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

UNITED STATES DISTRICT COURT

for the

SILVERIO LOPEZ CASTRO

Petitioner

v

WARDEN, STEWART DETENTION CENTER
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
U.S. DEPARTMENT OF HOMELAND SECURITY

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: SILVERIO LOPEZ CASTRO
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: STEWART DETENTION CENTER
   (b) Address: 146 CCA RD NA LUMPKIN GA 31815
   (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: _____
(b) Docket number, case number, or opinion number: _____
(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: _____
(d) Date of the decision or action: _____

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: _____

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:

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

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: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

❒ Yes ❒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

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

(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: Violation of Due Process and Unnecessary Continued Detention

Petitioner respectfully argues that his continued immigration detention is unnecessary under the circumstances. Immigration detention is civil in nature and should not become punitive.

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 Do not cite cases or law.)*:

The Government should provide an individualized justification demonstrating why continued physical detention is necessary in Petitioner's particular case.

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

☐ Yes ☐ No

GROUND TWO: No Criminal Convictions or Criminal Record

Petitioner has no criminal convictions. His detention followed a vehicle accident, not a criminal conviction demonstrating that he poses a danger to the community. The absence of criminal convictions weighs strongly in favor of release, particularly where reasonable supervision can protect the Government's interests.

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 Do not cite cases or law.)*:

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

☐ Yes ☐ No

GROUND THREE: Long-Term Residence and Strong Community Ties

Petitioner has lived in the United States since August 16, 2016, approximately ten years. His long-term residence demonstrates substantial ties to the United States. These circumstances weigh against treating Petitioner as someone who is likely to abscond from immigration proceedings.

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

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

☐ Yes ☐ No

GROUND FOUR: Willingness to Continue Immigration Proceedings and Availability of Less Restrictive Alternatives: Petitioner is not seeking release in order to evade immigration authorities. He specifically seeks release so that he can continue resolving his immigration situation through the proper legal process.

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

He is willing to comply with ICE reporting requirements, attend all immigration hearings, maintain a verifiable address, and comply with electronic monitoring or other reasonable conditions. Therefore, continued physical detention is not necessary when less restrictive alternatives can adequately ensure his compliance.

(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:

Request for Relief

15. State exactly what you want the court to do: Accept and consider this Petition for Writ of Habeas Corpus Order my immediate release from immigration detention, preferably without bond; Grant any other relief that this Court considers just and proper.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
08/14/26

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 08.14.26

Silvano Lopez

Signature of Petitioner

Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT

DISTRICT OF GEORGIA

SILVERIO LOPEZ-CASTRO,

Petitioner,

v.

WARDEN, STEWART DETENTION CENTER

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),

And U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

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

I, Silverio Lopez-Castro, respectfully submit this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. I am currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815.

My Alien Registration Number is A# [redacted]

I respectfully ask this Court to review the legality and circumstances of my continued immigration detention and to order my release, preferably without requiring a bond, or alternatively under reasonable conditions of supervision.

I. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 to consider whether my continued physical detention violates the Constitution or laws of the United States.

Section 2241 authorizes federal courts to grant habeas relief when a person is in custody in violation of the Constitution or laws of the United States.

Federal courts may consider habeas petitions challenging the legality of immigration detention, particularly claims directed at the detention itself rather than an attempt to directly overturn a removal order.

II. PARTIES

A. Petitioner

Petitioner is Silverio Lopez-Castro, A# [redacted] currently detained at Stewart Detention Center in Lumpkin, Georgia.

B. Respondents

Respondents are the federal officials responsible for Petitioner's custody and immigration detention.

III. FACTUAL BACKGROUND

My name is Silverio Lopez-Castro.

My Alien Registration Number is A# [redacted]

I have lived continuously in the United States since approximately August 16, 2016.

I have therefore spent approximately ten years establishing my life and connections in the United States.

I was taken into immigration detention on or about July 26, 2026, following a vehicle accident.

I respectfully emphasize that I have not been convicted of any crime.

My detention has caused severe disruption to my life and has prevented me from working, supporting myself, and properly addressing my immigration situation

I am not asking this Court to excuse me from complying with immigration law.

To the contrary, I want the opportunity to continue addressing and resolving my immigration situation through the proper legal process while outside immigration detention.

I am willing to comply with all reasonable conditions imposed by ICE or this Court, including reporting requirements, check-ins, electronic monitoring if ordered, providing an address where I can reside, and appearing at all immigration proceedings

I respectfully submit that continued physical detention is unnecessary when reasonable alternatives can adequately ensure my appearance and compliance with immigration proceedings.

CLAIM ONE

CONTINUED DETENTION WITHOUT ADEQUATE INDIVIDUALIZED JUSTIFICATION VIOLATES DUE PROCESS

The Fifth Amendment protects persons from deprivation of liberty without due process of law.

Immigration detention is civil in nature. Although the government possesses authority to detain certain noncitizens during immigration proceedings, that authority does not eliminate constitutional protections.

The Supreme Court has recognized that immigration detention must be evaluated in light of the individual's liberty interest and the government's legitimate immigration interests.

I respectfully ask this Court to examine whether my continued detention is actually necessary in light of my individual circumstances.

CLAIM TWO

PETITIONER HAS NO CRIMINAL CONVICTION AND DOES NOT PRESENT A DEMONSTRATED DANGER TO THE COMMUNITY

I have not committed or been convicted of a crime.

My detention arose following a vehicle accident, not from a criminal conviction establishing that I pose a danger to the community

I respectfully submit that the absence of criminal convictions is highly relevant when determining whether continued civil detention is necessary.

If the government contends that I present a danger or flight risk, I respectfully request that it be required to identify the specific evidence supporting that allegation rather than relying solely upon the fact that I am in immigration proceedings.

I am willing to comply with reasonable supervision conditions.

I can provide a residential address, report to ICE as required, attend all immigration hearings, and comply with any other reasonable conditions ordered by the Court or immigration authorities.

CLAIM THREE

PETITIONER HAS SIGNIFICANT COMMUNITY TIES AND INTENDS TO CONTINUE HIS IMMIGRATION PROCESS

I have lived in the United States since August 16, 2016.

I have established approximately ten years of life and community ties in this country.

I am not requesting release so that I can evade immigration proceedings.

I am requesting release so that I can continue my immigration case while complying with all legal requirements.

My willingness to continue participating in the immigration process demonstrates that release under supervision can accomplish the government's legitimate interests without requiring continued incarceration.

The Supreme Court has recognized that civil detention cannot simply become indefinite or disconnected from the governmental purpose that justifies it.

CLAIM FOUR

LESS RESTRICTIVE ALTERNATIVES TO DETENTION ARE AVAILABLE

Even if the government believes that some supervision is necessary, continued incarceration is not necessarily the least restrictive method of ensuring compliance.

I respectfully request that the Court consider alternatives including:

1. Release on recognizance;

2. Conditional release;

3. ICE reporting requirements;

4. Electronic monitoring, if deemed necessary;

5. Regular check-ins;

6. Residence at a verified address;

7. Any other reasonable conditions deemed appropriate.

I am willing to comply with such conditions.

I understand the importance of attending every immigration hearing and following every requirement imposed upon me.

The government's legitimate interest in ensuring my appearance can be protected through supervision without unnecessarily maintaining me in physical detention.

THE DETENTION IS CIVIL, NOT PUNITIVE

I respectfully emphasize that I am not serving a criminal sentence.

I have no criminal conviction that justifies incarceration as punishment.

Immigration detention is intended to serve legitimate civil immigration purposes, such as ensuring appearance and effectuating removal when legally appropriate.

The Supreme Court has distinguished permissible immigration detention from potentially unconstitutional indefinite civil detention.

Accordingly, the Court should examine whether continued detention remains reasonably related to the government's legitimate immigration objectives in my particular circumstances.

PETITIONER'S WILLINGNESS TO COMPLY

If released, I agree to:

- Maintain a valid residential address;

- Report to ICE as required;

- Attend every immigration court hearing;

- Attend all required appointments;

- Obey all conditions of release;

- Remain available to immigration authorities;

- Cooperate with my immigration proceedings;

- Notify ICE of any change of address as required;

- Comply with any reasonable monitoring requirement.

I respectfully assure the Court that my objective is not to evade immigration authorities.

My objective is to obtain my liberty while continuing to resolve my immigration situation through the lawful process.

REQUEST FOR RELIEF

WHEREFORE, I respectfully request that this Honorable Court:

Accept and consider this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241;

Determine whether my continued immigration detention is lawful and constitutionally permissible;

Order Respondents to provide the Court with the legal and factual basis for my continued detention;

Order my immediate release from immigration detention, preferably without bond

Alternatively, order my release under reasonable conditions of supervision, including ICE check-ins or electronic monitoring if the Court considers such conditions necessary;

Find that my lack of criminal convictions, long residence in the United States, willingness to comply with immigration proceedings, and lack of demonstrated danger to the community weigh strongly in favor of release;

Grant any other relief that this Court considers just and proper.

Respectfully submitted,

Silverio Lopez-

SILVERIO LOPEZ-CASTRO

A# [redacted]

Stewart Detention Center

146 CCA Road

Lumpkin, GA 31815

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

Instructions

1. **Who Should Use This Form** You should use this form if
   - you are a federal prisoner and you wish to challenge the way your sentence is being carried out *(for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits)*;
   - you are in federal or state custody because of something other than a judgment of conviction *(for example, you are in pretrial detention or are awaiting extradition)*; or
   - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form.** You should not use this form if
   - you are challenging the validity of a federal judgment of conviction and sentence *(these challenges are generally raised in a motion under 28 U.S.C. § 2255)*;
   - you are challenging the validity of a state judgment of conviction and sentence *(these challenges are generally raised in a petition under 28 U.S.C. § 2254)*; or
   - you are challenging a final order of removal in an immigration case *(these challenges are generally raised in a petition for review directly with a United States Court of Appeals).*

3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury **A false statement may lead to prosecution.**

4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

6. **Required Filing Fee.** You must include the $5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

7. **Submitting Documents to the Court.** Mail your petition and ____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

   If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.