


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

CV 526 - 165

**EMERGENCY MOTION FOR IMMEDIATE RELEASE
(PENDING HABEAS CORPUS PETITION)
28 U.S.C. § 2241**

PETITIONER: Yandri Castillo Aller

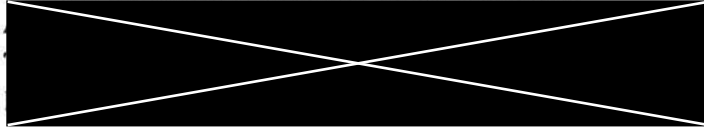
A-Number: 

Current Detention Facility: Folkston Main Detention Facility
3026 GA 252 E, Folkston, GA 31537

NEXT FRIEND:

Lariatna Arnedo Pérez

Lawful Permanent Resident of the United States



I. INTRODUCTION

Petitioner, through his Next Friend, respectfully moves this Honorable Court for an order granting his immediate release from immigration detention while his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 is pending. Continued detention violates the Fifth Amendment's Due Process Clause and constitutes irreparable harm to Petitioner and his family.

II. JURISDICTION AND AUTHORITY

This Court has authority to grant immediate release as interim relief in habeas proceedings. See *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001); see also *Zadvydas v. Davis*, 533 U.S. 678 (2001). Federal courts possess inherent equitable power to order release when detention becomes unconstitutional.

III. RELEVANT FACTS

Petitioner has been detained since September 30, 2025, following an arrest based on inconsistent and shifting justifications. Authorities initially alleged a missed appointment, later claiming lack of a valid driver's license, despite Petitioner having a renewal receipt for his license.

Petitioner has no pending criminal charges. A past misdemeanor matter was resolved, probation completed, and the case closed. Petitioner poses no danger to the community and is not a flight risk.

IV. IRREPARABLE HARM

Petitioner is the sole financial and emotional provider for three minor children, including two United States citizens. His continued detention causes extreme hardship and irreparable injury to his family. Additionally, Petitioner reports overcrowding, psychological abuse, lack of adequate food, and rationed water, constituting unconstitutional conditions of confinement.

V. LEGAL STANDARD

Immediate release is warranted where a petitioner demonstrates (1) likelihood of success on the merits, (2) irreparable harm, (3) that the balance of equities favors release, and (4) that release is in the public interest. See *Winter v. NRDC*, 555 U.S. 7 (2008). All factors weigh heavily in Petitioner's favor.

VI. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

Petitioner's prolonged and arbitrary detention without individualized bond consideration violates due process. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

B. No Flight Risk or Danger to the Community

Petitioner has strong family ties, a pending Form I-485, and a fixed residence. These factors rebut any presumption of flight risk.

C. Public Interest Favors Release

The public interest is served by ensuring constitutional compliance and preventing unnecessary family separation.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

1. Order Petitioner's immediate release from custody;
2. Alternatively, order release under reasonable conditions;
3. Grant any other relief this Court deems just and proper.

Respectfully submitted,



Lariatna Arrieto Pérez
Next Friend for Petitioner

Date: 01-28-2026