

Petition for a Writ of Habeas Corpus Under 28 U.S.C. & 2241

**UNITED STATES DISTRICT COURT
For the Northern District of Georgia**

Full Name: Luis Mataran Torres

(A- )

Petitioner,

**Petition for Writ of Habeas
Corpus**

Vs.

Current or Acting Field Office
Director STEWART DETENTION
CENTER, United States Immigration
and Customs Enforcement; Current or
Acting Secretary, United States
Department of Homeland Security;
and Current or Acting United States
Attorney General,

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

INTRODUCTION.

1. Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") at the STEWART DETENTION CENTER, 146 Cca Rd, Lumpkin, Georgia 31815, and pending removal proceedings.
2. Petitioner has been detained in immigration custody for over **One month** even though no neutral decision maker whether a federal judge or immigration judge ("IJ") has conducted a hearing to determine whether this lengthy incarceration is warranted based on danger or flight risk.

3. Petitioner's prolonged detention without a hearing on danger and flight risk violates the Due Process Clause of the Fifth Amendment.

4. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus, determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release, with appropriate conditions of supervision if necessary, taking into account Petitioner's ability to pay a bond.

5. Alternatively, Petitioner requests that the Court issue a writ of habeas corpus and order Petitioner's release within 30 days unless Respondents schedule a hearing before an IJ where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the IJ shall order Petitioner's release on appropriate conditions of supervision, taking into account Petitioner's ability to pay a bond.

JURISDICTION

6. Petitioner is detained in the custody of Respondents STEWART DETENTION CENTER, 146 Cca Rd, Lumpkin, Georgia 31815.

7. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution. Jurisdiction is proper under 28 U.S.C. §§ 1331 (federal question), 2241 (habeas corpus); U.S. Const. art. I, § 2; (Suspension Clause); and 5 U.S.C. § 702 (Administrative Procedure Act. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Venue is proper in this District under 28 U.S.C. § 2241 because at least one Respondent is in this District and because Petitioner is presently detained under the authority of the Director of the STEWART DETENTION CENTER, Georgia, ICE Field Office, a Respondent in this action.

9. STEWART DETENTION CENTER is operated by a private contractor and controlled by the Lumpkin, Georgia Field Office of ICE Enforcement and Removal Operations ("ERO"). The Lumpkin, Georgia, Texas Field Office of ICE ERO is responsible for carrying out ICE's detention operations at this detention center and for adjudicating requests for release from those detained there.

10. Respondent Acting or Current Director of the STEWART DETENTION CENTER ICE Field Office resides in district for venue purposes because their official duties are performed in this district.

REQUIREMENTS OF 28 U.S.C. § 2243.

11. The Court must grant the petition for writ of habeas corpus or issue an order show cause (“OSC”) to Respondents “forthwith,” unless Petitioner is not entitled to relief. If the Court issues an OSC, it must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.”

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ affords “*a swift and imperative remedy* in all cases of illegal restraint or confinement (explaining that habeas statute requires expeditious determination of petitions).

PARTIES

13. Petitioner is a noncitizen currently detained by Respondents pending ongoing removal proceedings.

14. Respondent Secretary of the U.S. Department of Homeland Security (“DHS”), an agency of the United States, is responsible for the administration of the immigration laws. They are a legal custodian of Petitioner. They are named in their official capacity.

15. Respondent Acting or Current Attorney General of the United States is the most senior official in the U.S. Department of Justice (“DOJ”). They have the authority to interpret the immigration laws and adjudicate removal cases. They delegate this responsibility to the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the Board of Immigration Appeals (“BIA”). They are named in their official capacity.

16. Respondent Acting or Current Field Office Director of the ICE Field Office is responsible for STEWART DETENTION CENTER, Field Office of ICE with administrative jurisdiction over Petitioner’s case. They are a legal custodian of Petitioner and are named in their official capacity.

17. Respondent Acting or Current Director of ICE is responsible for ICE’s policies, practices, and procedures, including those relating to the detention of immigrants. They are a legal custodian of Petitioner and are named in their official capacity.

STATEMENT OF FACTS

18. Petitioner is a noncitizen currently detained by Respondents pending immigration removal proceedings. Petitioner is pursuing the following claims in removal proceedings:

- A. Asylum application pending before one year of entry into the United States.
- B. Work permit approved with Social Security.

19. Petitioner has been detained in DHS custody since April 1, 2026.

20. Petitioner has not been provided a bond hearing before a neutral decision maker to determine whether their prolonged detention is justified based on danger or flight risk.

21. Absent intervention by this Court, Petitioner cannot and will not be provided with a bond hearing by a neutral decision maker to assess the propriety of Petitioner's continued detention.

22. Additional facts that support Petitioner's entitlement to relief are:

I respectfully submit this document to report the facts regarding my unjust and illegal detention by ICE agents in the state of Georgia on April 1, 2026. On that day, at approximately 4:00 p.m., I was at Walmart doing my weekly shopping; as soon as I left, an officer intercepted me and asked for identification. I did not have any with me at the time because my license is not currently valid—my parole was revoked, and I am awaiting approval for permanent residency under the Cuban Adjustment Act, as well as my work permit.

I was not committing any violation, yet when I explained my immigration situation, I was immediately detained without any justification.

I have been in detention for two months, subjected to mistreatment by the officers guarding us; on one occasion, I did not have a face mask, and when I asked for one, I was verbally abused.

I entered the United States of America on March 22, 2024, in full compliance with all civil and immigration regulations. I never missed a court hearing or an appointment with ICE. After one year and one day, I filed for permanent residency under the Cuban Adjustment Act, and the immigration judge closed my court case because I was eligible for immigration relief based on my nationality.

I earnestly request that, in light of the aforementioned factors and in accordance with the law—and bearing in mind that I have committed no crime—you grant my release. I hereby pledge to abide by all established laws, just as I have always done, and I assure you that I will never evade the justice system of this country.

If it is determined that I remain under the supervision and direct control of this office following my release, I will comply with all regulations established to that effect. I wish to express my gratitude to this country for allowing me to be part of this nation and for protecting my life and that of my family.

Once released, I will continue to serve this country and contribute, through my hard work and effort, to the economic development of the United States of America.

LEGAL BACKGROUND.

23 “‘It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.’” “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.”). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. Both removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious”).

24. Due process requires that the government provide bond hearings to noncitizens facing prolonged detention “The Due Process Clause foresees eligibility for bail as part of due process” because is basic to our system of law. Where a noncitizen has been detained for a prolonged period or is pursuing a substantial defense to rem liberty is warranted. Individualized determination as to oval or claim to relief, due process requires an individualized determination that such a significant deprivation of his risk of flight and dangerousness” may be warranted “if the continued detention became unreasonable or unjustified”; holding that, in the Eighth Amendment context, “the length of confinement cannot be ignored in deciding whether a confinement meets constitutional standards.

Detention That Exceeds Six Months Without A Bond Hearing Is Unconstitutional.

25. Detention without a bond hearing is unconstitutional when it exceeds six months.

Even Absent A Bright-Line Six-Month Standard, An Individualized Bond Hearing Is Required When Detention Becomes Unreasonably Prolonged.

26. Petitioner faces severe hardships while detained by ICE. Petitioner is held in a locked down facility, with limited freedom of movement and access to Petitioner’s family or support network: The circumstances of their detention are similar, so far as we can tell, to those in many prisons and jails. And in some cases the conditions of their confinement are inappropriately poor” including, for example, “invasive procedures, substandard care, and mistreatment, e.g., indiscriminate strip searches, long waits for medical care and hygiene

products, and, in the case of one detainee, a multiday lock down for sharing a cup of coffee with another detainee. Including mental health care, unsafe and filthy conditions, racist abuse of detainees, inappropriate pepper-spraying of mentally ill detainees and other problems that, in some cases, contributed to detainee deaths” contained in inspection reports prepared by experts from the Department of Homeland Security’s Office for Civil Rights and Civil Liberties after examining detention facilities between 2017 and 2019.

27. First, Petitioner indisputably has a weighty interest in their liberty, the core private interest at stake here lies at the heart of the liberty the Due Process Clause protects. Petitioner, who is being held in “incarceration-like conditions, has an overwhelming interest here, regardless of the length of his immigration detention, because “any length of detention implicates the same” fundamental rights.

28. Third, the government’s interest is very low in continuing to detain Petitioner without providing any neutral review. The specific interest at stake here is not the government’s ability to continue to detain Petitioner, but rather the government’s ability to continue to detain them for months on end without any individualized review.

The cost of providing an individualized inquiry is minimal. The government has repeatedly conceded this fact that Petitioner is entitled to an evidentiary hearing before a neutral adjudicator.

Unsurprisingly, courts applying these standards have repeatedly held that prolonged detention without a hearing before a neutral adjudicator violates procedural due process for individuals who were held under the same detention statute:

29. As noted, Petitioner has been detained for a substantial length of time, (*supra* 19) and Petitioner’s detention is likely to continue as Petitioner asserts their right to seek immigration relief. Noncitizens should not be punished for pursuing “legitimate proceedings” to seek relief.

D. Due Process Requires Consideration Of Alternatives To Detention.

30. Due process also requires consideration of alternatives to detention. The primary purpose of immigration detention is to ensure a noncitizen's appearance during civil removal proceedings. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. Civil pretrial detention may be unconstitutionally punitive if it is excessive in relation to its legitimate purpose.

31. Due process likewise requires consideration of a noncitizen's ability to pay a bond. "Detention of an indigent 'for inability to post money bail' is impermissible if the individual's 'appearance at trial could reasonably be assured by one of the alternate forms of release. Therefore, when determining the appropriate conditions of release for people detained for immigration purposes, due process requires consideration of financial circumstances and alternative conditions of release.

**CLAIM FOR RELIEF
VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE
U.S. CONSTITUTION**

32. Petitioner re-alleges and incorporates by reference the paragraphs above.

33. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

34. To justify Petitioner's ongoing prolonged detention, due process requires that the government establish, at an individualized hearing before a neutral decision maker, that Petitioner's detention is justified by clear and convincing evidence of flight risk or danger, taking into account whether alternatives to detention could sufficiently mitigate that risk.

35. For these reasons, Petitioner's ongoing prolonged detention without a hearing violates due process.

PRAYER FOR RELIEF.

WHEREFORE, Petitioner respectfully requests before this jurisdiction:

- 1) Assume jurisdiction over this matter.
- 2) Issue a Writ of Habeas Corpus, hold a hearing before this Court if warranted, determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release (with appropriate conditions of supervision if necessary), taking into account Petitioner's ability to pay a bond.
- 3) In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release within 30 days unless Respondents schedule a hearing before an immigration judge where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the immigration judge order Petitioner's release on appropriate conditions of supervision, taking into account Petitioner's ability to pay a bond.
- 4) Issue a declaration that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment.
- 6) Grant such further relief as the Court deems just and proper.

Declaration Under Penalty Of Perjury.

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: 05/20/2026

Name: Luis Mataran Torres

Detained in ICE Custody at:

✓ STEWART DETENTION CENTER, 146 Cca Rd, Lumpkin, Georgia 31815

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

In the Matter of: MATARAN TORRES, LUIS

A: 

PROOF OF SERVICE

On June 11, 2026, I, Luis Mataran Torres, served a copy of Petition for Writ of Habeas Corpus and any attached pages to Field Office Director Stewart Detention Center, at the following address 146 Cca Rd, Lumpkin, GA 31815. By USPS.

Luis Mataran Torres

Signature

06/11/2026

Date