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NDGA-CDL

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Santiago Marcelo Larrea Troya

Petitioner

v.

Stewart Detention Center

Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 4:26-cv-359
~~4:26-cv-212 (CDL)~~
(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: Santiago Marcelo Larrea Troya
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: Stewart Detention Center
   (b) Address: 14 Cca Rd, Lumpkin, GA 31815
   (c) Your identification number: [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 (ICE)

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:

I am challenging my current immigration detention by ICE. I was previously detained in 2022 and an immigration judge granted me release so I could continue my asylum case outside of detention. I am now being detained again for the same issue even though I have complied with my immigration case and I'm not a danger to commui

(d) Date of the decision or action: 02/23/2026

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: I did not appeal the decision because I am currently challenging my detention through this habeas corpus petition. I was not given an opportunity to appeal before being detained again.

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: I did not file a second appeal because I am currently filing this habeas corpus petition to challenge my detention. I have not had the opportunity to seek further appeal before being detained again.

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: I did not file a third appeal because I am currently filing this habeas corpus petition to challenge my detention. I have not had the opportunity to seek further appeal before being detained again.

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: 02/23/2026

(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: Habeas Corpus

(b) Name of the authority, agency, or court: United States District Court of the Northern District of Georgia (Atlanta Division)

(c) Date of filing: 02/24/2026

(d) Docket number, case number, or opinion number: 4:26-cv-359-CDL-CHW

(e) Result: The court responded by providing the official habeas corpus form (AO-242) to complete.

(f) Date of result: 03/17/2026

(g) Issues raised: Challenging current immigration detention. I am being detained again even though an Immigration Judge previously granted me release so I could continue my asylum case outside of detention. I have complied with my immigration case and I am not a danger to the community and not a flight risk. I am also being detained for an alleged change of address, even though I have maintained my address and have continued complying with my case. I have no criminal record in the United States or in my country.

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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I am being unlawfully detained by immigration authorities.

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

I was previously detained in 2022 and an Immigration Judge granted me release so I could continue my asylum case outside of detention. I am now being detained again even though I complied with my case and I am not a danger to the community and not a flight risk.

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

☐ Yes ☑ No

GROUND TWO: My continued immigration detention is not justified.

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

I have no criminal record in the United States or in my country, Ecuador. I have complied with my immigration case and I have a stable family and residence. I am not a danger to the community and not a flight risk. I also have serious medical problems, including diabetes, and I need proper medical treatment. My continued detention is affecting my health.

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

☐ Yes ☑ No

GROUND THREE: I am being detained again even though I was previously released by an immigration Judge.

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

An Immigration Judge previously granted me release so I could continue my case outside of detention. I complied with my immigration case and I continued attending to my legal process.

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

☐ Yes ☑ No

GROUND FOUR: My detention violates my rights because I am being held without proper justification.

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

I am currently detained by ICE even though I am not a danger to the community, I am not a flight risk, and I have complied with my immigration case. I have also serious medical problems, including diabetes, and I need proper medical care.

(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 grounds in previous appeals because I am currently detained and I am filing this habeas corpus petition as soon as possible to challenge my immigration detention. I have not had the opportunity to present these grounds before.

Request for Relief

15. State exactly what you want the court to do: I respectfully request that the Court review my immigration detention and order my release. I am not a danger to the community and I am not a flight risk. I have complied with my immigration case and I was previously released by an Immigration Judge. I also suffer from diabetes and I need proper medical care. I respectfully request to be released while I continue my immigration case.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

_____

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: 03/20/2026

Santiago Larrea
Signature of Petitioner

_____
Signature of Attorney or other authorized person, if any