

FILED
DEC 17 2025
MSA-GJ

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
COLUMBUS DIVISION**

A No: 

Amiris Medina Herrera
(Petitioner)

v.

Pam Bondi (US Attorney General)
Kristi Noem (Secretary of DHS)
Jason Streeval (Warden of detention facility)
(Respondent)

Case no: _____

PETITIONER FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C SECTION 22241

Petitioner Herrera appearing hereby petitions this court for a writ of habeas corpus to remedy Petitioner's unlawful detention by respondents. In writ 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 Herrera is detained at the Stewart Detention Center in Lumpkin, GA pursuant to a contractual agreement with the Department of Homeland Security. Petitioner is under the direct control of respondents and their agents.

JURISDICTION

2. This action arises under the constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C.S Section 1101 *et seq.*, as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 ("IIRIRA") Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act of ("APA"), 5 U.S.C Section 701 *et seq.*

3. This court has jurisdiction under 28 U.S.C Section 2241; art. I Section 9, cl.2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C Section 1331, as Petitioner is presently in custody under color of authority of the United States, and such custody is in the violation of the constitution, laws, all treaties of the United States. This court may grant relief pursuant to 28 U.S.C Section 2241, 5 U.S.C. Section 2241, 5 U.S.C Section 702, and the All Writs Act, 28 U.S.C Section 1651.

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

VENUE

5. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 494, 493-500 (1973), venue lies in the United States District Court for the Georgia, the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of Cuba. Petitioner was first taken into ICE custody September 9, 2023. Petitioner was released on December 14, 2023. Petitioner was re-detained on July 10, 2025 and has remained in ICE custody since that date.

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

8. Respondent Kristi Noem is the secretary of the Department of the Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. as such Kristi Noem is the legal custodian of petitioner.

9. Jason Streeval Warden of Stewart Detention Center. where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be petitioner's immediate custodian.

10. Petitioner has been in ICE custody since July 10, 2025.

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

12. Petitioner has fully cooperated with all efforts ICE regarding his removal from the United States.

13. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that six months is the presumtively 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 U.F.R Section 241.13(b)(ii).

14. Petitioner was ordered removal on January 4, 2023 and the removal order became final on the same day.

CLAIMS FOR RELIEF

15. Petitioner's re-alleges and incorporates by references paragraphs 1 through 16 above.

16. Petitioner's continued detention by respondents is unlawful and contravenes 8 U.S.C Section 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. The six-month preemptively reasonable period for removal efforts has expired. Petitioner still has not been removed and petitioner continues to languish in detention. Petitioner's removal to Cuba or any other country is not significant 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.

17. Petitioner's continued detention by respondents is unlawful under 8 U.S.C. Section 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. The six-month preemptively reasonable period for removal efforts has expired. Petitioner still has not been removed and petitioner continues to languish in detention. Petitioner's removal to India or any other country is not significant 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.
18. 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.
19. The Due Process Clause of the Fifth Amendment requires that the deprivation of petitioner's liberty be narrowly tailored to serve a compelling government interest. While respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of petitioner, who is not likely to be removed in the reasonably foreseeable future. *Zadvydas* recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of six months and petitioner's removal is not significant likely to occur in the reasonable foreseeable future.
20. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case had been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of respondents to provide a neutral decision-maker to review the continued custody of petitioner's right to procedural due process.

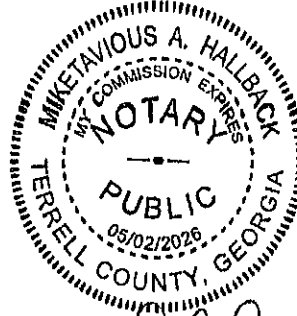
PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief.

- 1) Assume jurisdiction over this matter
- 2) grant petitioner a writ of Habeas Corpus directing the respondents to immediately release petitioner from custody
- 3) Enter preliminary injunctive relief enjoining respondents from further unlawful detention of petitioner.

Date: 12/2/25

Amiris Medina Herrera
A # [REDACTED]
Stewart Detention Center
146 CCA Rd, Lumpkin, GA 31815



Miketavious A. Hallback
12/2/25

CERTIFICATE OF SERVICE

I certify that a copy of this Petition has been placed in the hands of an institution official for mailing to:

1. ICE office of Chief Counsel
Stewart Detention Center
146 CCA Rd, Lumpkin, GA 31815
2. DHS Headquarters Post-Order Detention Unit (HQPDU)
500 12th SW, Washington, DC 20536

Respectfully Presented this date 12/2/25

Amiris Medina Herrera
A # [REDACTED]
Stewart Detention Center
146 CCA Rd, Lumpkin, GA 31815

I affirm, under penalty of perjury, that foregoing is true and correct.

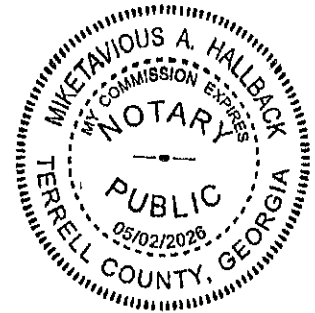
Signature Amiris Herrera
Name

12/2/2025
Date

Petitioner's name: HERRERA MEDINA, AMIRIS

Alien no: 

146 CCA Road
P.O. Box 248
Lumpkin, GA 31815



PUBLIC NOTARY

Miketavious A. Hallback
12/8/2025
Signature

CERTIFICATE SERVICE

I HERRERA MEDINA, AMIRIS hereby certify that on 12/8/2025 a copy of this filing was served via priority mail to:
United States District Court For the Middle
District of Georgia Columbus Division
P.O. Box 124 Columbus, GA 31902