

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
DISTRICT OF VIRGINIA

FILED JUL 14 26 AM 8:44
MDGA-COL

JOSE LUIS MARQUEZ MILLAN

Petitioner

v.

DIRECTOR OF THE DETENTION CENTER
JASON STREEVAL

Case No.

4:26-CV-1011-CDL-ALS
(Supplied by Clerk of Court)

Respondent

(name of warden or authorized person having custody of petitioner)

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

Personal Information

1. (a) Your full name: JOSE LUIS MARQUEZ MILLAN
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: STEWART DETENTION CENTER
(b) Address: 146 CCA ROAD, LUMOKIN, GA 31815
(c) Your identification number: A#: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement
STEWART DETENTION CENTER 146 CCA ROAD, LUMOKIN, GA 31815

(b) Docket number, case number, or opinion number: _____

A#: 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

The petitioner is being detained by ICE despite having a pending immigration case. The petitioner requests his immediate release or, failing that, an individual bond hearing, as his continued detention is illegal and unnecessary.

(d) Date of the decision or action: 05/07/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: The petitioner has not previously appealed or sought administrative remedies because he remains detained by ICE, has pending immigration proceedings, and requests immediate judicial review of the legality of his continued detention.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: NOT APPLICABLE.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Petitioner is not challenging a federal criminal conviction or sentence.
This case concerns immigration detention by ICE and continued custody pending removal proceedings.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 05/07/2026

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

The continued detention of the petitioner violates due process, since he has a viable immigration relief route and does not represent a danger to the community or a flight risk.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

The petitioner is currently detained at the ICE Processing Center in Virginia and is subject to deportation proceedings.

The petitioner has a pending asylum application in court as a form of immigration relief.

The petitioner has family and community ties and does not pose a danger to the community.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO:

Petitioner's continued detention is unnecessary because less restrictive alternatives to detention are available including release on bond or other conditions of supervision

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner has been detained for approximately three months, has a pending immigration case, and is willing to comply with all court appearances and any conditions of release imposed by the Court

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Petitioner requests immediate release or, in the alternative, an individualized bond hearing.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

The petitioner has not had the opportunity for a meaningful review of his continued detention and requests judicial intervention to obtain his release or a bail hearing.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR:

The petitioner's continued detention is causing him unnecessary hardship and interfering with his ability to seek available immigration remedies, including those related to his active asylum claim and deportation proceedings.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The petitioner has family support, poses no danger to the community, and has viable immigration relief options. His prolonged detention is not necessary to ensure his appearance in immigration proceedings, as remaining in the detention center would cause him psychological harm.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: The petitioner had not previously filed these allegations because he remains in ICE custody, has limited access to legal remedies, and has not received a substantive review of his continued detention.

Request for Relief

15. State exactly what you want the court to do: The petitioner respectfully requests this Court to grant the Habeas Corpus Petition, order his immediate release from ICE custody, or alternatively, order an individualized bond hearing before an Immigration Judge and grant any other relief the Court deems just and appropriate.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

07/06/2026

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: 07/06/2026

JOSE LUIS MARQUEZ MILLAN

Signature of Petitioner

Signature of Attorney or other authorized person, if any

JOSE LUIS MARQUEZ MILLAN

(Respondent's Name)



(Respondent's Alien Number)

CERTIFICATE OF SERVICE

On 07/06/2026, I, JOSE LUIS MARQUEZ MILLAN,
(date) (printed name of person signing below)

served a copy of this AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

and any attached pages to UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA - COLUMBUS DIVISION
(name of party served)

at the following address: 120 12TH ST, SUITE 216, COLUMBUS, GA 31901
(address of party served)

by PRIORITY MAIL
(method of service, for example overnight courier, hand-delivery, first class mail)

Jose Luis Marquez 07/06/2026
(signature) (date)