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MACON-CDL

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

IVAN JOSE COLMENARES PADILLA

Petitioner

v.

WARDEN / FACILITY DIRECTOR
STEWART DETENTION CENTER

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: IVAN JOSE COLMENARES PADILLA

   (b) Other names you have used: NA

2. Place of confinement:

   (a) Name of institution: Stewart Detention Center

   (b) Address: 146 CCA RoadLumpkin, Georgia 31815

   (c) Your identification number: A# [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: U.S. Immigration and Customs Enforcement

(b) Docket number, case number, or opinion number: A# [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
ICE's decision to take me into civil immigration custody on August 12, 2026, while I was appearing at a required ICE reporting appointment in Charlotte, North Carolina, and my continued physical detention thereafter at Stewart Detention Center in Lumpkin, Georgia.

(d) Date of the decision or action: 08/12/2026

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: No statutory administrative appeal is a jurisdictional prerequisite to this § 2241 challenge to my present physical detention.

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: No first administrative appeal was required before seeking § 2241 habeas review of my custody.

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: No prior administrative detention appeal was required before filing this § 2241 petition.

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: 08/12/2026

(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.

GROUND ONE: MY PRESENT DETENTION IS UNAUTHORIZED BECAUSE I WAS DETAINED IN THE INTERIOR OF THE UNITED STATES WHILE I WAS NOT SEEKING ADMISSION.

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 Do not cite cases or law.)*:

I entered the United States through Eagle Pass, Texas, on December 21, 2023. Immigration authorities processed me, issued me a Notice to Appear, and released me into the United States. I thereafter lived in the interior of the country. On August 12, 2026, ICE detained me while I was appearing at a required reporting appointment in Charlotte, North Carolina. At the time of my detention, I was not arriving from another country, crossing an international border, appearing at a port of entry, or requesting permission to enter the United States. I was already physically present inside the country and was appearing before ICE.

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

☐ Yes ☑ No

GROUND TWO: MY PRESENT CUSTODY OCCURS DURING PENDING IMMIGRATION PROCEEDINGS AND THERE IS NO FINAL REMOVAL ORDER AGAINST ME.

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

My immigration proceedings remain active and pending before the Immigration Court. No final order of removal has been entered against me. My asylum application also remains pending. According to the currently available court information, I have an Individual Hearing scheduled for October 22, 2027, although that date may change because of my detention. Because my case remains unresolved and no final removal order exists, my present physical custody is occurring while my immigration proceedings are still pending.

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

☐ Yes ☑ No

GROUND THREE: MY CONTINUED CIVIL IMMIGRATION DETENTION DEPRIVES ME OF PHYSICAL LIBERTY WITHOUT DUE PROCESS OF LAW.

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

I am presently confined in a civil immigration detention facility even though my immigration proceedings remain unresolved. My physical liberty is being restrained by the Government while the legal basis for my continued custody is disputed. I was already living in the United States when ICE detained me, and I was taken into custody while appearing as required by immigration authorities. My continued physical confinement therefore imposes a serious deprivation of liberty that must be justified under the legal framework that actually applies to my circumstances and through constitutionally adequate procedures.

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

☐ Yes ☑ No

GROUND FOUR: MY INDIVIDUAL CIRCUMSTANCES SHOW THAT CONTINUED PHYSICAL CONFINEMENT IS NOT NECESSARY TO ENSURE MY FUTURE COMPLIANCE AND AVAILABILITY.

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

Before my detention, I complied with the requirement that I report to immigration authorities and made myself available as directed. I intend to continue complying with every lawful obligation imposed upon me, including appearing when required, responding to official notices, maintaining current contact information, and remaining engaged in my immigration proceedings. I also have an identified sponsor, Eliezer Hernandez, who has agreed to remain in regular communication with me and assist me in staying informed, reachable, and compliant with immigration requirements. My prior conduct, my continuing obligations, and the support of my sponsor provide concrete reasons to believe that I will remain available and responsive without continued physical confinement.

(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: I did not present these habeas grounds in prior administrative appeals because no statutory administrative appeal is a jurisdictional prerequisite to this § 2241 challenge to my present physical detention. The grounds raised here concern the legality of my custody itself and present federal statutory and constitutional questions that may be reviewed directly through habeas corpus.

Request for Relief

15. State exactly what you want the court to do: I respectfully request that this Court grant my Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, order my release from immigration detention,require prompt advance notice before any transfer outside this District while this habeas proceeding remains pending,and grant such other relief as the Court deems 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:

08/19/2026

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: 08/19/2026

IJCP

Signature of Petitioner

Signature of Attorney or other authorized person, if any

Ivan Jose Colmenares Padilla
Stewart Detention Center
146 CCA Road, Lumpkin, GA 31815

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

IVAN JOSE COLMENARES PADILLA,	§	A# [redacted]
Petitioner,	§	
v.	§	CIVIL ACTION NO. _____
Warden/Facility Director,	§	
Stewart Detention Center;	§	
Field Office Director,	§	
U.S. Immigration and Customs Enforcement,	§	
Atlanta Field Office;	§	
United States Attorney for the	§	
Middle District of Georgia;	§	
Secretary, U.S. Department of	§	
Homeland Security	§	
	§	
Respondents.	§	

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

I, Ivan Jose Colmenares Padilla, A# [redacted] a native and citizen of Venezuela, born [redacted] respectfully submit this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the statutory and constitutional legality of my present civil immigration detention.

I have been in civil immigration detention since August 12, 2026. I was detained at an ICE reporting appointment in Charlotte, North Carolina, while complying with a supervision obligation. I am presently confined at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815. This Petition challenges the legal authority for my present physical custody. It does not ask this Court to adjudicate my asylum claim, my removability, or any other immigration benefit. I respectfully request that this Court grant the writ and order my release from immigration detention.

II. JURISDICTION AND HABEAS REVIEW UNDER 28 U.S.C. § 2241

This Court has jurisdiction under 28 U.S.C. § 2241 to review the statutory and constitutional legality of my present physical confinement. Section 2241 authorizes federal courts to grant habeas corpus to persons held in custody in violation of the Constitution or laws of the United States. Genuine constitutional and statutory challenges to the legality of civil immigration detention are cognizable in habeas. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

I am presently confined at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, within the Middle District of Georgia. The Warden or Facility Director of Stewart Detention Center is my immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 442-43 (2004). Venue is proper in the Columbus Division of this District because I am physically confined within this Court's territorial jurisdiction.

This Petition does not challenge any removal order, asylum determination, or discretionary immigration ruling. It challenges the statutory and constitutional authority for my present physical custody. This Court has jurisdiction to adjudicate this Petition and to grant appropriate relief.

III. EXHAUSTION DOES NOT BAR THIS HABEAS CLAIM

No statute makes administrative exhaustion a jurisdictional prerequisite to this § 2241 challenge to the legality of my present physical custody. This Petition presents a threshold statutory and constitutional challenge to the legal authority for my present physical detention, not a challenge to the merits of my removal proceedings or asylum claim.

My immigration proceedings may continue independently before the Immigration Court. This Petition does not ask this Court to adjudicate my asylum claim, my removability, or any immigration benefit. It asks only for habeas review of whether the Government may lawfully continue to hold me in physical custody under the statutory framework it has applied to my interior detention.

The central issue presented here is a threshold question of federal statutory law that has already been resolved by published and binding Eleventh Circuit authority. See *Alvarez v. Warden, Federal Detention Center Miami*, Nos. 25-14065 & 25-14075 (11th Cir. May 6, 2026). Further administrative proceedings cannot alter the governing rule of federal law that this Court must apply to my present custody. My immigration proceedings may continue independently while this Court determines the separate legality of my physical detention under § 2241. Under these circumstances, exhaustion does not bar consideration of this Petition.

IV. FACTUAL AND PROCEDURAL BACKGROUND

A. Venezuelan Nationality and Entry

I am a native and citizen of Venezuela, born [redacted]. On December 21, 2023, I entered the United States through Eagle Pass, Texas. Upon my entry, DHS issued me a Notice to Appear and released me into the interior of the United States. I have been residing in the interior of the country since that time.

B. Pending Asylum Application and Active Immigration Proceedings

I have filed an application for asylum that remains pending. My removal proceedings are active before the Immigration Court, and no final order of removal has been entered against me. According to currently available immigration-court information, my Individual Hearing is scheduled for October 22, 2027, at 8:00 a.m. before Immigration Judge Scott D. Criss at the Charlotte Immigration Court, 5701 Executive Center Drive, Suite 400, Charlotte, North Carolina 28212. I understand that this date may be modified as a result of my detention, but as of the date of this filing it reflects the scheduled proceeding in my case. My immigration proceedings remain active and pending.

C. ICE Supervision and August 12, 2026 Detention

Prior to my detention, I was subject to ICE supervision and was required to report to immigration authorities. On August 12, 2026, at approximately 2:00 p.m., I appeared at the ICE office at 6130 Tyvola Centre Drive, Charlotte, North Carolina 28217, to fulfill my reporting obligation. I went to that appointment to comply with the immigration supervision requirement imposed on me. I was not at a port of entry, not crossing a border, not arriving from another country, and not requesting permission to enter the United States. I was already living in the interior of the country and appeared at the ICE office because ICE required me to report. At that appointment, ICE took me into custody. I have been in civil immigration detention since August 12, 2026.

D. Present Detention at Stewart Detention Center

I was transferred to Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, where I am currently confined. Stewart Detention Center is located within the Middle District of Georgia.

E. Sponsor

My identified sponsor is Eliezer Hernandez, a pastor affiliated with Iglesia Cristiana de Cary. He resides at [redacted] and may be reached at

[redacted] He has agreed to serve as a responsible and reliable sponsor in support of my continued compliance with the immigration process.

V. ALVAREZ V. WARDEN IS CONTROLLING ELEVENTH CIRCUIT AUTHORITY GOVERNING INTERIOR IMMIGRATION DETENTION IN GEORGIA

On May 6, 2026, the United States Court of Appeals for the Eleventh Circuit issued its published decision in *Alvarez v. Warden, Federal Detention Center Miami*, Nos. 25-14065 & 25-14075 (11th Cir. May 6, 2026). That decision is binding authority in this Court.

In *Alvarez*, the Eleventh Circuit addressed directly the question of which statutory framework governs the detention of a noncitizen who has entered the United States and is subsequently encountered in the interior of the country. The court held that § 1225(b)(2)(A) does not automatically apply simply because a person may technically be classified as an applicant for admission. The statute requires more: the person must be presently seeking admission. Being technically classifiable as an applicant for admission and actively seeking admission are not the same thing, and Congress used distinct statutory language for a reason.

The Eleventh Circuit explained that § 1225 is directed primarily at the admission process and applies to persons who are engaged in seeking lawful entry into the United States after inspection or at a port of entry. Section 1226, by contrast, generally governs the detention of noncitizens who are already present inside the country while the Government determines whether they are to be removed. This structural distinction tracks the language Congress used and preserves the independent meaning of each provision. The court relied on the framework set out in *Jennings v. Rodriguez*, 583 U.S. 281, 289-92 (2018), which separately analyzed § 1225 and § 1226 as governing distinct detention contexts.

The holding of *Alvarez* establishes the controlling rule for this Court: a noncitizen who is already present in the interior of the United States and who is not presently seeking admission is governed by the detention framework of § 1226, not § 1225(b)(2)(A). That rule is binding on this Court and directly determines the statutory question presented by my detention.

VI. SECTION 1225(b)(2)(A) DOES NOT GOVERN MY INTERIOR DETENTION

Applying *Alvarez* to my circumstances, § 1225(b)(2)(A) does not govern my present detention. When ICE detained me on August 12, 2026, I was already physically present in the interior of the United States. I was not arriving from another country, crossing an international border, presenting myself at a port of entry, or requesting lawful entry into the United States. I was in Charlotte, North Carolina, at an ICE reporting appointment, having already been released into the country following my December 2023 entry. Under *Alvarez*, those circumstances do not place my detention within the admission-stage framework of § 1225(b)(2)(A).

The fact that I may technically be classified as an applicant for admission for certain immigration purposes does not change this analysis. As the Eleventh Circuit held, being classifiable as an applicant for admission is not the same as presently seeking admission. I was not seeking admission when ICE detained me. I was already inside the country and was present at the ICE office solely because I was required to report there as part of my immigration supervision obligation. Nothing about my conduct on August 12, 2026, constituted a present, active request to enter the United States.

My entry in December 2023 was processed by immigration authorities at Eagle Pass, Texas, who issued me a Notice to Appear and released me into the United States. More than two and a half years passed between my entry and my August 12, 2026 detention. During that time I was residing in the interior of the country. When ICE detained me, I was not engaged in any act of seeking

admission. I was fulfilling a reporting obligation at an ICE office in Charlotte, North Carolina. Under the controlling rule of *Alvarez*, § 1225(b)(2)(A) does not provide the legal authority for my present custody.

VII. MY COMPLIANCE WITH IMMIGRATION SUPERVISION SUPPORTS MY CONTINUED AVAILABILITY

My conduct before my detention demonstrates compliance with immigration supervision rather than avoidance of it. I appeared when required and made myself available to immigration authorities in accordance with the reporting obligation imposed upon me.

That history is relevant for a purpose distinct from the statutory question addressed above. It demonstrates through my actual conduct that I have been willing to remain accountable to immigration authorities and comply with the requirements imposed upon me. My prior compliance therefore weighs strongly in evaluating whether continued physical confinement is necessary to secure my future participation in immigration proceedings.

VIII. SECTION 1226 IS THE STATUTORY FRAMEWORK APPLICABLE TO MY PRESENT CUSTODY

Because I was already present inside the United States and was not seeking admission when ICE detained me, my present custody falls within the statutory framework of § 1226, not § 1225(b)(2)(A). Section 1226 generally governs the arrest and detention of noncitizens already present in the country while the Government determines whether they are to be removed. *Jennings*, 583 U.S. at 289-92. My removal proceedings remain pending, and I was detained in the interior of the country during those proceedings. That is precisely the detention context that § 1226 addresses. The controlling statutory reasoning of *Alvarez* applies directly to my circumstances. Like the detainees in that case, I was already physically present in the interior of the United States and was

not presently seeking admission when ICE detained me. The Eleventh Circuit's holding that § 1226, not § 1225(b)(2)(A), governs such interior detention is binding authority that controls this Court's statutory analysis. The governing framework for my present custody is § 1226.

IX. MY PENDING IMMIGRATION PROCEEDINGS CONFIRM THAT THE PRE-FINAL-ORDER DETENTION FRAMEWORK APPLIES

My removal proceedings remain pending before the Immigration Court. No final order of removal has been entered against me. My asylum application is pending, and my case remains in active proceedings. My present detention therefore arises during ongoing removal proceedings, not after a final order of removal has been entered and become administratively final.

Because no final removal order has been entered, my present detention is not governed by the post-final-order detention authority of 8 U.S.C. § 1231, which applies only after a final removal order and the commencement of the removal period. The Government cannot invoke § 1231 as the basis for my present custody. My detention must be analyzed under the pre-final-order statutory framework, which is the question this Petition directly presents. That framework, under controlling Eleventh Circuit authority, is § 1226.

X. THE FIFTH AMENDMENT INDEPENDENTLY PROTECTS MY PHYSICAL LIBERTY FROM UNJUSTIFIED CIVIL DETENTION

The Fifth Amendment independently protects my liberty from executive physical confinement that is not authorized by the statutory framework governing my circumstances. Freedom from physical restraint by the government is a fundamental liberty interest that the Due Process Clause of the Fifth Amendment protects for all persons present in the United States, including noncitizens subject to removal proceedings. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Civil immigration

detention is regulatory, not punitive, and the Government's authority to confine me must remain grounded in lawful statutory authority and must comport with due process.

The Supreme Court has confirmed that immigration detention is not immune from constitutional scrutiny. *Demore v. Kim*, 538 U.S. 510, 523 (2003). Physical confinement by executive authority deprives a person of the core liberty interest the Constitution protects, and the civil label attached to immigration custody does not eliminate that constitutional concern. The existence of a statutory authorization for detention does not by itself discharge the Government's constitutional obligation to ensure that physical custody comports with due process.

When executive detention is administered under a statutory classification that binding Circuit precedent establishes does not govern the detainee's circumstances, the resulting deprivation of physical liberty raises a serious due-process concern independent of the statutory error itself. Alvarez supplies the controlling statutory rule governing my interior detention. The Fifth Amendment separately requires that the Government's exercise of civil detention authority comport with due process. My statutory and constitutional claims therefore perform different functions. The statutory claim asks whether the Government is applying the detention authority Congress actually made applicable to my circumstances. The constitutional claim asks whether the resulting deprivation of my physical liberty comports with the Due Process Clause.

My Fifth Amendment claim is independent of the statutory claim. Even if the statutory question were resolved in the Government's favor, the constitutional question of whether my continued physical confinement comports with the Due Process Clause as applied to my individual circumstances would remain available for adjudication. I present both claims as independent grounds for the habeas relief I seek.

XI. MY CONTINUED DETENTION FAILS PROCEDURAL DUE PROCESS UNDER MATHEWS V. ELDRIDGE

The constitutional process due in a given situation is determined by the balancing framework of *Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976). Applying that framework to my present circumstances confirms that my detention does not comport with the Fifth Amendment.

A. The Private Interest in Physical Liberty

My private interest is freedom from physical restraint, the most fundamental of the liberty interests protected by the Fifth Amendment. I am physically confined in a civil immigration detention facility, separated from my community, and unable to participate in the ordinary activities of life. The weight of this private interest is of the highest constitutional importance regardless of the administrative framework used to justify the custody.

B. The Risk of Erroneous or Unnecessary Deprivation

To the extent my present detention is being administered under the admission-stage framework of § 1225(b)(2)(A), the risk of erroneous deprivation is substantial. I was detained in the interior of the United States while already residing here, and controlling Eleventh Circuit authority establishes that § 1225(b)(2)(A) does not govern a person in those circumstances unless he is presently seeking admission. Application of that statutory framework to my custody would therefore create a serious and concrete risk that my physical confinement rests on authority that binding federal law does not supply.

My individual circumstances further intensify this risk. I appeared at the ICE appointment where I was detained in voluntary compliance with a reporting obligation. My asylum application remains pending with no final order entered. I have an active immigration case with proceedings before the Immigration Court. I have an identified and committed sponsor who has agreed to assist

with my continued compliance. These circumstances strengthen the concern that, to the extent my present custody is being administered under the admission-stage framework of § 1225(b)(2)(A), the deprivation of my physical liberty rests on a statutory basis that controlling Eleventh Circuit law does not make applicable to my circumstances. That risk directly affects the reliability of the process supporting my continued confinement.

C. The Governmental Interest

The Government has legitimate and substantial interests in ensuring that I remain available for immigration proceedings, attend required hearings, and abide by the outcome of those proceedings. I acknowledge those interests directly. The constitutional question is not whether the Government's interests are real, but whether continued physical confinement is constitutionally justified under my individual circumstances when balanced against the private interest in liberty and the risk of erroneous deprivation established by controlling Circuit precedent.

D. The Constitutional Balance

Balancing all three factors against my actual individual circumstances, my continued detention raises substantial concerns under the Fifth Amendment. My private interest in physical liberty is of the highest constitutional importance. To the extent my custody is being administered under § 1225(b)(2)(A), the risk of erroneous or unnecessary deprivation is substantial because binding Eleventh Circuit authority establishes that this admission-stage framework does not govern an interior detention under circumstances such as mine. The Government has legitimate interests in ensuring my availability and compliance, but those interests must be evaluated under the statutory framework that actually governs my custody and in light of my individual circumstances. Continued physical detention under an inapplicable statutory framework, if that is the basis

presently being used for my custody, would not comport with the Due Process Clause of the Fifth Amendment.

XII. MY PENDING ASYLUM APPLICATION GIVES ME A DIRECT REASON TO REMAIN ENGAGED WITH THE IMMIGRATION PROCESS

My asylum application remains pending, and my removal proceedings remain active before the Immigration Court. No final order of removal has been entered against me. I do not ask this Court to adjudicate that application or to determine my eligibility for any immigration benefit. The relevance of my pending asylum claim to this Petition is straightforward: I have an active and substantial immigration matter that depends entirely upon my continued presence and participation in the immigration process. My pending case provides a direct, concrete, and immediate reason for me to remain present, available, and engaged with immigration authorities and the Immigration Court.

The existence of an active individual hearing, even if its date is subject to modification as a result of my detention, reflects that my case is in active proceedings. I have every incentive to remain available and to participate fully. My pending asylum claim reinforces the alignment between my personal interests and the Government's legitimate interest in ensuring my continued participation in immigration proceedings.

XIII. MY IDENTIFIED SPONSOR PROVIDES ACCOUNTABILITY AND SUPPORT FOR MY CONTINUED COMPLIANCE

My identified sponsor is Eliezer Hernandez, a pastor affiliated with Iglesia Cristiana de Cary. He resides at [redacted] and may be reached at [redacted]. He has agreed to serve as a responsible and reliable sponsor in support of my continued compliance with the immigration process. His role is not based on providing me a

shared residence. Rather, he has agreed to take an active and continuing role in helping ensure that I remain accountable, reachable, informed, and compliant with all lawful immigration requirements applicable to me.

Eliezer is prepared to maintain regular communication with me, assist me in understanding and responding to official immigration notices, help me remain aware of scheduled proceedings and reporting obligations, and reinforce the importance of timely compliance with all instructions issued by immigration authorities. He is an identifiable person with a fixed address, established community responsibilities as a pastor, and a continuing commitment to encourage and support my compliance. His involvement provides a concrete and reliable source of accountability and support that reinforces my own commitment to remain available and responsive throughout my immigration proceedings.

I likewise intend to comply fully with every lawful obligation imposed upon me. I will remain available to immigration authorities, appear whenever required, respond promptly to official notices, maintain current contact information, comply with all lawful reporting requirements, and continue participating fully in my immigration proceedings. I understand that these obligations remain my personal responsibility, and I intend to fulfill them consistently.

Eliezer's role as my sponsor adds a separate and concrete layer of accountability to that personal commitment. He will remain in regular communication with me and will provide continuing support to help ensure that I remain informed, responsive, and attentive to every requirement associated with my immigration proceedings. His involvement does not replace my responsibility to comply; it reinforces it by providing an identifiable and dependable source of external accountability.

Taken together, my express commitment to fulfill every lawful immigration obligation and Eliezer's willingness to assume an active responsibility as my sponsor provide substantial assurance that I will remain present, reachable, responsive, and engaged throughout my proceedings. These circumstances weigh directly in evaluating the necessity of continued physical confinement merely to secure my future availability to immigration authorities.

XIV. RELEASE IS THE APPROPRIATE HABEAS REMEDY

The injury I challenge is my present physical confinement. Habeas corpus exists to test the legality of that custody and to provide relief when executive detention is not authorized by law or violates the Constitution. 28 U.S.C. § 2241; *Boumediene v. Bush*, 553 U.S. 723, 771 (2008). The injury presented in this Petition is present unlawful physical custody, and the remedy responsive to that injury is release from that custody.

I was detained in the interior of the United States while appearing voluntarily to comply with an ICE reporting obligation. Controlling Eleventh Circuit authority establishes that the admission-stage detention framework of § 1225(b)(2)(A) does not govern an interior detention under my circumstances. To the extent my continued physical confinement is being administered under that framework, my custody rests on statutory authority that controlling Circuit law does not make applicable to my circumstances and raises an independent Fifth Amendment due-process concern. I respectfully request that this Court grant the writ and order my release from immigration detention while my immigration proceedings continue.

XV. REQUEST FOR ADVANCE NOTICE OF TRANSFER

I am presently confined at Stewart Detention Center in Lumpkin, Georgia, within the Middle District of Georgia. I respectfully request that Respondents provide prompt advance notice to this Court and to me before any intended transfer outside this District while this Petition remains

pending. This request does not seek to restrict Respondents' custodial authority; it seeks advance notice sufficient to permit the orderly administration of this pending proceeding and to preserve this Court's ability to exercise effective habeas jurisdiction over my custody. *Rumsfeld v. Padilla*, 542 U.S. at 442-43.

XVI. CONCLUSION

I entered the United States in December 2023 and have been living in the interior of the country since then. On August 12, 2026, I appeared voluntarily at an ICE reporting appointment in Charlotte, North Carolina, to comply with my supervision obligation. I was detained at that appointment. I was not arriving from another country, not at a port of entry, and not seeking admission to the United States.

Controlling Eleventh Circuit authority in Alvarez v. Warden establishes that § 1225(b)(2)(A) does not govern an interior detention under circumstances such as mine and that § 1226 supplies the applicable statutory framework. To the extent my present custody is being administered under the admission-stage framework of § 1225(b)(2)(A), that detention is inconsistent with the statutory rule established by binding Circuit authority and raises serious Fifth Amendment concerns. These statutory and constitutional questions concerning my present physical custody are properly addressed through habeas review.

I respectfully request that this Court grant this Petition and order my release from immigration detention.

XVII. PRAYER FOR RELIEF

WHEREFORE, I respectfully request that this Court:

1. Grant this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241;
2. Order my release from immigration detention;

3. Require Respondents to provide prompt advance notice before any transfer outside this District while this Petition remains pending; and
4. Grant such other relief as the Court deems just and proper.

XVIII. DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the United States pursuant to 28 U.S.C. § 1746 that the foregoing factual statements are true and correct.

Date: 08/19/2026

Signature: IJCP

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, including all attachments, by U.S. Mail upon the following:

Clerk of Court

United States District Court

U.S. Post Office & Court House

PO Box 124

Columbus, GA 31902

I declare under penalty of perjury that the foregoing is true and correct.

Date: 08/19/2026

Signature: IJcP

MOTION REQUESTING COURT TO EFFECT SERVICE

TO THE HONORABLE COURT:

I, Ivan Jose Colmenares Padilla, A# [redacted] respectfully request that this Court direct service of the accompanying Petition for Writ of Habeas Corpus on Respondents. I am currently detained at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815. My custodial status leaves me without any practical means of completing service myself. I have no access to a process server, no ability to prepare or track certified mailings to the named federal offices, and no way to confirm that any attempted service was carried out correctly.

This Court has authority to order service under these circumstances. Title 28, Section 2243 directs the court hearing a habeas petition to ensure that the respondent receives notice and an opportunity to respond. Rule 4 of the Rules Governing Section 2254 Cases, applied by analogy to petitions under § 2241 pursuant to Rule 1(b) of those Rules, permits the Court to direct that service be carried out by the Clerk of Court rather than by an incarcerated petitioner. Federal Rule of Civil Procedure 4(c)(3) independently authorizes the Court to order service by the United States Marshal, or by another person the Court appoints, whenever a party cannot accomplish service through the ordinary means available to a free litigant.

I am detained, unrepresented by counsel, and without any ordinary channel through which to serve Respondents myself. Directing the Clerk of Court to complete service will ensure that Respondents receive proper notice and that this matter can proceed without delay caused solely by my custodial status.

REQUEST FOR RELIEF

For these reasons, I respectfully ask that this Court:

1. Direct the Clerk of Court to serve the Petition for Writ of Habeas Corpus, this Motion, and any accompanying exhibits on each of the Respondents; and
2. Grant any other relief that the Court deems just and proper.

Date: 08/19/2026

Signature: IJCP

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.**

   All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

4. **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.

5. **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.

6. **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.

7. **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.