

UNITED STATES DISTRICT COURT MIDDLE
DISTRICT OF GEORGIA COLUMBUS
DIVISION.

FILED
05/22/26
12:33
CDL

ROSIBEL DEL CARMEN MUNOZ PALACIOS,

A#

Petitioner,

v.

Civil Action No. 4:26-CV-856

WARDEN, STEWART DETENTION CENTER;
FIFTIETH OFFICE DIRECTOR, U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
ACTING DIRECTOR OF U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
SECRETARY OF THE DEPARTMENT OF
HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES,

Respondents

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

Petitioner, ROSIBEL DEL CARMEN MUNOZ PALACIOS, through this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, respectfully alleges as follows:

I. NATURE OF THE ACTION

1. This is a civil habeas corpus action challenging the constitutionality of Petitioner's continued immigration detention under the Fifth Amendment to the United States Constitution and 28 U.S.C. § 2241.
2. Petitioner, ROSIBEL DEL CARMEN MUNOZ PALACIOS, is currently detained by Immigration and Customs Enforcement ("ICE") at Stewart Detention Center in Lumpkin, Georgia.
3. Although immigration detention is civil rather than criminal in nature, the Constitution imposes meaningful limitations on the federal government's authority to continue physical confinement.
4. Civil immigration detention may not become excessive, punitive, arbitrary, or medically dangerous in relation to its purported regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).
5. "Civil immigration detention may not become excessive, punitive, arbitrary, or medically dangerous in relation to its purported regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003)."
6. Petitioner suffers from serious and worsening medical conditions, including substantial spinal injuries, chronic pain, neurological deterioration, and significant partial loss of vision in one eye.
7. Petitioner requires specialized medical treatment and continuing medical evaluation that cannot adequately be provided within the detention environment.
8. Petitioner's prolonged detention has caused severe physical suffering, emotional deterioration, psychological distress, and continuing constitutional injury.
9. Despite the existence of less restrictive alternatives to detention, including supervised release, parole, reporting requirements, and GPS monitoring, Respondents continue to subject Petitioner to physical confinement under medically harmful conditions.
10. Petitioner previously appeared for immigration custody proceedings. However, those proceedings failed to provide constitutionally adequate review of Petitioner's continued detention, medical vulnerability, individualized circumstances, and liberty interests.
11. Petitioner does not seek review of the merits of removal proceedings. Rather, Petitioner challenges the legality and constitutionality of continued civil detention itself.
12. Federal courts retain habeas jurisdiction to review constitutional challenges to immigration detention and to remedy ongoing violations of due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
13. Petitioner therefore respectfully seeks immediate release from detention or, alternatively, supervised release, parole, GPS monitoring, or other constitutionally adequate less restrictive alternatives consistent with due process and fundamental liberty principles protected by the Fifth Amendment.

II. INTRODUCTION

14. This case concerns the continued civil immigration detention of Petitioner in violation of the Constitution and laws of the United States.
15. Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") at Stewart Detention Center in Lumpkin, Georgia.

16. Although immigration detention is civil in nature, Petitioner's prolonged detention has become excessive, punitive in effect, medically dangerous, and no longer reasonably related to any legitimate governmental purpose.
17. Petitioner suffers from serious medical conditions, including significant spinal injuries resulting from a prior accident, chronic physical pain, neurological deterioration, and partial loss of vision in one eye after suffering a severe eye injury involving chemical and pepper exposure.
18. Petitioner requires specialized medical treatment and continued medical evaluation that cannot adequately be provided in detention.
19. "The Fifth Amendment imposes meaningful constitutional limitations on the government's authority to continue civil immigration detention "
20. "Even where detention initially begins under statutory immigration authority, continued detention may become constitutionally excessive where it is no longer reasonably related to its purported regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001)."
21. The Due Process Clause of the Fifth Amendment prohibits civil detention that becomes excessive in relation to its purported regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
22. Civil immigration detention may not become punitive. *Demore v. Kim*, 538 U.S. 510 (2003).
23. Petitioner's continued detention has resulted in severe emotional and physical suffering and has substantially impaired Petitioner's health, liberty interests, and ability to meaningfully participate in legal proceedings.
24. Petitioner previously appeared for custody proceedings before the Immigration Court; however, those proceedings failed to provide constitutionally adequate protection because the Immigration Court failed to meaningfully evaluate Petitioner's medical deterioration, individualized circumstances, less restrictive alternatives to detention, and constitutional liberty interests.
25. Petitioner therefore seeks immediate release, or alternatively supervised release, parole, GPS monitoring, or a constitutionally adequate custody hearing consistent with the Due Process Clause and federal constitutional standards.

III. JURISDICTION AND VENUE

26. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241.
27. This Court also possesses authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.
28. Petitioner is in custody within this judicial district.
29. Venue is proper in this Court because Petitioner is detained within the territorial jurisdiction of this Court and Respondents exercise custody and legal control over Petitioner within this District.

IV. PARTIES

30. Petitioner ROSIBEL DEL CARMEN MUNOZ PALACIOS is a noncitizen currently detained at Stewart Detention Center in Lumpkin, Georgia.
31. Respondent WARDEN OF STEWART DETENTION CENTER is Petitioner's immediate custodian.
32. Respondent FIELD OFFICE DIRECTOR OF ICE exercises supervisory authority over immigration detention operations affecting Petitioner.

- 33. Respondent ACTING DIRECTOR OF ICE is responsible for national ICE detention policies and enforcement actions.
- 34. Respondent SECRETARY OF HOMELAND SECURITY oversees DHS and immigration detention operations.
- 35. Respondent ATTORNEY GENERAL OF THE UNITED STATES is responsible for immigration litigation and enforcement authority under federal law.

V. FACTUAL BACKGROUND

- 36. Petitioner, ROSIBEL DEL CARMEN MUNOZ PALACIOS, A#  is currently detained by Immigration and Customs Enforcement ("ICE") at Stewart Detention Center in Lumpkin, Georgia.
- 37. Petitioner's detention arises from civil immigration proceedings. Petitioner is not serving a criminal sentence, and immigration detention is constitutionally recognized as civil and nonpunitive in nature.
- 38. Despite the civil nature of immigration detention, the conditions and duration of Petitioner's confinement have caused severe physical, emotional, psychological, and constitutional harm.
- 39. Prior to detention, Petitioner suffered a serious accident that caused significant spinal and physical injuries.
- 40. As a result of that accident, Petitioner sustained damage to multiple spinal discs and continues to experience chronic pain, physical limitations, reduced mobility, and ongoing physical suffering.
- 41. Petitioner requires continuing medical evaluation, specialized treatment, pain management, and access to appropriate medical specialists for her spinal condition.
- 42. Petitioner additionally suffered a serious eye injury after exposure to pepper or chemical substances entered her eye, resulting in substantial and lasting loss of vision.
- 43. Petitioner has lost approximately sixty percent of vision in one eye and continues to experience complications related to that injury.
- 44. Since entering ICE custody, Petitioner's medical and emotional condition has significantly deteriorated.
- 45. Petitioner continues to experience severe spinal pain, physical weakness, emotional distress, anxiety, fear, sleep disruption, psychological suffering, and ongoing visual impairment.
- 46. Petitioner's detention environment has substantially worsened her physical and emotional condition.
- 47. Petitioner requires medical care and specialized treatment that cannot adequately be provided within the detention environment.
- 48. Upon information and belief, Petitioner has not received constitutionally adequate medical evaluation and treatment consistent with the seriousness of her medical conditions.
- 49. The lack of adequate specialized treatment has caused continuing deterioration and unnecessary suffering while Petitioner remains in ICE custody.
- 50. Petitioner's prolonged detention, combined with untreated or inadequately treated medical conditions, has transformed civil detention into punishment in both purpose and effect.

51. Petitioner additionally suffers substantial emotional and psychological harm arising from prolonged confinement, uncertainty, fear of continued detention, and separation from family and community support.
52. Petitioner has strong community and family ties and has available sponsors willing to provide housing, transportation, supervision, emotional support, and assistance with medical care upon release.
53. Less restrictive alternatives to detention are available, including supervised release, parole, reporting requirements, electronic monitoring, GPS supervision, or other community-based alternatives.
54. Petitioner does not present a danger to the community.
55. Petitioner also does not present a meaningful flight risk that would justify continued physical confinement under these circumstances.
56. Petitioner previously appeared before the Immigration Court for custody proceedings, including a custody redetermination hearing scheduled before the Immigration Court in Lumpkin, Georgia.
57. However, the immigration custody proceedings failed to provide constitutionally adequate review of Petitioner's continued detention.
58. Upon information and belief, the Immigration Court failed to meaningfully consider:
 - a. Petitioner's severe spinal injuries;
 - b. Petitioner's substantial loss of vision;
 - c. the need for specialized medical treatment;
 - d. Petitioner's ongoing medical deterioration;
 - e. less restrictive alternatives to detention;
 - f. the cumulative constitutional impact of prolonged civil detention;
 - g. the punitive effect of continued confinement under medically dangerous conditions.
59. Petitioner's prior legal representation failed to adequately present the full constitutional, medical, and humanitarian dimensions of Petitioner's case.
60. As a result, the prior custody proceedings did not provide meaningful constitutional protection against excessive civil detention.
61. Petitioner's continued detention is no longer reasonably related to a legitimate regulatory purpose and instead imposes excessive and unconstitutional restraints on liberty.
62. The Due Process Clause of the Fifth Amendment prohibits civil detention that becomes excessive in relation to its purported purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
63. Even where immigration detention may initially begin under statutory authority, continued detention becomes unconstitutional where it becomes punitive, arbitrary, medically dangerous, or no longer reasonably related to a legitimate governmental purpose.
64. Petitioner continues to suffer irreparable constitutional, physical, emotional, and medical harm each day she remains detained.
65. Absent intervention by this Court, Petitioner's health, liberty interests, and constitutional rights will continue to suffer serious and irreparable injury.
66. "The cumulative effect of Petitioner's prolonged detention, medical deterioration, and inadequate review has transformed civil confinement into constitutionally excessive detention."

VI. FACTUAL ALLEGATIONS

67. Petitioner is currently subject to prolonged civil immigration detention.
68. Petitioner has suffered substantial physical deterioration during detention.
69. Prior to detention, Petitioner experienced a serious accident that caused severe spinal injuries involving multiple damaged discs and chronic pain.
70. Petitioner additionally suffered significant loss of vision in one eye after a severe eye injury involving exposure to pepper and chemical substances.
71. Petitioner continues to suffer chronic pain, vision impairment, emotional distress, anxiety, and physical deterioration while detained.
72. Petitioner requires specialized medical treatment, diagnostic evaluation, and continuing care that cannot adequately be provided within the detention environment.
73. Petitioner's detention has caused significant emotional suffering, fear, hopelessness, and psychological distress.
74. Petitioner has strong community and family support and has available sponsors willing to provide housing and support upon release.
75. Petitioner does not present a danger to the community.
76. Less restrictive alternatives to detention exist, including supervised release, reporting requirements, parole, or GPS monitoring.
77. Petitioner previously participated in immigration custody proceedings; however, the proceedings failed to meaningfully address the constitutional and medical issues underlying continued detention.
78. Upon information and belief, the Immigration Court failed to fully evaluate:
 - a. Petitioner's serious medical conditions;
 - b. ongoing medical deterioration;
 - c. less restrictive alternatives to detention;
 - d. proportionality concerns;
 - e. substantive due process implications;
 - f. the punitive effect of prolonged civil detention.
79. Petitioner's prior legal representation was constitutionally and practically inadequate to fully present Petitioner's medical and constitutional claims.
80. Continued detention under these circumstances no longer serves a legitimate civil regulatory purpose and has become excessive in relation to any purported immigration objective.

VII. CLAIMS FOR RELIEF

81. COUNT I

Violation of Fifth Amendment Due Process

82. Petitioner realleges and incorporates all prior paragraphs.
83. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law.
84. Noncitizens physically present within the United States are entitled to due process protections. Zadvydas v. Davis, 533 U.S. 678 (2001).
85. Civil immigration detention must remain reasonably related to a legitimate regulatory purpose.
86. When civil detention becomes excessive in relation to that purpose, the detention violates substantive due process protections.

- 87. Petitioner's continued detention is no longer reasonably related to any legitimate governmental objective and has become excessive, punitive, and constitutionally impermissible.
- 88. The government's continued detention of Petitioner despite serious medical deterioration and the availability of less restrictive alternatives violates the Fifth Amendment
- 89. "The Due Process Clause prohibits the government from subjecting civil detainees to excessive restraints on liberty that are not reasonably related to a legitimate governmental objective. *Zadvydas v. Davis*, 533 U.S. 678 (2001), *Foucha v. Louisiana*, 504 U.S. 71 (1992)."
- 90. "Petitioner's continued detention has become excessive, medically dangerous, and constitutionally disproportionate in relation to any purported immigration purpose"

91. COUNT II

Civil Detention Becoming Punitive

- 92. Petitioner realleges all prior paragraphs.
- 93. Immigration detention is civil and nonpunitive in nature. *Demore v. Kim*, 538 U.S. 510 (2003).
- 94. Civil detention may not become punitive either in purpose or effect.
- 95. Petitioner's continued detention amid severe medical deterioration, chronic suffering, inadequate medical care, and prolonged confinement has transformed detention into punishment in violation of substantive due process.
- 96. "Immigration detention is civil and nonpunitive in nature. *Demore v. Kim*, 538 U.S. 510 (2003)."
- 97. "Civil detention violates due process where restrictions and conditions become punitive in purpose or effect. *Bell v. Wolfish*, 441 U.S. 520 (1979)."
- 98. "Petitioner's continued confinement amid serious medical deterioration and prolonged physical detention has become punitive in effect."

99. COUNT III

Inadequate Consideration of Less Restrictive Alternatives

- 100. Petitioner realleges all prior paragraphs.
- 101. The government failed to meaningfully consider less restrictive alternatives to detention.
- 102. Petitioner has available sponsors, family support, and alternatives including supervised release and electronic monitoring.
- 103. Continued detention without adequate consideration of alternatives violates due process principles and fundamental liberty interests.
- 104. "Respondents failed to meaningfully consider less restrictive alternatives to detention, including supervised release, GPS monitoring, parole, or reporting requirements."
- 105. "Petitioner possesses strong family support, available sponsors, and stable community ties sufficient to support release under appropriate conditions."

106. COUNT IV

Constitutionally Inadequate Custody Review

- 107. Petitioner realleges all prior paragraphs.

108. Although Petitioner previously appeared for custody proceedings, those proceedings failed to provide constitutionally sufficient safeguards.
109. The custody process failed to meaningfully evaluate Petitioner's medical conditions, constitutional liberty interests, and individualized circumstances.
110. The resulting detention determination therefore failed to satisfy constitutional due process standards
111. "Although Petitioner previously appeared for custody proceedings, those proceedings failed to provide meaningful constitutional review of Petitioner's medical vulnerability, liberty interests, and individualized circumstances."
112. "The prior custody proceedings failed to meaningfully evaluate less restrictive alternatives, medical deterioration, and the constitutional proportionality of continued detention."

VIII. INA ARGUMENTS DO NOT ELIMINATE CONSTITUTIONAL REVIEW

113. Respondents may argue that detention is authorized under provisions of the Immigration and Nationality Act, including 8 U.S.C. §§ 1225, 1226, or 1231.
114. However, statutory detention authority does not override constitutional limitations imposed by the Fifth Amendment.
115. Even where detention initially begins under statutory authority, continued detention may become unconstitutional when it becomes excessive, punitive, medically dangerous, or no longer reasonably related to a legitimate regulatory purpose.
116. Federal courts retain habeas jurisdiction to review constitutional challenges to immigration detention. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
117. Petitioner does not seek review of the merits of removal proceedings. Rather, Petitioner challenges the legality and constitutionality of continued physical detention
118. "Respondents may argue that detention is authorized under provisions of the Immigration and Nationality Act, including 8 U.S.C. §§ 1225, 1226, or 1231. However, statutory detention authority does not eliminate constitutional limitations imposed by the Fifth Amendment."
119. "Even assuming arguendo that detention arises under 8 U.S.C. § 1225, constitutional due process protections remain fully applicable."
120. "While *Jennings v. Rodriguez*, 583 U.S. ____ (2018), rejected certain statutory interpretations regarding bond hearings, the Supreme Court did not eliminate constitutional challenges to prolonged immigration detention."
121. "Federal courts retain habeas jurisdiction to review constitutional challenges to continued immigration detention. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Djadju v. Vega*, 32 F.4th 1102 (11th Cir. 2022)."

IX. IRREPARABLE HARM

122. Petitioner continues to suffer ongoing physical pain, emotional deterioration, psychological distress, and worsening medical harm.
123. Continued detention threatens Petitioner's health, safety, constitutional rights, and access to adequate medical care.

124. Absent intervention by this Court, Petitioner will continue suffering irreparable constitutional and physical injury.
125. "Absent intervention by this Court, Petitioner will continue suffering ongoing physical deterioration, emotional distress, worsening medical harm, and irreparable constitutional injury."

X.PRAYER FOR RELIEF

126. "Petitioner respectfully requests immediate release or, alternatively, supervised release, parole, GPS monitoring, reporting conditions, or any less restrictive alternative this Court deems just and proper."
127. WHEREFORE, Petitioner respectfully requests that this Court:
- Issue a Writ of Habeas Corpus under 28 U.S.C. § 2241;
 - Declare that Petitioner's continued detention violates the Constitution and laws of the United States;
 - Order Petitioner's immediate release from ICE custody;
 - Alternatively order supervised release, parole, GPS monitoring, reporting requirements, or other less restrictive alternatives;
 - Alternatively order a constitutionally adequate custody hearing consistent with due process principles;
 - Enjoin Respondents from transferring or removing Petitioner while this matter remains pending;
 - Appoint counsel in the interests of justice;
 - Award any additional relief this Court deems just and proper.

Respectfully submitted,

Rosibel

ROSIBEL DEL CARMEN MUNOZ PALACIOS

A# 244-056-439

Stewart Detention Center

Lumpkin, Georgia

Date: 05-15-26
