

UNITED STATES DISTRICT COURT
MOTION FOR IMMEDIATE RELEASE
(28 U.S.C. § 2241)

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

2026 JAN 12 A 10:30

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Petitioner: Yhon Carlos Gamboa Osorio
A-Number: [REDACTED]
Nationality: Venezuelan

5:26cv35

NEXT FRIEND:

Mariana Danihuzka Uzcategui Aponte

A-Number: [REDACTED]

Address: [REDACTED]
Phone: [REDACTED]
Email: [REDACTED]

DETENTION FACILITY:

Folkston Main
3026 GA 252 E
Folkston, GA 31537

MOTION FOR IMMEDIATE RELEASE

COMES NOW the Petitioner, Yhon Carlos Gamboa Osorio, by and through his Next Friend, Mariana Danihuzka Uzcategui Aponte, and respectfully moves this Honorable Court for an Order of Immediate Release from Immigration and Customs Enforcement ("ICE") custody, pursuant to 28 U.S.C. § 2241, the United States Constitution, and controlling Supreme Court precedent.

This Motion is based on the following facts and authorities:

LEGAL BASIS

On September 19, 2025, Petitioner was unlawfully arrested by masked ICE agents while lawfully present in public and working as a rideshare driver (Uber and Lyft). The arrest was conducted without a judicial warrant, without probable cause, and without explanation, in direct violation of the Fourth Amendment.

Petitioner was initially transferred to a facility commonly known as "Alligator Alcatraz," where he remained detained for twenty-one (21) days under inhumane and degrading

conditions. During that period, Petitioner was denied access to basic hygiene for extended periods exceeding five days, subjected to psychological abuse, pressured to sign voluntary removal documents, provided spoiled food, and denied adequate drinking water.

Following this unlawful and abusive detention, Petitioner was transferred to his current detention facility.

II. LEGAL STANDARD

Federal courts possess broad authority under 28 U.S.C. § 2241 to order the immediate release of individuals held in custody in violation of the Constitution or laws of the United States. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Civil immigration detention is non-punitive in nature. Any detention that becomes punitive, excessive, or arbitrary violates the Due Process Clause of the Fifth Amendment. *Bell v. Wolfish*, 441 U.S. 520 (1979).

III. ARGUMENT

A. Petitioner's Arrest and Continued Detention Are Unconstitutional

ICE's warrantless arrest of Petitioner without probable cause violates the Fourth Amendment. See *Almeida-Sanchez v. United States*, 413 U.S. 266 (1973); *INS v. Delgado*, 466 U.S. 210 (1984).

B. Conditions of Confinement Render Continued Detention Unlawful

The conditions endured by Petitioner constitute punishment of a civil detainee, which is strictly prohibited. Psychological coercion, denial of hygiene, unsafe food, and deprivation of water rise to the level of unconstitutional punishment and justify immediate release.

C. Petitioner Is Neither a Flight Risk Nor a Danger to the Community

Petitioner has no criminal record, strong family ties in the United States, stable employment history, and served as the primary economic and emotional provider for his household. Continued detention serves no legitimate government interest.

D. Immediate Release Is the Only Adequate Remedy

Given the constitutional violations, physical and emotional deterioration of Petitioner, and the irreparable harm caused by continued detention, immediate release is the only remedy

sufficient to protect Petitioner's constitutional rights.

IV. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. Order Petitioner's IMMEDIATE RELEASE from ICE custody;
2. In the alternative, order an immediate individualized bond hearing;
3. Grant any other relief the Court deems just and proper.

Respectfully submitted,

Mariano

Mariana Danihuzka Uzcategui Aponte

Next Friend for Petitioner

Date: 01/09/2026