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

ANGEL ALIPIO BAYAR

A# 
Petitioner,

Civil Action No: 4:25-cv-00346-CDL-AGH

v.

PAM BONDI

Attorney General;

KRISTI NOEM

Secretary of Department of
Homeland Security;

HOMER BRYSON

U.S. ICE Field Office Director For
The Middle District of Georgia

Field Office, and Warden JASON STREEVAL
of Immigration Detention Facility,
Respondent(s)

**TRAVERSE TO RESPONDENTS OBJECTION
FOR A WRIT OF HABEAS CORPUS RELIEF
PURSUANT TO 28 U.S.C. § 2241, BY A PERSON
SUBJECT TO INDEFINITE IMMIGRATION
DETENTION.**

Petitioner, ANGEL ALIPIO BAYAR, hereby petitions this Court with a traverse due to respondents objection to his Writ of Habeas Corpus to remedy Petitioner's unlawful detention by Respondents, and to enjoin Petitioner's continued unlawful detention by the Respondents. In support of this traverse/objection Petitioner alleges as follows:

Respondent states that they have submitted a removal request to ERO H.Q.P.D.U. Which remains pending. When DHS sends this request to Washington for review is when they are recommending someone to be released on supervision because they acknowledge that removal will not occur in the near future. As stated in Petitioner's Habeas Corpus H.Q.P.D.U. Has not replied back and this becomes detention just for the sake of detention and Petitioner should be released with his petition by this Court, as he has been detained well beyond the mandatory 90-days "preemptively reasonable period of detention." **After 90 days**, DHS has the discretion to release the detainee under reasonable conditions of supervision. The Government bears the Burden of disproving an alien's "**good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.**" See Zhou v. Farquharson, 2001 U.S. Dist. LEXIS 18239, 2-3 (D. Mass. Oct. 19, 2001) (quoting and summarizing Zadvydas). Moreover, "for detention to remain reasonable, as the period of prior post-order removal grows, what counts as the reasonably foreseeable future' conversely have to shrink."

Zadvydas, 533 U.S. At 701. ICE's administration regulations also recognize that the HQPDU has a maximum six-month period for determining whether there is a significant likelihood of a alien's removal in the reasonable foreseeable future. *See* 8 C.F.R. §241.4(k)(2)(ii).

An alien who has been detained beyond the presumptive period should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. *See* Agbada v. Hohn Ashcroft, 2002 U.S. Dist. LEXIS 15797(D. Mass. August 22, 2002) (court “**will likely grant**” after ICE is “**unable to present document confirmation that the government has agreed to [petitioner's] repatriation.**” ; Zhou, 2001 U.S. Dist. LEXIS 19050 at *7(W.D. Wash February 28, 2002) (government's failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there is no significant likelihood of petitioner's removal in the reasonably foreseeable future).

Respondent fails to point out or show any evidence that his removal will occur any time in the near future, but instead state that they have contacted Washington ERO which means that there will be further delay in the removal or detention process.

Respondent also point out that Petitioner “**also must provide evidence of a good reason to believe**” that there is no significant likelihood of removal in the reasonably foreseeable future. Respondent's own omission that the have sent a removal acceptance to Washington proves petitioners claim that he will not be removed in the near future, but Petitioner is submitting **DHS Inspector general Report** that states Cuba is a Uncooperative Country in deportation proceedings to over come his burden justifying release under Zadvydas v. Davis, 533 U.S 678 (2001).

Petitioner also states a claim that DHS/ICE failed to conduct a formal interview at his 90-day detention date or at his 180-day detention date violating there own rules and regulations under **8 C.F.R. §241.4, 8 C.F.R. § 241.13, and § 241.4(i)**

Procedural due process also requires that aliens release determination be made by impartial adjudicator due to policy bias.)

“**Detention is now not driven by legitimate interest of removal at all, but rather detention for the sake of detention, motivated by animus towards, or ill will against the individual, or even a desire to inflict suffering.**” C.F. Riverside, 500 U.S. At 56

If the non-citizen satisfies the initial burden “**which he has,**” then the Government “**must respond with evidence sufficient to rebut that showing.**” Id. If the Government fails to meet its burden, then the non-citizen must be released from detention. See Jennings v. Rodriguez, 583 U.S. 281, 299 (2018) and in the case at Bar now the **Respondent failed to meet its burden, nor did it address petitioners claim of his due process rights being violated.**

The question as to whether Petitioner's detention is now in violation of the Laws of the United States is one for a Federal Habeas Court to hear. 28 U.S.C. §2241.

Therefore, Petitioner request that this Court approve his Habeas Corpus petition if he is not immediately released and appoint counsel to represent him in Court.

See Exhibits attached

Exhibit A, B, C, D,