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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
AND EMERGENCY MOTION FOR IMMEDIATE RELEASE OR CONSTITUTIONALLY ADEQUATE
BOND HEARING

Petitioner Amy Tooke ("Next Friend") respectfully petitions this Court for a writ of habeas corpus on behalf of Renzo Zuniga Macchiavello (A# [REDACTED] ("Mr. Zuniga"), who is currently detained at Irwin County Detention Center, 132 Cotton Drive, Ocilla, Georgia 31774. Mr. Zuniga has been held in civil immigration detention since January 22, 2025, without a constitutionally adequate bond hearing and after an arrest and custodial process marked by excessive force, lack of probable cause or judicial authorization, and ongoing conditions of confinement that violate the Constitution.

This petition seeks (1) immediate release; or, in the alternative, (2) an order requiring the Government to provide a prompt bond hearing at which the Government bears the burden to justify continued detention by clear and convincing evidence and where alternatives to detention are meaningfully considered; and (3) emergency relief preventing removal/transfer—especially to a third country—without prior notice and an opportunity to be heard, because such actions would cause irreparable harm and could moot this Court's jurisdiction.

I. IDENTIFYING INFORMATION

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Mr. Zuniga is "in custody" within this District and challenges the fact and duration of his civil detention, as well as detention-related constitutional violations that warrant release or other habeas relief.
2. Jurisdiction is also proper because the petition challenges unlawful executive detention and seeks relief for violations of the U.S. Constitution (including the Fifth Amendment Due

Process Clause and the Fourth Amendment) and federal law governing immigration detention.

3. Venue lies in the Valdosta Division of the Middle District of Georgia because Mr. Zuniga is detained in Irwin County, Georgia, within this Division's territorial jurisdiction.

4. The proper custodian for habeas purposes includes the Warden/Superintendent of Irwin County Detention Center, who has day-to-day control over Mr. Zuniga's custody. Senior federal officials are also named because the challenged detention is authorized and maintained by DHS/ICE policies and directives, and because effective relief (including release, bond hearing standards, and anti-transfer/anti-removal relief) requires their participation.

III. NEXT FRIEND STANDING

5. Ms. Tooke files as Next Friend because Mr. Zuniga is detained, has limited ability to litigate from custody, faces language, access-to-counsel, and practical barriers to filing and prosecuting this petition, and because she has a significant relationship with him as his spouse and is dedicated to his best interests.

6. Mr. Zuniga has expressly authorized Ms. Tooke to act on his behalf and to sign and file this petition to seek relief from unlawful detention and unconstitutional treatment.

IV. FACTUAL BACKGROUND

7. Mr. Zuniga appeared in good faith to an immigration-related appointment on January 21, 2025. Due to crowding and the volume of people, he was unable to enter the facility that day.

8. On January 22, 2025, he returned early and again presented himself voluntarily and responsibly. Rather than receiving orderly processing, he was met by approximately eight agents.

9. Without providing an explanation or presenting a judicial warrant, the agents grabbed him, shoved him against a wall, and struck him in the chest. They then forcibly bent his wrists to apply handcuffs and conducted a search.

10. When Mr. Zuniga asked why he was being detained, officers responded only that he "did not have court yet" and that he needed to be placed before a judge to decide whether he could remain in the country. No probable cause, lawful basis, or warrant was provided at the time of seizure.

11. Mr. Zuniga was taken to another office area where several other individuals were being held; he observed that others also reported physical aggression and rough treatment during apprehension.

12. After being moved to a third floor location and waiting approximately two hours, officers took fingerprints and then placed Mr. Zuniga into a small holding cell with approximately twenty-five (25) individuals, where he remained for more than fifteen (15) hours.

13. Around 2:00 p.m. the next day, officers removed detainees in groups, re-handcuffing them in an intentionally painful manner. Mr. Zuniga suffered abrasions and injuries to his wrists. When he requested that restraints be loosened, officers tightened them further.

14. During a transport that lasted many hours, officers allegedly turned the bus heat to the maximum without adequate ventilation. Detainees were denied food and water throughout the transport.

15. Upon arrival at Irwin County Detention Center, personnel asked about his wrist injuries. Mr. Zuniga reported the cause and explained that his requests for relief were met with further tightening.

16. Since detention began, Mr. Zuniga has repeatedly reported illness and requested medical attention and medications. He alleges that medical care has been denied or unreasonably delayed, despite repeated notifications and visible symptoms.

17. Mr. Zuniga further alleges extreme rationing of food and water, including instances of spoiled or unsafe food. He states that he can only maintain adequate nutrition when his family deposits funds to allow commissary purchases.

18. Mr. Zuniga reports significant weight loss, worsening mental health, and repeated episodes of depression, anxiety, and panic-like symptoms related to indefinite detention and fear of removal.

19. Mr. Zuniga fears being deported or transferred, including to a third country, without notice or authorization. Such action would cause irreparable harm and may moot judicial review.

20. At the time of detention, Mr. Zuniga had a pending asylum process and had pursued all available avenues to regularize his status, demonstrating compliance and good faith.

21. Mr. Zuniga does not have a serious criminal record. He poses no danger to the community and has substantial ties in the United States, making him a low flight risk.

22. As of the date of this filing, Mr. Zuniga has been detained for more than a year. The length of detention—combined with the lack of a constitutionally adequate bond hearing and the Government's punitive conditions—renders continued detention unlawful.

V. LEGAL STANDARDS

23. Immigration detention is civil, not punitive. Detention becomes unconstitutional where it is unreasonably prolonged without adequate process, or where conditions and treatment

are so harsh that they amount to punishment.

24. The Fifth Amendment Due Process Clause requires, at minimum, a meaningful opportunity to seek release from prolonged civil detention. Where detention becomes prolonged, due process requires a bond hearing that is timely, individualized, and procedurally fair.

25. The Fourth Amendment prohibits unreasonable seizures. Arrest and continued restraint in the absence of lawful authority, probable cause, or a valid warrant—especially accompanied by excessive force—implicates Fourth Amendment protections.

26. The Government may not subject civil detainees to excessive force or deliberate indifference to serious medical needs. While the Eighth Amendment directly governs convicted prisoners, immigration detainees receive at least the same protections through the Fifth Amendment's prohibition on punishment and its due-process guarantees.

27. Federal courts have authority under 28 U.S.C. § 2241 to remedy unlawful detention, including by ordering release, ordering bond hearings with constitutionally adequate burdens and standards, and issuing ancillary injunctive relief to preserve jurisdiction and prevent irreparable harm.

VI. GROUNDS FOR RELIEF (CLAIMS)

COUNT I – UNLAWFUL AND UNCONSTITUTIONALLY PROLONGED CIVIL DETENTION (FIFTH AMENDMENT DUE PROCESS; 28 U.S.C. § 2241)

28. Mr. Zuniga has been detained since January 22, 2025. Prolonged civil detention, without adequate individualized review, becomes unconstitutional as the detention continues and the Government's justification weakens.

29. Due process requires a prompt, meaningful bond hearing when detention becomes prolonged, including (a) the Government's burden to prove by clear and convincing evidence that continued detention is necessary to prevent flight or danger; (b) consideration of less restrictive alternatives; and (c) a record of decision that permits meaningful review.

30. Continued detention without such procedures violates due process. Release or an immediate constitutionally adequate bond hearing is warranted.

COUNT II – UNREASONABLE SEIZURE AND EXCESSIVE FORCE DURING ARREST/PROCESSING (FOURTH AND FIFTH AMENDMENTS)

31. Mr. Zuniga was seized by multiple agents who allegedly used unnecessary physical force, including shoving him against a wall and striking his chest, without providing a warrant,

probable cause explanation, or other legal justification at the time of the seizure.

32. The use of force and restraint—followed by intentionally painful handcuffing that caused injury—was objectively unreasonable for a civil immigration arrest and violates the Fourth Amendment.

33. These constitutional violations support habeas relief where they reflect unlawful custody and where the appropriate remedy is release or, at minimum, heightened judicial scrutiny and expedited process.

COUNT III – UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT AND DELIBERATE INDIFFERENCE TO MEDICAL NEEDS (FIFTH AMENDMENT)

34. As a civil detainee, Mr. Zuniga may not be punished. Conditions that are excessive in relation to any legitimate governmental purpose, or that reflect deliberate indifference to health and safety, violate due process.

35. Mr. Zuniga alleges denial and delay of medical care and medications despite repeated requests and illness. He further alleges severe rationing of food and water, and exposure to spoiled food, leading to weight loss and significant deterioration of physical and mental health.

36. These conditions and denials are not reasonably related to a legitimate civil purpose and instead amount to punishment. Where conditions render confinement unconstitutional and unsafe, release is an appropriate habeas remedy.

COUNT IV – NEED FOR EMERGENCY RELIEF TO PREVENT TRANSFER/REMOVAL/THIRD-COUNTRY REMOVAL WITHOUT NOTICE (ALL WRITS ACT; DUE PROCESS)

37. Mr. Zuniga credibly fears sudden transfer or removal—including removal to a third country—without notice, which would irreparably harm him, disrupt access to counsel, and risk mooting this Court's jurisdiction before the merits can be adjudicated.

38. This Court has authority to issue temporary injunctive relief necessary to preserve jurisdiction and prevent irreparable harm while this habeas petition is pending.

39. Emergency relief is warranted because (a) the harm of removal/transfer is irreparable; (b) Mr. Zuniga has a substantial likelihood of success on the merits of his constitutional claims; (c) the balance of equities favors preserving status quo; and (d) the public interest favors constitutional compliance and meaningful judicial review.

VII. SUPPORTING AUTHORITIES (SELECTED)

40. The Supreme Court has recognized constitutional limits on civil detention and the role of habeas review. See, e.g., *Zadvydas v. Davis*, 533 U.S. 678 (2001) (indefinite civil detention raises serious constitutional concerns and requires meaningful limits); *Demore v. Kim*, 538 U.S. 510 (2003) (upholding mandatory detention in narrow circumstances but emphasizing its typically brief duration); *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (addressing statutory interpretation while leaving open constitutional challenges).

41. Due process requires meaningful procedures when detention becomes prolonged, and courts commonly require individualized bond hearings with robust procedural protections to justify continued detention.

42. Civil detainees may not be subjected to punishment. See *Bell v. Wolfish*, 441 U.S. 520 (1979) (pretrial detainees cannot be punished; conditions must be reasonably related to a legitimate governmental objective).

43. The Government's deliberate indifference to serious medical needs and use of objectively unreasonable force violate constitutional protections applicable to civil detainees. See, e.g., *Kingsley v. Hendrickson*, 576 U.S. 389 (2015) (objective reasonableness standard for force against detainees).

44. This Court may issue ancillary injunctive relief to preserve its jurisdiction and prevent mootness. See 28 U.S.C. § 1651 (All Writs Act).

VIII. PRAYER FOR RELIEF

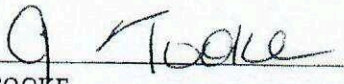
WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue the writ of habeas corpus and order Mr. Zuniga's immediate release from ICE custody, with appropriate conditions of supervision if necessary;
- B. In the alternative, order the Government to provide an immediate bond hearing before an Immigration Judge (or other neutral decisionmaker) at which: (i) the Government bears the burden to prove by clear and convincing evidence that continued detention is necessary to prevent flight or danger; (ii) less restrictive alternatives are considered; and (iii) a reasoned written or recorded decision is issued;
- C. Issue emergency temporary relief preventing removal, transfer, or third-country removal of Mr. Zuniga while this petition is pending (or, at minimum, requiring advance written notice and an opportunity to be heard before any such action);
- D. Order prompt medical evaluation and necessary treatment pending resolution, if continued custody is not immediately terminated;
- E. Expedite consideration of this petition and set an accelerated briefing schedule;
- F. Award any other relief the Court deems just and proper.

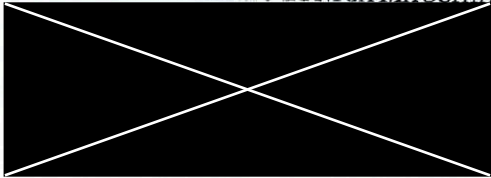
IX. VERIFICATION AND SIGNATURE (NEXT FRIEND)

I, Amy Tooke, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the spouse of Renzo Zuniga Macchiavello, that I am acting as his Next Friend, and that the factual statements in this petition are true and correct to the best of my knowledge, information, and belief, based on direct communications with Mr. Zuniga and records available to our family.

Executed on: FEB 24, 2026



AMY TOOKE
Next Friend for RENZO ZUNIGA MACCHIAVELLO



**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

AMY TOOKE, as Next Friend of

RENZO ZUNIGA MACCHIAVELLO (A )

Petitioner,

v.

KRISTI NOEM, Secretary, U.S. Department of Homeland Security;

TODD M. LYONS, Senior Official Performing the Duties of ICE;

WARDEN, IRWIN COUNTY DETENTION CENTER;

Respondents.

Civil Action No.: _____

PROOF OF SERVICE

I hereby certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that on the date indicated below, I served a true and correct copy of the Petition for Writ of Habeas Corpus (28 U.S.C. § 2241), Motion for Immediate Release, Motion to Expedite, Temporary Restraining Order, and Stay of Removal upon the following parties by U.S. Mail (First Class), unless otherwise indicated:

Clerk of Court:

United States District Court
Middle District of Georgia – Valdosta Division

401 North Patterson Street
Valdosta, GA 31601

United States Attorney's Office – Middle District of Georgia:

United States Attorney's Office
Post Office Box 1702
Macon, GA 31202-1702

Attorney General of the United States:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Secretary, U.S. Department of Homeland Security:

U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

ICE – Enforcement and Removal Operations (Atlanta Field Office):

U.S. Immigration and Customs Enforcement
180 Ted Turner Drive SW, Suite 522
Atlanta, GA 30303

Warden / Superintendent:

Irwin County Detention Center
132 Cotton Drive

Ocilla, GA 31774

Executed on: FEB. 24, 2026

A Tooke

AMY TOOKE

Next Friend for Renzo Zuniga Macchiavello

