

nas

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

LUIS BARRIOS, Hector

Petitioner,

v.

TERRANCE DICKERSON, *in his official capacity*
as Warden of Stewart Detention Center, and

TODD LYONS, *in his official capacity as Acting*
Director of Immigration and Customs Enforcement

and GEORGE STERLING, *Field Office Director*
ICE Atlanta Field Office, and KRISTI NOEM
Secretary of Homeland Security,

Respondents.

Case No. 4:25-CV-210

**PETITION FOR WRIT
OF HABEAS CORPUS**

INTRODUCTION

Petitioner, Mr. Hector Luis Barrios, hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention, and to enjoin Petitioner's continued unlawful detention by the Petitioner. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

1. Hector Luis Barrios is a Venezuelan national with a pending I-589, Application for Asylum and for Withholding of Removal. His date of birth is

 He was unlawfully detained by DHS on June 4, 2025, without a warrant.

2. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant Petition for a Writ of Habeas Corpus.

3. Petitioner asks this Court to find that he was unlawfully detained and order his release.

JURISDICTION

4. This action arises under the Constitution of the United States, 28 U.S.C. § 2241(c)(1), and the Immigration and Nationality Act, as amended ("INA"), 8 U.S.C. § 1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution ("Suspension Clause"), and 28 U.S.C. § 1331, as the Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. *See, INS v. St. Cyr*, 533 U.S. 289, 301 (2001) (at its historical core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest.").

5. The respondent in habeas petitions is the person who exercises day by day control over the petitioner's physical custody. 28 U.S.C. §§ 2242, 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004) ("In challenges to present physical confinement, we reaffirm that the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent"). The federal district court in whose district the respondent controls the petitioner's physical custody, is the court with jurisdiction over the respondent. *Padilla*, 542 U.S. at

447-48. A habeas petitioner must file his or her petition with the court that has jurisdiction over the immediate custodian. *Id.*

6. The Department of Homeland Security (“DHS”) detains Mr. Barrios at the Stewart Detention Center in Lumpkin, Georgia. The Stewart Detention Center is within this Court's district. Bill Spivey is the Warden of the Stewart Detention Center. Spivey is therefore the proper respondent, the Court has jurisdiction over him, and Mr. Barrios files his petition with this Court.

7. This Court has jurisdiction to entertain this petition and grant it under 28 U.S.C. §2241(c)(3) (writ of habeas extends to individuals in custody in violation of the Constitution or the laws of the United States). *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687-89 (2003) (“Freedom from imprisonment -- from government custody, detention, or other forms of physical restraint -- lies at the heart of the liberty . . . [which the Fifth Amendment] protects”); *I.N.S. v. St. Cyr*, 533 U.S. 289, 302 (2001) (writs of habeas may be used to challenge “detentions based on errors of law”). Habeas jurisdiction remains in district court when the alien has not yet received a final order of removal and is challenging the lawfulness of his detention. *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075-76 (9th Cir. 2006); *Campbell v. Chadbourne*, 505 F. Supp. 2d 191, 195 (D. Mass. 2007).

8. Venue is proper because on information and belief Petitioner is currently detained at Stewart Detention Center in Lumpkin Georgia, located in the Middle District of Georgia.

EXHAUSTION OF REMEDIES

9. Mr. Barrios has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action. No statutory exhaustion requirements apply to Petitioner's claim of unlawful detention.

PARTIES

10. The Petitioner Hector Luis Barrios currently has a pending I-589, Application for Asylum and for Withholding of Removal. Prior to his detention, he was living in Raleigh, North Carolina with his wife and their seven (7) month-old daughter, who is a United States citizen. He is now detained at the Stewart Detention Center in Lumpkin, Georgia.

11. Respondent TERRANCE DICKERSON is Warden of Stewart Detention Center. As such, Respondent is responsible for the operation of the Detention Center where Mr. Barrios is detained. Because ICE contracts with private prisons such as Stewart to house immigration detainees such as Mr. Barrios, Respondent has immediate physical custody of the Petitioner.

12. Respondent TODD LYONS is Acting Director of Immigration and Customs Enforcement and is sued in his official capacity.

13. Respondent GEORGE STERLING is the Field Office Director ICE Atlanta Office and is sued in his official capacity.

14. Respondent KRISTI NOEM is the Secretary of Homeland Security and is sued in her official capacity.

15. Petitioner is a Venezuelan National with a pending I-589, Application for Asylum and for Withholding of Removal. On information and belief, he was detained without cause near Raleigh, North Carolina by U.S. Immigration and Customs Enforcement agents on June 4, 2025, at about 11:30 A.M.

FACTS ALLEGED

16. On June 4, 2025, Petitioner underwent oral surgery and subsequently went to a Wal-Mart pharmacy to retrieve his prescribed medication. Upon realizing he had forgotten his identification card, Petitioner returned to his vehicle to retrieve it. As he approached his car, two trucks abruptly surrounded him. Several individuals exited the vehicles, shouted at him, abruptly threw him on the ground, and immediately detained him. The individuals were wearing face masks and did not identify themselves or present any credentials. Petitioner did not know who was detaining him. At no point prior to or during the arrest did these individuals ask Petitioner for his name or identification. Moreover, they did not present a warrant or any form of legal authorization for his arrest. In fact, Petitioner was never addressed by his name.

17. On information and belief, Petitioner is currently in custody at Stewart Detention Center in Lumpkin, Georgia, located in the Middle District of Georgia, and one or more of the Respondents is his immediate custodian.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

18. Habeas corpus relief extends to a person “in custody under or by color of the authority of the United States” if the person can show she is “in custody in

violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner’s claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).

19. “[H]abeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that “[t]he court shall . . . dispose of [] as law and justice require,” 28 U.S.C. § 2243. “[C]ommon-law habeas corpus was, above all, an adaptable remedy” and “the court’s role was most extensive in cases of pretrial and noncriminal detention.” *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008) (citations omitted). “[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner’s release.” *Id.* at 787.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner not be transferred outside the Middle District of Georgia;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.

(5) Grant any further relief this Court deems just and proper.

Respectfully submitted, this the 1st day of July, 2025

/s/ Lourdes Arenas Rochelo

Lourdes M. Arenas Rochelo, Esq.

ARENAS IMMIGRATION LAW

3344 Hillsborough St., Suite 150

Raleigh, NC 27607

T: (919) 800-8314

F: (919) 229-4026

lourdes@arenasimmigration.com

Counsel for Petitioner, Pro Hac Vice Pending

/s/ Helen L Parsonage

Helen L. Parsonage, Esq. NC Bar No. 35492

328 N Spring Street

Winston-Salem, NC 27101

Telephone: (336) 724 2828

hparsonage@emplawfirm.com

Local Counsel