes to begin a new life in the United States free from the violence he endured in Sri Lanka. He is the primary provider for his children and wife, and cannot support them while he remains indefinitely detained by ICE. He does not understand why he has been detained for now over a year despite posing no danger or flight risk to the community.
64. Mr. Liyana Pedige's detention exceeds that which is acceptable under due process. This Court should accordingly grant his requests for relief.

CAUSES OF ACTION

COUNT ONE

**Violation of the Due Process Clause of the Fifth Amendment
(Prolonged Detention)**

65. All of the foregoing allegations are repeated and realleged as though fully set forth herein.
66. Petitioner’s prolonged detention without any individualized assessment of the need for detention deprives him of due process of law. The Court should therefore order his release from unconstitutional detention.
67. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that “[n]o person shall . . . be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend V.
68. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. For this reason, even “removable and inadmissible aliens are entitled to be free from detention that is arbitrary and capricious.” *Id.* at 721 (Kennedy, J., dissenting). *See also Rosales-Garcia v. Holland*, 322 F.3d 386, 409 (6th Cir. 2003) (en banc) (holding that “excludable [persons]... are clearly protected by the Due Process Clauses of the Fifth and Fourteenth Amendments.”).

69. Mr. Liyana Pedige has now been detained for over a year. Without additional process, his detention for over a year is unreasonable. *See Sopo*, 825 F.3d at 1217.
70. Based on Mr. Liyana Pedige's past unsuccessful attempts to seek release with ICE, his release is not foreseeable. Further, the Government's continuance of Mr. Liyana Pedige's Immigration Court hearings due to lack of language interpretation services supports a finding that his detention may continue indefinitely as his asylum petition remains adjudicated.
71. Respondent does not have and cannot provide a constitutionally reasonable justification for detaining Mr. Liyana Pedige. Petitioner's parole denial notices have only been supported by ambiguous and unsupported statements from ICE.
72. Mr. Liyana Pedige was unanimously acquitted by a jury for his only criminal charge anywhere in the world. Thus, Mr. Liyana Pedige's detention is only supported by an assertion that his entry documents were invalid. This alone is insufficient to justify Mr. Liyana Pedige's prolonged civil detention. *See Zadvydas*, 533 U.S. at 690-91.
73. Mr. Liyana Pedige's detention is therefore unconstitutional under the Fifth Amendment. He should be released because his prolonged detention is not reasonably related to any government purpose.

COUNT TWO
Violation of the Immigration and Nationality Act and the Fifth Amendment to
the United States Constitution
(Denial of Parole Request)

74. All of the foregoing allegations are repeated and realleged as though fully set forth herein.
75. Mr. Liyana Pedige's continued detention under 8 U.S.C. § 1225(b) without adequate consideration for release violates the INA and its implementing regulations and directives. *See* 8 U.S.C. § 1225(b); 8 U.S.C. § 1182(d)(5); 8 C.F.R. § 212.5(b); 2009 Parole Directive at 6.1-6.2.
76. ICE's implementing regulations and directives impose a presumption in favor of parole if an arriving person demonstrates that they have a credible fear of persecution, are not a flight risk, and are not a danger to the community. *See* 8 U.S.C. § 1225(b); 8 U.S.C. § 1182(d)(5); 8 C.F.R. § 212.5(b); 2009 Parole Directive 6.1-6.2.
77. Mr. Liyana Pedige poses no danger or flight risk. His parole and bond requests substantiate that he meets the criteria for parole according to federal law and its implementing regulations.
78. Further, Mr. Liyana Pedige is not alleged to be removable for criminal violations or a particularly serious crime. Mr. Liyana Pedige's sole interaction with the criminal justice system for a non-violent crime resulted in a jury acquittal.

79. ICE has failed to articulate any valid concern for community safety or flight risk and has thus failed to rebut the presumption strongly in favor of his release pending proceedings. Respondent has not provided any factual basis or individualized, facially legitimate, and bona fide reason for the denial of Mr. Liyana Pedige's parole requests. Respondent therefore cannot justify Mr. Liyana Pedige's continued detention.
80. ICE's decision to deny Mr. Liyana Pedige's requests for release on parole without justification is improper, arbitrary, capricious, and violates the Fifth Amendment Due Process Clause.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus ordering Petitioner's immediate release;
3. Declare that Respondent's ongoing detention of Petitioner violates the Due Process Clause of the Fifth Amendment to the United States Constitution;
4. Order a bond hearing to be held within 14 days of the Court's order, before this Court or the Immigration Court, where the government bears the burden of showing that Petitioner's ongoing detention by clear and convincing evidence is justified based on a flight risk or danger to the community;
5. Award Petitioner's costs and reasonable attorneys' fees in this action as

provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and

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

Respectfully submitted,

Dated: January 22, 2025

/s/ Samantha C. Hamilton

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2025, I electronically submitted the foregoing document with the clerk of court for the United States District Court, Middle District of Georgia, using the electronic filing system of the court. I hereby certify that I have served all parties electronically or by another means authorized by Federal Rule of Civil Procedure 5(b)(2).

Dated: January 22, 2025

Respectfully submitted,

/s/ Samantha C. Hamilton

Samantha C. Hamilton, GA Bar No. 326618
Asian Americans Advancing Justice - Atlanta