

LF 026 (Rev. 11/19) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the Northern District of Georgia

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

JAN 12 2026

LUIS FELIPE VILLASMIL LIRA

Petitioner

v.

MERRICK B. GARLAND, ATTORNEY
GENERAL OF THE UNITED STATES

*Respondent (name of warden or authorized person having custody
of petitioner)*

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

Case No.

1:26-cv-0194
(supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: LUIS FELIPE VILLASMIL LIRA
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: FOLKSTON MAIN DETENTION CENTER
 - (b) Address: 3026 GA-252 E, FOLKSTON, GA 31537
 - (c) Your identification number: PASSPORT #: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

146 CCA ROAD, PO BOX 248, LUMPKIN, GA 31815.

(b) Docket number, case number, or opinion number: 

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*): _____

Unlawful detention due to the hearing being scheduled on an A-R date; habeas corpus is sought as he must remain in custody until the next hearing.

(d) Date of the decision or action: 10/13/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

☒ If you answered "No," explain why you did not appeal: _____

There is no decision to appeal. The individual was detained solely because the next hearing was scheduled more than one year in the future.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged and Unlawful Detention Without an Appealable Decision

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner was taken into custody solely because the court scheduled the next hearing more than one year in the future. No final decision, bond denial, or appealable order was issued. The detention is based only on the length of time before the next hearing, not on any finding of danger or flight risk.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: Family Hardship Resulting from Continued Detention

Petitioner's continued detention has caused severe hardship to his immediate family, including his wife and minor child, who rely on him for emotional and financial support. The detention is not based on any finding of danger or flight risk but has nevertheless resulted in significant harm to his family.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner is married and has a seven-year-old minor child. Both depend on him emotionally and financially. His continued detention has caused significant hardship to his family.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Strong Community Ties and Compliance With Immigration Requirements

Petitioner has demonstrated compliance with immigration requirements and strong ties to the community. He timely filed his asylum application, is authorized to work, maintains lawful employment, and fulfills his tax obligations. These factors show reliability and stability and do not support continued detention.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner filed his asylum application within one year of arrival. He holds a valid work permit, is lawfully employed, and files and reports taxes. He attends on time to every appointment or hearing.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

N/A

Request for Relief

15. State exactly what you want the court to do:

Petitioner respectfully requests that the Court order his immediate release from detention pending his next hearing. In the alternative, Petitioner requests any other relief the Court deems just and appropriate under the circumstances.

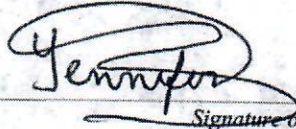
LF 026 (Rev. 11/19) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 01/05/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

**EXPLANATORY LETTER IN SUPPORT OF
HABEAS CORPUS PETITION**

Date: 01/06/2026

To the Honorable United States District Court for the District of Georgia

RE: Habeas Corpus Petition on behalf of

Luis Felipe Villasmil Lira, A# [REDACTED]

Submitted by his wife, Yennifer Paola Bracho Marquez

Dear Honorable Court:

I, Yennifer Paola Bracho Marquez, am the lawful spouse of Luis Felipe Villasmil Lira, a 38-year-old native and citizen of Venezuela who is currently in immigration detention. We are the parents of a minor child, L [REDACTED] age seven. I submit this statement in support of the petition for a writ of habeas corpus challenging my husband's continued detention.

My husband is the primary emotional and financial provider for our family. His detention has imposed significant hardship on me and our minor child, who depend on him for daily care, stability, and economic support.

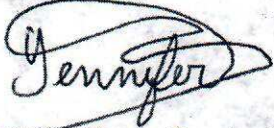
Mr. Villasmil Lira has consistently complied with all immigration requirements. He timely filed his asylum application within one year of his arrival in the United States. He holds a valid employment authorization document and was lawfully employed as an Electrical Apprentice with Prism Electric at the time of his detention. He reported to work regularly, paid taxes, and maintained stable employment. He also attended all scheduled immigration appointments and court hearings as required and has never failed to appear.

At no point has my husband been found to be a danger to the community or a flight risk. His detention did not result from any failure to comply with immigration proceedings but rather from the scheduling of his next court hearing at a date far in the future. Despite his demonstrated cooperation, strong family ties, and community integration, he remains detained.

Given his full compliance with immigration procedures, lawful employment, family responsibilities, and lack of risk, his continued detention is unnecessary and imposes

severe and disproportionate hardship on his family. For these reasons, I respectfully support the request for habeas corpus relief and ask that my husband be released from detention while his immigration proceedings remain pending.

Respectfully,

A handwritten signature in cursive script, appearing to read "Jennifer", enclosed within a large, loopy circular flourish.

Yennifer Paola Bracho Marquez

Wife of the petitioner

Phone: +1



DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS [REDACTED]

DOB: [REDACTED]

File No: [REDACTED]

Event No: [REDACTED]

In the Matter of:

LUIS FELIPE VILLASMIL-LTRA

Respondent

[REDACTED]
(Number, street, city, state and ZIP code)

[REDACTED]
(Area code and phone number)

- ☐ You are an arriving alien.
- ☒ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA;
3. You arrived in the United States at or near DEL RIO, TX, or or about May 21, 2021;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) or order was vacated pursuant to: ☐ BCFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1100 Commerce Street, Room 1060 Dallas TX US 75242

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

ANTHONY HARRILL

Patrol Agent in Charge

(Signature and Title of Issuing Officer) (Sign in Ink)

Date: May 22, 2021

Del Rio, Texas

(City and State)

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: LUIS FELIPE VILLASMI-LIRA

A-File Number: [REDACTED]

Date: 05/22/2021

Event ID: [REDACTED]

Subject ID: [REDACTED]

FIN: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

☐ Detained by the Department of Homeland Security.

☒ Released (check all that apply):

☐ Under bond in the amount of \$ _____

☒ On your own recognizance.

☐ Under other conditions. [Additional document(s) will be provided.]

ANTHONY HARRELL

Name and Signature of Authorized Officer

05/22/2021 0616

Date and Time of Custody Determination

Patrol Agent In Charge

Title

Del Rio, Texas

Office Location/Address

You may request a review of this custody determination by an immigration judge.

☒ I acknowledge receipt of this notification, and

☐ I do request an immigration judge review of this custody determination.

☐ I do not request an immigration judge review of this custody determination.

[Signature]
Signature of Alien

05/22/2021

Date

The contents of this notice were read to LUIS FELIPE VILLASMI-LIRA

(Name of Alien)

in the SPANISH

(Name of Language)

language

WOOD, WESLEY

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

BORDER PATROL AGENT

Title

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS [REDACTED]
DOB: [REDACTED] File No: [REDACTED]
Event No: [REDACTED]

In the Matter of: YENNIFER PAOLA HRACHO-MARQUEZ

Respondent: [REDACTED] currently residing at: [REDACTED]
(number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.
☒ You are an alien present in the United States who has not been admitted or paroled.
☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA ;
3. You arrived in the United States at or near DRI, RIO, TX , on or about May 21, 2021 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:

1100 Commerce Street, Room 1060 Dallas TX US 75242
(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be to show that you should not be removed from the United States based on the charge(s) set forth above.

ANTHONY HARRELL
(Signature and Title of Issuing Officer) (Sign in ink)

Patrol Agent In Charge

Date: May 22, 2021 Del Rio, Texas
(City and State)

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [REDACTED]Date: May 22, 2021Event No: [REDACTED]Name: YRNNIFER PAOLA BRACHO-MARQUEZ

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (writing) (person) to _____

(Name and Title of Case Officer)

at 7929 Brookriver Dr, Ste 620, Dallas, Texas 75247 on 1st Tuesday of Month at 07:00 AM

(Location of DHS Office)

(Day of each month)

(Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other: _____

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

ANTHONY HARRELL
Patrol Agent In Charge

(Signature of DHS Official)

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

WESLEY WOOD

(Signature of Immigration Officer Serving Order)

(Signature of Alien)

05/22/2021

(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Cancelling Order)

(Date)

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: YENNIFER PAOLA BRACHO-MARQUEZ

A-File Number: [REDACTED]

Date: 05/22/2021

Event ID: [REDACTED]

Subject ID: [REDACTED]

FIN: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☐ Detained by the Department of Homeland Security.
- ☒ Released (check all that apply):
- ☐ Under bond in the amount of \$ _____
- ☒ On your own recognizance.
- ☐ Under other conditions. [Additional document(s) will be provided.]

ANTHONY HARRELL

Name and Signature of Authorized Officer

05/22/2021 0610

Date and Time of Custody Determination

Patrol Agent In Charge

Title

Del Rio, Texas

Office Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
- ☐ I do request an immigration judge review of this custody determination.
- ☐ I do not request an immigration judge review of this custody determination.

[Signature]

Signature of Alien

05/22/2021

Date

The contents of this notice were read to YENNIFER PAOLA BRACHO-MARQUEZ

(Name of Alien)

in the SPANISH

(Name of Language)

language.

WOOD, WESLEY

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

BORDER PATROL AGENT

Title

PROOF OF SERVICE

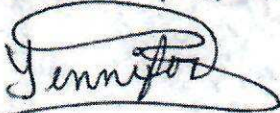
I, Yennifer Paola Bracho Marquez, declare under penalty of perjury that on the date indicated below, I served a true and correct copy of the following document:

"Explanatory Letter in Support of Habeas Corpus Petition for Luis Felipe Villasmil Lira, A# [REDACTED]" by delivering or mailing said document to the following parties:

1. Clerk of Court United States District Court for the Northern District of Georgia 75 Ted Turner Dr NW #2211, Atlanta, GA 30303
2. U.S. Attorney's Office for the District of Georgia Richard B. Russell Federal Building at 75 Ted Turner Drive SW, Suite 600, Atlanta, GA 30303-3309
3. Folkston ICE Processing Centre 3026 GA-252 E, Folkston, GA 31537

I declare that the foregoing is true and correct to the best of my knowledge.

Executed on: 01/07/2026



Yennifer Paola Bracho Marquez