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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

SANTIAGO PEREZ POCON

Petitioner,

v.

TODD BLANCHE, Acting U.S. Attorney
General; DAREN K. MARGOLIN, Director,
Executive Office for Immigration Review;
MARKWAYNE MULLIN, Secretary,
Department of Homeland Security; TODD M.
LYONS, Acting Director, Director, United States
Immigration and Customs Enforcement;
KRISTEN SULLIVAN, Acting ICE Field Office
Director, Atlanta, United States Immigration and
Customs Enforcement; JASON STREEVAL,
Warden, Stewart Detention Center

Respondents.

Case No. _____

Alien No. A 

PETITION FOR WRIT OF
HABEAS CORPUS
Pursuant to 28 U.S.C. § 2241
and the U.S. Constitution

MEMORANDUM OF
LAW

EXPEDITED RELIEF
REQUESTED

I. INTRODUCTION

1. Petitioner, Santiago Perez Pocon (“Petitioner” or “Mr. Perez Pocon”), a native and citizen of Guatemala, respectfully petitions this Honorable Court for a writ of habeas corpus under 28 U.S.C. § 2241 remedy his continued and unlawful detention by U.S. Immigration and Customs Enforcement (ICE), under the authority of the Department of Homeland Security (DHS). Because the detention has been further sustained by the policies of the Department of

Justice to interfere with bond adjudications despite Federal district courts issuing nationwide class certifications for bond eligible non-citizens like Petitioner, the Department of Justice (DOJ) is also included in this suit.

2. The Petitioner, Santiago Perez Pocon,  is a Guatemalan national who has resided continuously in the United States since April 26, 2006. He currently remains detained by the Department of Homeland Security at the Stewart Detention Center in Lumpkin, Georgia. Petitioner was seized by immigration enforcement officers during an immigration stop in January 2026 in which he was the passenger in the back seat of his son-in-law's car. Mr. Perez Pocon was doing nothing unlawful at the time, and nothing that the driver, Mr. Perez Pocon's son-in-law, did gave the immigration officers any authority to forcibly enter the back seat of the car and seize Mr. Perez Pocon as they did. In fact, the immigration officers who detained Mr. Perez Pocon used a ruse to get access to the truck driven by Mr. Perez Pocon's son-in-law. Specifically, the driver was stopped due to supposedly having his license plate tilted, but then, the agents gained access to the car through the back when, due to a glitch in the vehicle, the door unlocked automatically when the vehicle was stopped. There was no traffic violation or other lawful basis for the stop, and Mr. Perez Pocon did not engage in any misconduct or violation of law. What happened instead was that these immigration agents took advantage of a situation to unlawfully engage in immigration detention of the Petitioner in a method that resembles kidnapping.

3. Following his arrest, Petitioner was transferred to the Florida Soft Side Facility, commonly referred to as "Alligator Alcatraz," where he was initially detained. He was transferred from Florida Soft Side to a detention center in Louisiana for a couple of weeks, and then was transferred to Stewart in Georgia, where he remains through the present date. Petitioner

does not have an outstanding removal order, and has a master hearing on the merits presently scheduled for May 20, 2026 before Immigration Judge Stephen Fuller. Petitioner has filed three bond motions, one on January 26, 2026, the second on March 3, 2026, and the third on March 18, 2026. All three were either denied or forcibly withdrawn based on the Immigration Judge's determinations that they lack jurisdiction on the basis of *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). As a result of these decisions and lack of exercise of any jurisdiction by DHS, Petitioner remains detained despite (1) having more than nineteen (19) years of residence in the United States, (2) having strong family ties in the United States, including a U.S. Lawful Permanent Resident daughter, a U.S. Citizen son-in-law and U.S. Citizen grandchildren, (3) having a valid U.S. Citizen sponsor ready, willing and able to support him if he is released from detention, (4) having a pending Application for Asylum, for Withholding of Removal, and for Relief under the Convention Against Torture (I-589), and (5) the absence of any serious criminal history.

4. Mr. Perez Pocon has no significant criminal record, poses no flight risk or danger to the community, and has substantial family and community ties in the United States. His indefinite detention—without an individualized custody determination, bond hearing, or meaningful parole review—violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231(a)(6) as interpreted by *Zadvydas v. Davis*, 533 U.S. 678 (2001), and exceeds the government's statutory and constitutional authority. continued detention violates the Fourth, Fifth, and Eighth Amendments to the United States Constitution. The stop that led to his detention was unlawful, and the government's continued detention of Petitioner without meaningful judicial review violates fundamental constitutional protections. As such, Petitioner's immediate release from custody should be the preferred form of relief in this case.

5. Accordingly, this Court should grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release from custody, or alternatively require that the government provide Petitioner with an immediate individualized bond hearing.

6. Petitioner respectfully submits that expedited judicial intervention is necessary because his continued detention is causing immediate and irreparable harm to his family, particularly to his daughter, Sindy Perez Gonzalez, a Lawful Permanent Resident of the United States, and her husband and young children. Mr. Perez Pocon lived together with Sindy and her family, and his detention and medical conditions while in detention have profoundly affected Sindy and her family in a negative way. In fact, a recent psychological evaluation has determined that Ms. Perez Gonzalez suffers from Chronic Post Traumatic Stress Disorder as well as Adjustment Disorder with Mixed Anxiety and Depressed Mood, and that these conditions are at least partially related to the Petitioner's detention, the difficulties her and her family face with him away from the home, and the hardships that her father has faced while in detention. The absence of Petitioner—who has been an “essential and stabilizing figure” in his daughter's life—has therefore created ongoing psychological harm that continues to worsen as the detention persists. Courts have long recognized that unlawful detention causing immediate and ongoing harm constitutes irreparable injury warranting prompt habeas review. For these reasons, Petitioner respectfully requests that this Court expedite consideration of this Petition and issue an Order to Show Cause requiring Respondents to justify Petitioner's continued detention without delay.

II. JURISDICTION

7. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is presently in federal immigration custody and alleges that his detention violates the Constitution

and laws of the United States. Federal courts retain habeas jurisdiction to review the legality of immigration detention. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 517 (2003).

8. Venue is proper in the Middle District of Georgia pursuant to 28 U.S.C. § 1391(e) because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, within this District, and Respondents exercise custody and control over Petitioner within this jurisdiction.

9. Petitioner satisfies the “in custody” requirement of § 2241 because he remains detained by U.S. Immigration and Customs Enforcement pending removal proceedings before the Immigration Court. Petitioner presently has a pending Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture before the Executive Office for Immigration Review, and no final order of removal presently exists.

10. Petitioner’s continued detention raises substantial constitutional concerns under the Fourth and Fifth Amendments, including unlawful seizure, prolonged civil detention without meaningful individualized custody review, and continued confinement pursuant to a categorical detention framework derived from *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). Federal courts reviewing similar detention schemes have recognized the continuing constitutional limitations on prolonged immigration detention notwithstanding the Government’s characterization of such detention as mandatory. See, e.g., *Lazaro Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025).

III. STATEMENT OF FACTS

11. Petitioner Santiago Perez Pocon is a native and citizen of Guatemala who has resided continuously in the United States since approximately April 26, 2006. During nearly twenty years in the United States, he established extensive family, employment, and community

ties.

12. Petitioner is the father of four adult children, including Sindy Yadira Perez Gonzalez, a lawful permanent resident residing in Florida with her husband and children. Prior to detention, Petitioner lived with his daughter and her family and served as a significant source of emotional, financial, and practical support within the household.

13. For many years, Petitioner worked steadily in the construction industry in Southwest Florida. He has no meaningful criminal history and no record demonstrating dangerousness or flight risk.

14. In January 2026, Petitioner was riding as a passenger in his son-in-law's truck on the way to work when law enforcement officers stopped the vehicle. Immigration officers subsequently questioned the occupants regarding immigration status and detained Petitioner. Petitioner was not near the border, was not engaged in unlawful conduct, and was not suspected of criminal activity at the time of the stop.

15. Following his arrest, Petitioner was transferred through multiple detention facilities before ultimately arriving at Stewart Detention Center in Lumpkin, Georgia, where he remains detained.

16. Petitioner presently has a pending Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture before the Immigration Court. His claims arise from threats and attempted violence he allegedly suffered in Guatemala based upon his prior participation in local civil patrols and community anti-crime activities.

17. Petitioner has repeatedly sought release from custody. Immigration judges denied or declined jurisdiction over his bond requests based upon Matter of Yajure-Hurtado, concluding that Petitioner was subject to mandatory detention without bond eligibility.

18. Petitioner's continued detention has caused severe hardship to his family. A psychological evaluation prepared regarding Petitioner's daughter concluded that his detention has significantly destabilized the family and contributed to severe emotional distress, anxiety, and trauma-related symptoms within the household. The evaluation further concluded that Petitioner had long served as a stabilizing and supportive figure for his daughter and grandchildren.

IV. LEGAL FRAMEWORK

19. Federal courts possess jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention. *Zadvydas*, 533 U.S. at 687; *Demore*, 538 U.S. At 517.

20. Although the Immigration and Nationality Act authorizes detention in certain circumstances, immigration detention remains subject to constitutional limitations. Civil detention must bear a reasonable relationship to its regulatory purpose and may not become arbitrary, indefinite, or punitive. *Zadvydas*, 533 U.S. At 690.

21. The Due Process Clause applies to all persons physically present within the United States, including noncitizens in immigration custody. *See Zadvydas*, 533 U.S. at 693. Courts therefore retain authority to review whether continued detention without meaningful custody review violates constitutional protections.

22. Additionally, the Fourth Amendment prohibits unreasonable searches and seizures conducted without individualized reasonable suspicion. *See United States v. Brignoni-Ponce*, 422 U.S. 873, 884–87 (1975).

23. The Eleventh Circuit likewise has recognized that immigration stops conducted within the interior of the United States require specific and articulable facts supporting reasonable suspicion. *See United States v. Lopez-Garcia*, 565 F.3d 1306, 1314 (11th Cir. 2009);

United States v. Bautista-Silva, 567 F.3d 1266, 1272 (11th Cir. 2009).

24. Furthermore, even where detention initially may be authorized, prolonged detention without meaningful individualized review raises serious constitutional concerns. *See Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199, 1217–18 (11th Cir. 2016), vacated as moot, 890 F.3d 952 (11th Cir. 2018).

V. ARGUMENT

A. The Initial Stop and Arrest Violated the Fourth Amendment

25. The Fourth Amendment protects individuals against unreasonable searches and seizures. These constitutional protections apply fully to immigration enforcement operations conducted within the interior of the United States. *Brignoni-Ponce*, 422 U.S. At 878–84.

26. Immigration officers may not detain individuals absent specific and articulable facts giving rise to reasonable suspicion that the particular person is unlawfully present in the United States. *Id.* at 884. The Supreme Court expressly rejected the notion that ethnicity or generalized demographic assumptions may justify immigration stops. *Id.* At 886–87.

27. The Eleventh Circuit has repeatedly reaffirmed these principles. *See Lopez-Garcia*, 565 F.3d at 1314; *Bautista-Silva*, 567 F.3d at 1272.

28. Here, Petitioner was detained while riding as a passenger in his son-in-law’s vehicle on the way to work. He was not near the border, was not engaged in suspicious conduct, and was not suspected of criminal activity. Based upon the presently available record, immigration officers lacked individualized reasonable suspicion to stop, interrogate, or arrest Petitioner.

29. Because Petitioner’s detention flows directly from this unconstitutional seizure, the resulting detention is unlawful. Habeas corpus exists precisely to remedy unlawful executive

detention arising from constitutional violations. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001).

30. Accordingly, Petitioner's continued detention violates the Fourth Amendment and warrants habeas relief.

B. Continued Detention Violates the Due Process Clause

31. Even where immigration detention statutes authorize detention during removal proceedings, the Constitution imposes limits on the Government's authority to detain individuals without meaningful custody review. *Zadvydas*, 533 U.S. At 690.

32. Petitioner has now remained detained for months while his immigration proceedings remain pending. During this period, immigration judges repeatedly denied or refused jurisdiction over his requests for bond review based upon *Matter of Yajure-Hurtado*.

33. As a result, Petitioner has effectively been denied any meaningful opportunity to obtain release despite substantial evidence that he poses neither a danger to the community nor a flight risk.

34. Petitioner has resided in the United States for nearly twenty years. He has extensive family ties, longstanding employment history, a lawful permanent resident daughter, United States citizen relatives, and pending applications for protection from removal. He has no meaningful criminal history.

35. Under these circumstances, continued detention without meaningful individualized review violates due process.

36. The Eleventh Circuit has recognized that prolonged immigration detention becomes constitutionally suspect when untethered to individualized findings regarding dangerousness or flight risk. *See Sopo*, 825 F.3d at 1217–18.

37. Likewise, federal courts within Georgia routinely exercise habeas jurisdiction

over immigration detention challenges arising from Stewart Detention Center. *See, e.g., M.L.-B. v. Warden, Stewart Detention Center*, No. 4:26-cv-99-CDL-ALS (M.D. Ga. Jan. 28, 2026); *Rodriguez Diaz v. Warden*, No. 1:25-cv-03011, 2025 WL 4789211 (N.D. Ga. Dec. 22, 2025).

38. The Government's reliance on *Matter of Yajure-Hurtado* does not eliminate this Court's constitutional obligation to review unlawful detention. Moreover, after the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, courts are no longer required to defer automatically to agency statutory interpretations under Chevron. Federal courts therefore retain independent authority to interpret immigration detention statutes and assess whether the Government's detention framework comports with constitutional requirements.

39. Accordingly, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

C. Conditions of Confinement Raise Additional Constitutional Concerns

40. Civil immigration detention is non-punitive in nature. The government may not subject immigration detainees to conditions that amount to punishment. *Bell v. Wolfish*, 441 U.S. 520, 535 (1979).

41. However, thus far, this is not what has occurred in the present case. Following his arrest in January 2026, Petitioner was transferred through multiple immigration detention facilities before ultimately arriving at Stewart Detention Center in Lumpkin, Georgia, where he remains detained. Petitioner was initially confined at the Florida Soft Side Facility, commonly referred to as "Alligator Alcatraz," before being transferred through Louisiana and ultimately to Stewart. Both facilities have been the subject of significant criticism by detainees, attorneys, advocacy organizations, and human rights observers concerning restrictive detention conditions, isolation from family and counsel, and the severe psychological impact associated with

prolonged civil immigration detention. Petitioner, a sixty-five-year-old longtime resident of the United States with no meaningful criminal history, has therefore remained confined for months in highly restrictive detention conditions despite the civil and non-punitive nature of immigration custody.

42. The conditions and practical realities of Petitioner's detention further reinforce the unconstitutional and punitive nature of his continued confinement. Petitioner remains detained hundreds of miles from his daughter, grandchildren, attorneys, and support network in Florida, substantially impairing regular family contact and emotional support. Courts evaluating immigration detention under 28 U.S.C. § 2241 routinely consider whether detention has become excessive or punitive in light of the surrounding circumstances, including the duration of detention, isolation from family, and the practical conditions of confinement. Here, the combination of Petitioner's prolonged detention, denial of meaningful custody review, advanced age, family separation, and confinement in restrictive detention facilities demonstrates that his detention no longer bears a reasonable relationship to any legitimate regulatory purpose and instead has become constitutionally excessive under the Fifth Amendment.

D. This Court Possesses Authority to Order Immediate Release

43. Federal courts possess broad authority under the habeas statute to remedy unlawful detention. The Supreme Court has repeatedly affirmed that the writ of habeas corpus exists to protect individuals from unlawful executive detention. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008). Where detention violates the Constitution, courts possess authority to order release. Because Petitioner's detention resulted from an unconstitutional seizure and continues in violation of due process, the appropriate remedy is immediate release from custody. At a minimum, this Court should require that the government provide Petitioner with an immediate

individualized bond hearing before a neutral adjudicator.

E. The Extraordinary Hardship to Petitioner's Family Further Supports Release

44. Petitioner's continued detention has caused profound emotional, psychological, and financial hardship to his family, particularly to his lawful permanent resident daughter, Sindy Yadira Perez Gonzalez, and her children. As documented in the psychological evaluation submitted in support of Petitioner's immigration proceedings, Mr. Perez Pocon has long served as a central emotional, practical, and stabilizing figure within the household. Prior to his detention, Petitioner assisted extensively with childcare responsibilities, emotional support, household stability, and financial contributions to the family. *Id.*

45. Since Petitioner's sudden detention in January 2026, Ms. Perez Gonzalez's mental health has significantly deteriorated. According to the clinical evaluation conducted by licensed mental health professionals Iara Sant'Anna, RMHCI, and Enrique Sanchez, LMHC, Ms. Perez Gonzalez now suffers from Chronic Post-Traumatic Stress Disorder and Adjustment Disorder with Mixed Anxiety and Depressed Mood. The evaluation documents severe anxiety, persistent emotional distress, sleep disturbance, intrusive fears, chronic worry regarding her father's deportation, and destabilization of the family structure following Petitioner's detention.

46. The evaluation further concludes that Petitioner's detention and potential deportation have substantially intensified Ms. Perez Gonzalez's preexisting trauma-related symptoms and emotional instability. Specifically, the report notes that Ms. Perez Gonzalez experiences persistent fear that she may permanently lose the ability to see her father again if he is removed to Guatemala. The evaluator additionally documented that Petitioner's grandchildren have exhibited emotional and behavioral changes following his sudden disappearance from the household.

47. Petitioner's detention has also imposed severe practical and financial burdens upon the family. According to the evaluation, following Mr. Perez Pocon's detention, Ms. Perez Gonzalez has been forced to manage childcare, employment responsibilities, financial obligations, and ongoing legal advocacy efforts simultaneously, without the substantial support previously provided by her father. The report further notes that Petitioner's absence has disrupted the emotional and financial stability of the household and significantly increased family stressors. *Id.*

48. These hardships are particularly severe given Petitioner's age, his nearly twenty years of continuous residence in the United States, and his longstanding role as an integral support figure within the family unit. Petitioner is not serving a criminal sentence, nor does he pose a danger to the community. Rather, his continued detention inflicts extraordinary and unnecessary suffering upon a deeply interconnected family system already experiencing significant psychological distress.

49. Although habeas relief ultimately turns upon the legality of detention, federal courts routinely consider humanitarian and equitable factors when determining the appropriate remedy for unlawful or constitutionally excessive detention. The extraordinary emotional, psychological, and financial hardship imposed upon Petitioner's lawful permanent resident daughter and her children strongly supports immediate release from immigration custody.

F. Eleventh Circuit and Middle District of Georgia Precedent Confirm the Availability of Habeas Relief

50. The Government may argue that the Court should defer to immigration authorities regarding detention decisions. But binding precedent in this Circuit confirms that federal courts retain authority to review immigration detention and to order release where detention violates the

Constitution.

51. The Eleventh Circuit has repeatedly recognized that federal courts may review immigration detention through habeas corpus. In *Madu v. U.S. Attorney General*, the court held that district courts possess jurisdiction to determine whether detention is authorized by statute. Similarly, the Eleventh Circuit acknowledged the constitutional concerns raised by prolonged immigration detention in *Sopo v. U.S. Attorney General*, recognizing that extended detention without meaningful review raises serious due process questions. Although *Sopo* was later vacated as moot following settlement, district courts within this Circuit continue to treat its analysis as persuasive authority regarding the constitutional limits of immigration detention.

52. Federal courts within the Middle District of Georgia routinely exercise jurisdiction over immigration detention challenges arising from Stewart Detention Center and have repeatedly recognized their authority under 28 U.S.C. § 2241 to review the legality of immigration custody, including challenges involving prolonged detention, denial of individualized bond hearings, and unlawful detention under INA §§ 1225 and 1226. *See, e.g., M.L.-B. v. Warden, Stewart Detention Center*, No. 4:26-cv-99-CDL-ALS (M.D. Ga. Jan. 28, 2026) (granting habeas relief and ordering a custody redetermination hearing where the petitioner was improperly subjected to mandatory detention despite eligibility for bond consideration under INA § 1226(a)); *Rodriguez Diaz v. Warden*, No. 1:25-cv-03011, 2025 WL 4789211, at *5–6 (N.D. Ga. Dec. 22, 2025) (holding that petitioner detained in Georgia immigration custody was entitled to individualized bond review because detention properly arose under § 1226(a), not § 1225(b)). These decisions confirm that federal courts within Georgia retain both the jurisdiction and the constitutional obligation to review the statutory basis, legality, and constitutional limits of continued immigration detention.

53. Furthermore, ongoing nationwide litigation further demonstrates the importance of judicial oversight of immigration detention. Federal courts across the country have addressed challenges to the Government's recent detention policies. The Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi* adopted a restrictive view of detention authority, concluding that certain noncitizens may be detained without bond under INA §235. But that decision is not binding in this Circuit. Meanwhile, other courts—including the district court in *Maldonado Bautista v. Santacruz*—have rejected the Government's interpretation and held that individuals arrested within the United States are entitled to bond hearings under INA §1226. These conflicting decisions underscore the continuing role of federal courts in safeguarding constitutional rights in immigration detention cases.

H. The Totality of Circumstances Demonstrates That Continued Detention Is Unconstitutional

54. When evaluating the constitutionality of immigration detention, courts consider the totality of the circumstances. *Bell v. Wolfish*, 441 U.S. 520, 538–39 (1979). Several factors strongly support habeas relief here.

55. First, Petitioner's detention arose from an unlawful seizure conducted without individualized reasonable suspicion. Second, Petitioner has remained confined for months despite possessing substantial family and community ties, longstanding residence in the United States, pending applications for relief, and no significant criminal history. Third, immigration authorities have denied Petitioner any meaningful opportunity for individualized bond review.

56. Fourth, Petitioner remains detained at Stewart Detention Center, far from his family and support network, under restrictive civil detention conditions that substantially intensify the punitive impact of detention. Finally, Petitioner's detention has inflicted severe

emotional, psychological, and financial hardship upon his lawful permanent resident daughter and her family. Mental health professionals diagnosed Petitioner's daughter with trauma-related psychological conditions substantially exacerbated by Petitioner's detention and threatened deportation.

57. Taken together, these factors demonstrate that Petitioner's continued detention no longer serves a legitimate regulatory purpose and instead has become excessive and constitutionally impermissible.

VI. CLAIMS FOR RELIEF

Count I – Violation of Unlawful Search and Seizure and Resulting Unlawful Detention under the Fourth Amendment to the U.S. Constitution

58. Petitioner's detention resulted from an immigration stop and arrest conducted without individualized reasonable suspicion, in violation of the Fourth Amendment and controlling Supreme Court and Eleventh Circuit precedent.

59. Because Petitioner's continued detention flows directly from this unconstitutional seizure, Respondents lack lawful authority to continue detaining him.

60. Petitioner therefore is in custody in violation of the Constitution within the meaning of 28 U.S.C. § 2241(c)(3).

Count II - Unlawful and Indefinite Detention in Violation of the Fifth Amendment and the Immigration and Nationality Act

61. Petitioner's continued immigration detention without meaningful individualized custody review violates the Due Process Clause of the Fifth Amendment.

62. Petitioner has remained detained for months despite substantial evidence demonstrating that he is neither a danger to the community nor a flight risk.

63. The Government's continued reliance on categorical detention principles to deny meaningful bond review has resulted in arbitrary and constitutionally excessive detention.

64. Petitioner therefore is in custody in violation of the Constitution and laws of the United States.

Count III – Unlawful Denial of Meaningful Bond Review

65. Respondents' reliance upon Matter of Yajure-Hurtado to deny Petitioner meaningful access to individualized bond review violates due process and exceeds constitutional limitations on civil immigration detention.

66. Federal courts retain authority under 28 U.S.C. § 2241 to remedy unlawful executive detention and to order release where detention violates constitutional protections.

67. Petitioner is therefore entitled to habeas relief.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner, Santiago Perez Pocon, respectfully requests that this Honorable Court grant the following:

1. Assume jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, Article I, Section 9, Clause 2 of the U.S. Constitution (the Suspension Clause), and 28 U.S.C. § 1331;
2. Issue an Order to Show Cause directing Respondents to show cause within three (3) days why the writ should not be granted and Petitioner immediately released from custody; following relief:
3. Declare that Petitioner's arrest and continued detention violate the Fourth Amendment to the United States Constitution because the seizure that led to his detention was conducted without reasonable suspicion or probable cause, in violation of *United States v.*

Brignoni-Ponce, 422 U.S. 873 (1975), and controlling Eleventh Circuit precedent;

4. Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act, and the governing regulatory framework, because his prolonged confinement serves no legitimate governmental purpose, is not reasonably related to effectuating removal, and results from Respondents' refusal to meaningfully consider release or parole;

5. Issue a Writ of Habeas Corpus ordering Respondents to:

a. Immediately release Petitioner from ICE custody under supervision, parole, or recognizance pursuant to INA § 212(d)(5)(A) or, alternatively, INA § 236(a); or

b. In the alternative, conduct an individualized custody redetermination hearing within seven (7) days of this Court's Order before an appropriate neutral adjudicator, at which the government bears the burden of demonstrating that continued detention is lawful and necessary;

c. Declare that Respondents' continued detention of Petitioner constitutes arbitrary and capricious agency action in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A);

6. Declare that Respondents' reliance on a mandatory detention policy and on *Matter of Yajure-Hurtado* to deny Petitioner access to meaningful bond review is unlawful as applied to Petitioner, and violates the Due Process Clause and the Suspension Clause;

7. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, or any other applicable authority;

8. Retain jurisdiction to ensure compliance with the Court's orders and to address any further issues that may arise concerning Petitioner's custody; and

9. Grant such other and further relief as this Court deems just, proper, and equitable, including any orders necessary to ensure Petitioner's prompt release and to prevent further unlawful detention.

II. VERIFICATION PURSUANT TO 28 U.S.C. § 2242 and 28 U.S.C. § 1746

I represent Petitioner, Santiago Perez Pocon, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 13th day of May, 2026.

Respectfully submitted,



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