

Amendment Due Process Clause and the Eighth Amendment standards applicable through due process.

After 21 days, Petitioner was transferred to his current detention facility.

LEGAL ARGUMENTS

I. UNLAWFUL ARREST WITHOUT WARRANT OR PROBABLE CAUSE

ICE's warrantless arrest violated the Fourth Amendment. See *Almeida-Sanchez v. United States*, 413 U.S. 266 (1973); *INS v. Delgado*, 466 U.S. 210 (1984).

II. PROLONGED AND PUNITIVE DETENTION WITHOUT BOND HEARING

Prolonged civil detention without a meaningful bond hearing violates due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018); *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008).

III. CONDITIONS OF CONFINEMENT VIOLATE DUE PROCESS

Civil detainees cannot be punished. *Bell v. Wolfish*, 441 U.S. 520 (1979). The conditions described constitute unconstitutional punishment.

IV. NO FLIGHT RISK OR DANGER TO THE COMMUNITY

Petitioner has no criminal record, strong family ties, stable employment, and is the economic and emotional provider for his household.

RELIEF REQUESTED

Petitioner respectfully requests:

1. Immediate release from ICE custody;
2. Alternatively, an immediate individualized bond hearing;
3. Injunctive relief barring further unlawful detention;
4. Any other relief deemed just and proper.

Respectfully submitted,

Mariana

Mariana Danihuzka Uzcategui Aponte

Next Friend for Petitioner

Date: 01/09/2026

UNITED STATES DISTRICT COURT
DECLARATION OF NEXT FRIEND
(28 U.S.C. § 1746)

I, Mariana Danihuzka Uzcategui Aponte, hereby declare as follows:

1. I am an adult female, Venezuelan national, born on [REDACTED] I reside at [REDACTED] [REDACTED] Miami, Florida 33130.

2. I am the domestic partner of Yhon Carlos Gamboa Osorio, A-Number [REDACTED] and I submit this declaration as his Next Friend in support of his Petition for Writ of Habeas Corpus, Motion for Immediate Release, and Motion to Expedite.

3. I have personal knowledge of the facts stated in this declaration and, if called to testify, I would competently testify thereto.

RELATIONSHIP AND FAMILY TIES

4. Yhon Carlos Gamboa Osorio and I have maintained a committed domestic partnership. He is my emotional and economic support, and we share family responsibilities and a stable household.

5. Prior to his detention, Yhon worked lawfully as a rideshare driver for Uber and Lyft and was the primary provider for our household. His detention has caused severe financial hardship and emotional distress to me and our family.

ARREST AND DETENTION

6. On or about September 19, 2025, Yhon was arrested while working. He informed me that masked individuals identifying themselves as ICE agents detained him without explanation, without showing a judicial warrant, and without probable cause.

7. He was taken to a detention facility known as "Alligator Alcatraz," where he remained for approximately twenty-one (21) days before being transferred to his current facility.

CONDITIONS OF CONFINEMENT

8. During his detention, Yhon reported that he was denied access to basic hygiene for extended periods, sometimes exceeding five days without the ability to bathe.
9. He described constant psychological pressure from officers to force him to sign documents agreeing to deportation.
10. He reported receiving spoiled or inadequate food, denial of clean drinking water, and being subjected to humiliating and degrading treatment.
11. These conditions caused him visible emotional deterioration, anxiety, depression, and physical weakness, which deeply concerned me as his partner.

NO DANGER OR FLIGHT RISK

12. Yhon has no criminal record. He is a peaceful, hardworking individual who poses no danger to the community.
13. He has strong family ties in the United States and has always complied with the law. He is not a flight risk.

HARDSHIP AND IRREPARABLE HARM

14. Yhon's continued detention has caused severe emotional suffering to both of us. I have experienced anxiety, emotional distress, and financial instability due to his absence.
15. Each additional day of his detention causes irreparable harm to our family and to his physical and mental health.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 01 day of 09, 2026.

Mariana U
Mariana Danihuzka Uzcategui Aponte
A-Number 

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

COURT ADDRESS:

United States District Court
Southern District of Georgia – Brunswick Division
801 Gloucester Street
Brunswick, GA 31520

PROOF OF SERVICE

I, Mariana Danihuzka Uzcategui Aponte, declare under penalty of perjury that I am over the age of eighteen (18) and that on the date indicated below, I caused to be served true and correct copies of the following documents in connection with the federal habeas corpus proceedings of:

Petitioner: Yhon Carlos Gamboa Osorio
A-Number 

DOCUMENTS SERVED:

- Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Motion for Immediate Release
- Motion to Expedite
- Declaration of Next Friend
- Proof of Service
- All supporting exhibits and attachments

RECIPIENTS AND ADDRESSES FOR SERVICE

1. RESPONDENT:

Secretary, U.S. Department of Homeland Security

U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE

Washington, DC 20528

2. RESPONDENT:

Director, U.S. Immigration and Customs Enforcement (ICE)

U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

3. LEGAL COUNSEL FOR RESPONDENTS:

Office of the Principal Legal Advisor (OPLA)
U.S. Immigration and Customs Enforcement
Southern District of Georgia

125 Bull Street, Suite 400
Savannah, GA 31401

4. WARDEN / FACILITY DIRECTOR:

Folkston Main Detention Facility
3026 GA-252 East
Folkston, GA 31537

DATE OF SERVICE

Date of Service: 01/09/2026

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 01 day of 09, 2026.

Mariana U.

Mariana Danihuzka Uzcategui Aponte
Next Friend for Petitioner

Address:

