

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

JULIAN GALARZA SANTANA,

Petitioner,

V.

WARDEN, Folkston ICE Processing Center,
ACTING FIELD OFFICE DIRECTOR,
Atlanta Field Office, U.S. Immigration and
Customs Enforcement,

Respondents:

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Julian Galarza Santana, a twenty-two year old citizen of Mexico, is being unlawfully detained at the Folkston ICE Processing Center. Petitioner entered the United States by appointment as a minor in 2021. He was paroled into the United States by the Department of Homeland Security (DHS) as a minor to allow him to seek asylum based on the violence that drove his family unit from their home in Mexico. Since that time, he has been lawfully pursuing his asylum application and fully complying with all release requirements—attending all scheduled check-ins appointments, and hearings, graduating from his North Carolina high school, and attending college. *See* Exhibit 1, Asheville-Buncombe Technical Community College Letter and Transcript. Petitioner has dedicated himself to learning English, furthering his education, and building a career. *Id.* He has integrated himself into his community, joining a local volleyball nonprofit through which

he regularly participates in community events and raises money for local charities and causes. He is a young “person of excellent character and integrity,” and “dependable, considerate, and hard-working.” Exhibit 2, Community Support Letter.

2. Nonetheless, after four years of parole and without anyone change in circumstance, on or about October 22, 2025, DHS took Petitioner into immigration custody when he appeared for a scheduled check-in with Immigration and Customs Enforcement (ICE). He was quickly transferred out of state, and is now being held in dirty and overcrowded facility far away from his family and friends. Since entering immigration custody, ICE agents have encouraged him to abandon his asylum claim as a means of ending his detention. Meanwhile, the Board of Immigration Appeals (BIA) has failed to even set a briefing schedule for his case, despite his appeal pending since April 4, 2025. *See* Exhibit 3, Case Status Inquiry.

3. Petitioner’s detention fails to comply with the Due Process Clause of the Fifth Amendment. Petitioner was not afforded sufficient procedural due process under the well-known procedural due process test set forth in *Matthews v. Eldridge*, 424 U.S. 319, 335 (1976). Petitioner’s detention also violates his substantive due process rights under the Fifth Amendment as he has developed substantial ties to the United States during his four years of release, he poses no flight or security risk, and has now been detained for months while the BIA has failed to take any action on his appeal. In this posture, his detention is punitive, potentially indefinite, and fails to serve any legitimate government interest.

4. Accordingly, to vindicate Petitioner’s constitutional rights, this Court should grant the instant petition for a writ of habeas corpus and order him released pending a final

decision in his case. Alternatively, the Court may order that Petitioner be released unless Petitioner is afforded a bond hearing within 14 days to test whether his continued detention serves a legitimate government purpose, specifically to ensure his presence for future appointments and hearing or to protect the public.

JURISDICTION

5. This action arises under the Constitution of the United States, the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*, the Administrative Procedures Act (APA), 5 U.S.C. §§ 551–559, 701–706, and 8 U.S.C. 2241.

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Administrative Procedures Act (APA), 5 U.S.C. §§ 551–559, 701–706, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper because Petitioner is detained at Folkston ICE Processing Center in Folkston, Georgia, Charlton County, which is within the jurisdiction of this District. *See* 28 U.S.C. §§ 1391(e)(1)(B), 2241(a).

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require

respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

PARTIES

9. Petitioner Julian Galarza Santana, a citizen of Mexico, is being unlawfully detained at the Folkston ICE Processing Center.

10. Respondent Warden of the Folkston ICE Processing Center has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. They are a legal custodian of Petitioner.

11. Respondent Acting Field Office Director for the Atlanta Field Office, the office that oversees ICE operations in Georgia, North Carolina, and South Carolina, is sued in their official capacity. They are a legal custodian of Petitioner and has authority to release Petitioner.

STATEMENT OF FACTS

12. Petitioner is a twenty-two year-old citizen of Mexico. He fled his home as a minor, with his mother and minor cousin, after [REDACTED]

[REDACTED] The family’s decision to leave followed [REDACTED]

13. While hiding in northern Mexico, Petitioner’s family was identified by a humanitarian organization, Kids In Need of Defense (KIND), as being eligible for humanitarian processing. KIND communicated with DHS officials about Petitioner and his

family and secured an appointment for them to present at the port-of-entry for processing on October 22, 2021.

14. When Petitioner and his family presented at the port-of-entry at their appointed time, they were quickly processed and released on humanitarian parole. They were told that they would be placed in removal proceedings once settled in United States and they would be able to apply for asylum through the administrative process.

15. Petitioner and his family resettled in North Carolina near his sister, a lawful permanent resident. Petitioner completed high school the following year. He then enrolled in college, and joined a community volleyball league. Through the league he regularly participated in community events and raised money for community causes. Exhibit 2.

16. Petitioner dedicated himself to learning English. In only three years, he accrued over 520.25 hours in the English Language Acquisition program at Asheville-Buncombe Technical Community College. Exhibit 1. He demonstrated “remarkable progress” by progressing through all six levels of the program in record time, an achievement his program coordinator says is a testament to his “commitment, motivation, and diligence.” *Id.*

17. Petitioner also enrolled in the Workforce Preparation and Introduction to Machining program, and earned his pre-apprenticeship certificate from the North Carolina Registered Apprenticeship Network. *Id.* He participated in Conversations and Career Navigation to improve his English and set career and educational goals. He showed focus on his studies and future even while being employed fulltime. *Id.*

18. After Petitioner and his family were resettled in North Carolina, on March 17, 2022, DHS initiated removal proceedings in Charlotte, North Carolina. In October 21, 2022, Petitioner filed an application for asylum. The immigration judge set a hearing on the petition for March 17, 2024, and denied the petition on the same day. Petitioner timely appealed the decision, but the Board has not taken steps to advance the appeal by ordering transcripts or setting a briefing schedule for the appeal. *See* Exhibit 3.

19. Petitioner and his mother were detained by DHS on or about October 22, 2025, when they appeared for their scheduled ICE check-in. They were separated and transferred to facilities outside of North Carolina.

20. Petitioner is now detained in Folkston, Georgia, in conditions that are, at best, prison-like, and wholly inappropriate for a young asylum seeker with no criminal history. The facility is dirty and overcrowded. As a result of capacity issues, Petitioner has been left without a mattress at times. Petitioner has inconsistent access to clean drinking water and showers.

LEGAL BACKGROUND

21. Petitioner's detention and release is governed by 8 U.S.C. 1225(b)(2)(A), which permits DHS to detain "an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted."

22. For applicants for admission who seek admission at the port of entry consistent with section 1225(b)(2)(A), DHS may elect to parole the individuals into the United States for removal proceedings. *See* 8 U.S.C. 1182(d)(5)(A). The INA does not

entitle individuals detained under section 1225(b)(2)(A) to a bond hearing. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 843-46 (2018).

23. Section 1225(b)(2)(A) applies during the administrative removal process, which includes removal proceedings before the immigration judge and any appeal to the BIA. *See* 8 U.S.C. 1231(a)(1)(B) (outlining when pre-order detention ends and shift to detention during the removal period). A section 1225(b)(2)(A) detainee cannot be removed because he is not subject to a final order of removal. *See id.* (defining start of the removal period).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Procedural Due Process

24. The allegations in the above paragraphs are realleged and incorporated herein.

25. DHS's decision to detain Petitioner was without justification or consideration of his individualized circumstances and therefore violates Petitioner's right to procedural due process.

26. The Fifth Amendment guarantees that "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "[I]t is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." *Reno v. Flores*, 507 U.S. 292, 306 (1993).

27. The Due Process Clause generally “requires some kind of a hearing before the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). It requires procedural protections before Petitioner can be deprived of a liberty interest. *See Matthews v. Eldridge*, 424 U.S. 319, 335 (1976). To determine which procedures are constitutionally sufficient to satisfy the Due Process Clause, the Court must apply the *Matthews* factors. *See Matthews*, 424 U.S. at 335. Courts must consider: (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.*

28. Petitioner has a liberty interest in his release. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects.” *Zadvydas*, 533 U.S. at 690.

29. Even when a statute allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute. *Young v. Harper*, 520 U.S. 143, 147-49 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). To determine whether a specific conditional release rises to the level of a protected liberty interest, “[c]ourts have resolved the issue by comparing the specific conditional release in the case before them with the liberty interest in parole as

characterized by *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted).

30. As in *Morrissey*, the circumstances surrounding Petitioner’s conditional release created a liberty interest in his continued release through entry of a final order of removal. Petitioner was brought to the United States by his mother as a minor. Petitioner appeared with his mother and cousin for a scheduled an appointment at the port-of-entry to seek protection from the violence that drove him from his home. He was processed and DHS permitted him to enter the United States, without restraint so that he could follow the lawful process for securing permission to reside in the United States permanently. For four years, Petition lived with his family in North Carolina and established a life there. He graduated from high school in Candler, North Carolina, enrolled in college, secured lawful, full-time employment, and became an active member of his community. His detention undoubtedly “inflicts a grievous loss on the parolee.” *See Morrissey*, 408 U.S. 471 at 482. Petitioner has an interest in remaining with his family, pursuing his asylum application free from custody, to work, and continue his education. *See id.* (“Subject to the conditions of his parole, he can be gainfully employed and is free to be with family and friends and to form the other enduring attachments of normal life.”).

31. Courts across the nation have applied these principles to find parolees like Petitioner to have a liberty interest in their release. *See, e.g., Perez v. Mordant*, No. 2:25-CV-00947-SPC-DNF, 2025 WL 3466956, at *4 (M.D. Fla. Dec. 3, 2025) (parolee’s interest in freedom from detention “lies at the heart of the liberty” the Due Process Clause protects); *Guillermo M. R. v. Kaiser*, No. 25-CV-05436-RFL, 2025 WL 1983677, at *4

(N.D. Cal. July 17, 2025) (recognizing that “the liberty interest that arises upon release [from immigration detention] is *inherent* in the Due Process Clause”); *Ortega v. Kaiser*, No. 25-cv-05259-JST, 2025 WL 1771438, at *3 (N.D. Cal. June 26, 2025) (collecting cases finding that noncitizens who have been released have a strong liberty interest); *Pinchi v. Noem*, No. 25-cv-5632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 25, 2025) (“Even individuals who face significant constraints on their liberty or over whose liberty the government wields significant discretion retain a protected interest in their liberty.”); *Matute v. Wofford*, No. 25-cv-1206-KES-SKO (HC), 2025 WL 2817795, at *5 (E.D. Cal. Oct. 3, 2025) (finding petitioner had a protected liberty interest in his release); *Tesara v. Wamsley*, 2025 WL 3288295 at *4 (W.D. Wash. Nov. 25, 2025) (citing, *Salgado v. Mattos*, No. 2:25-cv-01872-RJB-EJY, 2025 WL 3205356, at *20 (D. Nev. Nov. 17, 2025)); *Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385 (S.D. Cal. Nov. 25, 2025). That interest is apparent where, as here, the parolee presented at the port of entry with an appointment, built a life in the United States while a parolee, attended all appointments, has no criminal history, and is still in process of seeking to lawful status in the United States. *See, e.g., Osuna Benitez v. Hermosillo*, No. 2:25-CV-02535-BAT, 2025 WL 3763932, at *3 (W.D. Wash. Dec. 30, 2025).

32. The risk of an erroneous deprivation of such interest absent additional procedural protections is high as Petitioner was detained without notice, reason, or opportunity to be heard. DHS initially (in 2021), and repeatedly over the last four years, determined that Petitioner should be paroled for his removal proceedings because he posed no danger to the community and was not a flight risk. Petitioner is a model young adult.

He has no criminal record, and complied with his release terms and appeared at all immigration proceedings as required. “Where as here, ‘the petitioner has not received any bond or custody hearing,’ ‘the risk of an erroneous deprivation of liberty is high’ because neither the government nor [Petitioner] has had an opportunity to determine whether there is any valid basis for h[is] detention.” *Pinchi*, 2025 WL 2084921, at *5; *see also Perez*, No. 2:25-CV-00947-SPC-DNF, 2025 WL 3466956, at *4-6.

33. Finally, the Government’s interest in detaining Petitioner without notice, reason, or a hearing is “low.” *See Pinchi*, 2025 WL 2084921, at *5. Petitioner has been regularly attending hearings, appointments, and check-ins over the last four years. As a result, the Government has had ample opportunity to accumulate information about Petitioner to evaluate Petitioner’s suitability for release. Moreover, the government has a well-established system for affording custody determinations and bond hearings. It would take minimal resources for the Government to reinstate his parole or to release Petitioner absent presenting some evidence that he is a flight risk or a danger.

34. For these reasons, Petitioner’s detention violates the Due Process Clause of the Fifth Amendment. He should be ordered released from custody pending completion of his removal proceedings. Alternatively, he should be afforded additional process to ensure that his continued detention is in support of a valid governmental interest.

COUNT TWO
Violation of Fifth Amendment Right to Substantive Due Process

35. The allegations in the above paragraphs are realleged and incorporated herein.

36. Petitioner was brought to the United States as a minor, lawfully presented himself at the port-of-entry by appointment, and was paroled into the United States to allow him to apply for asylum. He is now detained in an indefinite limbo, with his appeal dormant for nine months, all while Petitioner is detained and denied the opportunity to continue his education, work, and support his family, friends, and community.

37. In *Zadvydas*, the Supreme Court considered the constitutional limits of another immigration detention statute, 8 U.S.C. 1231(a)(6), the provision that applies to immigration detainees who have a final order of removal and who are being detained beyond the initial ninety-day removal period provided for in 8 U.S.C. 1231(a)(2). The Court held that, regardless of purpose, “[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem.” *Zadvydas*, 533 U.S. 678, 690 (2001).

38. In *Demore v. Kim*, 538 U.S. 510 (2003), the Court built on these principles to find the criminal immigration detention provision, 8 U.S.C. 1226(c) to be facially constitutional. Justice Kennedy joined the majority opinion in *Demore*, but wrote separately to identify the ground for bringing an as applied challenge to the constitutionality of the provision in an individual case. Justice Kennedy reasoned that a detainee “could be entitled to an individualized determination as to his risk of flight and dangerousness if the continued detention became unreasonable or unjustified. Were there to be an unreasonable delay by the [Government] in pursuing and completing deportation proceedings, it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons.” *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

39. “As instructed by *Zadvydas* and *Demore*, [the Eleventh Circuit] begin[s] with the core principle that ‘the reasonableness of any given detention . . . is a function of whether it is necessary to fulfill the purpose of the statute.’” *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199, 1217 (11th Cir. 2016), *vacated*, 890 F.3d 952 (11th Cir. 2018). The Government has described the purpose of detention under section 1225(b) as being “to ensure that the border actually keeps people out and to ensure physical custody over the alien to effectuate that exclusion.” *Jennings v. Rodriguez*, 15-1204, Petitioners’ Merits Brief at 21-22, *available at* <https://www.scotusblog.com/wp-content/uploads/2016/09/15-1204-petitioner-merits-brief.pdf>.

40. Petitioner’s detention does not support either justification for detention under section 1225(b)(2)(A) and is therefore unconstitutional as applied to him. Petitioner was already permitted through the border and to live without restraint within the United States for four years, first as a minor and then as a very young adult. He gratefully accepted the opportunity afforded to him and worked to better himself and his community. There is no indication that Petitioner now (or ever) presents any flight risk. He has attended all proceedings, appointments, check-ins, and the Government has not suggested any changed circumstances to suggest his detention is now warranted. Further, his detention is not in support of any legitimate interest in securing Petitioner’s removal from the United States. Petitioner is not subject to a removal order. Indeed, Petitioner’s proceedings have been effectively stalled for the last nine months, demonstrating that the Government is not prioritizing him for removal, and is instead sealing off any opportunity for Petitioner to prevail on his asylum claim. Rather than giving Petitioner the opportunity to complete the

asylum process while on humanitarian parole, DHS's actions suggest that the detention may be for the purpose of deterring Petitioner from fully exercising his right to appeal. Under these circumstances, Petitioner's detention lacks a lawful basis and is not supportive of the statutory aims for detention under section 1225(b)(2)(A).

41. For these reasons, Petitioner's detention violates his substantive due process right. He should be released from custody for completion of the administrative removal and asylum process, or, alternatively, he should be afforded a bond hearing.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to reinstate Petitioner's parole, released, or alternatively, schedule a bond hearing before an immigration judge to ensure any continued detention is based on a neutral adjudicator's determination that Petitioner poses a flight risk or danger to the community;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Sarah Wilson

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Dated: January 6, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Julian Santana, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 6th day January, 2026.

/s/ Sarah Wilson
SARAH WILSON