

FILED AUG26/25 AM 8:07
MDGA-COL

**In the United States District Court
For the middle District of Georgia
Columbus Division**

Merwin Marcano Montiel

**A: [REDACTED]
PETITIONER**

V.

Terrace Dickerson, U.S ICE field office director for the Atlanta field office, and warden of immigration Stewart Detention Center in Lumpkin, GA

RESPONDENT

Civil Action No:

Petition to report a legal violation in the custody procedures, Pursuant to 8 CFR § 241.4(b) A detention will be made within 48 hours of the arrest by a person subject to indefinite immigration Detention.

Petitioner (**Merwin Marcano Montiel**) hereby petitions this court for a report a legal violation in the process of arrest warrant and to remedy petitioners unlawful detention by respondent, and to enjoin petitioner continued unlawful detention by the respondent, in support of this petition and complaint for injunctive relief, petitioner alleges as follows.

Petitioner is in the physical custody of respondent an United States immigration and customs enforcement (ICE), petitioner is detained at the Stewart Detention Center, located at 146 acc Road, Lumpkin, GA. 31815, Within District, petitioner is under the direct control of respondent and their Agents, and in the territorial jurisdiction of this court.

Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action, on May 13, 2025 a immigration court in Lumpkin, GA, denied petitioner requested bail, because no jurisdiction he is not in INA section 240 removal proceedings, on May 28, 2025 the appeals court in Lumpkin, GA. Dismissed the appeal because the court finds that it has no jurisdiction to re-determine custody in this cause, thus, no bond is set, on July 15, 2025, the petitioner requested a second opportunity for bail, this request was never granted, nor did they receive a response to the letter, as well as another letter asking for explanations for the lack of responses.

Petitioner was born in Zulia, Venezuela on [REDACTED] he is a citizen of Venezuela, petitioner entered the United States on or about December 05, 2022 at or near El Paso Texas, petitioner was previously granted temporary protected status (TPS). On January 04, 2025 by USCIS, id.at. p.3. Petitioner TPS was valid through April 02, 2025, petitioner has a valid Social Security, as well as a valid work permit and Drivers license, petitioner has maintained a clean criminal record in the United States and Venezuela.

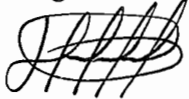
On march 20,2025 , ICE Agents Broke into the house where petitioner, was renting at that time, in 157 Raintree Ln, Mooresville NC 28117, and looking for an unknown person without showing a previous arrest warrant, not finding him after verifying the identity a legal status of the petitioner, they proceeded to arrest him, that the TPS that gives legal status to the petitioner was eliminated in a short time, then the petitioner would be an illegal, from the date, the petitioner is in I.C.E custody at Stewart Detention Center in Lumpkin GA. On july 04,2025 a I.C.E officer told the petitioner that he will remain detained until an investigation your is complete. There is no time line.

Petitioners continued in detention by respondent, with no charge and indefinite time. Systemic problems persist in United States I.C.E Custody review for indefinite detainees. Custody procedures, unless voluntary departure has been granted pursuant to subpart C of 8 CFR part 240, A determination will be made within 48 hours of the arrest, except in the event of an emergency or other extraordinary circumstance in which case, a determination will be made within an additional reasonable period of time, whether the alien will be continued in custody or released on bond or recognizance and whether a notice to appear and warrant of arrest as prescribed in 8 CFR pasts 236 and 239 will be issued.

Wherefore petitioner prays that this court grant the following relief:

Assume jurisdiction over this matter; order respondent to immediately release petitioner from custody under reasonable conditions of supervision; award petitioner attorney fees and cost under equal access to justice act (EAJA) as amended, 5 U.S.C§ 504 and 28 U.S.C.§ 2412. On any other basis justified under law and grant any other and further relief that this court deems just and proper; and that the petitioner be give the opportunity to continue the procedures to legalize his immigration status, that they were paralyzed after the long detention of the petitioner.

I affirm, under penalty of perjury, that the foregoing is true and correct, respectfully submitted this (20) of August of 2025.



Merwin Marcano Montiel Pro-se

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Stewart Detention Center
PO BOX 248
Lumpkin, GA. 31815