

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
COLUMBUS DIVISION

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A: 

David Paez Alarcon
(Petitioner)

v.

Jason Streeval (Warden of detention facility)
Pam Bondi (US Attorney General)
Kristi Noem (Secretary of DHS)

Case no: _____

PETITIONER FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C SECTION 2241

Now comes petitioner Alarcon appearing hereby petitions this court for a writ of habeas corpus to remedy Petitioner's unlawful detention by respondents. In writ habeas corpus to remedy petitioner's unlawful detention by respondents. In support of this petition and complaint for injunctive relief, petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of respondents and U.S Immigration and Customs Enforcement (ICE). Petitioner Alarcon is detained at the Stewart Detention Center in Lumpkin, GA pursuant to a contractual agreement with the Department of Homeland Security. Petitioner is under the direct control of respondents and their agents.

JURISDICTION

2. This action arises under the constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.S.C.S Section 1101 et seq., as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 ("IIRIRA") Pub. L. No. 104-208, 110 Stat.1570, and the Administrative Procedure Act of ("APA"), 5 U.S.C section 701 et seq.
3. This court has jurisdiction under 28 U.S.C Section 2241: art. I Section 9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. Section 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in the pursuant to 28 U.S.C. Section 2241, 5 U.S.C Section 702, and the All Writs Act, 28 U.S.C.

VENUE

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

5. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 494, 493-500(1973), venue lies in the United States District Court for the Georgia, the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of Cuba. Petitioner has a final order from 2015. Petitioner has been in ICE custody multiple times without being removed from the United States.
7. Petitioner was detained since July 17, 2025 and has remained in ICE custody continuously since that date. DHS/ICE was seeking to deport the petitioner to Mexico but Mexico rejected the petitioner due to his medical and physical condition since he has no legs.
8. Respondent Pam Bondi is US Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such Pam Bondi has ultimate custodial authority over petitioner.
9. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. As such Kristi Noem is the legal custodian of petitioner.
10. Jason Streeval Warden of Stewart Detention Center, where petitioner is currently detained under the authority of ICE, alternatively may be considered to be petitioner's immediate custodian.
11. To date, however, ICE has been unable to remove Petitioner to Cuba or any other country.
12. Petitioner has fully cooperated with all efforts ICE regarding his removal from the United States.
13. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that six-months is the preemptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens. Department of Homeland Security Administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 U.F.R Section 241.13(b)(ii).

14. Petitioner was ordered removed in 2015 and the removal order became final the same day waiving his rights.

15. Petitioners re-alleges and incorporates by reference paragraphs 1 through 15.

CLAIMS FOR RELIEF

16. Petitioners continued detention by respondent is unlawful and contravenes 8 U.S.C section 1231(a)(6) as interpreted by the supreme court in Zadvydas. The six months preemptively reasonable period for removal efforts has expire. Petitioner still has not been removed and petitioners continues to languish in detention. Petitioner removal to Liberia and any other country is not significant likely to occur in the reasonable foreseeable future. The supreme court held in Martinez and Zadvydas that ICE continue detention of someone like petitioner under such circumstances is unlawful.

17. Petitioners continue detention violated petitioners right to substantive due process through a deprivation of the core liberty in freedom from bodily restrain.

18. The due process clause of the fifth amendment requires that the deprivation of practitioners liberty be narrowly tailored to serve a compelling government interests. While respondent would have interest in detaining petitioners in order to effectuate removal, that interests does not justify the indefinite detentions of petitioners who is not unlikely to be removed in the reasonable foreseeable future. Zadvydas recognized that ICE may continued to detain aliens only for a period reasonable to secure the aliens removal. The presumptive reasonable period during which ICE may detain alien is only six- months. Petitioner has already been detained in excess of six months and petitioners removal is not significant likely to occur in the reasonable foreseeable future .

19. Under the due process of the fifth amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioners in this case been denied that opportunity. ICE does not make decisions concerning aliens custody status in a neutral and impartial manner. The failure for respondent to provide a neutral decision to review the continued custody of petitioners right to procedural due process.

PRAYER FOR RELIEF

Wherefore, Petitioner prays that this court grant the following relief:

- 1) Assume jurisdiction over this matter.
- 2) Grant petitioner a writ of habeas corpus directing the respondent to immediately release

petitioner from custody.

- 3) Enter preliminary and permanent enjoying respondent from further unlawful detention of petitioner.
- 4) The Judge/Court to order respondent to not be able to transfer me out of the jurisdiction while habeas corpus is pending.
- 5) Award petitioners attorney fees and cost under the Equal Access of Justice ("EAJA"), as amended, 5 U.S.C and 504 and 28 U.S.C & 2412 and on any other basis justified under law; and
- 6) Grant any other and further relief that this court deems just and proper.

I affirm, under penalty of perjury that the forgoing is true and correct

1/16/2026
Date executed

Petitioner



M. Hallback
1/14/26