

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

VALDOSTA DIVISION

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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 the Director, U.S.
Immigration and Customs Enforcement;

WARDEN, IRWIN COUNTY DETENTION CENTER;

Respondents.

Civil Action No.: _____

EMERGENCY MOTION FOR IMMEDIATE RELEASE

COMES NOW Petitioner Amy Tooke, as Next Friend of Renzo Zuniga Macchiavello, and respectfully moves this Court for an Order granting immediate release from immigration detention. This Motion is filed in conjunction with the pending Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241.

I. INTRODUCTION

Mr. Zuniga has been detained at Irwin County Detention Center since January 22, 2025. His detention has become unreasonably prolonged and constitutionally excessive. He poses no danger to the community and no risk of flight. Continued confinement violates

the Fifth Amendment Due Process Clause and exceeds the lawful scope of civil immigration detention.

II. GROUNDS FOR IMMEDIATE RELEASE

1. Prolonged Civil Detention: Immigration detention is civil and non-punitive. When detention becomes prolonged without adequate procedural safeguards, due process requires release or a constitutionally adequate bond hearing. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).
2. Lack of Dangerousness or Flight Risk: Mr. Zuniga has no serious criminal history, has demonstrated compliance with immigration procedures, and voluntarily appeared for his appointment. He has strong community ties and family support.
3. Excessive Force and Unlawful Arrest Circumstances: The manner of arrest involved unnecessary force and unreasonable seizure without clear probable cause presented at the time of detention.
4. Unconstitutional Conditions of Confinement: Mr. Zuniga has suffered denial of medical care, extreme food rationing, significant weight loss, and deteriorating mental health. Civil detainees may not be subjected to punitive conditions. See *Bell v. Wolfish*, 441 U.S. 520 (1979).
5. Irreparable Harm: Continued detention exacerbates physical and psychological harm. The risk of sudden removal or transfer without adequate judicial review creates imminent and irreparable injury.

III. LEGAL STANDARD

Federal courts have authority under 28 U.S.C. § 2241 to order release where detention violates the Constitution or federal law. When liberty interests are at stake and due process has been denied, immediate release is an appropriate remedy.

IV. REQUEST FOR RELIEF

- A. Order the immediate release of Renzo Zuniga Macchiavello from ICE custody under appropriate supervision conditions, if necessary;
- B. In the alternative, order an expedited constitutionally adequate bond hearing at which the Government bears the burden of proof by clear and convincing evidence;

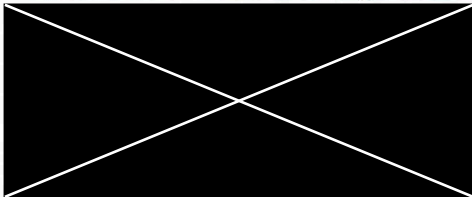
C. Grant any other relief this Court deems just and proper.

Respectfully submitted,



AMY TOOKE

Next Friend for Renzo Zuniga Macchiavello



Date: Feb. 24, 2026