

LF 026 (Rev. 11/19) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the Northern District of Georgia

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

MAR 02 2026

KEVIN P. WEIMER, Clerk
By: *[Signature]* Deputy Clerk

LUIS FELIPE VILLASMIL LIRA
Petitioner

v.


MERRICK B. GARLAND, ATTORNEY
GENERAL OF THE UNITED STATES
*Respondent (name of warden or authorized person having custody
of petitioner)*

Case No. _____
(Supplied by Clerk of Court)

1:26-CV-1209

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: LUIS FELIPE VILLASMIL LIRA
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: FOLKSTON MAIN DETENTION CENTER
(b) Address: 3026 GA-252 E, FOLKSTON, GA 31537
(c) Your identification number: PASSPORT #: 
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

146 CCA ROAD, PO BOX 248, LUMPKIN, GA 31815.

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Unlawful detention due to the hearing being scheduled on an A-R date; habeas corpus is sought as he must remain in custody until the next hearing.

(d) Date of the decision or action: 10/13/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

If you answered "No," explain why you did not appeal: _____

There is no decision to appeal. The individual was detained solely because the next hearing was scheduled more than one year in the future.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes

No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes

No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged and Unlawful Detention Without an Appealable Decision

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner was taken into custody solely because the court scheduled the next hearing more than one year in the future. No final decision, bond denial, or appealable order was issued. The detention is based only on the length of time before the next hearing, not on any finding of danger or flight risk.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Family Hardship Resulting from Continued Detention

Petitioner's continued detention has caused severe hardship to his immediate family, including his wife and minor child, who rely on him for emotional and financial support. The detention is not based on any finding of danger or flight risk but has nevertheless resulted in significant harm to his family.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner is married and has a seven-year-old minor child. Both depend on him emotionally and financially. His continued detention has caused significant hardship to his family.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Strong Community Ties and Compliance With Immigration Requirements

Petitioner has demonstrated compliance with immigration requirements and strong ties to the community. He timely filed his asylum application, is authorized to work, maintains lawful employment, and fulfills his tax obligations. These factors show reliability and stability and do not support continued detention.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner filed his asylum application within one year of arrival. He holds a valid work permit, is lawfully employed, and files and reports taxes. He attends on time to every appointment or hearing.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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GROUND FOUR:

Violation of due process based on the improper denial of a bond hearing and incorrect determination that the detainee is a flight risk.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

The detainee was denied a bond hearing on the basis that he was considered a flight risk. However, this determination does not reflect his actual circumstances. He is the father of a United States citizen child, which demonstrates strong family ties and a clear reason to remain in the country. In addition, he has been steadily employed by the same company for some years, and his employer is currently waiting for his return to work. These factors show stability, responsibility, and long-term ties to the community. He has no intention of fleeing or disappearing, as doing so would mean abandoning his child and his employment. The denial of a bond hearing failed to properly consider these important facts.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

N/A

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that the Court order his immediate release from detention pending his next hearing, as his continued detention is not justified given his strong family and community ties and the lack of evidence that he poses a flight risk. Petitioner further requests that the Court grant him a bond hearing, or in the alternative, set a reasonable bond amount that will allow for his release.

In the alternative, Petitioner respectfully requests any other relief the Court deems just, proper, and appropriate under the circumstances.

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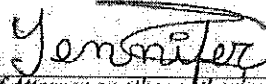
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 02/24/2026

Signature of Petitioner



Signature of Attorney or other authorized person, if any

**EXPLANATORY LETTER IN SUPPORT OF
HABEAS CORPUS PETITION**

Date: 02/26/2026

To the Honorable United States District Court for the District of Georgia

RE: Habeas Corpus Petition on behalf of

Luis Felipe Villasmil Lira, [REDACTED]

Submitted by his wife, Yennifer Paola Bracho Marquez

Dear Honorable Court:

I, Yennifer Paola Bracho Marquez, am the lawful spouse of Luis Felipe Villasmil Lira, a 38-year-old native and citizen of Venezuela who is currently in immigration detention. We are the parents of a minor child, Luisianna Fernanda Villasmil Bracho, age seven. I submit this statement in support of the petition for a writ of habeas corpus challenging my husband's continued detention.

My husband is the primary emotional and financial provider for our family. His detention has imposed significant hardship on me and our minor child, who depend on him for daily care, stability, and economic support.

Mr. Villasmil Lira has consistently complied with all immigration requirements. He timely filed his asylum application within one year of his arrival in the United States. He holds a valid employment authorization document and was lawfully employed as an Electrical Apprentice with [REDACTED] at the time of his detention. He reported to work regularly, paid taxes, and maintained stable employment. He also attended all scheduled immigration appointments and court hearings as required and has never failed to appear.

At no point has my husband been found to be a danger to the community or a flight risk. His detention did not result from any failure to comply with immigration proceedings but rather from the scheduling of his next court hearing at a date far in the future. Despite his demonstrated cooperation, strong family ties, and community integration, he remains detained.

My husband was denied a bond hearing based on the claim that he is a flight risk, but this does not reflect our reality. He is the father of our United States citizen minor

child and the primary emotional and financial provider for our family. His detention has caused significant hardship to both me and our child, who depend on him for daily care and stability. My husband has maintained steady employment with the same company for several years, and his employer is currently waiting for him to return to work, which shows his stability and commitment. He has always complied with all immigration requirements, including attending all scheduled hearings and appointments, and he has never failed to appear. He has no intention of fleeing, as that would mean abandoning his family and responsibilities. The decision to deny him a bond hearing did not properly take into account these important facts and has resulted in unnecessary and prolonged detention.

Given his full compliance with immigration procedures, lawful employment, family responsibilities, and lack of risk, his continued detention is unnecessary and imposes severe and disproportionate hardship on his family. For these reasons, I respectfully support the request for habeas corpus relief and ask that my husband be released from detention while his immigration proceedings remain pending.

Respectfully,



Yennifer Paola Bracho Marquez

Wife of the petitioner

Phone: 

PROOF OF SERVICE

I, Yennifer Paola Bracho Marquez, declare under penalty of perjury that on the date indicated below, I served a true and correct copy of the following document:

"Explanatory Letter in Support of Habeas Corpus Petition for Luis Felipe Villasmil Lira, A# [REDACTED] by delivering or mailing said document to the following parties:

1. Clerk of Court United States District Court for the Northern District of Georgia 75 Ted Turner Dr NW #2211, Atlanta, GA 30303
2. U.S. Attorney's Office for the District of Georgia Richard B. Russell Federal Building at 75 Ted Turner Drive SW, Suite 600, Atlanta, GA 30303-3309
3. Folkston ICE Processing Centre 3026 GA-252 E, Folkston, GA 31537

I declare that the foregoing is true and correct to the best of my knowledge.

Executed on: 02/24/2026


Yennifer Paola Bracho Marquez