

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

JUAN PEREZ ISIDORO

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Petitioner,

v.

MICHAEL BRECKON, Warden of  
FOLKSTON ICE PROCESSING  
CENTER, LADEON FRANCIS, Field  
Office Director of Enforcement and  
Removal Operations, Atlanta Field  
Office, Immigration and Customs  
Enforcement; TODD LYONS, Acting  
Director, U.S. Immigration Customs  
Enforcement, KRISTI NOEM, Secretary,  
U.S. Department of Homeland Security;  
PAM BONDI, U.S. Attorney General;  
DAREN K. MARGOLIN, Director,  
Executive Office for Immigration  
Review (EOIR);

Respondents.

Case No. 5:25-cv-244

**REQUEST FOR INTERIM  
RELIEF**

## REQUEST FOR INTERIM RELIEF

### I. Introduction

Petitioner respectfully moves this Honorable Court for interim release from immigration detention and for an order prohibiting ICE and the Department of Homeland Security (“DHS”) from transferring him to any other detention facility within the United States while his petition for writ of habeas corpus remains pending.

This request is made pursuant to the Court’s inherent authority under 28 U.S.C. § 2241, the All Writs Act, 28 U.S.C. § 1651(a), and binding Eleventh Circuit precedent recognizing the Court’s power to grant interim relief to preserve the effectiveness of habeas corpus review. *See Wilcox v. Ford*, 812 F.2d 1140 (11th Cir. 1987); *Gomez v. United States*, 899 F.2d 1124 (11th Cir. 1990); *see also Mapp v. Reno*, 241 F.3d 221, 225 (2d Cir. 2001).

### II. Legal Standard

Federal courts possess inherent equitable authority to order temporary release or other interim relief when the petitioner demonstrates:

1. A likelihood of success on the merits of a substantial constitutional claim, and
2. Extraordinary or exceptional circumstances that make release necessary to preserve the effectiveness of the habeas remedy. *See*

### III. Argument

This interpretation directly conflicts with the plain text of the Immigration and Nationality Act. Section 1225(b)(2)(A) applies only to arriving aliens—those seeking admission at the border—not to long-term residents like Petitioner who entered years ago and are charged as inadmissible under § 1182(a)(6)(A)(i). For decades, such individuals have been detained under 8 U.S.C. § 1226(a), which

1 allows for bond or conditional parole. DHS's abrupt reclassification is therefore  
2 contrary to law and long-standing agency practice, and it results in unconstitutional,  
3 indefinite detention without individualized review. Because Petitioner is detained  
4 under the wrong statute and denied a bond hearing to which he is entitled, he has a  
5 substantial likelihood of success on the merits of his habeas petition  
6

7 **B. Extraordinary and Exceptional Circumstances Make Release Necessary**

8 Extraordinary and compelling circumstances justify Petitioner's temporary  
9 release while this Court considers the merits of his habeas petition. Petitioner is the  
10 father of two U.S. Citizen children, the youngest of which struggles with serious  
11 mental health issues and suicidal ideation/thoughts. [REDACTED]  
12

13 [REDACTED]. She considers  
14 him to be her real father and has been very disturbed by the Petitioner's detention.  
15 She has a long history of anxiety, depression, and has even attempted to commit  
16 suicide. She continues to struggle with suicidal ideation/thoughts while the  
17 Petitioner has been detained.  
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19 These mental health concerns, combined with the extraordinary humanitarian  
20 hardship facing his U.S. Citizen children, constitute exceptional circumstances  
21 warranting interim relief. Petitioner's family solely relies on him as the family's  
22 breadwinner. Since Petitioner's detention, the children fear that they will be left  
23 without a father, leaving them with immense mental anguish. The family has become  
24

1 emotionally destabilized and financially imperiled by the loss of their father and  
2 provider.

3 Continued detention would also render any eventual *habeas* relief ineffective,  
4 as the prolonged separation may cause irreparable psychological harm to his children  
5 and irreversible damage to the family unit. Interim release is necessary “to preserve  
6 the effectiveness of the habeas corpus relief sought.” *Wilcox*, 812 F.2d at 1143; see  
7 also *Mapp*, 241 F.3d at 225.

9 **C. Prohibition on Transfer Is Necessary to Protect the Court’s Jurisdiction**

10 Petitioner further requests that the Court issue an order prohibiting ICE from  
11 transferring him from the Folkston Detention Center to any other facility within the  
12 United States during the pendency of this habeas action. Transfer would interfere  
13 with counsel’s ability to communicate with Petitioner, hinder the presentation of  
14 evidence, and could divest this Court of jurisdiction over the custodian. Courts  
15 routinely enjoin transfers under similar circumstances to safeguard judicial review  
16 and ensure the availability of effective relief. *See Ex parte Endo*, 323 U.S. 283  
17 (1944).  
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20 **IV. Conclusion**

21 For the foregoing reasons, Petitioner respectfully requests that this Honorable  
22 Court:  
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- 1) Grant interim release from ICE custody pending resolution of the habeas corpus petition;
- 2) Prohibit ICE and DHS from transferring Petitioner from the Folkston Detention Center to any other facility within the United States while this action is pending; and
- 3) Grant such further relief as the Court deems just and proper.

DATED this 22nd day of December, 2025.

ZAMBRANO LAW,

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