

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

FILED  
DEC 22 2025  
MAG-01

JIDIER ANTONIO SAAVEDRA

A# [REDACTED]  
Petitioner,

Civil Action No: \_\_\_\_\_

v.

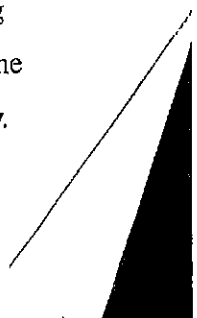
PAM BONDI Attorney General;  
KRISTI NOEM Secretary of Department of Homeland Security;  
HOMER BRYSON U.S. ICE Field Office Director For The Middle District of Georgia  
JASON STREEVAL Warden Stewart Detention Center,  
Respondent(s)

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

**I. INTRODUCTION**

Petitioner, JIDIER ANTONIO SAAVEDRA, is a Citizen and National of CUBA, who filed a previous Habeas Corpus with case No: 4: 25-cv-244-CDL-CHW in the Middle District of Georgia explaining with case Perez v. Noem, 2025 U.S. Dist LEXIS 195132 11TH CIRCUIT as reference that that the 180-day detention period commences at the beginning of the removal period Akinwale v. Ashcroft 287 F. 3d 1050, 1052 n.3(11<sup>th</sup> Cir.2002) not at the new date of detention. Also see Gozo v. Napolitano, 309 F. App'x 344, 346 (11<sup>th</sup> Cir. 2009) so petitioner Jidier Saavedra's 180 days detention period ended years ago and not now in 2025 where he remains detained yet again for over 270-Days and now has become CRUEL AND UNUSUAL PUNISHMENT, and all time in custody with DHS/ICE counts toward his Habeas Corpus.(See Memorandum of law) attached explaining that " **Supervised release, parole, and probation impose enough restrictions on liberty to constitute custody for Habeas purposes.**" Maderos v. United States, 218 F. 3d 1252 (11<sup>th</sup> Cir. 2000)

Magistrate Judge Charles Weigle improperly issued a recommendation to dismiss the case as premature, and also allowed the respondent to proceed with an unsigned declaration in court even after Petitioner notified the court that respondent filed an unsigned response and declaration that legally should be null and void. It is believed that the Judge may be further delaying to issue his order to grant Habeas relief which additionally strengthens petitioners claim that his right to due process is being violated. The Judge noted that if petitioner files a new Habeas he would be over the six months time required to file and should not be dismissed as premature, so petitioner is filing a new Habeas now.



## II. JURISDICTION AND VENUE

- This action arises under the Constitution of the United States, 28 U.S.C. §2241 (c)(1), 28 U.S.C. §2241 (c)(3) and to the Immigration and Nationality Act (“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”) protects access to Habeas corpus
- 28 U.S.C. §1331, as Petitioner is Presently in custody under color of the authority of the United States, and the custody is in violation of the Constitution, Laws, or treaties of the United States.
- 8 U.S.C. §1231 (a)(6): as interpreted in Zadvydas v. Davis, 533 U.S. 678, 688 (2001) (We conclude that §2241 Habeas Corpus proceedings remain available as a form for statutory and constitutional challenges to post-removal-period detention.”) INS v. St. Cyr, 533 U.S. 289, 301 (2001) (“at it's 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 it's protections have been strongest.”) Clark v. Martinez, 543 U.S. 371 (2005) (holding that Zadvydas applies to aliens found inadmissible as well as removable.) Perez v. Noem, 2025 U.S. Dist. LEXIS 195132 and Perez v. Noem, 2025 U.S. Dist. Lexis 249980 11<sup>th</sup> Circuit. Zavvar v. Scott, 2025 U.S. Dist LEXIS 175897

## II. PARTIES

- Petitioner is A 48 year old male Cuban in the physical custody of Respondents.
- 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
- JASON STREEVAL Warden Stewart Detention Center,
- DHS/ICE has contracted the institution at Stewart Detention Center to house Immigration detainees such as Petitioner. Petitioner is in the direct control of Respondents and their agents under 28 U.S.C. §1391 .

## III. EXHAUSTION OF REMEDIES

- Petitioner has exhausted his administrative remedies to the extent required by law, He has not received a legitimate custody review or response to request for release. ICE has failed to comply with 8 C.F.R. §241.4 AND 8 C.F.R. § 241.3 and his only remedy is by way of this judicial action. After the Supreme Court decision in Zadvydas, the Department of justice issued regulations governing the custody of aliens removed. See 8 C.F.R. §241.4, 8 C.F.R. § 241.13, and § 241.4(i)

#### IV. STATEMENT OF FACTS

1. Petitioner was born in Cuba on [REDACTED] and fled the country to the United States and arrived on **March 28, 1980** as a P-43 Political Refugee, and a Lawful Permanent Resident.
2. Petitioner agreed to the charges of Possession of Marijuana, Possession of Marijuana with intent to deliver, Possession of Hydrocodone, Fraudulent use of personal id, Constructive Possession of an antique firearm, which ultimately caused an order of removal to be lodged against him.
3. The Petitioner received a Final order of removal on 8-8-2018 but appealed to the BIA and the appeal was dismissed on 1-4-2019, so the clock did not start until then. The detention period lasted from **1-4-2019 until 8-21-2019 (231 Days detained after a removal order)**, which was the date that the BIA terminated removal proceedings due to Petitioner vacating his conviction, and ICE tried to remove him with out success.
4. Petitioner re entered a new plea agreement on the same cases restructured for immigration purposes and DHS again put him through the removal process where he ended accepting an final order of removed to **CUBA** with an **“Alternative Country of CUBA”** as a formality only. (See Exhibit. A) on **January 9, 2020** by **I.J. Jorge Pereira** in **K.R.O.M.E. S.P.C.**
5. The law states that **“Even where a sentence has expired. Habeas may be pursued if custody flows from the same conviction or legal authority.”** Means v. Alabama, 209 F. 3d 1241 (11<sup>th</sup> Cir. 2000)).
6. Petitioner received a written order by **I.J. Jorge Pereira** on 1-9-2020 for his release and protection that states Verbatim **“Respondent can file Motion to Reopen if in imminent danger of deportation” \*DHS will not oppose MTR (See Exhibit. A)** which would further delay any removal in the reasonable foreseeable future.
7. Petitioner was released on supervision on January 21, 2025 after serving **12-days** detained in **2020** and completing **229 days** detained after a final order of removal between **1-4-2019 to 8-21-2019 (See Declaration Exhibit B )** to clarify removal order dates and detention, **all of which DHS attempted to remove petitioner without success. (241-days in total)**, because it was understood by all parties that Petitioner had been detained well over the 180-days allowed as a reasonable foreseeable time for detention to obtain confirmation that Cuba would not accept him as he is a P 43 Political Refugee, who now cannot even prove he is Cuban as his Passport and Birth Certificate have been lost by DHS/ICE own omissions during his previous detention period, due to being moved back and forth between courts in different counties of Florida which is beyond petitioners control.

8. Petitioner served over 5-years on DHS/ICE Supervision which is custody for Habeas relief.
9. Petitioner was on his way to visit his mother who suffered a stroke and required an immediate brain surgery when he came in contact with authorities on March 7, 2025 due to a traffic infraction. Petitioner ended up being detained by DHS/ICE on March 14, 2025, due to an erroneously civil judgment that suspended his Drivers license, which was rectified by the courts and dismissed after he was detained and transferred to Stewart Detention Center.
10. Petitioner was never given notice of his supervision being revoked or terminated and DHS/ICE did not provide him with notice or an opportunity to be heard to contest the detention or the revocation of supervision violating ICE own rules and regulations under 8 C.F.R. §241.4, § 241.13, and § 241.4(i).
11. Petitioner was never allowed to make a phone call at the 180 Ted turner location either.
12. Petitioner was supposed to have a **90-day** custody review this time on June 11, 2025 but DHS/ICE decided to continue his detention **w/o any notice or interview** provided to him.
13. Respondent Traci Horrach filed an unsigned objection and declaration on 8-22-25 which was the deadline date with the court making the documents null and void. **(See Exhibit B)**
14. Petitioner made notice of this violation in his response or traverse to the courts and Judge Charles Weigle allowed respondent to proceed which is unlawful and violated petitioners right to due process.
15. Subsequently at his new **180-day** detention interview date of 9-5-2025, DHS/ICE never informed the petitioner **if /or** why it decided to continue his detention again violating his rights to due process and ICE own rules and regulations. **(See Exhibit C-1, C-2) It says (“You will be notified of the decision in your case when the custody review has been concluded.”)**
16. Petitioner representative Faith Schmidt received the fraudulent/manipulated **90-day** custody interview dated 7-26-2025 from DHS by email after the petitioner filed his Habeas Corpus alleging to be a proper custody interview that petitioner never actually had. **(See Exh. D-1, D-2)**
17. ICE detention review letter dated 7-26-2025, confirms removal remains speculative. **(See Exhibit D-1)**
18. Petitioner representative Faith Schmidt responded back to the deportation officer on 9-16-2025 and carbon copied other DHS/ICE agents about the improper and fraudulent matter at hand and no party ever replied back violating petitioner right to due process. **(See Exhibit E)**
19. Petitioner has never been given notice of any decision whether it be his 90-day or 180-day custody determination violating DHS/ICE own rules and regulations under 8 C.F.R. §241.4, §

**241.13, and § 241.4(i)**

20. DHS/ICE claims that they have recommended petitioner to be released on supervision to their supervisors but petitioner still remains detained well beyond 6-months allowed. **(270 + days)**
21. Cuba has refused to accept petitioner due to his P-43 Cuban political status and other diplomatic barriers, on top of DHS losing his only Identification documents.
22. DHS/ICE has not been able to get identity documents from the Cuban Authorities.
23. DHS/ICE has not been able to obtain travel documents from Cuba.
24. The Office of Inspector General (OIG) classifies Cuba as an **“uncooperative”** nation and confirms ICE must release detainees where removal is not foreseeable. **(See Exhibit F, G, H, I,)**
25. DHS/ICE has not informed petitioner of any country they have tried to get to accept petitioner again violating his right to due process.
26. Petitioner is entitled to **“Seek Fear based relief from that Country”**, which would require additional proceedings as well. **CF. Guzman Chavez, 594 U.S. At 537.**
27. Like **Zavvar v. Scott, 2025 U.S. Dist LEXIS 175897** Respondents have not been able to obtain any travel documents or find a country to accept petitioner, and **“He now no longer has a Cuban Passport or a Birth Certificate due to DHS own omissions of losing his only identity documents”**
28. ICE's Headquarters Post-order Detention Unit (**“HQPDU”**) **has not** informed Petitioner that it would release or continue to keep him in custody despite having been detained for over **270-days** after a final order of removal this time alone.
29. The custody review regulations do not provide for appeal from a HQPDU custody review decision. See 8 C.F.R. §241.4(d). **Especially when it has never been made or provided to the Petitioner for him to contest or argue against.**
30. No statutory exhaustion requirements apply to Petitioner claim of unlawful detention.
31. Petitioner most recent **180-day** custody review under the Cuban review plan, **8 C.F.R. §212.12** took place on **9-5-2025**, at which point the Petitioner still remains detained. **(Allegedly “Pending a reply from Headquarters to be released on supervision”).**
32. Petitioner remains detained without any indication from the United States Government or the Government of Cuba that the Petitioner's repatriation is reasonably foreseeable.
33. Petitioner knows for sure that Cuba will deny and has denied any and all request for travel documents. **(This has even been stated by his deportation officer, “That Cuba did not accept Petitioner.”)**

34. Petitioner cooperated fully with all efforts of ICE to remove Petitioner from the United States, even though all parties acknowledge that Cuba did not and will not accept him back to Cuba.

#### **LEGAL FRAMEWORK FOR RELIEF SOUGHT**

35. In Zadvydas v. Davis, 533 U.S. 678(2001), the U.S. Supreme Court held that 8.U.S.C.§1231(a)(6), when “**read in light of the Constitution's demands, limits an alien's post-order removal period detention to a period reasonably necessary to bring about the alien's removal from the United States.**” 533 U.S. At 689. a “**Habeas Court must[first] ask whether the detention in question exceeds a period reasonably necessary to secure removal.**” Id. at 699 if the individual's removal “**is not reasonably foreseeable, the Court should hold continued detention unreasonable and no longer authorized by the statute.**” Id. at 699-700. In Clark v. Martinez, 543 U.S. 371(2005), the U.S. Supreme Court held that Zadvydas applies to aliens found inadmissible as well as removable. Perez v. Noem, 2025 U.S. Dist. LEXIS 195132, Zavvar v. Scott, 2025 U.S. Dist.

36. In determining the length of a reasonable removal period, the Court adopted a “**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). “**Petitioner has been detained for over 270-days this time alone.**”

37. 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). In petitioners case the Judge even pointed out to the Court that Respondents failed to even address his arguments or claim's of illegal detention or violating his rights to due process violating ICE'S own rules and regulations under **8 C.F.R. §241.4, § 241.13, and § 241.4(i) (See Page. 7 Judge Order and recommendation Exhibit J )**

**COUNT ONE**

**STATUTORY VIOLATION**

38. Petitioner re-alleges and incorporates by reference paragraphs 1 through 37 above.

39. 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. Petitioner's 90-day statutory period of detention for continued removal efforts have passed as this is now his 2<sup>nd</sup> time actually completing and exceeding a 180-day detention period while detained by DHS/ICE since being ordered removed by an Immigration Court and Judge on August 8, 2018 and January 9, 2020 due to the same cases involved. Respondent's are unable to remove the Petitioner to Cuba, because there is no repatriation agreement between the United States and Cuba for P 43 Political Refugees such as the Petitioner, and Cuba will not accept P 43 Political Refugee Cubans from the era that the Petitioner arrived to the United States who have been ordered removed. In the instance of Clark v. Martinez, the Supreme Court held that the continued indefinite detention of someone like the petitioner under such circumstances is unreasonable and not authorized by U.S.C. §1231(a)(6). The detention period ended years ago Akinwale v. Ashcroft 287 F. 3d 1050, 1052 n.3(11<sup>th</sup> Cir.2002) **not at the new date of detention**. Also see Gozo v. Napolitano, 309 F. App'x 344, 346 (11<sup>th</sup> Cir. 2009) Zavvar v. Scott, 2025 U.S. Dist. LEXIS 175897 Perez v. Noem, 2025 U.S. Dist. LEXIS 195132, Perez v. Noem, 2025 U.S. Dist. LEXIS 249980 11<sup>th</sup> Circuit

**COUNT TWO**

**PROCEDURAL DUE PROCESS VIOLATION**

**ICE FAILED TO:**                    **8 C.F.R. §241.4, § 241.13, and § 241.4(i)**

- 40. Serve notice of Revocation of Supervised release or provide a phone call.
- 41. Provide valid 90-day custody review interview.
- 42. Provide valid 180-day custody review interview with questions to Petitioner.
- 43. Provide copies of decisions to Petitioner.
- 44. Provide any evidence justifying continued detention.
- 45. Provide any decision provided by H.Q.P.D.U. In Washington.

**COUNT THREE**

**PROCEDURAL DEFECT: VOID GOVERNMENT RESPONSE**

**UNDER Fed. R. Civ. P. 11(a):**

Respondent's filed an unsigned response and Declaration on 8-22-2025 (See Exhibit B)

46. **"The Court must strike an unsigned document submitted to the Courts.**

Unsigned pleadings are null and void. See:

- **Becker v. Montgomery**, 532 U.S. 757 (2001)
- **FDIC V. Deglau**, 207 F. 3d 153 (3d Cir. 2000)
- **U.S. Gomez**, 202 F. 3d 728 (5<sup>th</sup> Cir. 2000)
- **Brown v. Pine Bluff**, 76 F. 3d 394 (8<sup>th</sup> Cir. 1996)

"What is void produces no affect."

**Quod nullum est, nullum producit effectum.**

Respondents have not rebutted Petitioner's Prima facie showing under Zadvydas, and mentioned by Judge Charles H. Weigle on Page 7 of the Order and recommendation.

**COUNT FOUR**

**PROCEDURAL DEFECT**

As mentioned by Magistrate Judge Charles H. Weigle on Pg. 7 of the order and recommendation filed on 10-14-2025 in his previous Habeas Corpus petition under case No: 4:25-cv-244-CDL-CHW(See Exhibit J) Verbatim

47. **"Respondent did not address Petitioner's argument," which further strengthens petitioners claim of Unlawful detention, that the petitioners repatriation or removal will not occur in the reasonable foreseeable future, and his claims that his due process rights have been violated.** 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)

**COUNT FIVE**

**SUBSTANTIVE DUE PROCESS VIOLATION**

48. Petitioner re-alleges and incorporates by reference paragraphs 1 through 47 above.

49. Petitioner's continued detention violates his right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. See e.g., **Tam v. INS**, 14 F. Supp. 2d. 1184(E.D. Cal 1998)(Alien's retain substantive due process rights).

50. The due process clause of the Fifth Amendment require 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's in order to effectuate removal, that interest does not justify the indefinite detention of petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The United States Supreme Court in Zadvydas thus interpreted 8 U.S.C. §1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interests to effect the alien's removal. See Kay v. Reno, 94 F. Supp. 2d. 546, 551 (M.D. Pa. 2000) (granting writ of Habeas Corpus, because petitioner's due process rights were violated, and noting that **"If deportation can never occur, the government's primary legitimate purpose in detention-executing removal-is nonsensical."**). Because Petitioner is unlikely to be removed to Cuba, his continued indefinite detention violates substantive due process.

51. ICE admits removal is speculative in there own letter (See Exhibit D-1)

52. No Country is willing to accept petitioner.

53. DHS/ICE lost his only birth certificate and passport in earlier detention which is beyond Petitioners control.

54. Petitioner is allowed to re-open his immigration case from outside at any time unopposed by anyone and stated in writing By L.J. Jorge Pereira on 1-9-2020 which will further delay his removal in the reasonable foreseeable future. (See Exhibit A)

55. **"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

56. If the non-citizen satisfies the initial burden **"which he clearly 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) **Respondent's did not even address any of petitioners arguments or violations** and this was even pointed out by magistrate Judge Charles Weigle on page 7 of the Judges order and recommendation. (See Exhibit J)

#### COUNT SIX

#### PROCEDURAL DUE PROCESS VIOLATION

57. Petitioner re-alleges and incorporates by reference paragraphs 1 through 56.

58. Under the Due process clause of the Fifth Amendment, an alien is entitled to a timely and

meaningful opportunity to demonstrate that he/she should not be detained. Petitioner in this case has been denied that opportunity. **There is no administrative mechanism in place for the petitioner to obtain a decision from a neutral arbiter or appeal a custody decision and that violates Martinez. See generally 8 C.F.R. §212.12 The custody review procedures for Cubans are Constitutionally insufficient both as written and as applied.** A number of courts have identified a substantial bias within ICE towards the continued detention of aliens, raising the risk of erroneous deprivation to constitutionally high levels. *See, e.g., Phan v. Reno*, 56 F. Supp. 2d 1149, 1157 (W.D. Wash. 1999). (“INS does not meaningfully and impartially review the petitioner’s status.”); *St. John v. McElroy*, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) (“Due to community and political pressure, INS, an executive agency, has though they have served their sentences, on the suspicion that they may continue to pose a danger to the community.”); *See also Rivera v. Demore*, No. C99-3042 THE, 199WL521177, (N.D. Cal. Jul. 13, 1999)(procedural due process requires that aliens release determination be made by impartial adjudicator due to policy bias.)

#### COUNT SEVEN

#### PROCEDURAL DUE PROCESS VIOLATION

59. Petitioner re-alleges and incorporates by reference paragraphs 1 through 58.

Respondent's failure to provide him with notice and an opportunity to be heard to contest his removal to a nation that is not his country of origin violates the Due process Clause, the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 551-559, 701-706, and the INA and its implementing regulations. Like *Zavvar v. Scott*, 2025 U.S. Dist. LEXIS 175897 the petitioner in this case seeks an order directing Respondents to provide him with notice and an opportunity to contest removal to a third country on the basis of fear or likelihood of persecution in such a third country. Petitioner fled from a Communist country given asylum and C.A.T. comparable to that sought in D.V.D. *See D.V.D.*, 2025 WL 1142968, at \*24 (enjoining the Government from removing non-citizens to third-party countries without providing various procedural safeguards, including a “meaningful opportunity for the alien to raise a fear of return for eligibility for [Convention Against Torture (“CAT”)] protections”). If granted the Habeas relief petitioner asks that it be ordered just as the case of *Alic v. Dept of Homeland Security*, 2025 U.S. Dist. LEXIS 193793 that Respondents and all their officers, agents, employees, attorneys, and persons acting on their behalf or in concert with them be prohibited from removing Petitioner to a third country without a meaningful opportunity to be heard in reopened removal proceedings with hearing before an immigration Judge.

In addition to all the facts mentioned the Petitioner has a written order issued by IJ Jorge Pereira for his release and protection to allow him to reopen his Immigration case from outside at any time if in imminent danger of removal which he clearly wishes to do so. (See Exhibit A) Order of the Immigration Judge on 1-9-2020.

Petitioner is also a candidate with a signed U-Visa as he was the victim of 5 different crimes including being kidnapped in Boynton Beach Florida during the 46 years he has lived in the United States, and an I-130 petition as he is married to a U.S. Citizen and has 2 U.S. Citizen children. In the recent decision of Perez v. Noem, 2025 U.S. Dist. LEXIS 195132 Dated October 2, 2025 CASE: 2:25-cv-00429-JES-NPM and Perez v. Noem, 2025 U.S. Dist. LEXIS 249980 December 4, 2025 the Judge recognized, and stated that

**The Court rejected the Governments argument that Godines Perez's petition was premature, finding that the six-month period begins when the removal period becomes final, not at arrest. The Court reasoned that this interpretation aligns with Zadvydas's purpose of preventing indefinite detention. "[t]he Supreme Court's" stated rationale for establishing a preemptively reasonable "6-Month period for detention pending removal supports our conclusion that this period commences at the beginning of the removal period Akinwale v. Ashcroft 287 F. 3d 1050, 1052 n.3(11<sup>th</sup> Cir.2002) not at the new date of detention. Also see Gozo v. Napolitano, 309 F. App'x 344, 346 (11<sup>th</sup> Cir. 2009) so petitioner Jidier Saavedra's 180 days detention period ended years ago and not now in 2025 where he remains detained yet again for over 270-Days and has become CRUEL AND UNUSUAL PUNISHMENT.**

If read in it's totality it would agree that, The Court's application of Zadvydas does not-as the Government argues-start "an imaginary detention clock [,]" nor does it require the Government "to justify a decade and a half detention" in the previous case mentioned (Doc #17 at 4).

**The question as to whether Petitioner's detention is in violation of the Laws of the United States and the 4<sup>th</sup> and 5<sup>th</sup> Amendment is one for a Federal Habeas Court to hear. 28 U.S.C. §2241.** Accordingly, Petitioner files the accompanying petition for appointment of Counsel and request that this Court order his immediate release from detention/confinement at Stewart Detention Center located at 146 CCA Rd. Lumpkin, GA 31815.

Therefore, Petitioner request that this Court appoint Counsel to represent Petitioner in this Habeas action if he is not immediately released.

**Exhibits Listed on Next Page**

**EXHIBIT'S A-J**

**(See Exhibit A) Order of the Immigration Judge 1-9-2020**

**(See Exhibit B-1, B-2, B-3) Unsigned Declaration submitted to the Court by Respondent**

**(See Exhibit C-1, C-2) Notice to Alien of Interview for review of custody status 180-days**

**(See Exhibit D-1. Fraudulent and altered 90-day custody review that never happened.  
D-2. Proof of service missing info everywhere (fraudulent.)**

**(See Exhibit E) Representative Faith Schmidt Letter to Deportation Officer Guerra and other DHS officials. (Never replied back)**

**(See Exhibit F) DHS Inspector General Report Cuba's Non-Cooperation in Deportation Proceedings**

**(See Exhibit G) DHS Inspector General Report OIG-19-28 pg. 7**

**(See Exhibit H) DHS Inspector General Report OIG-19-28 pg. 8**

**(See Exhibit I) DHS Inspector General Report OIG-19-28 pg. 29 Appendix D**

**(See Exhibit J) Order and recommendation by Magistrate Judge Charles H. Weigle on 10-14-2025 page 7 that states verbatim "Respondent did not address Petitioners Argument."**

**ALSO SEE MOTION FOR JUDICIAL REVIEW**

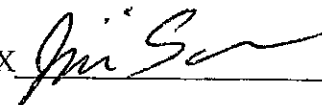
**AND**

**MEMORANDUM OF LAW ATTACHED**

**PRAYER FOR RELIEF**

**THEREFORE**, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over the matter;
2. Grant the Petitioner a Habeas Corpus directing the respondent to immediately release petitioner from custody, under reasonable conditions of supervision;
3. Order respondent to refrain from transferring the petitioner out of the jurisdiction of ICE Director's Jurisdiction for the Middle District of Georgia while the petitioner remains in the Respondent's custody; and
4. Order Respondents and all their officers, agents, employees, attorneys, and persons acting on their behalf or in concert with them be prohibited from removing Petitioner to a third country without a meaningful opportunity to be heard in reopened removal proceedings with hearing before an immigration Judge especially once released on supervision.
5. Award Petitioner's Attorney fees and cost under the Equal Access to Justice Act("EAJA"), as amended, 5 U.S.C. §2412, and on other basis justified under law; and
6. Grant any other form of relief this court deems proper.

X 

December 10 -2025

**JIDIER ANTONIO SAAVEDRA**

A# 

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815

**CERTIFICATE OF OATH**

**I Swear** under Penalty of Perjury from the United States of America if this Motion is found to be false, frivolous, or made in bad faith. I also swear that this motion is true to the best of my knowledge.

**I further state** that this motion is not a copy of a motion that has been ruled on nor has it been deposited of by this Court.

**I Swear** that this motion has been prepared by me **and everything that is said in the following motion is true.**

x 

December-10, 2025

**JIDIER ANTONIO SAAVEDRA**

**DETAINED AT** 

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815

**CERTIFICATE OF SERVICE**

I Swear, that a true and correct copy of the following Motion has been placed in the hands of an institution official to be furnished and forwarded by first class mail to the following parties listed below on December 10, 2025

**1. U.S. DISTRICT COURT**

**For the Middle District of Georgia**

**Columbus Division**

P.O. BOX 124

Columbus, GA 31902

**2. Office Of Chief Counsel DHS/ICE**

Stewart Detention Center

146 CCA Rd.

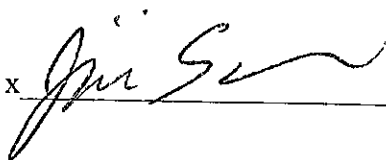
Lumpkin, GA 31815

**3. DEPARTMENT OF HOMELAND SECURITY**

**H.Q.P.D.U.**

500 12<sup>th</sup> Street SW

Washington, DC 20536

x 

December 10, 2025

**JIDIER ANTONIO SAAVEDRA**

**DETAINED AT** 

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815