

FILED '25 MAR 11 AM 8:11 MDGA-COL

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

Civil Action No. _____

A# 
Petitioner,
GERALDO SALGADO-ALONIZ

DAN BONDI, ATTORNEY
GENERAL;
KEVIN MCKEEHAN / McIntire McKeehan
SECRETARY OF THE DEPARTMENT
OF HOMELAND SECURITY;
Ronald D Vitellio,
U.S. ICE FIELD OFFICE DIRECTOR FOR
THE _____ FIELD OFFICE;
and WARDEN OF IMMIGRATION
DETENTION FACILITY,
RUSSEL WRIGHT
Respondents.

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

Petitioner, Gerald Salgado Aloniz, hereby petitions this Court for a

writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In
support of this petition and complaint for injunctive relief, Petitioner alleges as
follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration
and Customs Enforcement ("ICE"). Petitioner is detained at the

Stewart Detention Center, the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of Nicaragua. Petitioner was first taken into ICE custody on late 12/2024, and has remained in ICE custody continuously since that date. Petitioner was ordered removed on _____

7. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, Pam Bondi has ultimate custodial authority over Petitioner.

8. Respondent Alejandro Mayores is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Alejandro Mayores is the legal custodian of Petitioner.

9. Respondent Ronald O Velez is the Field Office Director of the UNITED STATES Field Office of ICE and is Petitioner's immediate custodian. See Vásquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

10. Respondent Warden of STEWART Detention Center, where
IRSEL WARDEN
Petitioner is currently detained under the authority of ICE, alternatively may be
considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, GERALD, is a native and citizen of
Nicaragua. Petitioner has been in ICE custody since NOV 12 2024

An Immigration Judge ordered the Petitioner removed on _____

12. _____

13. _____

14. _____

15. To date, however, ICE has been unable to remove Petitioner to

Nicaragua

or any other country.

16. Petitioner has cooperated fully with all efforts by ICE to remove him
from the United States.

17. Petitioner's custody status was first reviewed on FEB 12 2025.

On FEB 12 2025, Petitioner was served with a written decision
ordering his/her continued detention.

18. On N/A, Petitioner was served with a notice transferring authority over his/her custody status to ICE Headquarters Post-Order Detention Unit ("HQPDU"). _____

LEGAL FRAMEWORK FOR RELIEF SOUGHT

19. In Zadvydas v. Davis, 533 U.S. 678 (2001), the Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. In Clark v. Martinez, 543 U.S. 371 (2005), the Supreme Court held that its ruling in Zadvydas applies equally to inadmissible aliens. Department of Homeland Security administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2)(ii).

20. Petitioner was ordered removed on 2/12/25, and the removal order became final on 2/12/25. Therefore, the six-month presumptively reasonable removal period for Petitioner ended on 2/12/25.

CLAIMS FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

21. Petitioner re-alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in Zadvydas. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and Petitioner continues to languish in detention. Petitioner's removal to Nicaragua or any other country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in Zadvydas and Martinez that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

25. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 2.11.2028

Gerald Srigado
Signature of Petitioner

Signature of Attorney or other authorized person, if any