UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

RAMIREZ OLIVER, PEDRO, Petitioner, v. WARDEN, IRWIN COUNTY DETENTION CENTER; ATLANTA FIELD OFFICE DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY; ATTORNEY GENERAL OF THE UNITED STATES, Respondents.	Case No. **PETITION FOR WRIT OF HABEAS CORPUS**

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. Petitioner, by counsel, respectfully petitions this Court for a writ of habeas corpus to challenge his ongoing civil immigration detention without any meaningful access to an Immigration Judge.
2. Petitioner has been detained at Irwin County Detention Center since on or about July 16, 2026.
3. Respondents have not provided Petitioner or counsel with an A-number or other usable immigration-court identifying information sufficient to access immigration court custody procedures.
4. Petitioner has not been scheduled for a hearing before an Immigration Judge.
5. Because Respondents have not provided the information necessary to access immigration court custody procedures, counsel has been unable to request a bond hearing or otherwise obtain custody review before an Immigration Judge.
6. Petitioner therefore remains detained without any neutral and individualized custody determination and without any practical avenue to seek release on bond.
7. Petitioner seeks relief under 28 U.S.C. § 2241 in the form of:

   a. immediate release; or, in the alternative,

   b. an order requiring Respondents to provide Petitioner with a prompt, individualized, constitutionally adequate bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION AND VENUE

8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in custody under color of the authority of the United States and is being held in violation of the Constitution and laws of the United States.

9. District courts may grant habeas relief to petitioners held "in custody in violation of the Constitution or laws or treaties of the United States," and that jurisdiction extends to challenges to immigration detention. See 28 U.S.C. § 2241(c)(3), Zadvydas v. Davis, 533 U.S. 678, 687 (2001).

10. Venue is proper in this Court because Petitioner is confined at Irwin County Detention Center.

II. PARTIES

11. Petitioner is Pedro Ramirez Oliver, a noncitizen currently detained at Irwin County Detention Center.

12. Respondent Warden, Irwin County Detention Center, is Petitioner's immediate physical custodian.

13. Respondent Atlanta Field Office Director, U.S. Immigration and Customs Enforcement, is the ICE official responsible for custody decisions affecting Petitioner.

14. Respondent Secretary, U.S. Department of Homeland Security, oversees the agency responsible for Petitioner's detention.

15. Respondent Attorney General of the United States oversees the Department of Justice, including EOIR and the immigration court system.

III. FACTUAL ALLEGATIONS

16. Petitioner was taken into immigration custody on or about July 16, 2026, and has remained detained since that date.

17. Petitioner had been physically present in the United States since 2000 and was not apprehended at the border or at a port of entry.

18. Respondents have not provided Petitioner or counsel with an A-number.

19. Respondents also have not provided Petitioner or counsel with any other usable information sufficient to access immigration court custody procedures and request bond redetermination.

20. Petitioner has no scheduled hearing before an Immigration Judge.

21. Counsel has been unable to file a bond motion or otherwise obtain custody review before an Immigration Judge.

22. Petitioner has therefore received no bond hearing, no custody redetermination, and no other individualized determination regarding whether his detention should continue.

23. EOIR's bond-hearing guidance states that bond proceedings are separate from removal proceedings and that an Immigration Judge generally has jurisdiction to conduct a bond hearing if the noncitizen is in DHS custody, even if a charging document has not been filed. See EOIR Policy Manual, Part II, Chapter 8.3.

24. Petitioner's inability to access that process has left him detained without any meaningful avenue to seek bond or custody review.

IV. EXHAUSTATION OF REMEDIES

25. This action is not barred by any exhaustion requirement.

26. Petitioner has had no meaningful administrative remedy available to him because Respondents have not provided him or counsel with the identifying information necessary to access immigration court custody procedures.

27. Because no hearing has been scheduled and counsel has been unable to file a bond motion or otherwise obtain custody review before an Immigration Judge, any further attempt at administrative exhaustion would be futile.

V. LEGAL FRAMEWORK

28. Under 8 U.S.C. § 1226(a), "On 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."

29. Jennings v. Rodriguez explains that § 1226(a) establishes the detention process for noncitizens already present in the United States and "creates a default rule" permitting, but not requiring, arrest and detention pending removal proceedings. Jennings v. Rodriguez, 583 U.S. 281, 303 (2018).

30. Jennings v. Rodriguez further explains that, under the implementing regulations, noncitizens detained under § 1226(a) generally "receive bond hearings at the outset of detention." Id. at 306 (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)).

31. The Middle District of Georgia has repeatedly held that for noncitizens "who are found in the country unlawfully and are arrested" without inspection, an immigration officer or immigration judge has discretion under 8 U.S.C. § 1226(a) to grant release on bond unless a statutory exception applies, and that mandatory detention under 8 U.S.C. § 1225(b)(2) "is not authorized." See In re: 28 U.S.C. § 2241 Immigration Petitions for Bond Hearings Stewart Detention Center, Standing Order No. 2026-01 (M.D. Ga. Jan.

29, 2026); J.A.M. v. Streeval, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); P.R.S. v. Streeval, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

32. In F.F.R.B. v. Warden Irwing County Detention Center, Case No. 7:25-cv-203-WLS-AGH (M.D. Ga. Jan. 6, 2026), the court held that an Irwin detainee was detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2), and ordered a bond hearing within seven days.

VI. CLAIMS FOR RELIEF

COUNT ONE: Custody in Violation of the Constitution and Laws of the United States

(28 U.S.C. § 2241)

33. Petitioner's continued detention is unlawful because Respondents continue to confine him while denying him any meaningful access to the process necessary to seek bond or other custody review

34. Petitioner is not challenging a discretionary judgment denying bond. He is challenging his ongoing detention without any opportunity to request an individualized custody determination before an Immigration Judge.

35. Because Respondents have failed to provide any workable forum for custody review, Petitioner is in custody in violation of the Constitution and laws of the United States.

COUNT TWO: Violation of Fifth Amendment Due Process

36. Civil immigration detention requires a meaningful opportunity to obtain an individualized custody determination.

37. Petitioner has received no hearing before an Immigration Judge, no bond review, and no other individualized custody determination by a neutral decisionmaker.

38. Respondents' failure to provide Petitioner or counsel with the identifying information necessary to access immigration court custody procedures has prevented Petitioner from even requesting bond review.

39. By continuing to detain Petitioner while withholding any meaningful access to an individualized custody process, Respondents are depriving Petitioner of liberty without due process of law

COUNT THREE: Violation of the Immigration and Nationality Act

40. Respondents are unlawfully detaining Petitioner without access to the bond process required by the Immigration and Nationality Act.

41. Petitioner is present in the United States and is being detained pending a decision on whether he is to be removed. Under 8 U.S.C. § 1226(a), a noncitizen in that posture may be arrested and detained pending a decision on removal and may seek release on bond.

42. Under 8 U.S.C. § 1226(a) and the applicable regulations, a noncitizen in that posture may seek custody redetermination before an Immigration Judge.

43. By failing to provide Petitioner any workable avenue to access that process, Respondents are depriving Petitioner of the custody-redetermination process associated with detention under 8 U.S.C. § 1226(a) and are holding him in custody in violation of the laws of the United States.

VII. REQUEST FOR EMERGENCY RELIEF

44. Emergency relief is warranted because every additional day of detention occurs without access to any hearing before an Immigration Judge.

45. In recent immigration detention habeas cases, district courts have ordered respondents either to release the petitioner or to provide a constitutionally adequate bond hearing before an Immigration Judge, and Georgia federal courts have ordered such bond hearings within seven days. See, e.g., E.E.R.B. v. Warden Irwing County Detention Center, Case No. 7:25-cv-203-WLS-AGH (M.D. Ga. Jan. 6, 2026); In re: 28 U.S.C. § 2241 Immigration Petitions for Bond Hearings Stewart Detention Center, Standing Order No. 2026-01 (M.D. Ga. Jan. 29, 2026).

46. Petitioner therefore requests that this Court order Respondents to show cause on an expedited basis and grant prompt relief.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

e. Grant any other and further relief that this Court deems just and proper.

DATED this 20th of August, 2026.

Respectfully Submitted,

David Kennedy & Associates, Attorneys at Law, P.C.

ATTORNEYS FOR PETITIONER

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

I represent Petitioner, PEDRO RAMIREZ OLIVER, and submit this verification on his 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.

Submitted this 20th of August, 2026.

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