

ALE SEBASTIAN BARRIOS MALDONADO-A# [REDACTED]  
MOTION FOR RETURN TO THE UNITED STATES

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

FILED APR 14 26 AM 10:10  
MDGA-CDL

**ALE SEBASTIAN BARRIOS MALDONADO,**

**Petitioner,**

**v.**

**WARDEN, NORTH LAKE CORRECTIONAL FACILITY;  
U.S. DEPARTMENT OF HOMELAND SECURITY;  
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

**Respondents.**

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§ **Case No. 4:26-cv-00039**  
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§ **Hon. Clay D Land**  
§ **U.S. District Court Judge**  
§  
§ **Hon. Alfreda L Sheppard**  
§ **U.S Magistrate Judge**  
§  
§

**MOTION FOR RETURN TO THE UNITED STATES**

Petitioner, Ale Sebastian Barrios Maldonado, respectfully moves this Court for an order requiring the Government to facilitate Petitioner's return to the United States and states as follows:

**I. INTRODUCTION**

Petitioner was removed from the United States after being pressured to sign voluntary departure while detained. Petitioner was removed from the United States while his immigration proceedings and asylum application were still pending and without a full and fair hearing before an Immigration Judge.

At the time of removal, Petitioner had Temporary Protected Status (TPS), a pending asylum application, a marriage in the United States, no criminal record, and a fear of persecution based on political opinion and sexual orientation.

Petitioner challenges the legality of his removal in this habeas proceeding. In order for this Court to provide meaningful relief, Petitioner must be allowed to return to the United States.

**II. LEGAL AUTHORITY**

Federal courts retain habeas jurisdiction to remedy constitutional violations. See *INS v. St. Cyr*, 533 U.S. 289 (2001).

A case is not moot where a court can still grant effective relief. See *Chafin v. Chafin*, 568 U.S. 165 (2013).

Courts have recognized that return to the United States is an appropriate remedy where a person

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was wrongfully removed. See *Nken v. Holder*, 556 U.S. 418 (2009).

Noncitizens are entitled to due process in removal proceedings. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Removal proceedings must be conducted before an Immigration Judge. See 8 U.S.C. § 1229a.

Additionally, a noncitizen has the right to apply for asylum if they fear persecution. See 8 U.S.C. § 1158.

### **III. ARGUMENT**

#### **A. Petitioner Was Removed While Proceedings Were Pending**

Petitioner was removed from the United States while his immigration proceedings and asylum application were still pending and without a full and fair hearing before an Immigration Judge.

Removing a noncitizen while proceedings are pending violates due process and interferes with the statutory right to apply for asylum.

#### **B. Petitioner's Removal Violated Due Process**

Petitioner was pressured to sign voluntary departure while detained and did not knowingly and voluntarily waive his rights. Petitioner was removed without a meaningful opportunity to present asylum, TPS, and marriage-based relief.


This violated the Due Process Clause of the Fifth Amendment.

#### **C. Petitioner Has Strong Ties to the United States**

Petitioner has significant ties to the United States:

- Temporary Protected Status (TPS);
- Pending asylum application;
- Marriage in the United States;
- Family in the United States;
- No criminal record;
- Employment history;
- Fear of persecution in Venezuela based on political opinion and sexual orientation.

These factors support allowing Petitioner to return to continue proceedings.

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**D. Return Is Necessary for Meaningful Relief**

If this Court vacates voluntary departure and orders reopening of removal proceedings, Petitioner must be physically present in the United States to continue immigration proceedings. Therefore, return is necessary to provide meaningful habeas relief.

**IV. REQUEST FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests that this Court:

1. Order the Government to facilitate Petitioner's return to the United States;
2. Restore Petitioner to his prior immigration status before removal;
3. Order reopening of removal proceedings;
4. Alternatively, order the Government to grant Humanitarian Parole;
5. Grant any other relief the Court deems just and proper.

**V. CONCLUSION**

Petitioner respectfully requests that this Court grant this Motion for Return to the United States

Respectfully submitted,

Date:03/31/2026

Ale Barrios

ALE SEBASTIAN BARRIOS MALDONADO

