

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

Jesus Morales Rincon

Petitioner,

v.

Tony Normand, Warden, Folkston Main
Detention Center

Respondent.

Case No.:

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Jesus Morales Rincon, a national of Mexico, is unlawfully detained in the physical and legal custody of Respondent at the Folkston ICE Processing Center in Folkston, Georgia. Exhibit 1.

2. Petitioner challenges the legality of his prolonged detention and the categorical denial of any meaningful bond hearing. Petitioner is charged as inadmissible under INA § 212(a)(6)(A)(i). Exhibit 2.

3. Although the Department of Homeland Security has characterized him as an applicant for admission, his continued detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment and exceeds the authority granted by the Immigration and Nationality Act.

4. An Immigration Judge of the Stewart Immigration Court has effectively barred Petitioner from seeking bond, having consistently maintained that the court lacks jurisdiction to conduct bond hearings for detainees characterized as arriving aliens subject to mandatory

detention. As a result, Petitioner has never been afforded any bond hearing on the merits of his custody. He remains detained without any opportunity to demonstrate that he is neither a flight risk nor a danger to the community.

5. Any attempt to justify Petitioner's confinement by classifying him as an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b) is legally erroneous. Petitioner's detention is governed by 8 U.S.C. § 1226(a), which expressly contemplates discretionary custody and individualized determinations regarding release on bond.

6. For the foregoing reasons, Petitioner seeks habeas corpus relief because his prolonged detention without a constitutionally adequate bond hearing is unlawful. Petitioner respectfully requests that this Court: (a) declare that Petitioner's continued detention without an individualized bond hearing is unlawful; (b) prohibit his transfer from this District while this Petition is pending; and (c) order the Respondent to provide a prompt bond hearing before an immigration judge authorized to order release, or, in the alternative, order Petitioner's immediate release from custody.

JURISDICTION

7. This action is brought pursuant to the United States Constitution and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*, and challenges the legality of Petitioner's ongoing detention under federal law.

7. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody in violation of the Constitution and laws of the United States. Jurisdiction is also proper under 28 U.S.C. § 1331 because this action presents federal questions. The Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701–706, and the Suspension Clause of Article I, Section 9, Clause 2 of the Constitution further support the Court's jurisdiction.

8. Sovereign immunity does not bar this action. Congress has waived immunity for non-monetary claims seeking relief from unlawful agency action under 5 U.S.C. § 702, and federal courts may enjoin unconstitutional or ultra vires conduct by federal officers.

VENUE

9. Venue is proper in this District because Petitioner is detained at the Folkston Main Detention Facility in Folkston, Georgia, within the territorial jurisdiction of this Court. Venue is also proper because Respondent is a federal officer of the United States and a substantial part of the events or omissions giving rise to the claims is occurring in this District. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Although 28 U.S.C. § 2241 does not impose a statutory exhaustion requirement, courts may consider whether a petitioner has pursued available administrative remedies before seeking habeas relief.

11. Any prudential exhaustion requirement is satisfied or, in the alternative, should be excused here. Petitioner has effectively been denied any available administrative remedy to challenge his custody. He did not file a formal bond request with the immigration court because the Immigration Judges at the Stewart Immigration Court have made clear through their rulings in similar cases, that they interpret the law to preclude the court of jurisdiction to conduct a bond hearing in Petitioner's case. Based on that position, the Immigration Judge has declined to conduct any individualized custody determination for Petitioner.

12. Further efforts to seek administrative review would be futile. The Board of Immigration Appeals lacks authority to grant the relief Petitioner seeks or to adjudicate the constitutional claims raised in this Petition. Where the Immigration Judge has expressly disclaimed

jurisdiction to consider bond, no administrative remedy exists to address the legality of Petitioner's detention.

13. Administrative remedies are also inadequate under these circumstances. Petitioner challenges the legality of his continued civil detention under the Constitution and the Immigration and Nationality Act, claims that fall squarely within the province of the federal courts.

PARTIES

14. Petitioner, Jesus Morales Rincon, is a citizen and national of Mexico who is currently detained at the Folkston Main Detention Center in Folkston, Georgia.

15. Respondent is the Warden of the Folkston Main Detention Center, who has immediate physical custody of Petitioner and is the sole proper respondent in this action. *See Rumsfeld v. Padilla*, 542 U.S. 426 (2004) (in a habeas petition, the proper respondent is the petitioner's immediate custodian).

STATEMENT OF FACTS

16. Petitioner has lived in the United States for over two decades. He entered the United States without inspection and has resided continuously in this country since at least 2002.

17. Petitioner has deep family ties in the United States, including a U.S. citizen son who was born in 2012 and suffers from serious medical conditions requiring extensive care. Petitioner has been the primary breadwinner and caretaker for his family and has no criminal history apart from minor traffic infractions.

18. On or about September 2, 2025, Petitioner was arrested and taken into ICE custody and served with a Notice to Appear charging him as inadmissible under INA § 212(a)(6)(A)(i). *See Exhibit 2*. Petitioner remains detained pursuant to those removal proceedings and has been continuously confined since September 2, 2025.

Jurisdictional Bar to Bond Hearing

19. From the outset of Petitioner's detention, any attempt to obtain release on bond was categorically precluded by DHS's classification of Petitioner as an arriving alien and the consistent adherence to that classification by Immigration Judges at the Stewart Immigration Court.

20. Shortly after Petitioner was taken into custody, counsel inquired about the possibility of a bond hearing. Immigration Judges at the Stewart Immigration Court indicated that they lacked jurisdiction to conduct a bond hearing in Petitioner's case on the ground that Petitioner was deemed an applicant for admission subject to mandatory detention.

21. In other words, because Petitioner was treated as an arriving alien, the Immigration Judges concluded that INA § 1225(b) deprived the court of authority to review ICE's custody determination. Relying on agency interpretations of the immigration detention statutes, the Immigration Judges declined to consider whether Petitioner's continued detention was justified by any flight risk or danger he might pose. No individualized assessment of Petitioner's suitability for release was ever conducted.

22. This categorical jurisdictional bar foreclosed any meaningful review of Petitioner's detention at an early stage of his confinement. Petitioner was denied the basic procedural safeguard of a bond hearing, even as his detention began and continued for months. The ordinary process by which a detainee could seek reconsideration of custody status was entirely unavailable to Petitioner, setting the stage for his prolonged confinement without the benefit of the case-by-case evaluation that Congress ordinarily provides in INA § 1226(a) custody redeterminations.

Prolonged Detention Without Bond Hearing

23. As Petitioner's removal case progressed, he remained jailed without any opportunity for release. By late 2025, multiple federal district courts in Georgia had issued decisions recognizing that noncitizens in Petitioner's circumstances, longtime residents detained within the United States and charged under INA § 212(a)(6)(A)(i), are entitled to individualized bond hearings under 8 U.S.C. § 1226(a), notwithstanding DHS's contrary view.

24. Despite this growing body of case law, the Immigration Judge's at the Stewart Immigration Court continue to apply a blanket rule that they cannot entertain a bond request. The Immigration Judges refuse to evaluate Petitioner's individual circumstances, and make any findings as to whether Petitioner might be a flight risk or a danger to the community.

25. As a result, Petitioner remains detained based solely on a legal interpretation that denies him any opportunity for an individualized custody review. More than four months have passed since Petitioner was first confined, and during that time he has never had a hearing to determine whether his detention is necessary or justified. Less restrictive alternatives to incarceration, such as release on a reasonable bond or other conditions, have never been considered.

26. The continued categorical denial of a bond hearing has left Petitioner with no administrative avenue to secure his freedom while he awaits the resolution of his immigration case.

CLAIM FOR RELIEF

COUNT ONE

Violation of the Fifth Amendment Due Process Clause

27. The allegations in the above paragraph are realleged and incorporated herein.

28. The Fifth Amendment to the United States Constitution prohibits the federal government from depriving any person of liberty without due process of law. These protections

extend to all persons within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

29. Whether the procedures accompanying a noncitizen's civil detention satisfy due process is evaluated under the balancing test of *Mathews v. Eldridge*, 424 U.S. 319 (1976), which considers: (1) the private interest affected by official action; (2) the risk of an erroneous deprivation of that interest through the procedures used; and (3) the government's interest, including the function involved and the fiscal or administrative burdens that additional procedural requirements would entail.

30. Petitioner has been detained for over four months without any individualized bond hearing. His liberty interest in freedom from bodily restraint is substantial, and the risk of erroneous deprivation of that liberty is extraordinarily high where detention is automatic and categorical, without a case-by-case evaluation.

31. The government's interest in ensuring Petitioner's appearance does not justify the complete denial of any hearing, particularly when less restrictive alternatives to incarceration, such as release on bond, supervision, or other conditions, are available. The blanket refusal to provide Petitioner a bond hearing has eliminated any mechanism to assess whether Petitioner's ongoing detention is actually necessary in light of his individual circumstances.

32. The government's interest does not outweigh Petitioner's due process rights to an individualized determination. Providing a bond hearing would impose minimal administrative burden and is the precise procedure Congress contemplated under 8 U.S.C. § 1226(a) for individuals in Petitioner's situation.

33. Under the balancing framework set forth in *Mathews v. Eldridge*, Petitioner's continued detention without a bond hearing violates the Due Process Clause.

COUNT TWO

**Detention Not Authorized by the Immigration and Nationality Act and Agency
Action Not in Accordance with Law
(5 U.S.C § 706(2)(A) and 8 U.S.C. § 1226)**

34. The allegations in the above paragraph are realleged and incorporated herein.

35. The Immigration and Nationality Act authorizes only discretionary civil immigration detention, with individualized custody determinations under 8 U.S.C. § 1226(a).

36. Congress did not mandate unconditional, prolonged detention for immigrants like Petitioner who were arrested inside the United States and have substantial ties to the community. The categorical denial of bond in Petitioner's case, based solely on an agency's interpretation that classifies him as an arriving alien and thereby strips Immigration Judges of jurisdiction, exceeds the detention authority that Congress has granted.

37. It effectively places Petitioner in the category of mandatory detention without statutory basis, in contravention of the framework set forth by Congress in the INA.

38. Under the Administrative Procedure Act, a reviewing court must set aside agency action that is arbitrary, capricious, or not in accordance with law. 5 U.S.C. § 706(2)(A). An agency acts unlawfully when it fails to consider relevant factors, departs from the evidence before it, or applies a categorical rule that exceeds its statutory authority.

39. Respondent's agents and the immigration authorities have treated Petitioner as ineligible for bond by applying a blanket policy that disregards the text of 8 U.S.C. § 1226(a). Petitioner has been detained for months without any individualized determination that he poses a flight risk or a danger to the community. There have been no administrative findings to justify his ongoing incarceration. By continuing to detain Petitioner without a bond hearing or individualized reasoning, Respondent is acting more than the statutory authority provided by the INA and in a manner not in accordance with law.

40. Because Respondent's continued detention has been implemented in a way that conflicts with the governing statute and fails to observe the procedure required by law, his ongoing detention is unlawful. The Court should grant habeas relief and order that Petitioner be afforded the process Congress provided, or his immediate release.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this Petition;
- B. Declare that Respondent's continued detention of Petitioner without an individualized bond hearing violates the Constitution and laws of the United States;
- C. Issue a Writ of Habeas Corpus ordering Respondent to release Petitioner immediately, or, in the alternative, to provide a prompt individualized bond hearing before an immigration judge authorized to order release;
- D. Prohibit Respondent from transferring Petitioner from this District without prior approval of the Court; and
- E. Grant any further relief this Court deems just and proper.

Respectfully Submitted,
This 15th day of January, 2026.



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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed the foregoing Petition and that the facts and statements made in this Petition and Complaint are true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

This 15th day of January, 2026.

A handwritten signature in black ink, appearing to read "Rachel Effron Sharma". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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