

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

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**REYES TROCHEZ, AMNER ESAU**

A 

Petitioner,

v.

**IRWIN COUNTY DETENTION CENTER, OCILLA, GA**

Respondents.

**CIVIL ACTION NO. \_\_\_\_\_**

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

**Petitioner:** Amner Esau Reyes Trochez

**A-Number:** 

**Detention Facility:** Irwin County Detention Center  
132 Cotton Drive, Ocilla, GA 31774

Petitioner Amner Esau Reyes Trochez, proceeding pro se, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his continued detention by U.S. Immigration and Customs Enforcement (ICE) at Irwin County Detention Center.

## **I. INTRODUCTION**

Petitioner Amner Esau Reyes Trochez is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Irwin County Detention Center, located at 132 Cotton Drive, Ocilla, GA 31774.

1. Petitioner's detention is unlawful and violates his constitutional rights to due process under the Fifth Amendment of the United States Constitution.
2. Petitioner seeks 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**

4. 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.
5. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 2241(d) because Petitioner is detained within this judicial district at the Irwin County Detention Center in Ocilla, GA.
6. Respondents are proper parties because they have custody and control over Petitioner and the authority to release him.


## **III. PARTIES**

7. **Petitioner Amner Esau Reyes Trochez** is a national of Nicaragua, currently detained by ICE at the Irwin County Detention Center in Ocilla, GA 31774.

8. **Respondent Irwin County Detention Center** is the custodian of Petitioner and is sued in his official capacity.

## IV. STATEMENT OF FACTS

### A. Petitioner's Immigration History

12. Petitioner arrived in the United States on September 27, 2021, crossing at San Diego, California, and was processed by Customs and Border Protection (CBP), which issued him a Parole Interim.
13. On **August 30, 2022**, Petitioner timely filed an application for asylum with U.S. Immigration Court before the expiration of his parole period.
14. Petitioner's asylum application remains pending before Immigration Court in Lumpkin, GA with Judge: Peter T. McCary.
15. Petitioner was granted employment authorization by USCIS and possesses a valid Employment Authorization Document ("EAD") with Alien Registration Number  valid through **February 6, 2030, approved**
16. On **March 26, 2026**, Petitioner was arrested at his scheduled appointment with ICE and taken into custody.
17. Petitioner has maintained lawful work authorization and has been working legally in the United States to support himself and his family.
18. Petitioner has a scheduled immigration court hearing on May 06, 2026, before Immigration Judge Peter McCary at the Lumpkin, Georgia Immigration Court.
19. Petitioners have complied with all immigration requirements and have appeared for all scheduled appointments and hearings with immigration authorities.
20. Petitioners have no criminal record and has never been convicted of any crime.
21. Petitioners have been detained since approximately **March 26, 2026**, without a bond hearing or determination of whether his continued detention is necessary.
22. 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 6 weeks 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 significant family ties in the United States, including a mother, brothers.
- He has maintained continuous residence in the United States since September 27, 2021
- He has complied with all immigration requirements and appeared for all scheduled appointments.
- 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**

Petitioners incorporate 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 on a minor traffic violation shocks the conscience and violates substantive due process.

Petitioners' 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.

### **GROUND FOR HABEAS CORPUS**

1. **Unlawful Detention:** Petitioner's continued detention is unlawful because he has a pending asylum application and a valid work permit, demonstrating his eligibility for release on parole or bond.
2. **Due Process Violations:** Detaining Petitioner without a bond hearing or meaningful opportunity to contest the detention violates his constitutional rights to due process.
3. **Risk of Irreparable Harm:** Prolonged detention causes irreparable harm to Petitioner's physical and mental health, and impedes his ability to prepare for his upcoming immigration hearing.

4. **Public Interest:** Releasing Petitioner on bond or parole serves the public interest by allowing him to work legally, support himself, and comply with all immigration proceedings.

## 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);
- E. **Award Petitioner his costs and attorneys' fees** pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable law;
- F. **Grant such other and further relief** as the Court deems just and proper.

## VII. VERIFICATION

I, Amner Esau Reyes Trochez, 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 10 day of April 2026.

Amner Esau Reyes Trochez  
Amner Esau Reyes Trochez

**Petitioner**

## CERTIFICATE OF SERVICE


I hereby certify that on this 10 day of April 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus was served upon the following parties by : electronic filing/U.S. Mail/hand delivery:

**Office of the United States Attorney  
Middle District of Georgia  
Columbus Division  
Attn: Cler of Court**

**P.O. BOX 128  
Macon, GA 31202**

**U.S. Immigration and Customs Enforcement  
Office of the Principal Legal Advisor, Atlanta  
146 CCA Road  
Lumpkin, GA 31815**

*Amner Esau Reyes Trochez*  
Amner Esau Reyes Trochez, Pro Se

  
Irwin County Detention Center  
132 Cotton Drive  
Ocilla, GA 31774