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DETAINED

UNITED STATES DISTRICT COURT
SOUTHER DISTRICT OF GEORGIA

JOSE I. GUEVARA MARTINEZ,)
A [REDACTED])
Petitioner,)
v.)
PAM BONDI,)
Attorney General of the)
United States of America, and,)
KRISTI NOEM,)
Secretary of the Department of)
Homeland Security, (DHS) and,)
TODD LYONS,)
Acting Director,)
United States Immigration and)
Customs Enforcement (ICE), and,)
WARDEN, FOLKSTON ICE)
PROCESSING CENTER, et. al.,)
Respondents.)

Civil Action No.

PETITION FOR HABEAS CORPUS

COMES NOW, Jose Ignacio Guevara Martinez (hereinafter "Petitioner"), who petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C.S. § 2241, to remedy his indefinite detention by Respondents. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests this Court immediately order Respondents to file a Return within

three days absent good cause for additional time. An expedited timeline is reasonable in this case because it presents a pure question of law, and every day this case is pending, Petitioner continues to be unlawfully deprived of his liberty. Petitioner at this time has exhausted all other avenues and is now forced to petition for his release under an Order of Supervision. In support of this petition, Petitioner presents the following

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this Petition under 28 U.S.C. § 2241, 28 U.S.C. § 1331, 8 U.S.C. § 1651, and 5 U.S.C. § 701.
2. Jurisdiction is proper in this Court. Federal District Courts have jurisdiction under 28 U.S.C. § 2241 to hear petitions for writs of habeas corpus by non-citizens challenging the lawfulness of their detention. See, e.g., *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).
3. Petitioner has exhausted all administrative remedies.
4. Venue is proper because Petitioner is detained at the Folkston ICE Processing Center, in Folkston, Georgia, which is within the Southern District of Georgia. 28 U.S.C. § 2241(d); 28 U.S.C. § 1391.

PARTIES

5. Petitioner is a fifty-two (52) year old male, native and citizen of El Salvador, currently detained by ICE.
6. Respondent Pam Bondi is sued in her official capacity as Attorney General of the United States.

7. Respondent Kristi Noem is sued in her official capacity as Secretary of the Department of Homeland Security.
8. Respondent Todd Lyons is sued in his official capacity as Acting Director of United States Immigration and Customs Enforcement.
9. Respondent Warden of Folkston Detention Center is sued in his official capacity as Warden of the Folkston ICE Detention Center and is Petitioner's immediate custodian.

FACTS

10. Petitioner has lived and worked continuously in the United States since 2013.
11. Petitioner has been employed in delivery company as a delivery manager since on or about December 2022.
12. Petitioner was granted relief under the Convention Against Torture ("CAT") by Immigration Judge Riefkohl in Newark, New Jersey on June 30, 2015.
13. Petitioner was detained by ICE in an unmarked vehicle without cause as he had been compliant with all reportings to ICE, not committed any offenses, his CAT grant remains in place and nothing has changed to warrant removal at this time.
14. Immigration Judge Sydnor vacated the new proceedings ICE tried to reinstate against Petitioner and noted that he has already been granted CAT relief. She also requested ICE release Petitioner since his CAT grant remains intact and these proceedings were improvidently commenced against him. The order of

Immigration Judge Sydnor was entered into on December 18, 2025 and yet Petitioner is still detained by Respondents.

15. Petitioner is married and his spouse suffers from severe renal failure and diabetes which requires extensive care and medical treatment.
16. Petitioner's criminal history consists primarily of motor vehicle-related offenses. He had a prior DUI but he has rehabilitated as this occurred more than twenty (20) years ago.
17. Petitioner poses no flight risk and no danger to the community.

MEMORANDUM OF LAW

18. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the United States Supreme Court addressed the indefinite detention of non-citizens awaiting removal from the United States. The Court held that indefinite detention of non-citizens awaiting removal violated core constitutional principles. *Id.* at 690. Specifically, the Court held that detention of up to six months following the final removal order was presumptively reasonable, but that after six months, a detainee may petition for release with a showing that there is no significant likelihood of removal in the foreseeable future. *Id.* at 701. The Government must rebut that showing to continue detention. *Id.*
19. In the case at hand, Petitioner has been granted relief in the form of CAT and no changes have occurred either in the reasoning why he was granted CAT nor in his criminal history to warrant detention and attempted removal.

20. If DHS designates a new country of removal after the completion of removal proceedings, the Immigration and Nationality Act (INA), the Due Process Clause, and binding international agreements obligate DHS to provide meaningful notice and an opportunity to present a fear-based claim prior to carrying out the deportation. Notice is only meaningful if it is presented sufficiently in advance of the deportation to stop the deportation, is in a language the person understands, and provides for an automatic stay of removal to permit the filing of a motion to reopen removal proceedings if the person claims a fear of removal to the third country. *See Johnson v. Guzman Chavez*, 594 U.S. 523 (2021) and *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019).
21. In Petitioner's case, no proper notice has been given to him warranting detention nor has he suddenly become a danger to society as his last known criminal issue occurred over 20 years ago.
22. It would be patently contrary to the holding of *Zadvydas* to take a "wait and see" approach to current removal practices as it would be the very definition of indefinite detention absent foreseeable removal. "A theoretical possibility of eventually being removed does not satisfy the government's burden once the removal period has expired and the petitioner establishes good reason to believe [that] his removal is not significantly likely in the reasonably foreseeable future." *Gonzalez-Rondon v. Gillis*, No. 5:19-cv-109-DCB-MTP, 2020 U.S. Dist. LEXIS 110804, at *5 (S.D. Miss. June 23, 2020) (quoting *Kane v. Mukasey*, 2008 U.S. Dist. LEXIS 141911, 2008 WL 1139137 at *5 (S.D. Tex. 2008)).

CLAIMS FOR RELIEF

17. Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.
18. Petitioner's detention is not authorized by the Immigration and Nationality Act and is unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court:

1. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from custody;
2. In the alternative, order a prompt and constitutionally adequate bond hearing pursuant to INA §236(a);
3. Grant such other relief as this Court deems just and proper.

/s/ Matthew Boles
Matthew Boles, Esq.
Attorney for Petitioner
GA Bar: 904287
LA Bar: 37593

Dated: December 23, 2025

VERIFICATION BY COUNSEL

I, Matthew Boles, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Matthew Boles
Matthew Boles, Esq.

Dated: December 23, 2025

VERIFICATION

I, Jose Ignacio Guevara Martinez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

/s/ Jose Ignacio Guevara Martinez
JOSE IGNACIO GUEVARA MARTINEZ