

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.
2026 FEB 13 P 2:39
CLERK: *[Signature]*
SO. DIST. OF GA.

IN RE:
DURAN GARCIA, DARREL ESTEBAN

[REDACTED]
DURAN GARCIA, K [REDACTED]
[REDACTED]

Petitioner,

v.

FOLKSTON MAIN,
3026 GA 252 E
Folkston, ga 31537
Respondents

ATTN: U.S. DISTRICT JUDGE

CASE NO. _____

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241. RELEASE

Petitioner **Garcia, Carlos**, files this petition for a writ of habeas corpus on behalf of his nephew **Darrel Esteban Duran Garcia**, [REDACTED] and **K** [REDACTED] [REDACTED] who is unlawfully detained by Immigration and Customs Enforcement (ICE) at Folkston Main Detention Facility, 3026 GA 252 E, Folkston, GA 31537.

This Petition seeks the immediate release of **Darrel Esteban Duran Garcia** and [REDACTED] from detention as his continued detention violates his rights under the United States Constitution, Immigration Laws, and International Law. Respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and in support thereof states as follows:

I. INTRODUCTION

Petitioner Darrel E. Duran Garcia and [REDACTED] is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Folkston Main Detention Complex, located at 3026 GA 252 E, Folkston, GA 31537.

Petitioner Darrel Duran Garcia and his brother [REDACTED] have been detain in Dallas, Texas on October 2025 by ICE on his mother appointment (Elizabeth Garcia), have move to Pearsall, Texas Detention Center, on November 2025 have move to Lumpkin, GA without parents authorization.

Petitioner’s detention is unlawful and violates his constitutional rights to due process under the Fifth Amendment of the United States Constitution.

Petitioners seek immediate release from custody or, in the alternative, a bond hearing before an Immigration Judge with the burden placed on the government to prove by clear and convincing evidence that Petitioner poses a flight risk or danger to the community.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which provides federal courts with jurisdiction to issue writs of habeas corpus to persons held in custody in violation of the Constitution or laws of the United States.

Venue is proper in the Southern District Of Georgia pursuant to 28 U.S.C. § 2241(d) because Petitioner is detained within this judicial district at the Folkston Main Detention Complex in Folkston, GA.

Respondents are proper parties because they have custody and control over Petitioner and the authority to release him.

III. PARTIES

Petitioner Garcia, Carlos uncle of Darrel Esteban Duran Garcia and [REDACTED] and brother of Elizabeth Garcia mother of this 2 kids, brings this action on his behalf. Under habeas corpus law, a next friend or close relative may file on behalf of detained person.

Petitioner **Darrel Esteban Duran Garcia &** [REDACTED] is a national of Colombia, currently detained by ICE at the Folkston Main Detention Complex in Folkston, GA,

Respondent Folkston Main Detention Complex is the custodian of Petitioner and is sued in his official capacity.

IV. STATEMENT OF FACTS

A. Petitioner's Immigration History

Petitioner Darrel Esteban Duran Garcia & [REDACTED] entered the United States on November 24, 2022, inspected by United States at Eagle Pass, Texas by Parole.

On April 20, 2023, Petitioner timely filed an application for asylum with USCIS Affirmative Asylum with his Mother because the kids was a minor, and on November 2025 have file Asylum with Immigration Court when he was detained.

Petitioner's asylum application remains pending before Immigration Court in Lumpkin, GA with Judge: Sydnor, Kelley (Darrell case), and Judge Croft, James (Kevin).

The petitioner have filling a Motion for Bond was denied by ICE.

Petitioner has maintained lawful work authorization under SSN number has been working legally in the United States to support himself and his family (Darrel).

Petitioner (Kevin) has miss his High School classes from the time he was detain by ICE.

B. Petitioner's Family Ties and Community Connections

Petitioner have a family in Texas (Mother, Uncle, and Friends) who reside in the United States.

Petitioner is the primary financial provider for his family and his detention has caused severe financial hardship and emotional distress to his mother and the entire family.

Petitioner has established significant ties to the community, including : employment, church membership, community involvement, etc..

C. Arrest and Detention

On October 2025, Petitioner was detain by the ICE Department with his Mother Elizabeth Garcia who still in Pearsall, Texas.

Petitioner has **no criminal record** and has never been convicted of any crime.

Petitioner was transferred to ICE custody Pearsall, Texas and is currently detained at the Folkston Main Detention Complex in Folkston, GA 31537.

Petitioner has been detained since approximately **October 2025**, without a bond hearing or determination of whether his continued detention is necessary.

ICE has not provided Petitioner with a bond hearing or an opportunity to demonstrate that he does not pose a flight risk or danger to the community.

V. LEGAL CLAIMS

COUNT I: PROLONGED DETENTION WITHOUT BOND HEARING VIOLATES DUE PROCESS

Petitioners incorporate by reference all preceding paragraphs.

The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law.

The Supreme Court has held that prolonged immigration detention without a bond hearing violates due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

In *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013), the Ninth Circuit held that immigration detainees held for more than six months are entitled to a bond hearing at which the government must prove by clear and convincing evidence that the detainee poses a flight risk or danger to the community.

Although *Rodriguez* is a Ninth Circuit case, its reasoning has been adopted by numerous district courts, including courts within the Fifth Circuit.

Petitioner has been detained for 4 months without a bond hearing.

Petitioner's continued detention without a bond hearing violates his constitutional right to due process under the Fifth Amendment.

Petitioner is entitled to a bond hearing before an Immigration Judge at which the government bears the burden of proving by clear and convincing evidence that Petitioner's detention is justified.

COUNT II: DETENTION IS NOT JUSTIFIED UNDER 8 U.S.C. § 1226

Petitioners incorporate by reference all preceding paragraphs.

Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which authorizes the detention of certain non-citizens pending removal proceedings.

Section 1226(a) provides that the Attorney General may release a non-citizen on bond or conditional parole.

Petitioner does not fall within the mandatory detention provisions of 8 U.S.C. § 1226© because:

- He has not been convicted of any crime enumerated in § 1226©.
- He has no criminal record whatsoever.

Petitioner poses no flight risk because:

- He has a pending asylum application and strong incentive to appear for all immigration proceedings.
- He has maintained continuous residence in the United States since November 24, 2022.
- He possesses valid employment authorization and has been gainfully employed.

Petitioners pose no danger to the community because:

- He has no criminal record.
- He has been a law-abiding member of the community.
- There is no evidence suggesting he poses any threat to public safety.

Petitioner's continued detention is not justified under § 1226(a) and violates the statute's requirement that detention decisions be individualized and based on legitimate governmental interests.

COUNT III: DETENTION VIOLATES SUBSTANTIVE DUE PROCESS

Petitioner incorporates by reference all preceding paragraphs.

The Fifth Amendment protects against government action that "shocks the conscience" or violates fundamental principles of liberty and justice.

Detaining a person with no criminal record, strong family ties, valid work authorization, and a pending asylum application based solely no violation and violates substantive due process.

Petitioner's detention serves no legitimate governmental interest and is arbitrary and capricious.

Less restrictive alternatives to detention are available, including release on bond, electronic monitoring, or regular check-ins with ICE.

Petitioner's continued detention violates his substantive due process rights under the Fifth Amendment.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody.
- B. In the alternative, order Respondents to provide Petitioner with a bond hearing before an Immigration Judge within seven (7) days, at which hearing the government shall bear the burden of proving by clear and convincing evidence that Petitioner poses a flight risk or danger to the community.
- C. Order that Petitioner be released on reasonable bond or on his own recognizance pending the outcome of his immigration proceedings;
- D. Declare that Petitioner's detention violates his rights under the Fifth Amendment to the United States Constitution and 8 U.S.C. § 1226(a);
- F. Grant such other and further relief as the Court deems just and proper.

VII. VERIFICATION

I, Carlos Garcia, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 11 day of Feb, 2026.

Carlos Garcia

Carlos Garcia

On behalf of Darrel Esteban Duran Garcia & Kevin Duran Garcia

Petitioner

SUPPORTING DOCUMENTS TO ATTACH:

1. Copy of asylum application receipt notice or other proof of pending asylum case
2. Proof of family ties
3. Proof of residence
4. Any correspondence from ICE regarding detention
5. Declaration from Petitioner providing detailed factual account
6. Any other relevant supporting documentation




Court Closures Today February 11, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > DURAN-GARCIA, DARREL ESTEBAN (246-276-204)



Automated Case Information

Name: DURAN-GARCIA, DARREL ESTEBAN | A-Number  Docket Date: 12/1/2025

Next Hearing Information

There are no future hearings for this case.

Court Decision and Motion Information

The immigration judge **GRANTED** voluntary departure.

DECISION DATE
January 27, 2026

COURT ADDRESS
146 CCA ROAD PO BOX 248
LUMPKIN, GA 31815

BIA Case Information

An appeal is due by February 26, 2026.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
146 CCA ROAD, PO BOX 248
LUMPKIN, GA 31815

PHONE NUMBER
(229) 838-1320



Court Closures Today February 11, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) >

Automated Case Information

Name: [REDACTED] | A-Number [REDACTED] | Docket Date: 11/19/2025

Next Hearing Information

There are no future hearings for this case.

Court Decision and Motion Information

The immigration judge **GRANTED** voluntary departure.

DECISION DATE
January 15, 2026

COURT ADDRESS
146 CCA ROAD PO BOX 248
LUMPKIN, GA 31815

BIA Case Information

An appeal is due by February 17, 2026.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
146 CCA ROAD, PO BOX 248
LUMPKIN, GA 31815

PHONE NUMBER
(229) 838-1320



[< BACK TO RESULTS](#)

Facility Page

Detention Information For:

DARREL ESTEBAN DURAN-GARCIA

Country of Birth: Colombia

A-Number:

Current Detention Facility:

FOLKSTON MAIN

3026 GA 252 E

NA

Folkston, GA 31537

Visitor Information: (912) 496-6905

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

Folkston ICE Processing Center

Phone Number: (912) 496-6905

[BACK TO SEARCH >](#)



Related Information

Helpful Info

[Status of a Case](#)

[About the Detainee Locator](#)

[Brochure](#)

[ICE ERO Field Offices](#)

[ICE Detention Facilities](#)

[Privacy Notice](#)

External Links

[Bureau of Prisons Inmate Locator](#)



[< BACK TO RESULTS](#)

Facility Page

Detention Information For:

[Redacted Name]

Country of Birth: Colombia

A-Number: [Redacted]

Current Detention Facility:

FOLKSTON MAIN

3026 GA 252 E

NA

Folkston, GA 31537

Visitor Information: (912) 496-6905

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office.

Folkston ICE Processing Center

Phone Number: (912) 496-6905

[BACK TO SEARCH >](#)



Related Information

Helpful Info

[Status of a Case](#)

[About the Detainee Locator](#)

[Brochure](#)

[ICE ERO Field Offices](#)

[ICE Detention Facilities](#)


[Privacy Notice](#)

External Links

[Bureau of Prisons Inmate Locator](#)

Fort Worth, Texas
October 28, 2025

To Whom It May Concern:

Through this letter, I, Alfredo Rivera Colón, holder of driver's license number  hereby declare that I have known Darrell Esteban Duran Garcia for the past two years as a friend. During this time, I have been able to confirm that he is a responsible, honest, respectful, and dedicated individual in all his endeavors.

I have had the opportunity to interact with Darrell Esteban Duran Garcia in various settings, and he has consistently demonstrated exemplary behavior, showing values such as punctuality, solidarity, and commitment. I consider him to be an excellent choice for any responsibility or task entrusted to him.

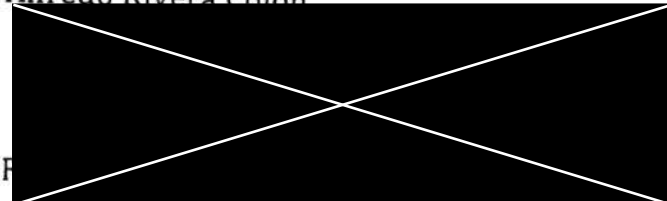
Therefore, I have no hesitation in highly recommending him, confident that he will fulfill his commitments efficiently and reliably.

Please feel free to contact me should you require any additional information.

Sincerely,

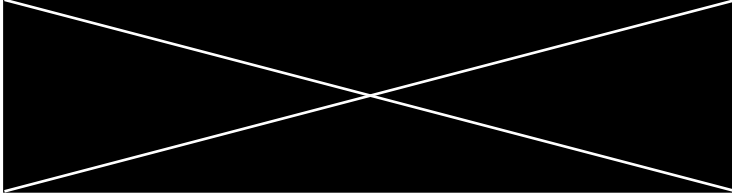
Alfredo Rivera Colón

Alfredo Rivera Colón

A large black rectangular redaction box with a white 'X' drawn across it from corner to corner, covering the signature area.

F


Pilar Candia



Recommendation Letter for Immigration Purposes



Dallas, Texas, October 28, 2025

To Whom It May Concern:


My name is Pilar Candia, holder of Texas Driver License No.  and I currently serve as Deputy Regional Director, Political Coalitions – AIPAC. I am writing to express my sincere recommendation and support for the following individuals:

- Elizabeth Garcia Fernandez
- 
- Esteban Darrel Duran-Garcia

I have known this family for several years and can state with full confidence that they are hardworking, honest, respectful individuals with deeply rooted family values. They have always shown warmth, humility, and a determination that inspires those around them.

I would like to highlight  who has developed a close relationship with my family as my daughter's boyfriend. I have witnessed his exemplary behavior firsthand: he is respectful, dedicated to his studies, athletic, and always willing to help. He contributes responsibly to household tasks and shows maturity and empathy beyond his years. I am confident  has a bright future in the United States; he demonstrates leadership, dedication, and responsibility to become an outstanding citizen.

Elizabeth, his mother, is an admirable woman who has worked tirelessly to support her family, instilling in her sons the values of effort, respect, and solidarity. Esteban is a hardworking and responsible young man, committed to his family and community.

The Duran-Garcia family enjoys the respect and affection of their community, their church,  school, and their neighbors, who recognize them as an exemplary, hardworking, and kind-hearted family. They are the kind of family the United States needs: dedicated, grateful, and eager to contribute positively to their community.

I am confident that allowing them to remain in this country will be a benefit to us all. Should you require any additional information or have any questions, please do not hesitate to contact me.

Kindest regards,




Pilar Candia

Deputy Regional Director, Political Coalitions – AIPAC



Date: 10/29/2025


To Whom It May Concern,

It is my pleasure to provide this professional reference for **Ms. Elizabeth Garcia Fernandez**, who I have know since **2022**, as a friends and we attend the same church with her two sons Darrell Esteban Duran Garcia and 

As a friend during this time I have been able to confirm that she is a respectful person with great human qualities, capable of helping those in need and with impeccable moral conduct.

Throughout her tenure, Elizabeth has consistently demonstrated at her work professionalism, reliability, and strong ethical standards. She approaches her work with diligence and accuracy. Her ability to maintain a positive attitude while managing responsibilities under pressure has made her a valued team member in her work area.

Beyond her technical capabilities, Elizabeth exemplifies excellent character and integrity in her professional conduct. She is respectful, cooperative, and trusted among colleagues and management alike.

I confidently recommend Ms. Garcia Fernandez as a professional of high moral standing and strong conduct ethic. Should you require further information, please feel free to contact me directly at  or

Email: mariac@clemetcoservices,LLC

Sincerely,

Maria Elena Clemetson
Clemetco services,LLC
Senior Manager/Owner

Fort Worth, Texas

October 28, 2025

To Whom It May Concern:

I, Alfredo Rivera Colón, holder of driver's license number [REDACTED] hereby state that I have known Elizabeth Garcia Fernández and [REDACTED] for two years as a friend. During this time, I have found them to be responsible, honest, respectful, and committed individuals in all their endeavors.

I have had the opportunity to spend time with Elizabeth Garcia Fernández and [REDACTED] in different settings, and they have always demonstrated exemplary behavior, consistently showing values such as punctuality, solidarity, and dedication. I consider them to be an excellent choice for any responsibility or activity entrusted to them.

For the above reasons, I have no hesitation in highly recommending them, confident that they will fulfill their commitments efficiently and reliably.

Please feel free to contact me if you require any additional information.

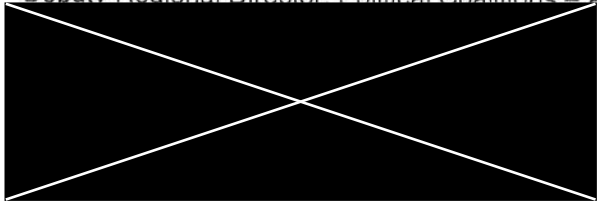
Sincerely,

Alfredo Rivera Colón

[REDACTED]

Pilar Candia

Deputy Regional Director, Political Coalitions – AIPAC



Recommendation Letter for Immigration Purposes

Dallas, Texas, October 28, 2025

To Whom It May Concern:

My name is Pilar Candia, holder of Texas Driver License No. [REDACTED] and I currently serve as Deputy Regional Director, Political Coalitions – AIPAC. I am writing to express my sincere recommendation and support for the following individuals:

- Elizabeth Garcia Fernandez



- Esteban Darrel Duran-Garcia

I have known this family for several years and can state with full confidence that they are hardworking, honest, respectful individuals with deeply rooted family values. They have always shown warmth, humility, and a determination that inspires those around them.


I would like to highlight [REDACTED] who has developed a close relationship with my family as my daughter's boyfriend. I have witnessed his exemplary behavior firsthand: he is respectful, dedicated to his studies, athletic, and always willing to help. He contributes responsibly to household tasks and shows maturity and empathy beyond his years. I am confident [REDACTED] has a bright future in the United States; he demonstrates leadership, dedication, and responsibility to become an outstanding citizen.

Elizabeth, his mother, is an admirable woman who has worked tirelessly to support her family, instilling in her sons the values of effort, respect, and solidarity. Esteban is a hardworking and responsible young man, committed to his family and community.



Date: 10/29/2025


To Whom It May Concern,

It is my pleasure to provide this professional reference for **Ms. Elizabeth Garcia Fernandez**, who I have know since 2022, as a friends and we attend the same church with her two sons Darrell Esteban Duran Garcia and 

As a friend during this time I have been able to confirm that she is a respectful person with great human qualities, capable of helping those in need and with impeccable moral conduct.

Throughout her tenure, Elizabeth has consistently demonstrated at her work professionalism, reliability, and strong ethical standards. She approaches her work with diligence and accuracy. Her ability to maintain a positive attitude while managing responsibilities under pressure has made her a valued team member in her work area.

Beyond her technical capabilities, Elizabeth exemplifies excellent character and integrity in her professional conduct. She is respectful, cooperative, and trusted among colleagues and management alike.

I confidently recommend Ms. Garcia Fernandez as a professional of high moral standing and strong conduct ethic. Should you require further information, please feel free to contact me directly at  or

Email: 

Sincerely,

Maria Elena Clemetson
Clemetco services,LLC
Senior Manager/Owner

The Duran-Garcia family enjoys the respect and affection of their community, their church, Kevin's school, and their neighbors, who recognize them as an exemplary, hardworking, and kind-hearted family. They are the kind of family the United States needs: dedicated, grateful, and eager to contribute positively to their community.

I am confident that allowing them to remain in this country will be a benefit to us all. Should you require any additional information or have any questions, please do not hesitate to contact me.

Kindest regards,

A handwritten signature in dark ink, appearing to read 'Pilar Candia', is positioned above a horizontal line.

Pilar Candia

Deputy Regional Director, Political Coalitions – AIPAC