

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

CARLOS DANIEL MAGALLANES MORILLO,

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Petitioner Pro Se,

v. Civil Action No. _____

WARDEN, STEWART DETENTION CENTER,
et al.,

Respondents.

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

I. INTRODUCTION

I, CARLOS DANIEL MAGALLANES MORILLO, respectfully appear before this Honorable Court seeking relief under 28 U.S.C. § 2241 due to my continued unconstitutional civil immigration detention by Immigration and Customs Enforcement (“ICE”).

My detention violates the Due Process Clause of the Fifth Amendment to the United States Constitution because:

- there is no final order of removal against me;

- my immigration proceedings remain pending before the Immigration Court;
- I have never received an individualized custody hearing;
- the government has never demonstrated that I pose a danger to the community or a flight risk;
- I have no criminal history;
- and I have consistently cooperated with official immigration processes administered by the federal government.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because I am currently in federal immigration custody within this judicial district.
2. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States.
3. This action involves violations of the Due Process Clause of the Fifth Amendment because I remain subject to prolonged civil immigration detention:
 - without a final order of removal;
 - without an individualized custody hearing;
 - without an individualized determination of dangerousness or flight risk;
 - and without meaningful constitutional review of the necessity for my continued deprivation of liberty.
1. Venue is proper in this district because I am currently detained at Stewart Detention Center in Lumpkin, Georgia.

III. PARTIES

1. I am a citizen of Venezuela.
2. I am currently detained at:

Stewart Detention Center

146 OCA Road

Dumpkin, Georgia 31815

1. The primary Respondent is the Warden of Stewart Detention Center, who exercises immediate custody over me.
- 2.

IV. STATEMENT OF FACTS

1. I have continuously lived in the United States since approximately September 2022.
2. DHS subsequently initiated civil removal proceedings against me under INA § 240.
3. The Notice to Appear issued by DHS contains civil immigration allegations under INA § 212(a)(6)(A)(i). Those allegations are exclusively civil in nature and do not involve criminal offenses, violence, terrorism, or aggravated felonies.
4. I have no criminal history or criminal convictions.
5. My immigration case currently remains pending before the Orlando Immigration Court in Florida.
6. The EOIR system reflects that my case remains pending and that I currently have a Master Hearing scheduled for September 2028.
7. There is currently no final order of removal or deportation against me.

8. USCIS previously formally approved my application for Temporary Protected Status ("TPS") under INA § 244.
9. USCIS issued official TPS documentation and an I-94 related to that immigration benefit.
10. I subsequently complied with official TPS re-registration procedures pursuant to instructions issued by USCIS.
11. USCIS accepted and receipted my TPS re-registration application for processing.
12. During all relevant times, the federal government had full knowledge of:
 - my identity;
 - my address;
 - and my continued presence in the United States.
1. I consistently cooperated with official immigration processes and never attempted to hide from immigration authorities.
2. I currently maintain strong family ties within the United States.
3. I am the father of a one-year-old United States citizen daughter born in the State of Florida.
4. I live with the mother of my daughter and actively participate in the daily care and upbringing of my child.
5. On May 14, 2026, I was detained and subsequently transferred into ICE custody.
6. Since that time, I have been repeatedly transferred through multiple detention facilities including:
 - Madison County Jail;
 - ICE-related facilities in Tallahassee;
 - Walton County facilities;

- and ultimately Stewart Detention Center in Georgia.
1. These repeated transfers have significantly interfered with:
 - the preparation of my immigration defense;
 - family contact;
 - and meaningful access to legal assistance.
 1. Since the beginning of my detention, I have never received an individualized custody hearing or meaningful detention review.
 2. The government has never demonstrated through any individualized proceeding that I pose a danger to the community or a flight risk.

V. LEGAL CLAIMS

FIRST CLAIM FOR RELIEF

VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

1. Immigration detention is civil in nature and remains subject to constitutional limitations under the Fifth Amendment.
2. My continued detention violates Due Process because:
 - there is no final order of removal;
 - my immigration proceedings remain pending;
 - I have never received an individualized custody hearing;
 - and the government has failed to demonstrate sufficient constitutional justification for my continued deprivation of liberty.
1. The Constitution requires meaningful individualized review before prolonged civil detention may continue.

2. My continued deprivation of liberty without adequate individualized review is arbitrary and incompatible with the fundamental principles of fairness and due process guaranteed by the Constitution.

3.

SECOND CLAIM FOR RELIEF

ARBITRARY AND UNREASONABLE CIVIL DETENTION

1. My detention is arbitrary and unreasonable because:
 - I have no criminal history;
 - I previously maintained approved TPS;
 - I complied with TPS re-registration procedures;
 - I maintained a stable address;
 - and I consistently cooperated with immigration authorities.
1. My history demonstrates continuous cooperation with official federal immigration processes.
2. Under these circumstances, my continued detention has become excessive and punitive in a manner incompatible with the civil nature of immigration detention.

THIRD CLAIM FOR RELIEF

LACK OF DANGEROUSNESS AND FLIGHT RISK

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1. The government has never demonstrated that I pose a danger to the community.
 2. I do not possess:
 - criminal history;
 - violent offenses;

- aggravated felonies;
 - or allegations related to terrorism.
1. There is likewise no legitimate basis to consider me a flight risk because:
 - I maintain stable family ties in the United States;
 - I have a United States citizen daughter;
 - I maintained a known address;
 - I appeared in immigration proceedings;
 - and I consistently participated in official USCIS and EOIR processes.
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FOURTH CLAIM FOR RELIEF

LEGITIMATE RELIANCE ON OFFICIAL IMMIGRATION PROCESSES

1. USCIS previously granted me official TPS status and issued official immigration documentation related to that benefit.
2. I subsequently continued complying with official instructions through TPS re-registration.
3. I continuously acted in good faith relying upon immigration processes administered by the federal government itself.
4. While I complied with those official processes, the legality of governmental decisions related to Venezuelan TPS remained and continues to remain the subject of active federal litigation, including proceedings involving higher federal courts and the Supreme Court of the United States.

5. Under those circumstances, my continued civil detention further aggravates constitutional concerns regarding arbitrariness and fundamental fairness.

FIFTH CLAIM FOR RELIEF

IRREPARABLE HARM

1. My continued detention is causing severe and irreparable harm.
2. I remain separated from my one-year-old United States citizen daughter.
3. My prolonged detention also significantly interferes with:
 - the preparation of my immigration case;
 - access to evidence;
 - family communication;
 - and meaningful access to legal assistance.

VI. REQUEST FOR RELIEF

WHEREFORE, I respectfully request that this Honorable Court:

1. Accept this Petition for Writ of Habeas Corpus;
2. Order Respondents to immediately justify the legal basis for my continued detention;
3. Declare that my continued detention violates the Constitution and laws of the United States;
4. Order my immediate release from immigration custody;

or alternatively,

1. Order an immediate individualized custody hearing;

2. Grant any other relief this Court deems just and proper.

3.

VII. VERIFICATION

I, CARLOS DANIEL MAGALLANES MORILLO, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,

Carlos Magallanes

CARLOS DANIEL MAGALLANES MORILLO

Petitioner Pro Se

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Stewart Detention Center

146 CCA Road

Lumpkin, Georgia 31815

Date: May 26, 2026