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

# UNITED STATES DISTRICT COURT

for the Middle District of Georgia, Valdosta Division.

Evelio Yetzahir Santos Hurtado, by Maribel Benitez, Nex Friend.
*Petitioner*

v.

Warden, Irwin County Detention Center.
*Respondent*
*(name of warden or authorized person having custody of petitioner)*

Case No. _____
*(Supplied by Clerk of Court)*

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

### Personal Information

1. (a) Your full name: Evelio Yetzahir Santos Hurtado
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: Irwin County Detention Center
   (b) Address: 132 Cotton Dr, Ocilla GA 31774
   (c) Your identification number: [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)

- ☐ 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 custom Enforcement (ICE), Stewart Immigration Court, Lumpkin, GA.

(b) Docket number, case number, or opinion number: A-Number : [redacted]

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

The prolonged detention of petitioner by U.S. Immigration and Custom Enforcement (ICE), including the denial of bond by the immigration Court based on a finding of lack of jurisdiction.

(d) Date of the decision or action: May-26-2026, and June-15-2026

**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: No appeal was filed because the Immigration Court denied bond based on lack of jurisdiction under Matter of Yajure Hurtado, and administrative appeal was not considered an effective remedy.

8. **Second appeal**

After the first appeal, did you file a second 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 second appeal: No second appeal was filed because petitioner did not file a first administrative appeal regarding the Immigration Court's bond decision.

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: No second appeal was filed because no first appeal was filed.

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

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: Not applicable. Petitioner is in Immigration detention, not serving a criminal sentence.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: May-26-2026

(b) Date of the removal or reinstatement order: No removal order issued.

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

☐ Yes ☒ No

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:

**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.** Prolonged immigration detention.

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

1. The petitioner has been held in continuous immigration custody since May 26, 2026, while the immigration case remains pending.
2. The petitioner has been detained for a prolonged period without a final decision on the removal case.

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

☐ Yes ☒ No

**GROUND TWO:** Denial of bond

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

1. The petitioner requested release from immigration custody during custody proceedings.
2. The immigration Judge denied bond and determined that the court did not have jurisdiction to grand bond.

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

☐ Yes ☒ No

**GROUND THREE:** Family ties, hardship cause by detention, and community support in the United states.

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

1. The petitioner has significant family ties in the United States, including his spouse and young child.
2. Continued detention causes severe emotional and financial hardship to the petitioner's family.
3. Before his detention, the petitioner was the primary financial provider for his household

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

☐ Yes ☒ No

**GROUND FOUR:**

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

(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: Petitioner did not pursue further appeals because the Immigration Court determined that it did not have jurisdiction over his custody determination. Petitioner understood that and appeal would likely result in the same determination. Therefore, petitioner seeks review of his continued detention throgh this petition.

**Request for Relief**

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court review his continued detention and grant his immediate release or any other relief that the Court deems just and appropriate.

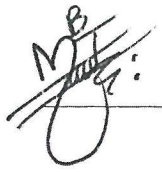
**Declaration Under Penalty Of Perjury**

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

_____

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: Aug. 05- 2026



Maribel Benitez- as Next friend.
*Signature of Petitioner*

_____
*Signature of Attorney or other authorized person, if any*

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