

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Middle District of Georgia

JOSE ANTONIO DEL VILLAR SANCHEZ

A- [REDACTED]

Petitioner

v.

IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. _____

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: JOSE ANTONIO DEL VILLAR SANCHEZ
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: STEWART DETENTION CENTER
(b) Address: 146 CCA ROAD
NA LUMPKIN, GA 31815
(c) Your identification number: A- [REDACTED]
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: _____

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

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

(d) Date of the decision or action: _____

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: _____

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

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: Fifth Amendment Due Process – Arbitrary and Unreasonable Civil Detention Immigration

Immigration detention is civil, not punitive. The Due Process Clause prohibits detention that is arbitrary or excessive in relation to its purpose. See *Zadvydas v. Davis*, 533 U.S. 678 (2001). The applicant's detention is unjustified and arbitrary, as he has no criminal record and has demonstrated consistent compliance, as evidence

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 Do not cite cases or law.):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

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

☒ Yes

☐ No

GROUND TWO: Arbitrary and Unjustified Custody Determination USCIS's own appointment records show that the applicant fully met the requirements and is awaiting a future appointment to complete the process. Despite this, ICE abruptly detained him without a new cause. This inconsistency demonstrates that Petitioner's detention is not reasonably related to the civil purposes of immigration custody namely ensuring appearance.

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 Do not cite cases or law.):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

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

☒ Yes

☐ No

GROUND THREE: Detention No Longer Serves a Legitimate Regulatory Purpose Civil detention must bear a reasonable relationship with its regulatory purpose. When it does not, it becomes unconstitutional. Petitioner's compliance history and ICE's own prior determinations show detention is unnecessary to achieve Immigration enforcement objectives.

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

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

☒ Yes

☐ No

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GROUND FOUR: Impairment of the ability to defend oneself in deportation proceedings.

My detention significantly impairs my ability to consult with my attorney, gather supporting documentation, and prepare my immigration defense.

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

(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:

Request for Relief

15. State exactly what you want the court to do: I am currently in "pending asylum" status with the EOIR

I do not have a final order of removal. My detention is governed by section 236(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a), which authorizes discretionary detention and release on bond, but not mandatory detention

I have a 13-year-old son, an American citizen named Mathias del Villar, who depends on me for care and support. If I return to Venezuela, it would be unsafe for me, as I have been subjected to persecution, threats, and torture for opposing the

Current Venezuelan Regime.

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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:

STEWART DETENTION CENTER, 146 CCA ROAD NA, LUMPKIN GA 31815

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: 05/05/2026

JOSE ANTONIO DEL VILLAR SANCHEZ

Signature of Petitioner

Signature of Attorney or other authorized person, if any (initials of counsel)

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
JOSÉ ANTONIO DEL VILLAR SÁNCHEZ

(A [REDACTED])

Pro Se - Detained

Respondents.

IN RE: PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I, José Antonio Del Villar Sánchez (ID No. [REDACTED] born on [REDACTED] hereby respectfully request that this Court issue a writ of habeas corpus and state the following:

I. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody at the Call Field Office, Georgia, within the Middle District of Georgia. The venue is proper in this District because Petitioner's immediate custodian is located within this District.

II. PARTIES

JOSÉ ANTONIO DEL VILLAR SÁNCHEZ (ID No. [REDACTED] date of birth [REDACTED] [REDACTED] as the petitioner, am currently detained at the Call Field Office in Georgia, within the Middle District of Georgia. The director of the ICE Field Office in Lumpkin, the defendant,

is responsible for decisions regarding ICE custody within the Lumpkin area of responsibility. The defendant, the director of the Call Field Office, is directly responsible for the plaintiff's custody.

III. CUSTODY AND IMMIGRATION PROCEEDINGS

On April 24, 2026, I was pulled over while driving on the highway between Georgia and Florida, specifically at the state line, where there was an agricultural checkpoint. A police officer ordered me to stop, and I voluntarily pulled over as instructed.

The officer then asked for my driver's license, which I handed over along with my valid work permit, Social Security card, and car insurance. All documents were valid and legally up to date.

I have an asylum case pending before the Miami Court, in which I am appearing on my own behalf on March 22, 2022, before Judge Maria Urribarri, with Dr. Jose Perez serving as my attorney.

Since I arrived in the country, I have completed all the legal procedures related to my immigration status in the most proper manner possible. I have never committed any crime, I file my taxes, and I am of good moral character.

I do not have a final removal order. My detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), which authorizes discretionary detention and release on bond, not mandatory detention.

IV. FACTS SUPPORTING RELIEF

I have no criminal record. I have consistently complied with all summonses related to my pending cases. The documentation about this proceeding is currently being compiled

and will be submitted as supplementary evidence. This unbroken record of compliance conclusively confirms that I do not pose a flight risk.

In October 04, 2022, I-797C was appointed to the Asylum process. On October 24, 2022 he was scheduled by ASC for a biometrics appointment, and ASC was appointed for the Asylum process, demonstrating continued compliance and suitability for community supervision.

Despite this administrative ruling, the Border Patrol detained me that very same day, even though there had been no new criminal conduct, no violation of my probation terms, and no concrete evidence that I posed a danger to the community or a flight risk.

V. GROUNDS FOR RELIEF

A. Fifth Amendment Due Process: Arbitrary and Unreasonable Civil Detention

Immigration detention is civil in nature, not punitive. The due process clause prohibits detention that is arbitrary or excessive in relation to its purpose. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

My detention is unreasonable and arbitrary because I have no criminal record, I have demonstrated long-term compliance, and USCIS's own records show that I could remain in the community without posing any risk. Detention under these circumstances bears no reasonable relation to the Government's civil objectives and, instead, functions as a punishment that violates due process.

B. Failure to comply with the obligation to conduct a substantive bail review
under INA § 236(a)

I am currently detained under INA § 236(a), which allows for release on bond. Continued detention without a prompt, substantive, and individualized bail review violates the right to due process. See *Jennings v. Rodríguez*, 583 U.S. 281 (2018). Due process requires that continued detention be justified by individualized evidence. My history of compliance, my family ties, and the absence of a criminal record are compelling arguments against detention.

C. Arbitrary and Unjustified Detention Decision

The USCIS appointment records themselves show that I, as the applicant, fully met the requirements and am awaiting a new appointment to complete the process. Despite this, ICE detained me suddenly and without just cause. This inconsistency demonstrates that the detention bears no reasonable relation to the civil purposes of immigration detention—namely, ensuring appearance or protecting the community and is therefore unconstitutional.

D. Detention no longer serves a legitimate regulatory purpose

Civil detention must bear a reasonable relationship to its regulatory purpose. When it does not, it becomes unconstitutional. See *Zadvydas*, 533 U.S. at 690.

ICE's enforcement record and its own prior rulings demonstrate that detention is not necessary to achieve immigration control objectives.

E. Interference with the Ability to Defend Oneself in Removal Proceedings

Detention significantly impairs my ability to consult with my attorney, gather supporting documentation, and prepare my immigration defense.

VI. REQUEST FOR RELIEF

WHEREFORE, I respectfully request that this Court:

- A. Issue the Writ of Habeas Corpus.
- B. Order the defendants to immediately schedule a bail hearing before an immigration judge, in which the burden of proof rests with the Government; or, failing that, order the immediate release of the defendant under reasonable conditions of supervision.
- C. Grant expedited consideration due to the ongoing constitutional.
- D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

JOSÉ ANTONIO DEL VILLAR SÁNCHEZ

Petitioner

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

JOSÉ ANTONIO DEL VILLAR SÁNCHEZ



**CALL FIELD OFFICE DIRECTOR, ICE FIELD OFFICE;
STEWART, OFFICE DETENTION CENTER**

Respondents.

PROPOSED ORDER

On this day, the Court considered the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 filed by Petitioner Jose Antonio del Villar Sanchez. Having reviewed the Petition and supporting exhibits, the Court finds that Petitioner has presented a substantial claim that his continued detention may violate the Due Process Clause of the Fifth Amendment.

Accordingly, it is hereby ORDERED:

Respondents shall file a response to the Petition within 7 days of the date of this Order.

If Respondents do not justify Petitioner's continued detention with individualized evidence that Petitioner presents a danger to the community or a flight risk, the Court may order appropriate relief.

In the alternative, Respondents shall provide Petitioner with a prompt bond hearing before an Immigration Judge within 14 days, at which the Government shall bear the burden of proving that continued detention is justified.

The Court retains jurisdiction to order further relief as necessary to remedy any constitutional violation.

SIGNED this 05 day of April, 2026.

EXHIBIT LIST

Exhibit A	The Asylum Acknowledgment Receipt 10/04/2022	
Exhibit B	ASC appointment for the Asylum process 10/24/2022	
Exhibit C	Notice of Custody Determination DHS Form I-286	
Exhibit D	Venezuelan Passport	
Exhibit E	Sponsor Letter and Taxes	
Exhibit F	Affidavit Support Witness Letters	
Exhibit G	Affidavit Support Work Letter	
Exhibit H	Order Granting Motion for Declaratory	