FILED IN CLERK'S OFFICE
U.S.D.C. - Albany
2026 AUG 10 PM 2:59

Jeison Joel Uzcategui Labarca
Country Of Birth: Venezuela
A-Number: [redacted]
Irwin County Detention Center
132 Cotton Drive
Ocilla, Ga 31774
Visitor Information: (229) 468-4121
Pro Se

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

Jeison Joel Uzcategui Labarca
A-Number: [redacted]
Proceeding Pro Se,
Petitioner,
v.
, WARDEN/FACILITY ADMINISTRATOR, Irwin County Detention Center;
_____, FIELD OFFICE DIRECTOR, U.S. Immigration and Customs Enforcement, Atlanta Field Office; DAVID J. VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States,
Respondents.

Civil Action No.:

PETITION FOR WRIT OF HABEAS CORPUS

NATURE OF THE CASE

1. This is a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 seeking Petitioner Jeison Joel Uzcategui Labarca's immediate release from unlawful civil immigration detention.
2. This Petition does not request that this Court review the merits of Petitioner's immigration claims or determine his removability. It challenges whether Respondents possess any statutory and constitutional authority to maintain Petitioner's present physical custody without an individualized bond hearing.
3. Petitioner was arrested in the interior of the United States on July 18, 2026, after residing

and working in the community in Georgia for nearly three years. Respondents' own initial charging documents from November 2023 confirm that Petitioner's custody was authorized under 8 U.S.C. § 1226(a), which provides for a discretionary bond hearing. His Notice to Appear (NTA) further classified him as a person "present in the United States," not as an "arriving alien."

4. Despite this clear record, Respondents are detaining Petitioner without affording him the bond hearing to which he is statutorily entitled. This detention is premised on an apparent misapplication of 8 U.S.C. § 1225(b), a statute governing the mandatory detention of individuals apprehended while "seeking admission" at the border. The Eleventh Circuit has squarely held that § 1225(b) does not apply to individuals like Petitioner who are arrested within the interior of the country. *See Hernandez Alvarez v. Warden, FDC Miami*, 175 F.4th 1258 (11th Cir. 2026).
5. Petitioner's detention is unlawful from its inception because it is not authorized by the correct statute and violates his Fifth Amendment right to due process. Petitioner's immigration case remains pending before the Immigration Court, and no final order of removal has been entered. The appropriate habeas remedy is immediate release or, in the alternative, an order compelling Respondents to provide an immediate bond hearing before a neutral adjudicator.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction to grant a writ of habeas corpus pursuant to 28 U.S.C. § 2241(a), which provides that "[w]rits of habeas corpus may be granted by . . . the district courts . . . within their respective jurisdictions." Petitioner is in the custody of

Respondents and challenges his detention as being in violation of the Constitution and laws of the United States.

2. Venue is proper in the Middle District of Georgia, Valdosta Division, because Petitioner is physically confined at the Irwin County Detention Center, located in Ocilla, Irwin County, Georgia. The official website for the U.S. District Court for the Middle District of Georgia confirms that Irwin County lies within the jurisdiction of the Valdosta Division.
3. This Petition challenges only the legality of Petitioner's present physical detention. Petitioner does not seek review of the merits of his pending removal proceedings.

PARTIES

1. Petitioner **JEISON JOEL UZCATEGUI LABARCA** is a native and citizen of Venezuela, born on [redacted] He is currently detained by Respondents at the Irwin County Detention Center.
2. Respondent **WARDEN/FACILITY ADMINISTRATOR** of the Irwin County Detention Center is the individual with immediate physical custody of Petitioner.
3. Respondent **FIELD OFFICE DIRECTOR, ICE ENFORCEMENT AND REMOVAL OPERATIONS, ATLANTA FIELD OFFICE**, is the ICE official responsible for detention operations in the region where Petitioner is detained.
4. Respondent **TODD LYONS** is the Acting Director of U.S. Immigration and Customs Enforcement.
5. Respondent **KRISTI NOEM** is the Secretary of the U.S. Department of Homeland Security.
6. Respondent **PAM BONDI** is the Attorney General of the United States.

STATEMENT OF FACTS

1. According to Department of Homeland Security (DHS) documents, Petitioner entered the United States on or about November 1, 2023, near Eagle Pass, Texas.
2. On that same date, DHS issued a Warrant for Arrest of Alien (Form I-200) to take Petitioner into custody. That warrant expressly stated that the arrest was "authorized by section 236 of the Immigration and Nationality Act," which corresponds to 8 U.S.C. § 1226.
3. DHS also issued a Notice to Appear (NTA) charging Petitioner as removable under INA § 212(a)(6)(A)(i). On that NTA, DHS checked the box indicating Petitioner was a person "present in the United States who has not been admitted or paroled." DHS did not check the box for an "arriving alien."
4. Following his initial processing, Petitioner was released from custody. He established a residence in Georgia.
5. For approximately two years and eight months—from late 2023 until July 2026—Petitioner remained at liberty in the community. He obtained a valid Georgia state identification card showing a residential address in Duluth, Georgia. He also obtained a federal Employment Authorization Document (EAD), category C08, valid from November 19, 2025, to November 18, 2030, authorizing him to work lawfully.
6. Petitioner worked to support himself and his family through services like Lyft/Uber, deliveries, and at weekend events. He provided financial support for his family, including making regular payments to a learning center in Miami for a child named Isaias Uzcategui.
7. On July 18, 2026, Petitioner was arrested by immigration agents in the Atlanta, Georgia area while he was driving. According to Petitioner, he was followed by several vehicles.

When one activated its lights, he immediately pulled over, presented his documents, and cooperated with all instructions before being handcuffed and taken into custody.

8. At the time of this redetention, Respondents did not provide Petitioner with a new arrest warrant, a Notice of Custody Determination (Form I-286), a notice of revocation for his prior release, or any document explaining the new statutory basis for his confinement.
9. Following his arrest, Petitioner was transported to the Irwin County Detention Center, where he remains detained. As of August 6, 2026, Petitioner has been in continuous detention for 19 days.
10. Petitioner's removal proceedings before the Executive Office for Immigration Review (EOIR) are still pending. No final order of removal has been entered in his case. His next Master Calendar Hearing is scheduled for August 18, 2026, before Immigration Judge Steven B. Fuller.
11. Petitioner has no known criminal convictions that would subject him to mandatory detention under 8 U.S.C. § 1226(c).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Petitioner has not pursued administrative remedies before the immigration court because such pursuit would be unavailable, futile, and inadequate. Since his detention on July 18, 2026, Respondents have failed to provide Petitioner with an individualized custody determination or a bond hearing before an Immigration Judge. The Master Hearing scheduled for August 18, 2026, is for the purpose of pleadings in his removal case, not a bond hearing.
2. Any administrative request would be futile. By detaining Petitioner without a bond hearing,

Respondents are evidently treating him as subject to mandatory detention under 8 U.S.C. § 1225(b). An Immigration Judge lacks jurisdiction to redetermine custody for individuals classified under § 1225(b), making any administrative motion for bond legally barred.

3. Furthermore, this Petition raises constitutional claims under the Due Process Clause of the Fifth Amendment, including challenges to the lack of process in his redetention and the misapplication of federal statutes. Administrative bodies lack the authority to adjudicate these constitutional claims. Requiring Petitioner to exhaust remedies that cannot provide the relief sought, while he suffers ongoing deprivation of liberty, would serve no legitimate purpose.

STATEMENT OF CLAIMS

FIRST CLAIM FOR RELIEF Unlawful Detention Without Statutory Authority and Denial of a Bond Hearing in Violation of 8 U.S.C. § 1226(a)

1. Petitioner is being detained pending his removal proceedings, which are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be arrested and detained pending a decision on whether the person is to be removed, but that detention is discretionary and subject to a bond hearing where the individual can seek release.
2. Respondents are unlawfully detaining Petitioner, likely by misclassifying him under 8 U.S.C. § 1225(b). Section 1225(b) mandates detention without a bond hearing for "arriving aliens" who are apprehended at the border while "seeking admission." Petitioner is not an arriving alien.
3. The Eleventh Circuit has made clear that § 1225(b)'s mandatory detention provision is limited to those actively "seeking admission" and does not apply to individuals, like

Petitioner, who are arrested in the interior of the United States. *Hernandez Alvarez v. Warden, FDC Miami*, 175 F.4th 1258 (11th Cir. 2026).

4. Every official fact in the record confirms that Petitioner's detention falls under § 1226(a), not § 1225(b): a. He was arrested on July 18, 2026, in Atlanta, Georgia, not at a port of entry. b. He had been living and working in the community for nearly three years prior to this arrest. c. Respondents' own NTA explicitly classifies him as a person "present in the United States," not an "arriving alien." d. Respondents' own Warrant for Arrest from November 2023 expressly identifies INA § 236 (8 U.S.C. § 1226) as the source of their authority to detain him.

5. By denying Petitioner a bond hearing, Respondents are violating the plain terms of the Immigration and Nationality Act and acting contrary to binding precedent from the Eleventh Circuit. This Court has previously ordered such bond hearings for detainees held at the Irwin County Detention Center in similar circumstances. Petitioner's detention without a bond hearing is therefore statutorily and constitutionally unlawful.

SECOND CLAIM FOR RELIEF Unlawful Redetention Without Notice or Due Process

1. Petitioner possessed a substantial liberty interest arising from Respondents' decision to release him into the community in late 2023. For over two years, he was permitted to live freely, establish a residence, obtain a state ID, and work lawfully in Georgia. This liberty interest is protected by the Fifth Amendment Due Process Clause. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (conditional liberty is a valuable interest protected by due process).

2. Respondents could not revoke that liberty arbitrarily. Before redetaining Petitioner, due process required, at a minimum, notice and a hearing before a neutral decision-maker. *See*

Mathews v. Eldridge, 424 U.S. 319, 335 (1976). Respondents provided no advance notice, no formal revocation of his prior release, no individualized explanation, and no pre-deprivation process before arresting him.

3. Respondents have identified no missed hearing, violation of release conditions, new criminal conduct, or other material event arising after late 2023 that would justify this sudden redetention. The facts underlying his immigration case were known to Respondents when they initially released him.
4. Respondents therefore revoked an existing liberty interest without constitutionally sufficient process, in violation of the Fifth Amendment.

THIRD CLAIM FOR RELIEF Habeas Requires Immediate Release or, Alternatively, an Immediate Bond Hearing

1. The statutory and constitutional violations were complete on July 18, 2026, when Respondents detained Petitioner without statutory authority and without due process.
2. A bond hearing held at some distant future date cannot retroactively cure the ongoing unlawful deprivation of Petitioner's liberty.
3. The traditional function of habeas corpus is to grant release from unlawful physical custody. Because Respondents lacked a lawful basis for the detention under the correct statutory framework, the Court should order Petitioner's immediate release.
4. In the alternative, if the Court declines to order immediate release, the only constitutionally sufficient remedy is an immediate, individualized bond hearing before a neutral adjudicator under the standards of § 1226(a). This District has previously ordered such hearings to be held within seven days for similarly situated detainees at the Irwin County Detention Center.

5. Any lesser remedy would permit the Government to benefit from its unlawful conduct and would fail to vindicate Petitioner's right to a timely custody determination.

ARGUMENT

Respondents cannot ignore binding circuit precedent and the plain text of their own founding documents to unlawfully detain Petitioner. The government's own records—the 2023 arrest warrant citing § 1226 and the NTA marking Petitioner as "present in the U.S."—establish that his custody is governed by the statute that provides for a bond hearing. His arrest in the interior of Georgia, after years of living in the community, places him squarely under the Eleventh Circuit's holding in *Hernandez Alvarez*. He is not an "arriving alien" subject to mandatory detention under § 1225(b).

His detention is therefore unlawful for a simple reason: he has been denied the process he is due under the correct law. This is not a case of prolonged detention; it is a case of illegal detention from day one. The constitutional violation occurred at the moment of the unlawful arrest, which was compounded by the denial of a custody hearing. The Court should therefore restore the *status quo ante* by ordering Petitioner's immediate release or, at a minimum, vindicate his statutory rights by ordering an immediate bond hearing within seven days.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Grant the Petition for Writ of Habeas Corpus;

B. Declare that Respondents' detention of Petitioner violates 28 U.S.C. § 2241, the Immigration and Nationality Act, and the Due Process Clause of the Fifth Amendment;

C. Order Respondents to release Petitioner immediately from physical custody;

D. Alternatively, if the Court declines to order immediate release, order Respondents to provide Petitioner with an individualized bond and custody hearing under 8 U.S.C. § 1226(a) before an Immigration Judge within seven (7) days of the Court's order, and to release Petitioner if the Government fails to provide such a hearing;

E. Prohibit Respondents from removing Petitioner from the United States or transferring him outside this District until the Court resolves this Petition;

F. Order Respondents to produce the custody records necessary to establish the legal basis for detention, including any Form I-200 from July 2026, any Form I 286, any custody determination, the Form I-213 from the July 18, 2026 arrest, and any documents related to the revocation of a prior release or the statutory classification of his current detention;

G. Retain jurisdiction until Respondents demonstrate full compliance; and

H. Grant such other relief as the Court deems just and proper.

VERIFICATION

I, Jeison Joel Uzcategui Labarca, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on August 6, 2026.

Jeison Uzcategui

Jeison Joel Uzcategui Labarca
Country Of Birth: Venezuela
A-Number: [redacted]
Irwin County Detention Center
132 Cotton Drive
Ocilla, Ga 31774
Visitor Information: (229) 468-4121
Pro Se