

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

SERGIO DAGOBERTO MARTINEZ MARTINEZ,

Petitioner,

v.

WARDEN IRWIN COUNTY DETENTION CENTER
et al; KRISTEN SULLIVAN, Director of the Atlanta
Field Office of U.S. Immigration and Customs
Enforcement; MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security; TODD
BLANCHE, Acting Attorney General,

Respondents.

Case No.

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS
AND COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF**

Agency No.: Unknown

INTRODUCTION

1. This action challenges the unlawful detention of Sergio Dagoberto Martinez Martinez, a native and citizen of Honduras who entered the United States without inspection in or around 2013 and presently resides in Rock Hill, South Carolina. On August 11, 2026, Petitioner was traveling to work with coworkers when local law-enforcement officers stopped him at or near a gas station for an alleged seatbelt violation. After directing Petitioner out of the vehicle and reviewing his identification, the officers detained him and subsequently contacted immigration authorities. Petitioner was thereafter taken into immigration custody and is presently detained at the Irwin County Detention Center in Georgia.

2. This case is not merely about whether Petitioner should remain detained—it is about whether the Government complied with the Constitution and the Immigration and Nationality Act (“INA”) before taking his liberty in the first place.

3. Rather than providing the individualized custody determination required under the statutory scheme governing interior arrests, ICE detained Petitioner pursuant to 8 U.S.C. § 1225(b)(2)(A), a mandatory detention provision that does not govern his detention. In *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, Nos. 25-14065 & 25-14075 (11th Cir. May 6, 2026), the Eleventh Circuit squarely rejected DIIS's interpretation that § 1225(b)(2)(A) subjects all noncitizens who entered without inspection while not seeking admission or taking a cognizable step toward lawful entry to mandatory detention whenever they are later encountered in the United States. The Court held that § 1225(b)(2)(A) does not apply to noncitizens who are arrested in the interior. Instead, their detention is governed by 8 U.S.C. § 1226. Petitioner's circumstances fall squarely within that binding precedent: he entered the United States more than a decade ago, has continuously resided in this country since that time, and was arrested in the interior following a traffic stop while traveling to work—not while arriving in the United States or seeking admission. His detention is therefore governed by § 1226(a), which authorizes discretionary detention or release and permits individualized review of custody.

4. Upon information and belief, ICE also failed to issue or serve the warrant required by § 1226(a). Because Petitioner was detained under an inapplicable mandatory-detention statute and, upon information and belief, without the warrant required by the statute that actually governs his custody, his detention was unlawful from its inception.

5. Petitioner's continued detention serves no legitimate governmental purpose. He presents no danger to the community and poses no meaningful risk of flight. Nothing in the record suggests that Petitioner's continued incarceration advances either recognized purpose of civil immigration detention.

6. Courts within the Eleventh Circuit, including the Middle District of Georgia, have rejected DHS's attempt to subject noncitizens apprehended in the interior to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). See *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL 3050094, at *3–7 (M.D. Ga. Nov. 1, 2025) (rejecting DHS's interpretation of § 1225(b)(2)(A), holding that § 1226(a) governed the detention of a noncitizen who entered without inspection and had lived in the United States for more than twenty years, and ordering a bond hearing under § 1226(a)(2)); see also *HFSR v. Francis*, No. 1:26-CV-238-AT (N.D. Ga. Jan. 20, 2026) (relying in part on *J.A.M.* and holding that noncitizens apprehended after residing in the United States are governed by § 1226 rather than § 1225); *Vaghela v. Harper*, No. 7:26 CV 128 (N.D. Ala. June 2026) (applying *Hernandez Alvarez* and recognizing that a noncitizen already present in the interior is detained under § 1226 and is entitled to seek a bond hearing).

7. Requiring Petitioner to pursue relief through the immigration court would not afford him a constitutionally adequate remedy. Immigration judges remain bound by the Board's decision in *Matter of Yajure Hurtado*, which adopts the very statutory interpretation challenged in this Petition. 29 I & N Dec 216 (BIA 2025). Moreover, publicly available information indicates that immigration judges deciding custody matters have been subjected to increasing institutional pressure regarding bond determinations, raising substantial concerns about whether the Government can presently provide the neutral forum that due process requires. Under these circumstances, the legality of Petitioner's detention is properly decided by this Court.

8. Recent public reporting has documented the removal of immigration judges, the appointment of newly appointed judges—including temporary military attorneys and individuals recruited as “deportation judges”—and reports of institutional pressure surrounding bond determinations. This Court need not resolve those broader issues here. They nevertheless

underscore why the federal courts—not the Executive Branch—must have the final word on the legality of Petitioner’s detention. See Lok Darjee, “Everyone Has a Breaking Point”: The Immigration Judges at the Sharp End of Trump’s Deportation Drive, *Guardian* (May 9, 2026), available at <https://www.theguardian.com/us-news/2026/may/09/trump-administration-immigration-judges>.

9. Because Respondents cannot establish the lawfulness of Petitioner’s detention, this Court should order Petitioner’s immediate release. Alternatively, if the Court determines that an individualized custody determination is necessary, Petitioner respectfully requests that this Court conduct that determination itself, or appoint a neutral judicial officer acting under its supervision, rather than remand the matter to the Immigration Court. Immigration judges remain bound by *Matter of Yajure Hurtado*, the very interpretation challenged in this Petition, and therefore cannot provide meaningful relief on the statutory and constitutional issues presented here. 29 I & N Dec 216 (BIA 2025).

JURISDICTION

10. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

12. 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

13. Venue is proper because Petitioner is detained at the Irwin County Detention Center, located in Ocilla, Georgia, within the Middle District of Georgia.

PARTIES

14. Petitioner Sergio Dagoberto Martinez Martinez is a native and citizen of Honduras who is presently detained at the Irwin County Detention Center in Ocilla, Georgia.

15. Respondent Warden of the Irwin County Detention Center is the immediate custodian of Petitioner and has day-to-day control over Petitioner's physical custody. The Warden is sued in his or her official capacity.

16. Respondent Kristen Sullivan is the Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement ("ICE") and is responsible for the administration and enforcement of the immigration laws within the geographic area encompassing Petitioner's detention. She is sued in her official capacity.

17. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security ("DHS"), the federal department responsible for ICE and the administration and enforcement of the immigration laws at issue in this action. He is sued in his official capacity.

18. Respondent Todd Blanche is the Acting Attorney General of the United States and is responsible for the administration of the immigration laws and the supervision of the Executive Office for Immigration Review. He is sued in his official capacity.

STATEMENT OF FACTS

19. Sergio Dagoberto Martinez Martinez is a thirty-three-year-old native and citizen of Honduras who entered the United States without inspection in or around 2013. He was not apprehended at the border and has continuously remained in the United States since his entry.

20. Before his detention, Petitioner resided at [REDACTED] South Carolina 29730.

21. Petitioner has never previously been placed in removal proceedings and, upon information and belief, is not subject to any prior or final order of removal.

22. Upon information and belief, Petitioner has no criminal history, no prior arrests, and no history of violence.

23. On August 11, 2026, at approximately 1:30 p.m., Petitioner was traveling to work with coworkers when local law-enforcement officers stopped him at or near a gas station. The officers stated that they had observed Petitioner not wearing a seatbelt.

24. During the encounter, the officers directed Petitioner to exit the vehicle. After Petitioner and another individual produced identification, the officers detained them and subsequently contacted immigration authorities. Upon information and belief, no Form I-200 administrative arrest warrant was presented to Petitioner before he was taken into immigration custody.

25. Petitioner was thereafter transferred to immigration custody and is presently detained at the Irwin County Detention Center in Georgia.

26. Petitioner has substantial family, residential, and employment ties to the United States. He is the father of a five-year-old United States citizen daughter and also has an uncle who is a lawful permanent resident. Before his detention, Petitioner had worked as a roofer for approximately eight years.

27. Nothing presently known suggests that Petitioner's continued incarceration serves either recognized purpose of civil immigration detention.

LEGAL STANDARDS

28. As the Supreme Court has repeatedly instructed, freedom “from government custody, detention, or other forms of physical restraint” is at “the heart” of what the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); see also *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.”).

29. This is particularly true in the context of civil detention. See, e.g., *Addington v. Texas*, 441 U.S. 418, 425 (1979) (“This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection.”); *Kansas v. Hendricks*, 521 U.S. 346, (1997) (requiring “strict procedural safeguards” to justify involuntary civil commitment of certain sex offenders), *Foucha*, 504 U.S. at 81-82, 86 (holding unconstitutional a state civil commitment “statute that place[d] the burden on the detainee to prove that he is not dangerous”).

A. ICE Lacked Statutory Authority Because It Failed to Obtain and Serve a Warrant Before Arresting Petitioner

30. Constitutional due process protections require that arrests comply with statutory and Fourth Amendment standards at the time of the arrest. Violations such as warrantless arrests without probable cause or the issuance of a valid NTA cannot be cured retroactively by a later reinstatement. (See *Vartelas v. Holder*, 566 U.S. 257 (2012), laws are presumed to apply prospectively only, similarly, Courts will not allow retroactive application of immigration laws or consequences without clear congressional intent. Hence a reinstatement of an Order cannot be used to cure past procedural defects absent such intent).

31. Discretionary detention under § 1226(a) requires a warrant. The INA provides that “[o]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a

decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a) (emphasis added). “[T]he issuance of a warrant is a necessary condition to justify detention.” *Astudillo v. Hyde*, 2025 WL 3035083, at *4. (D.R.I. Oct. 30, 2025) (quoting *Chogllo Chafila v. Scott*, No. 25 Civ. 438 (SDN), 2025 WL 2688541, at *11 (D. Me. Sep. 22, 2025)).

32. “Because the Government failed to obtain a warrant as required by statute, [Petitioner] may not be detained and must be immediately released.” *Id.*; accord *Chiliquinga Yumbillo v. Stamper*, No. 25 Civ. 479 (SDN), 2025 WL 2783642, at *5 (D. Me. Sep. 30, 2025) (quoting *Chogllo Chafila*, supra); *J.A.C.P. v. Wofford*, No. 25 Civ. 1354 (KES), 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025) (same).

B. Petitioner’s Detention Violates Procedural Due Process Under the Fifth Amendment

33. “[C]ivil immigration detention is justified only when a noncitizen presents a risk of flight or danger to the community.” *J.A.E.M. v. Wofford*, No. 25 Civ. 1380 (KES), 2025 WL 3013377, at *3 (E.D. Cal. Oct. 27, 2025) (citing *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Padilla v. ICE*, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023)). “A protected liberty interest may arise from a conditional release from physical restraint. Even when a statute allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute.” *Id.* (citation omitted) (citing *Young v. Harper*, 520 U.S. 143, 147–49 (1997)).

34. “Due process ‘is a flexible concept that varies with the particular situation.’ The procedural protections required in a given situation are evaluated using the *Mathews v. Eldridge* factors.” *Id.* at *6 (quoting *Zinerman v. Burch*, 494 U.S. 113, 127 (1990), which in turn cites 424 U.S. 319, 335 (1976)). To determine whether a civil detention violates a detainee’s procedural due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319

(1976). *See Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (applying Mathew’s test to a challenge involving discretionary noncitizen detention).

35. Pursuant to Mathews, courts weigh the following three factors: (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews*, 424 U.S. at 335.

36. The first Mathews factor requires consideration of the private interest affected by Respondents’ detention of Petitioner. This factor weighs heavily in Petitioner’s favor because Mr. SERGIO DAGOBERTO MARTINEZ MARTINEZ’s interest in being free from physical detention is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

37. As the court stated in *Carlos Javier Lopez Benitez v. Francis*, 25 civ. 5937 (DEH), “the most significant liberty interest there is—the interest in being free from imprisonment” (quoting *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020)).

C. Additional Allegations Regarding the Absence of a Contemporaneous Custody Determination

38. The second Mathews factor examines the risk of erroneous deprivation created by the procedures used and the value of additional safeguards. That risk is especially high here because ICE detained Petitioner without first conducting any individualized assessment of flight risk, dangerousness, or other custody factors, and without providing notice or an opportunity to be heard.

39. The individualized custody determination required under 8 U.S.C. § 1226(a) is not a technical formality. It is the mechanism that ensures detention is imposed on a case-by-case basis rather than automatically or categorically.

40. In *Gopie v. Lyons*, No. 25-cv-05229-SJB (E.D.N.Y. Nov. 13, 2025), the court held that due process is violated when ICE deprives a noncitizen of liberty without first providing the individualized custody determination contemplated by § 1226(a) and its implementing regulations.

41. A later bond hearing cannot fully cure that violation. Once Petitioner was jailed without the required custody determination, the constitutional injury had already occurred, and subsequent process cannot retroactively supply the notice, hearing, and individualized assessment that should have preceded or accompanied the deprivation of liberty.

42. Because Respondents failed to conduct the individualized custody determination required by § 1226(a), its implementing regulations, and the Due Process Clause, Petitioner's detention was unlawful from its inception and habeas relief is warranted.

43. Regarding the value of additional safeguards, the court in *Carlos Javier Lopez Benitez v. Francis*, 25 civ. 5937 stated that “[a] person’s liberty cannot be abridged without adequate procedural protections”.

44. Nor does the Government avoid constitutional scrutiny by characterizing Petitioner’s custody challenge as intertwined with removal proceedings. Courts have recognized that habeas petitions challenging unlawful detention and the process leading to detention are not barred by the jurisdiction-stripping provisions of 8 U.S.C. § 1252(g) or § 1252(b)(9), because such claims do not seek review of a final order of removal and do not arise from a discretionary decision to “commence proceedings.”

45. The third Mathews factor, the Government's interest, also weighs in favor of granting this petition. The Government's only legitimate interest at stake is its interest in ensuring that people facing removal do not endanger the public or abscond during the pendency of their removal cases. The Government's legitimate interests are not meaningfully burdened by requiring constitutionally adequate procedures.

46. Accordingly, Petitioner's detention violates procedural due process.

D. Petitioner's Continued Detention Violates Substantive Due Process

47. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.

48. In regard to substantive due process, the United States Supreme Court stated, "[t]he touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective." *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

49. These protections extend to noncitizens facing detention, as "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, "[f]reedom 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." *Zadvydas*, 533 U.S. at 690.

50. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a "reasonable relation" to a non-punitive purpose. *See Jackson v.*

Indiana, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

51. Hence, to meet the strictures of due process, Mr. SERGIO DAGOBERTO MARTINEZ MARTINEZ’s detention must “bear[] a reasonable relation to [the] purpose[s]” of civil immigration detention, which the Supreme Court has identified as mitigating flight risk and mitigating danger to the community. *See Zadvydas*, 533 U.S. at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715 (1972)) (quotation marks omitted).

52. Respondents cannot demonstrate that Petitioner’s continued detention is necessary to prevent flight or protect the community.

E. Petitioner Is Subject to 8 U.S.C. § 1226(a), Not Mandatory Detention Under § 1225(b).

53. The Government appears to take the position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b).

54. In *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, Nos. 25-14065 & 25-14075 (11th Cir. May 6, 2026), the Eleventh Circuit rejected DHS’s interpretation that all noncitizens who entered without inspection and remain unadmitted are subject to mandatory detention under § 1225(b)(2)(A). The Court held that § 1225(b)(2)(A) applies only to an applicant for admission who is actually “seeking admission.” Because the petitioners had entered the United States years earlier and were later arrested in the interior following traffic stops, while neither seeking lawful entry nor taking any cognizable step toward obtaining lawful entry, the Court held that § 1225(b)(2)(A) did not govern their detention. Instead, § 1226 governed, rendering them eligible for bond.

55. Petitioner falls squarely within *Hernandez Alvarez*. He entered the United States without inspection in or around 2013, has continuously resided in this country for more than a decade, and was arrested in the interior while traveling to work after local law-enforcement officers stopped him for an alleged seatbelt violation. At the time of his arrest, Petitioner was not at or near a port of entry, had not recently crossed the border, and was not seeking lawful admission or taking any cognizable step toward obtaining lawful entry. His detention is therefore governed by § 1226(a), not § 1225(b)(2)(A). Indeed, the factual circumstances closely parallel those in *Hernandez Alvarez*, where both petitioners had entered without inspection, lived in the United States for years, and were ultimately taken into immigration custody following traffic stops.

56. As discussed above, multiple judges of this Court have recently granted identical relief in materially indistinguishable cases. Courts in the Middle District of Georgia have consistently held that noncitizens already present in the United States are detained under § 1226 rather than § 1225. See *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL 3050094, at *3–7 (M.D. Ga. Nov. 1, 2025) (rejecting DHS’s interpretation of § 1225(b)(2)(A), holding that § 1226(a) governed the detention of a noncitizen who entered without inspection and had lived in the United States for more than twenty years, and ordering a bond hearing under § 1226(a)(2)); *see also* *H.F.S.R. v. Francis*, No. 1:26-CV-238-AT (N.D. Ga. Jan. 20, 2026) (relying in part on *J.A.M.* and holding that noncitizens apprehended after residing in the United States are governed by § 1226 rather than § 1225); *Vaghela v. Harper*, No. 7:26-CV-128 (N.D. Ala. June 2026) (applying *Hernandez Alvarez* and recognizing that a noncitizen already present in the interior is detained under § 1226 and is entitled to seek a bond hearing).

FIRST CLAIM FOR RELIEF
STATUTORY AND REGULATORY VIOLATIONS

57. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

58. The INA provides that “[o]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a) (emphasis added).

59. In the present case, as detailed *supra*, ICE did not issue Petitioner a warrant prior to his arrest. Mr. SERGIO DAGOBERTO MARTINEZ MARTINEZ’s detention was therefore unlawful from its inception and cannot be justified by any post-hoc issuance of a warrant.

SECOND CLAIM FOR RELIEF
VIOLATION OF PROCEDURAL DUE PROCESS

60. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

61. Applying the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), and in *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020), Petitioner has been deprived of his right to procedural due process, and he is therefore entitled to immediate release.

62. In particular, **no individualized determination was made, either contemporaneously with or before ICE arrested Mr. SERGIO DAGOBERTO MARTINEZ MARTINEZ, regarding whether he posed a flight risk or danger to the community.** In fact, no process whatsoever was conducted before Petitioner’s detention.

THIRD CLAIM FOR RELIEF
VIOLATION OF SUBSTANTIVE DUE PROCESS

63. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

64. The Due Process Clause of the Fifth Amendment protects the substantive right of all persons in the United States, including noncitizens, to be free from unjustified deprivations of physical liberty. U.S. CONST. amend. V; *see generally Reno v. Flores*, 507 U.S. 292 (1993).

65. “[G]overnment detention violates the [Due Process Clause] unless the detention is ordered in a criminal proceeding with adequate procedural protections, or, in certain special and narrow nonpunitive circumstances, where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (quotation marks and citations omitted).

FOURTH CLAIM FOR RELIEF

VIOLATION OF SECTION 236(a) OF THE INA, 8 U.S.C. § 1226(a)

66. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

67. The Government appears to take the position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b). Because such a reading of the statute “(1) disregards the plain meaning of section 1225(b)(2)(A); (2) disregards the relationship between sections 1225 and 1226; (3) would render a recent amendment to section 1226(c) superfluous; and (4) is inconsistent with decades of prior statutory interpretation and practice,” *Lepe*, 2025 WL 2716910, at *4, the Court should reject it, as a chorus of District Judges throughout the Nation has done, *cf. Buenrostro-Mendez*, 2025 WL 2886346, at *3 (“The court need not repeat the ‘well-reasoned analyses’ contained in these opinions and instead simply notes its agreement.” (quoting Chogllo Chafila, 2025 WL 2688541, at *5)).

68. **In fact, as discussed *supra*, in this Court, Middle District of Georgia, federal judges have held that § 1226 governs the detention of aliens who are already in the United States and that § 1225’s detention mandate applies only to noncitizens ‘seeking admission.’**

69. Because Petitioner's detention was carried out pursuant to a flawed reading of the INA, it should be considered unreasonable ab initio and the Government should be ordered to release Petitioner immediately. *See, e.g., Zumba v. Bondi*, No. 25 Civ. 14626 (KSH), 2025 WL 2753496, at *11 (D.N.J. Sep. 26, 2025) ("For the reasons set forth above, petitioner's mandatory detention under § 1225 violates the INA and the Due Process Clause of the Fifth Amendment. The Court grants the writ of habeas corpus and orders respondents to release the Petitioner from detention within 24 hours. Following his release, respondents are permanently enjoined from re-arresting or otherwise detaining petitioner under § 1225 and may not arrest or otherwise detain petitioner under § 1226(a) for 14 days."), *Bethancourt Soto*, 2025 WL 2976572, at *9 (citing *Zumba*, supra).

70. Petitioner was arrested within the interior of the United States after having resided here, and was not seeking admission at a port of entry when he was detained. These circumstances further demonstrate that Petitioner falls within the detention framework of 8 U.S.C. § 1226(a), rather than the mandatory-detention provisions applicable to applicants for admission under 8 U.S.C. § 1225(b). Accordingly, Petitioner was entitled, at a minimum, to an individualized custody determination addressing whether his detention was warranted based on flight risk or danger to the community.

71. Under these circumstances, the Court should order Petitioner's immediate release. Alternatively, if the Court concludes that further factual findings regarding custody are necessary, the Court should conduct the bond hearing itself or appoint a judicial officer subject to the Court's supervision to do so. A district court sitting in habeas possesses broad equitable authority to fashion relief sufficient to cure constitutional violations and ensure that any custody determination is made by a neutral and independent decisionmaker.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Assume jurisdiction over this Petition pursuant to 28 U.S.C. § 2241;
2. Issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241;
3. Declare that Petitioner's continued detention under 8 U.S.C. § 1225(b) is unlawful;
4. Declare that Petitioner's arrest and detention violated the Immigration and Nationality Act, applicable regulations, and the Due Process Clause of the Fifth Amendment;
5. Order Respondents to immediately release Petitioner from ICE custody;
6. Order Respondents to restore Petitioner to the custody status and conditions of release that existed immediately before his arrest;
7. Enjoin Respondents from re-detaining Petitioner pursuant to 8 U.S.C. § 1225(b) absent lawful statutory authority;
8. Enjoin Respondents from transferring Petitioner outside the Middle District of Georgia while this action remains pending, absent prior authorization of this Court;
9. Grant such other and further relief as the Court deems just, equitable, and proper.

Dated: August 13, 2026

By: /s/ Rachel Effron Sharma
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*** Pro hac vice application forthcoming*

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Sergio Dagoberto Martinez Martinez, and submit this verification on Petitioner's behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: August 13, 2026

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