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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

HUGO AZAEL VARGAS COLÓN, by and through his Next Friend, JUANA IRIS COLÓN SOTO,	)	
Petitioner,	)	
v.	)	Civil Action No. _____
WARDEN, in his or her official capacity, Irwin County Detention Center;	)	
SEAN GALLAGHER, in his official capacity as Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Atlanta Field Office;	)	
DAVID VENTURELLA, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement;	)	
MARKWAYNE MULLIN, in his official capacity as Secretary, U.S. Department of Homeland Security;	)	
PAMELA BONDI, in her official capacity as Attorney General of the United States,	)	
Respondents.	)	

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241; VERIFIED EMERGENCY MOTION FOR IMMEDIATE BOND HEARING OR RELEASE AND FOR EXPEDITED CONSIDERATION

Petitioner Hugo Azael Vargas Colón, by and through his Next Friend, Juana Iris Colón Soto, appearing pro se, respectfully submits this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, together with a Verified Emergency Motion for Immediate Bond Hearing or Release, and in support thereof states as follows:

I. INTRODUCTION

1. Petitioner Hugo Azael Vargas Colón ("Petitioner" or "Mr. Vargas Colón"), A# [redacted] by and through his Next Friend, Juana Iris Colón Soto, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his prolonged civil immigration detention by the U.S. Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE") at the Irwin County Detention Center in Ocilla, Georgia, within the Middle District of Georgia.

2. Petitioner is a recognized victim of family violence who [redacted] has an asylum application (Form I-589) on file with USCIS since 2022, and whose family sought U nonimmigrant status protection for him [redacted] He has now been in continuous custody — first held by county authorities in North Carolina and, since his transfer, in ICE custody — for approximately seventy-five (75) days, without ever having received a single bond hearing before an Immigration Judge.

3. Petitioner was initially taken into custody on May 27, 2026, and held for approximately two months by county authorities after a firearm — which did not belong to him — was found in a vehicle he was riding in together with a minor friend. On August 6, 2026, Petitioner entered a plea of nolo contendere to a single Class G felony weapons offense under North Carolina law. The court imposed a suspended sentence of nine to twenty months, with two years of supervised probation and credit for time already served, and no unsuspended term of imprisonment; all related misdemeanor charges against him were dismissed. Rather than being released outright following that disposition, Petitioner was instead handed over to ICE custody within forty-eight hours and has remained detained ever since, without ever receiving a bond hearing.

4. Petitioner's continued detention, without any bond hearing whatsoever, and without any individualized assessment of whether a single, non-violent offense resulting in a suspended sentence and no active term of imprisonment justifies his continued

confinement, violates the Due Process Clause of the Fifth Amendment and exceeds the authority granted to Respondents under the Immigration and Nationality Act ("INA"). Petitioner further seeks emergency relief given the extraordinary length of his detention without process and the urgent needs of his family.

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(a) and (c)(3), which authorizes federal district courts to grant writs of habeas corpus to persons held "in custody in violation of the Constitution or laws or treaties of the United States." Jurisdiction further arises under 28 U.S.C. § 1331 and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2.

6. This Court is authorized to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201–2202 and the All Writs Act, 28 U.S.C. § 1651(a).

7. Venue is proper in this Court under 28 U.S.C. § 1391(e) and the immediate custodian rule of *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), because Petitioner is confined at the Irwin County Detention Center, 132 Cotton Drive, Ocilla, Irwin County, Georgia, which lies within the Middle District of Georgia, Valdosta Division.

8. Because Petitioner is confined within this District at the time of filing, jurisdiction has properly attached and is not defeated by any subsequent transfer. *See Ex parte Endo*, 323 U.S. 283 (1944).

III. PARTIES

9. Petitioner Hugo Azael Vargas Colón, A# [redacted] is a native and citizen of Mexico currently detained by ICE at the Irwin County Detention Center. He has no final order of removal and no order of deportation. His only criminal matter resulted in a suspended sentence with no unsuspended term of imprisonment, as described in Section V below.

10. Next Friend Juana Iris Colón Soto is Petitioner's mother. She brings this action on Petitioner's behalf under Rule 17(c) of the Federal Rules of Civil Procedure and the "next friend" doctrine recognized in *Whitmore v. Arkansas*, 495 U.S. 149 (1990). The basis for Next Friend standing is set forth in Section IV below.

11. Respondent Warden of the Irwin County Detention Center is Petitioner's immediate custodian and is sued in his or her official capacity.

12. Respondent Sean Gallagher is the Field Office Director for ICE Enforcement and Removal Operations, Atlanta Field Office, which exercises custodial authority over the Irwin County Detention Center. He is sued in his official capacity.

13. Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement. He is sued in his official capacity.

14. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security. He is sued in his official capacity.

15. Respondent Pamela Bondi is the Attorney General of the United States and is named in her official capacity insofar as her office retains authority over aspects of immigration adjudication relevant to this proceeding.

IV. NEXT FRIEND STANDING

16. Under *Whitmore v. Arkansas*, 495 U.S. 149, 163–64 (1990), a next friend must show (a) an adequate explanation for why the real party in interest cannot appear on his own behalf, and (b) that the next friend is truly dedicated to that person's best interests and has a significant relationship with him. Both requirements are fully satisfied here.

17. First, Petitioner cannot practically appear on his own behalf. He is confined at the Irwin County Detention Center, a remote, rural facility in south-central Georgia, far from his family in North Carolina, with limited and monitored access to a law library and to legal telephone calls, no meaningful ability to conduct legal research or access the federal electronic filing system, and no retained counsel. He has no realistic ability to draft, verify, and file a federal habeas petition, to marshal and present the legal grounds described herein, or to comply with this Court's procedural requirements, all while continuing to be held without any bond hearing or any hearing to test the basis for his continued detention.

18. Second, Next Friend Juana Iris Colón Soto is Petitioner's mother. She has an intimate, lifelong relationship with Petitioner, has direct personal knowledge of the facts alleged herein, and is genuinely and solely dedicated to protecting his best interests. Her dedication to this role is further reflected in the fact that she currently holds legal custody of Petitioner's three younger siblings, following family court proceedings arising from domestic abuse the children — including Petitioner himself — suffered at the hands of their father. Having already taken on

responsibility for protecting her children from harm within their own family, Next Friend is uniquely positioned, and uniquely motivated, to protect Petitioner's fundamental right to be free from unlawful detention now. She has no interest in this matter adverse to Petitioner's, and she brings this Petition solely to secure his lawful release or, at minimum, a constitutionally adequate bond hearing.

V. STATEMENT OF FACTS

19. Petitioner and his family, including Next Friend and his three younger siblings, entered the United States together as a family unit seeking political asylum.

20. After the family's arrival in the United States, Petitioner and his three younger siblings suffered [redacted] U nonimmigrant status protection for him [redacted] Petitioner also has an asylum application (Form I-589) that has been on file with USCIS since 2022. This history establishes that Petitioner is, in his own right, a recognized victim of family violence within the federal immigration system, a fact directly relevant to the humanitarian considerations set forth below.

21. On May 27, 2026, Petitioner was stopped while riding in a vehicle together with a friend who was a minor. A firearm was found in the vehicle. That firearm did not belong to Petitioner. Petitioner was nonetheless taken into custody by county authorities while the matter was investigated.

22. Petitioner remained in county custody for approximately two months while this matter proceeded. At no point was Petitioner offered a monetary bond to secure his release during that period. On August 6, 2026, Petitioner entered a plea of nolo contendere to a single Class G felony weapons offense under North Carolina law, identified in the disposition provided by his state criminal defense counsel as "attempted possession of a weapon of mass destruction." The court imposed a mixed sentence: nine to twenty months of imprisonment, suspended, with Petitioner placed on supervised probation for two years and credited for the time he had already spent in custody, such that no unsuspended term of imprisonment was ever imposed. All other, misdemeanor-level charges against Petitioner arising from this incident were dismissed. This is the only criminal matter of any kind in Petitioner's history.

23. Notwithstanding this disposition — a suspended sentence with no unsuspended prison term, imposed on a first-time, non-violent offense involving a firearm that was not Petitioner's own — Petitioner was not released outright. Instead, Petitioner was informed that he would be released only if ICE did not take custody of him within forty-eight hours of that hearing. ICE took custody of Petitioner within that window, and he was thereafter transferred into immigration detention, ultimately arriving at the Irwin County Detention Center.

24. Since that transfer, Petitioner has remained in ICE custody continuously. Combined with his preceding county custody, Petitioner has now been detained for approximately seventy-five (75) days as of the date of this filing, without ever having received any bond hearing, custody redetermination hearing, or any other hearing before an Immigration Judge addressing his eligibility for release or the propriety of any mandatory-detention classification applied to him.

25. Petitioner's continued detention has caused, and continues to cause, serious harm to a family that has already endured the trauma of domestic violence within its own household. Next Friend is solely responsible for the care of Petitioner's three younger siblings, all of whom remain in a fragile and still-recovering family situation following the abuse they suffered. Petitioner's presence, support, and involvement in the household have been an important part of that recovery, and his prolonged, unexplained detention has deprived this family of that support at a time when stability matters most.

VI. CLAIMS FOR RELIEF

GROUND ONE: Violation of the Due Process Clause of the Fifth Amendment — Prolonged Detention Without Any Bond Hearing

26. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

27. The Due Process Clause of the Fifth Amendment applies fully to noncitizens within the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Civil immigration detention is constitutionally permissible only where it serves a legitimate, non-punitive purpose and is accompanied by adequate procedural safeguards. *See Demore v. Kim*, 538 U.S. 510, 527–31 (2003) (assuming detention pending removal proceedings would last, on average, only a matter of weeks).

28. Petitioner has now been detained for approximately seventy-five (75) days — far beyond the brief period contemplated in *Demore* — without ever receiving any individualized bond hearing. This squarely implicates the due process concerns identified in *Diouf v. Napolitano*, 634 F.3d 1081, 1091–92 (9th Cir. 2011) (requiring a bond hearing, with the burden on the government, once civil immigration detention becomes prolonged).

29. Respondents' failure to provide Petitioner with any bond hearing, for a detention period that is indefinite, prolonged, and continuing, violates Petitioner's right to due process of law under the Fifth Amendment.

GROUND TWO: Entitlement to a Hearing to Contest Any Mandatory-Detention Classification

30. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

31. To the extent Respondents are treating Petitioner as subject to mandatory, no-bond detention under 8 U.S.C. § 1226(c) on the basis of his single weapons-related disposition, Petitioner is, at minimum, entitled to a hearing before an Immigration Judge to contest that classification. *See Matter of Joseph*, 22 I&N Dec. 799, 806 (BIA 1999) (a detainee may seek release from mandatory detention by demonstrating that DHS is "substantially unlikely" to prevail on the charge of removability said to trigger § 1226(c)). Petitioner has never received any such hearing.

32. Petitioner has a substantial, colorable basis for such a challenge. The firearm underlying the disposition did not belong to Petitioner. Petitioner entered a plea of nolo contendere, and the court imposed a fully suspended sentence with no unsuspended term of imprisonment — a disposition that reflects the mitigated, first-time, non-violent nature of the offense. All related misdemeanor charges were dismissed outright. These circumstances warrant a hearing at which Petitioner may be heard on whether this single disposition properly subjects him to mandatory, no-bond detention, rather than the discretionary detention framework of 8 U.S.C. § 1226(a), under which due process requires a prompt, individualized bond hearing at which the government bears the burden of justifying continued detention.

33. Respondents' continued detention of Petitioner without any hearing whatsoever to test the basis for his classification, now extending some seventy-five days, constitutes detention without adequate process, in violation of the INA and

fundamental due process.

GROUND THREE: Petitioner's Status as a Recognized Victim of Domestic Violence, with a Pending Asylum Claim, Weighs in Favor of Release

34. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

35. Congress created the U nonimmigrant classification to protect victims of qualifying crimes, including domestic and family violence, and to encourage such victims to come forward without fear of removal. 8 U.S.C. § 1101(a)(15)(U); 8 C.F.R. § 214.14. Petitioner's family sought this protection for him as a documented victim of [redacted] Petitioner also has an asylum application that has remained pending with USCIS since 2022. Continued civil detention of a noncitizen with this history — a documented victim of family violence with a long pending asylum claim — disserves the humanitarian purposes underlying both statutory schemes and weighs in favor of Petitioner's release, or, at minimum, of a hearing at which these factors may be considered.

GROUND FOUR: Irreparable Harm to Petitioner and to a Family Already Recovering from Domestic Violence

36. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs.

37. Petitioner's three younger siblings, in the custody of Next Friend, remain in a household still recovering from [redacted] Every additional day of Petitioner's unreviewed, unexplained detention deprives this family of stability at a time when it is most needed, and inflicts harm on individuals who bear no responsibility for, and have no ability to remedy, Petitioner's continued confinement.

VII. VERIFIED EMERGENCY MOTION FOR IMMEDIATE BOND HEARING OR RELEASE AND FOR EXPEDITED CONSIDERATION

38. Petitioner respectfully moves, under Federal Rule of Civil Procedure 65 and the All Writs Act, 28 U.S.C. § 1651(a), for an order requiring Respondents to immediately provide Petitioner with a bond hearing before an Immigration Judge or, in the alternative, to release him immediately, and respectfully requests that this Court consider this matter on an expedited basis.

39. Petitioner satisfies each of the four factors required for emergency relief:

(a) **Likelihood of success on the merits.** As set forth in Grounds One and Two above, Petitioner has demonstrated a substantial likelihood of success on his claims that his detention — now approximately seventy-five days, without any bond hearing and without any hearing to test the basis for his classification — violates due process and exceeds Respondents' statutory authority.

(b) **Irreparable harm absent relief.** Absent emergency relief, Petitioner will continue to be deprived of his liberty without any hearing whatsoever, and his family — already recovering from domestic violence and now solely reliant on Next Friend for the care of three younger children — will continue to be deprived of the stability and support Petitioner provided, harm that cannot be undone through later monetary relief.

(c) **Balance of the equities.** The harm to Petitioner and his family from continued, unreviewed detention — of a person whose only criminal disposition resulted in a suspended sentence with no unsuspended prison term, and who is himself a recognized victim of domestic violence — vastly outweighs any burden to Respondents in simply providing the hearing to which Petitioner is already constitutionally entitled.

(d) **Public interest.** The public has a strong interest in ensuring that civil immigration detention is not prolonged indefinitely without process, particularly where, as here, the detained individual's only criminal disposition resulted in no unsuspended term of imprisonment and he has already been recognized within his family's own immigration proceedings as a victim of domestic abuse.

40. Given that Petitioner has now been detained for approximately seventy-five days without any hearing of any kind, Petitioner respectfully requests that this Court act on this matter, and in particular this Emergency Motion, at the earliest possible opportunity.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner, by and through his Next Friend, respectfully requests that this Honorable Court:

A. Assume jurisdiction over this matter and consider it on an expedited basis;

B. Issue an Order to Show Cause directing Respondents to demonstrate the lawful basis for Petitioner's continued detention;

C. Grant the Writ of Habeas Corpus and order Respondents to provide Petitioner with an immediate, individualized bond hearing before an Immigration Judge, at which the government bears the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is justified;

D. In the alternative, order Petitioner's immediate release from custody, subject to any reasonable conditions of supervision this Court deems appropriate;

E. Award Petitioner his costs and reasonable attorney's fees to the extent authorized by law, including under the Equal Access to Justice Act, 28 U.S.C. § 2412;

F. Grant such other and further relief as this Court deems just and proper.

IX. VERIFICATION OF NEXT FRIEND

I, Juana Iris Colón Soto, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Next Friend of Petitioner Hugo Azael Vargas Colón, that I am his mother, that I have read the foregoing Petition and Emergency Motion, and that the factual statements contained therein are true and correct to the best of my personal knowledge, information, and belief.

Executed on this 12 day of agosto, 2026.

Juana Iris Colón Soto
Next Friend of Petitioner Hugo Azael Vargas Colón
[redacted]
Email: [redacted]@gmail.com
Appearing Pro Se as Next Friend

X. CERTIFICATE OF SERVICE

I hereby certify that on this 12 day of agosto, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and Verified Emergency Motion was served upon each Respondent identified above at their respective official addresses, including the Office of the United States Attorney for the Middle District of Georgia, in accordance with the method of service required under the Federal Rules of Civil Procedure and the Local Rules of this Court.

Respectfully submitted,

Juana Iris Colón Soto
Next Friend of Petitioner, Pro Se