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UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

JOSE ANTONIO CAMACHO ESCALONA,

A# [redacted] Petitioner,

Pro Se,

v.

WARDEN, IRWIN COUNTY DETENTION CENTER; FIELD OFFICE DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

Case No. _____

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

I. INTRODUCTION

I, **Jose Antonio Camacho Escalona**, respectfully file this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 challenging the legality and constitutionality of my continued civil immigration detention.

I am presently detained at the **Irwin County Detention Center, 132 Cotton Drive, Ocilla, Georgia 31774**. My A-Number is [redacted] The immigration court's August 10, 2026 custody order confirms both my current detention location and my identity.

I do not ask this Court through this Petition to decide the ultimate merits of my asylum claim or to terminate my immigration proceedings. I ask this Court to protect my constitutional liberty while those proceedings continue.

I respectfully request **release from physical custody under reasonable conditions of supervision**. I am willing to comply with any lawful conditions this Court or ICE considers necessary, including electronic GPS monitoring, an ankle monitor, scheduled ICE reporting, home supervision, travel restrictions, or other reasonable conditions.

Alternatively, if the Court does not order my release, I respectfully request a **prompt, meaningful, individualized and constitutionally adequate bond/custody hearing**, at which my actual circumstances are considered and the Government is required to justify the necessity of continued physical detention.

My continued detention is particularly severe because I have a wife and a very young daughter who depend upon me. The documentary evidence establishes that A[redacted] **is my daughter**. My 2024 federal tax records identify her expressly as my "Daughter."

This is not merely a generalized claim of family hardship. My daughter has substantial developmental needs requiring continuing professional intervention. Her North Carolina Individualized Family Service Plan identifies both **Sahily**

Torrealba and Jose Camacho as her parents, and identifies A[redacted], date of birth as [redacted]

A psychological evaluation recommends **Applied Behavior Analysis ("ABA")**, specialized speech-language and occupational-therapy consideration, structured routines, coordinated professional care, and reevaluation because of her developmental profile.

My detention therefore does not affect me alone. It removes a father from a household containing a young child with documented special developmental needs and leaves my family without the daily physical, emotional, and financial support I provided before detention.

I have established a record of working and paying taxes in the United States. My 2024 federal tax return documents self-employment activity in transportation/rideshare work and identifies my daughter as my dependent.

My 2025 tax documentation likewise establishes continuing lawful economic activity. It reports nonemployee compensation from **Walmart/Spark Delivery, Amazon, and DoorDash totaling $12,145**, and my 2025 federal return was accepted on March 30, 2026.

These records are objective evidence that I built a life outside detention, worked, supported myself and my family, maintained ties to the community, and participated in the tax system.

II. JURISDICTION AND VENUE

This Court has jurisdiction under **28 U.S.C. § 2241** because I am "in custody" under federal authority and challenge the legality of that custody.

Federal district courts retain habeas jurisdiction over challenges to the legality of immigration detention. See *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).

I challenge my **detention**, not the Immigration Judge's ultimate determination concerning my removability or eligibility for asylum.

Venue is proper because I am physically confined at the Irwin County Detention Center in Ocilla, Georgia, and my immediate custodian exercises custody over me within this judicial district.

III. FACTUAL BACKGROUND

I am **Jose Antonio Camacho Escalona**, A# [redacted]. I am presently detained by U.S. Immigration and Customs Enforcement at the **Irwin County Detention Center, 132 Cotton Drive, Ocilla, Georgia 31774**. The August 10, 2026 custody order issued by the Stewart Immigration Court confirms my identity, A-Number, and present detention location.

I am currently pursuing immigration relief in the United States. My asylum-related immigration proceedings remain separate from this habeas action. Through this Petition, I do not ask this Court to decide the merits of my asylum claim. I ask only that this Court determine whether my continued physical detention is lawful and constitutionally justified.

I have built substantial family, economic, and residential ties in the United States. I worked, earned income, filed federal income tax returns, maintained housing, and supported my family before my present detention.

My 2024 federal tax documentation identifies me as **Jose A. Camacho Escalona** and identifies **A[redacted] as my daughter**. The return reflects income earned in the United States and a residential address in Houston, Texas.

My 2024 Schedule C also reflects self-employment activity involving transportation and rideshare services, demonstrating that I was actively working and supporting myself through lawful economic activity.

I continued working in 2025. My 2025 tax records reflect nonemployee compensation from several companies, including **Walmart/Spark Delivery,**

Amazon, and DoorDash, totaling $12,145 in reported nonemployee compensation.

My 2025 federal income tax return was later accepted electronically by the Internal Revenue Service on **March 30, 2026**. The return reflects my Raleigh, North Carolina residence at [redacted] **Raleigh, North Carolina 27606**.

These tax records are objective evidence that I did not live outside society or avoid governmental systems. I worked, earned income, reported that income, maintained a residence, and remained connected to my family and community.

My daughter, **A**[redacted] was born on [redacted] Her North Carolina Individualized Family Service Plan identifies **Sahily Torrealba and Jose Camacho as her parents**, identifies Spanish as the family's primary language, and lists the family residence in Raleigh, North Carolina.

Ailhany has significant developmental needs. She was referred for developmental and psychological evaluation because of concerns involving communication delays, lack of gestures, repetitive behaviors, socialdevelopment concerns, and other developmental symptoms.

Her psychological evaluation documented regression in language development, inconsistent response to her name, limited gestures, restricted social engagement, sensory sensitivities, feeding difficulties, repetitive motor behaviors, and other developmental concerns.

Ailhany was diagnosed with **Autism Spectrum Disorder, Level 2 support**. Her treatment records document deficits in expressive and receptive communication, listener responding, and daily-living skills.

Her treatment providers recommended approximately **17 hours per week of one-on-one Applied Behavior Analysis therapy**, describing that level of therapy as medically necessary because of substantial delays in requesting, labeling, listener responding, social interaction, play, imitation, echoic skills, and toilet training.

Her psychological providers also recommended coordinated treatment, structured routines, visual supports, specialized speech-language and occupational-therapy evaluation, and continuing reevaluation as her development progresses.

My daughter's condition makes my family responsibilities unusually significant. Her care requires stability, consistent routines, participation by caregivers, transportation to services, financial support, and continued coordination with medical and developmental professionals.

My detention has removed me from that household and prevented me from providing the daily financial, emotional, and practical support that I provided while living with my family.

My family continues to face ordinary household expenses, including housing, utilities, food, transportation, and other recurring bills, while simultaneously managing the additional demands associated with Ailhany's developmental treatment.

My continued detention also prevents me from returning to work and contributing to those expenses, even though my tax history demonstrates an established pattern of employment and self-support.

I have every incentive to remain present and comply with my immigration proceedings. My wife, my young daughter, my daughter's treatment needs, my prior employment, my tax history, my housing ties, and my pending immigration proceedings all provide powerful reasons for me to appear whenever required.

On **August 10, 2026**, I requested a custody redetermination before Immigration Judge George Ward.

The Immigration Judge did not deny my request after finding that I was dangerous to the community.

The Immigration Judge also did not deny my request after making an individualized factual finding that I presented an unacceptable flight risk.

Instead, the written custody order denied relief because the Immigration Judge concluded: **"No jurisdiction. Respondent is an arriving alien."**

The order therefore left me in continued physical detention without a substantive individualized determination by the Immigration Judge that incarceration was necessary because of danger or flight risk.

The same order reflects an appeal deadline of **September 9, 2026**.

My immigration proceedings can continue while I am outside physical detention.
I am willing to comply with strict conditions of supervision if required.

I am willing to report to ICE as often as directed, participate in electronic checkins, wear a GPS ankle monitor, accept home visits, comply with geographic restrictions, obey a curfew, provide updated address information, and comply with any other reasonable condition designed to ensure my appearance.

I am not asking to avoid the immigration process. I am asking to participate in that process while supporting my family and caring for my daughter rather than remaining unnecessarily confined.

My history of employment, tax compliance, family responsibility, residence, and willingness to accept intensive supervision provides concrete alternatives to physical incarceration.

Continued detention prevents me from working, supporting my household, assisting my wife, participating in my daughter's care, and meaningfully preparing my immigration case from the community.

Under these circumstances, I respectfully contend that my continued detention must be subjected to meaningful federal judicial review.

IV. ARGUMENT

GROUND ONE

PETITIONER'S CONTINUED DETENTION UNDER 8 U.S.C. § 1225(b)(2)(A), WITHOUT ACCESS TO AN INDIVIDUALIZED BOND DETERMINATION, IS CONTRARY TO CONTROLLING ELEVENTH CIRCUIT LAW

Petitioner challenges the statutory basis upon which the Government continues to detain him without access to individualized bond consideration.

On August 10, 2026, Petitioner requested custody redetermination before the Immigration Court. The Immigration Judge did not deny the request after finding that Petitioner was dangerous to the community or presented an unacceptable risk of flight. Instead, the written custody order stated: "No jurisdiction. Respondent is an arriving alien."

The distinction between detention under 8 U.S.C. § 1225(b)(2)(A) and detention under § 1226(a) is therefore central to this Petition. Section 1226(a) authorizes detention during removal proceedings but also permits release on bond or conditional parole, whereas the Government's application of § 1225(b)(2)(A) has prevented Petitioner from obtaining such individualized bond consideration.

In *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, 175 F.4th 1258, 1276 (11th Cir. 2026), the United States Court of Appeals for the Eleventh Circuit addressed the scope of these provisions and held that § 1225(b)(2)(A)'s mandatory detention provision applies to arriving aliens seeking entry at the border, whereas § 1226 applies to aliens unlawfully present in the interior.

The Eleventh Circuit's decision is particularly significant here because Petitioner's continued detention presently rests upon the administrative conclusion that he is an "arriving alien" and therefore ineligible for custody redetermination.

Federal district courts applying *Hernandez Alvarez* have subsequently ordered individualized bond hearings under § 1226(a), or release where the Government fails to provide such a hearing within the time ordered by the court.

Petitioner does not ask this Court to determine through this Ground whether he should ultimately prevail in his immigration proceedings. Nor does he contend that *Hernandez Alvarez* automatically requires his unconditional release.

Rather, Petitioner respectfully requests that this Court examine the actual statutory basis for his present detention and determine whether the Government may lawfully continue to detain him under § 1225(b)(2)(A) without access to individualized bond consideration.

If Petitioner's detention is properly governed by § 1226(a), Petitioner respectfully requests that the Court order Respondents to provide him with a prompt individualized bond hearing consistent with that provision or release him under reasonable conditions of supervision.

GROUND TWO

PETITIONER'S CONTINUED DETENTION WITHOUT A MEANINGFUL INDIVIDUALIZED DETERMINATION VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. Freedom from physical government confinement lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Immigration detention is civil and regulatory rather than criminal punishment. Its legitimate purposes include ensuring appearance at immigration proceedings and protecting the community where an individual presents a demonstrated danger. See *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 527–28 (2003).

Petitioner does not contend that every period of immigration detention is unconstitutional or that the Constitution establishes an automatic right to release after a fixed period of time.

His claim is narrower. Petitioner remains physically confined without a meaningful individualized determination that incarceration is actually necessary in his particular circumstances.

The August 10, 2026 custody determination did not resolve that question. Because the Immigration Judge concluded that jurisdiction was unavailable, there was no substantive individualized determination of whether Petitioner himself must remain physically incarcerated to protect the community or ensure his appearance.

The constitutional concern is therefore distinct from the statutory issue presented in Ground One. Even where the Government possesses statutory detention authority, the deprivation of physical liberty remains subject to constitutional limitations.

The Supreme Court has recognized the substantial liberty interest implicated by civil confinement. See *Zadvydas*, 533 U.S. at 690; *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

Likewise, *Jennings v. Rodriguez*, 583 U.S. 281 (2018), rejected a statutory interpretation requiring periodic bond hearings through the immigration statutes themselves, but it did not resolve every as-applied constitutional challenge to continued immigration detention.

Petitioner therefore raises an as-applied due process challenge based upon the absence of meaningful individualized review of the necessity of his continued physical confinement.

Due process requires more than a categorical determination where physical liberty is at stake. If Respondents contend that continued detention is necessary, Petitioner respectfully submits that the justification should be tested through a meaningful proceeding in which the relevant evidence concerning his individual circumstances can actually be considered.

Petitioner should have a genuine opportunity to present evidence relevant to custody, and any decision continuing physical detention should rest upon specific findings demonstrating why confinement remains necessary.

Accordingly, Petitioner respectfully requests that this Court hold that continued detention without constitutionally adequate individualized review violates the Fifth Amendment as applied to him and order appropriate habeas relief.

GROUND THREE

PETITIONER PRESENTS NO DEMONSTRATED DANGER TO THE COMMUNITY, AND HIS STRONG FAMILY, EMPLOYMENT, RESIDENTIAL, AND COMMUNITY TIES WEIGH HEAVILY AGAINST ANY CLAIM OF FLIGHT RISK

If continued detention is justified on the basis of danger or flight risk, those concerns should be evaluated according to Petitioner's actual circumstances rather than presumed from his immigration classification.

The existing custody order contains no individualized finding that Petitioner is dangerous to the community and no finding, based upon consideration of his circumstances, that he presents an unacceptable risk of flight.

The documentary evidence described in the Factual Background instead demonstrates substantial ties to life outside detention.

Petitioner has documented employment and self-employment history in the United States, federal tax compliance, residential ties, and continuing financial responsibilities. These are objective indications of stability and connection to the community.

Petitioner's strongest ties are familial. He has a wife and a young daughter, A[redacted] As established by the documentary evidence described above, Petitioner is identified as A[redacted] father, and his daughter has significant documented developmental needs requiring continuing treatment, stability, and caregiver involvement.

Those circumstances give Petitioner powerful reasons to remain with his family, remain reachable by immigration authorities, and comply with his immigration proceedings.

Flight would directly undermine Petitioner's interests. Petitioner is actively pursuing immigration relief. Failing to appear would jeopardize those proceedings, separate him further from his family, prevent him from supporting his household, and undermine the relief he seeks through the lawful immigration process.

Petitioner does not seek to escape immigration supervision or avoid future proceedings. He seeks to continue those proceedings while residing with his family and remaining accountable to immigration authorities.

Petitioner is also willing to comply with appropriate conditions designed to address any legitimate concern regarding his appearance.

The relevant question therefore is not whether flight risk can be imagined in the abstract, but whether this Petitioner presents an unacceptable risk that requires continued physical incarceration.

Likewise, the record presently contains no individualized determination that Petitioner presents a danger requiring confinement.

If Respondents contend otherwise, Petitioner respectfully requests that they be required to identify the concrete evidence supporting such a conclusion and that Petitioner receive a meaningful opportunity to respond.

Considering Petitioner's documented family responsibilities, employment and tax history, residential ties, pending immigration proceedings, and incentive to comply with the legal process, continued detention should not rest upon generalized assumptions of danger or flight risk.

Petitioner therefore respectfully requests release under reasonable conditions or, alternatively, a meaningful individualized custody hearing at which danger and flight risk are determined from evidence rather than presumed.

GROUND FOUR

CONTINUED PHYSICAL DETENTION IS EXCESSIVE WHERE LESS RESTRICTIVE CONDITIONS CAN ADEQUATELY PROTECT THE GOVERNMENT'S LEGITIMATE INTERESTS

Even assuming lawful authority to detain Petitioner during his immigration proceedings, continued physical incarceration is not the only mechanism available to protect the Government's legitimate interests.

Civil immigration detention serves regulatory rather than punitive purposes. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Bell v. Wolfish*, 441 U.S. 520, 535–39 (1979).

Petitioner recognizes the Government's legitimate interests in ensuring his appearance at immigration proceedings and protecting the community. The issue presented by this Ground is whether those interests require continued physical incarceration when reasonable alternatives are available.

Petitioner is willing to submit to substantial supervision. Such conditions may include GPS or electronic monitoring, scheduled reporting to ICE, electronic check-ins, residence requirements, geographic or travel restrictions, curfew, or other lawful conditions deemed necessary.

Petitioner therefore does not request freedom from immigration supervision. He requests freedom from unnecessary physical incarceration while remaining subject to governmental supervision and accountability.

The August 10, 2026 custody order did not contain an individualized determination that such alternatives would be inadequate. Because custody redetermination was denied for lack of jurisdiction, there was no substantive evaluation of whether conditions short of incarceration could adequately manage any legitimate governmental concern.

That distinction is important. The existence of detention authority does not itself demonstrate that continuous physical confinement is necessary in every individual case.

The Supreme Court has recognized that the nature and duration of civil confinement must bear a reasonable relationship to the purpose for which an individual is confined. See *Jackson v. Indiana*, 406 U.S. 715, 738 (1972).

Here, reasonable conditions of supervision can directly address the Government's regulatory interests while permitting Petitioner to return to his family, resume employment, assist with household responsibilities, and continue pursuing his immigration case.

Release under supervision would not terminate Petitioner's immigration proceedings, confer immigration status upon him, or prevent DHS from pursuing those proceedings Petitioner would remain obligated to appear whenever required and comply with all lawful immigration requirements

Nor would supervised release prevent ICE from maintaining meaningful oversight. Electronic monitoring, reporting requirements, residence restrictions, and other appropriate conditions provide mechanisms for monitoring Petitioner's location and compliance without continuous physical incarceration.

Accordingly, Petitioner respectfully requests release under reasonable conditions of supervision.

Alternatively, if the Court does not order release, Petitioner requests a prompt individualized custody hearing at which reasonable alternatives to detention are meaningfully considered and, if continued incarceration is ordered, specific findings are made explaining why those alternatives are insufficient.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner Jose Antonio Camacho Escalona, proceeding pro se, respectfully requests that this Honorable Court grant his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 and:

A. Assume jurisdiction over this habeas action and determine whether Petitioner's present civil immigration detention is lawful under the Constitution and laws of the United States;

B. Determine whether Petitioner's detention is properly governed by 8 U.S.C. § 1226(a), consistent with controlling Eleventh Circuit authority;

C. Issue the writ and order Petitioner's release from physical immigration custody under such reasonable conditions of supervision as the Court deems appropriate;

D. Alternatively, if the Court declines to order immediate release, order Respondents to provide Petitioner with a prompt, meaningful, individualized custody or bond hearing consistent with 8 U.S.C. § 1226(a) and the requirements of due process;

E. At any court-ordered custody hearing, require meaningful consideration of Petitioner's individual circumstances, including whether he presents a demonstrated danger to the community or an unacceptable risk of flight;

F. Require meaningful consideration of reasonable alternatives to physical detention and, if continued detention is ordered, specific findings explaining why such alternatives are inadequate;

G. Permit Petitioner to continue pursuing his immigration proceedings from the community while complying with all lawful conditions of supervision imposed upon him; and

H. Grant such other and further relief as this Court deems just, equitable, and appropriate.

VI. CONCLUSION

For the foregoing reasons, Petitioner Jose Antonio Camacho Escalona respectfully submits that his continued civil immigration detention, without a meaningful individualized determination that confinement is necessary, violates the Due Process Clause of the Fifth Amendment.

The Immigration Judge's August 10, 2026 custody order did not find Petitioner dangerous or make an individualized finding that he poses an unacceptable risk of flight. Instead, custody redetermination was denied because the Immigration Judge concluded that he lacked jurisdiction based on Petitioner's classification as an "arriving alien."

Petitioner has substantial family, residential, employment, and community ties, including significant responsibilities toward his young daughter, and he is willing to comply with reasonable conditions of supervision to ensure his appearance at all immigration proceedings.

Accordingly, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order his release under reasonable conditions of supervision. Alternatively, Petitioner requests a prompt, meaningful, individualized, and constitutionally adequate custody or bond hearing at which the necessity of continued detention and reasonable alternatives to incarceration are fully considered.

Petitioner respectfully requests such other and further relief as this Court deems just and proper.

VI. VERIFICATION

I, **Jose Antonio Camacho Escalona**, A# [redacted] am the Petitioner in this action and am currently detained at the **Irwin County Detention Center in Ocilla, Georgia**.

I have read, or have had read to me, the foregoing **Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241**, and I understand its contents.

I declare that the factual statements contained in this Petition concerning my detention, immigration proceedings, family circumstances, employment, tax history, residence, and personal circumstances are **true and correct to the best of my knowledge and belief**.

I further declare that I intend to continue pursuing my immigration proceedings and that, if released, I will appear at all required immigration hearings, report to ICE as directed, maintain updated address and contact information, and comply with all lawful conditions of release imposed upon me.

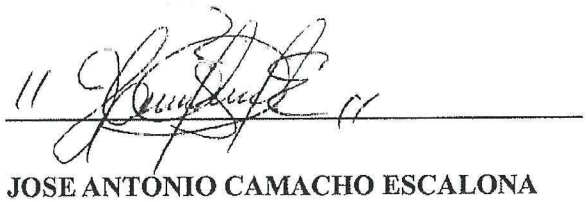
I am willing to comply with reasonable conditions of supervision, including electronic monitoring, GPS or ankle monitoring, scheduled ICE reporting, electronic check-ins,

residence requirements, travel restrictions, home visits, or other lawful conditions deemed necessary.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. See **28 U.S.C. § 1746**.

Executed on: 08 - 18, 2026 Ocilla, Georgia.

Respectfully submitted,



JOSE ANTONIO CAMACHO ESCALONA

A# [redacted]

Petitioner, Pro Se

Irwin County Detention Center
132 Cotton Drive
Ocilla, Georgia 31774