

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

CASE NO.:

CARLOS ROLDAN LEIVA,
Petitioner,

v.

Terrance Dickerson, in his official capacity as Warden of Stewart Detention Center,
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT,
Kristi Noem, Secretary of the Department of Homeland Security,
Pam Bondi, Attorney General of the United States,
Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241 AND THE U.S. CONSTITUTION

I. INTRODUCTION

1. This is a petition for writ of habeas corpus under 28 U.S.C. § 2241 by Carlos Roldan Leiva, an immigration detainee currently in the custody of the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE).
2. Petitioner has been held for over 180 days since a final order of removal was entered, with no significant likelihood of actual removal in the reasonably foreseeable future.
3. Petitioner's continued detention violates the due process clause of the Fifth Amendment as interpreted in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331 (federal question).

2. Venue is proper in this district under 28 U.S.C. § 1391(e) because the Petitioner is currently detained at Stewart Detention Center, located at 146 CCA Road, Lumpkin, GA 31815, within this District.

III. PARTIES

1. Petitioner, Carlos Roldan Leiva, A# [REDACTED] is a native and citizen of Cuba and is currently in ICE custody at Stewart Detention Center in Lumpkin, Georgia.
2. Respondent Terrance Dickerson is the Warden of Stewart Detention Center and is named in his official capacity.
3. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.
4. Respondent Pam Bondi is the Attorney General of the United States.

IV. FACTUAL BACKGROUND

1. Petitioner re-entered ICE custody on November 25, 2024.
2. An immigration judge entered a final order of removal against Petitioner on May 15, 2017.
3. ICE has conducted a Post-Order Custody Review (POCR) and determined to continue detention.
4. The designated country of removal, Cuba, has not issued travel documents, and no removal is foreseeable.
5. Petitioner has cooperated fully with ICE efforts to secure travel documents, to no avail.
6. There is no significant likelihood of removal in the reasonably foreseeable future.
7. The Petitioner has not committed any violent crime and is not a flight risk nor a danger to the community.

V. LEGAL ARGUMENT

1. The Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), held that indefinite detention of a noncitizen subject to a final order of removal violates the Due Process Clause when removal is not reasonably foreseeable.
2. A six-month period of post-removal detention is presumptively reasonable. After that period, if the government cannot demonstrate a significant likelihood of removal in the reasonably foreseeable future, continued detention is unlawful.

3. In this case, Petitioner has been detained for more than six months post-removal order with no meaningful prospect of repatriation.
4. Continued detention under these circumstances violates Petitioner's constitutional rights.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court.

- A. Issue a writ of habeas corpus and order Petitioner's immediate release under reasonable conditions of supervision;
- B. Enjoin Respondents from continuing to detain Petitioner unlawfully;
- C. Grant any further relief the Court deems just and proper.

Respectfully submitted,

DATED: May 25, 2025

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Attorney for Petitioner

VERIFICATION

I, Carlos Roldan Leiva, under penalty of perjury, declare that I am the Petitioner in this action and that the foregoing is true and correct to the best of my knowledge.

Executed this 27 day of May, 2025.



Carlos Roldan Leiva

Petitioner