

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARTINEZ CASARES, EDGAR T.
Plaintiff

v.

Case No. 1:26-mi-99999

TERRENCE DICKERSON
WARDEN, STEWART DETENTION
CENTER, U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; KRISTI
NOEM, SECRETARY OF THE U.S.
DEPARTMENT OF HOMELAND
SECURITY; AND PAM BONDI,
ATTORNEY GENERAL OF THE
UNITED STATES
In their official capacities

MEMORANDUM IN SUPPORT
OF HABEAS CORPUS

Respondents.

EMERGENCY MOTION FOR IMMEDIATE RELEASE

Petitioner Edgar Trinidad Martinez Casares, by and through undersigned counsel, respectfully moves this Court for **Immediate Release from Custody Pending Resolution of His Petition for Writ of Habeas Corpus** pursuant to 28 U.S.C. § 2241 and the Court's inherent authority. Continued detention serves no legitimate governmental interest where Petitioner is detained under INA § 236(a), has no criminal history, poses no danger to the community, and is not a flight risk. The balance of equities and the irreparable harm to Petitioner and his U.S. citizen/national family members strongly favors immediate release and he states as follows:

I. INTRODUCTION

This is an emergency motion. Petitioner is civilly detained under INA § 236(a) despite overwhelming evidence that he poses no danger to the community and no risk of flight. His detention stems from an unlawful traffic stop, an unconstitutional arrest, and materially false assertions by ICE agents. Continued detention serves no legitimate governmental purpose and causes ongoing irreparable harm.

II. LEGAL STANDARD

Federal courts possess inherent authority to order the release of a habeas petitioner where serious constitutional questions are raised and extraordinary circumstances exist. See *Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001). Immediate release is appropriate where detention is arbitrary, prolonged, or unsupported by law, and where the balance of equities and irreparable harm favor relief. Eleventh Circuit precedent confirms federal habeas jurisdiction over unconstitutional immigration detention. See *Sopo v. U.S. Att'y Gen.*; *Patel v. U.S. Att'y Gen.*

III. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

As set forth in the accompanying Memorandum of Law, Petitioner's detention violates the Fourth and Fifth Amendments. The underlying traffic stop lacked reasonable suspicion, was unlawfully prolonged, ICE provided the police officer with blatantly false information, to directly procure the illegal arrest. Petitioner is detained under INA § 236(a) and is legally eligible for release.

B. Petitioner Suffers Ongoing Irreparable Harm

Petitioner is separated from his wife of 36 years, his U.S. citizen and U.S. national daughters and his elderly and medically fragile, U.S. citizen mother. The Petitioner is not a danger to community, has no criminal background and is not a flight risk.

IV. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, and as more fully set forth in the filed Memorandum in Support of Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, Petitioner has demonstrated a strong likelihood of success on the merits, the existence of extraordinary circumstances, and ongoing irreparable harm resulting from his continued civil detention. His detention under INA § 236(a) is arbitrary, unconstitutional, and unsupported by any legitimate governmental interest. No purpose is served by continued incarceration where Petitioner presents no danger to the community and no risk of flight.

Accordingly, Petitioner respectfully requests that this Court:

1. Grant this Emergency Motion for Immediate Release and order Petitioner's immediate release from ICE custody pending final resolution of his Petition for Writ of Habeas Corpus;
2. Alternatively, order Petitioner's release subject to the least restrictive conditions deemed appropriate by the Court;
3. Enjoin Respondents from continuing to unlawfully detain Petitioner in violation of the Constitution; and
4. Grant such other and further relief as the Court deems just and proper.

Given the urgent and ongoing constitutional violations at issue, Petitioner respectfully requests expedited consideration of this Motion.

Emergency Certification: Undersigned counsel respectfully certifies that this Motion presents time-sensitive issues warranting prompt consideration, as Petitioner remains in custody and continues to experience ongoing harm that cannot be adequately remedied absent timely Court intervention.

Respectfully submitted on this 4th day of February, 2026.

/Glenn D. Chitlik/
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