

FILED MAY 15 2026 PM 12:54
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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

ANDERSON MANUEL VARGAS PORTILLO, A# 

Petitioner, by and through his Next Friend,

DAGHIANNA LUCIA DE MOTA MARTÍNEZ,

v.

**WARDEN, STEWART DETENTION CENTER;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
DEPARTMENT OF HOMELAND SECURITY;
PAM BONDI, Attorney General of the United States,**

Respondents.

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
AND EMERGENCY MOTION FOR STAY OF REMOVAL**

I. INTRODUCTION

This case concerns the unconstitutional detention of Mr. Anderson Manuel Vargas Portillo, a Venezuelan national currently detained by Immigration and Customs Enforcement (“ICE”) at Stewart Detention Center in Lumpkin, Georgia. Mr. Vargas Portillo has now remained detained for approximately fifty-five (55) days without having received any bond hearing, custody review, or meaningful opportunity to appear before an Immigration Judge regarding the legality of his continued detention. His detention has become arbitrary, excessive, punitive, and violative of the Due Process Clause of the Fifth Amendment to the United States Constitution. Petitioner respectfully requests immediate federal judicial intervention because Respondents continue to detain him despite: • the absence of any criminal history; • his marriage to a United States citizen; • his substantial family and community ties; • his role as the sole financial provider for his household; • his pending humanitarian concerns; • his credible fear of persecution if returned to Venezuela; and • serious constitutional deficiencies surrounding his detention and removal process. Petitioner further requests an immediate Stay

of Removal because removal to Venezuela would place him at substantial risk of persecution, retaliation, and irreparable harm due to his prior status as a government functionary in Venezuela and threats previously directed toward him.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is currently in federal immigration custody and challenges the legality and constitutionality of that detention. Jurisdiction is also proper pursuant to 28 U.S.C. §§ 1331 and 1651. Venue is proper in the Middle District of Georgia because Petitioner is detained within this judicial district at Stewart Detention Center in Lumpkin, Georgia.

III. PARTIES

Petitioner ANDERSON MANUEL VARGAS PORTILLO is a native and citizen of Venezuela born on [REDACTED]. He is currently detained at Stewart Detention Center located at 146 CCA Road, Lumpkin, Georgia 31815. Petitioner is identified by Alien Registration Number A# [REDACTED]. This Petition is filed by DAGHIANNA LUCIA DE MOTA MARTÍNEZ, lawful spouse of Petitioner and a United States citizen, acting as “Next Friend” because Petitioner is detained and unable to meaningfully prepare, research, and present this emergency federal action himself while confined in immigration detention. Next Friend resides at: [REDACTED]
Walky04@me.com

IV. STATEMENT OF FACTS

On March 20, 2026, at approximately 6:35 p.m., Petitioner was traveling with his wife to his place of employment when immigration officers stopped the vehicle and detained him. During the encounter, officers shattered the rear window of the family vehicle, causing damage and emotional distress to the family. Petitioner’s wife was later provided paperwork concerning reimbursement for the damaged property. At the time of detention, Petitioner had a pending immigration matter and was actively seeking relief through the immigration system. Petitioner’s appeal was ultimately denied on May 11, 2026; however, despite the denial, Petitioner has still not been afforded a meaningful hearing before an Immigration Judge regarding bond, custody review, or the constitutional basis for his prolonged detention. To date: • Petitioner has not received a bond hearing; • Petitioner has not received an individualized custody determination; • Petitioner has not received his first immigration court hearing; • Petitioner remains detained indefinitely despite substantial equities in his favor. Petitioner is married to a United States citizen and has established substantial family ties

within the United States. He has acted as a father figure and provider for two minor children, ages ten and fifteen, despite not being their biological father. Petitioner serves as the primary economic support for the household, and his detention has caused significant emotional and financial hardship to his family. Petitioner has no criminal history, no violent background, and no evidence exists suggesting that he presents a danger to the community or a flight risk. Prior to detention, Petitioner maintained employment and lived peacefully with his family. Additionally, Petitioner suffers from asthma, and continued detention places his health at risk, particularly under prolonged custodial conditions. Most importantly, Petitioner fears returning to Venezuela because he previously served as a government functionary and has been subjected to threats connected to that prior role. Petitioner fears persecution, retaliation, intimidation, and possible physical harm if returned to Venezuela. Removal under these circumstances would create irreparable harm and potentially place Petitioner's life and safety in danger.

V. CONSTITUTIONAL AND LEGAL VIOLATIONS

The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Immigration detention may not become arbitrary, excessive, or indefinite. Petitioner's continued detention without bond hearing or individualized custody review violates constitutional due process protections. Federal courts have repeatedly recognized that prolonged immigration detention without a bond hearing raises serious constitutional concerns. See: • *Zadvydas v. Davis*, 533 U.S. 678 (2001); • *Jennings v. Rodriguez*, 583 U.S. 281 (2018); • *Demore v. Kim*, 538 U.S. 510 (2003). Respondents have failed to provide Petitioner any meaningful opportunity to challenge his detention before a neutral decision-maker. The absence of any bond hearing or individualized determination violates fundamental constitutional protections.

VI. ADDITIONAL HUMANITARIAN AND COMMUNITY EQUITIES

Petitioner respectfully submits that he does not represent a danger to the community, nor does he present a risk of flight that would justify his continued detention. Mr. Anderson Manuel Vargas Portillo has no criminal convictions, no history of violence, and no record of conduct demonstrating danger to public safety. Prior to his detention, he maintained a peaceful and productive life within the United States, consistently working to provide financial and emotional support for his household. Petitioner is married to a United States citizen and has established substantial family and community ties within the United States. He has acted as a father figure and primary provider for two minor children, ages ten and fifteen, who depend heavily upon his emotional and financial support. His detention has caused severe hardship

upon the family unit, including financial instability, emotional suffering, and disruption to the daily care and support of the children residing within the household. Petitioner has demonstrated good moral character, employment history, family stability, and community responsibility. There exists no evidence that he poses any threat whatsoever to public safety, national security, or the welfare of the community. Furthermore, Petitioner has substantial incentive to comply with all immigration proceedings because: • his lawful spouse is a United States citizen; • he maintains a stable residence; • he possesses strong family support; and • he continues seeking lawful immigration relief through available legal channels. Under these circumstances, continued detention serves no legitimate governmental purpose and instead operates as punitive and excessive confinement in violation of the Fifth Amendment Due Process Clause. The Government cannot justify indefinite or prolonged detention where a detainee has demonstrated substantial humanitarian equities, lack of criminality, and meaningful community ties. Accordingly, Petitioner respectfully requests immediate release, or alternatively, an individualized bond hearing before an Immigration Judge.

VII. IRREPARABLE HARM

Petitioner continues suffering: • emotional distress; • family separation; • financial devastation; • medical hardship; • psychological suffering; • fear of removal to a dangerous environment. Every additional day of detention causes continuing and irreparable injury.

VIII. STAY OF REMOVAL

Petitioner respectfully requests an immediate Stay of Removal pending adjudication of this Habeas Petition. Removal before judicial review would irreparably prejudice Petitioner and render this matter effectively moot. Petitioner possesses substantial claims regarding due process violations, humanitarian concerns, and fear of persecution in Venezuela. Federal courts possess authority to issue temporary injunctive relief necessary to preserve jurisdiction and prevent irreparable harm.

IX. REQUEST FOR RELIEF

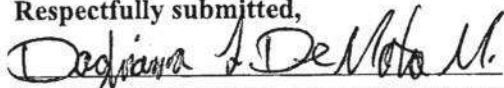
WHEREFORE, Petitioner respectfully requests that this Court: 1. Assume jurisdiction over this matter; 2. Issue an immediate Stay of Removal preventing Petitioner's deportation while this matter remains pending; 3. Find that Petitioner's continued detention violates the Constitution and laws of the United States; 4. Order Respondents to immediately release Petitioner from detention; 5. Alternatively, order an immediate individualized bond hearing before an Immigration Judge; 6. Order Respondents to provide constitutional custody review consistent with due process requirements; 7. Consider Petitioner's family ties, medical

condition, humanitarian concerns, and lack of criminal history; 8. Grant any additional relief this Court deems just and proper.

X. DECLARATION OF NEXT FRIEND

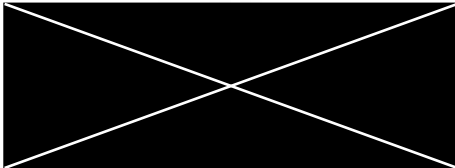
I, DAGHIANNA LUCIA DE MOTA MARTÍNEZ, declare under penalty of perjury under the laws of the United States that the foregoing information is true and correct to the best of my knowledge. I submit this Petition on behalf of my husband because he is detained and unable to adequately present this emergency action himself. Executed on this 13 day of May, 2026.

Respectfully submitted,



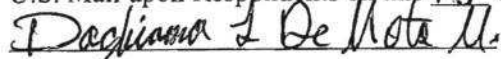
DAGHIANNA LUCIA DE MOTA MARTÍNEZ

Next Friend for Petitioner



CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Petition for Writ of Habeas Corpus was served by U.S. Mail upon Respondents on this 13 day of May, 2026.



DAGHIANNA LUCIA DE MOTA MARTÍNEZ

Next Friend for Petitioner

SWORN DECLARATION OF NEXT FRIEND

I, DAGHIANNA LUCIA DE MOTA MARTÍNEZ, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following statements are true and correct to the best of my knowledge and belief:

1. I am the lawful spouse of detainee ANDERSON MANUEL VARGAS PORTILLO, A-Number  currently detained at Stewart Detention Center in Lumpkin, Georgia.

2. I am a United States citizen and reside at:



3. I submit this declaration in support of the Emergency Petition for Writ of Habeas Corpus filed on behalf of my husband as his Next Friend due to his limited access to legal resources while detained.

4. My husband has remained detained for approximately fifty-five (55) days without receiving a meaningful bond hearing or individualized custody review.

5. My husband has no criminal history, no violent background, and has consistently lived peacefully while supporting our family financially and emotionally.

6. He has acted as a father figure and provider for two minor children, ages ten (10) and fifteen (15), who depend heavily upon him for support and stability.

7. His detention has caused severe emotional distress, financial hardship, and instability within our household.

8. My husband suffers from asthma, and I fear that his medical condition may worsen while detained.

9. My husband fears returning to Venezuela because he previously served as a government functionary and has received threats connected to that prior role.

10. I respectfully request that this Honorable Court grant the relief requested in the Petition for Writ of Habeas Corpus, including immediate release or, alternatively, an individualized bond hearing and Stay of Removal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13 day of May, 2026.

A handwritten signature in cursive script, reading "Daghianna Lucia De Mota Martinez".

DAGHIANNA LUCIA DE MOTA MARTÍNEZ

Next Friend for ANDERSON MANUEL VARGAS PORTILLO

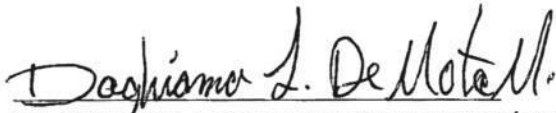
CERTIFICATE OF SERVICE

I hereby certify that on this 13 day of May, 2026, I caused a true and correct copy of the foregoing Emergency Petition for Writ of Habeas Corpus, Emergency Motion for Stay of Removal, together with all supporting documents and exhibits, to be served by U.S. Mail and/or electronic mail upon the following parties:

Office of the United States Attorney
Middle District of Georgia
P.O. Box 1702
Macon, GA 31202-1702

U.S. Immigration and Customs Enforcement (ICE)
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815

Office of Chief Counsel
U.S. Department of Homeland Security
180 Ted Turner Drive SW, Suite 522
Atlanta, GA 30303



DAGHIANNA LUCIA DE MOTA MARTÍNEZ

Next Friend for ANDERSON MANUEL VARGAS PORTILLO