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MDGA-CDL

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

JEFFERSON JOSE ZARRAGA DIAZ

A-Number: 

Petitioner,

v.

Warden, Stewart Detention Center,
and
Director, U.S. Immigration and Customs Enforcement (ICE),
Respondents.

Civil Action No.: _____

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. JURISDICTION

1. This Honorable Court has jurisdiction pursuant to 28 U.S.C. § 2241, as Petitioner is in federal immigration custody within the Middle District of Georgia (Columbus Division).
2. Respondents exercise immediate custody and legal control over Petitioner.

II. PARTIES

3. Petitioner:

JEFFERSON JOSE ZARRAGA DIAZ

A-Number: 

Place of Detention:

146 CCA Road

Lumpkin, GA 31815

CoreCivic

4. Respondents:

Warden, Stewart Detention Center

Director, U.S. Immigration and Customs Enforcement (ICE)

III. STATEMENT OF FACTS

5. Petitioner is a foreign national currently detained by ICE.
6. Petitioner was detained on February 23, 2026.
7. Petitioner applied for asylum as a mechanism of international protection and protection against torture under U.S. law before the Immigration Court.
8. Petitioner applied for Temporary Protected Status (TPS) before U.S. Citizenship and Immigration Services (USCIS), which was approved, and he has re-registered to maintain protection under that legal status, as evidenced by the attached documentation.
9. Petitioner has not received a meaningful and individualized bond hearing before a neutral decision-maker to evaluate the legality of his continued detention, rendering his detention excessive, unreasonable, and punitive in violation of its civil nature.
10. Petitioner does not have access to his ICE custody documents, including Form I-203 (Order to Detain or Release an Alien), which remain in the exclusive possession of ICE. This is noted to clarify that, although these documents are referenced, their absence does not prevent the filing or consideration of this habeas petition.

IV. LEGAL BASIS: IMPOSSIBILITY OF REMOVAL TO VENEZUELA

11. Petitioner is a citizen and national of the Bolivarian Republic of Venezuela.
12. Due to the political and institutional conditions in Venezuela, the removal of Venezuelan nationals is not reasonably foreseeable in the near future, given the ongoing human rights conditions documented by international organizations, including the United Nations (report dated September 27, 2024, attached as evidence). Returning to Venezuela could result in detention, torture, or disappearance.
13. Petitioner filed Form I-589 (Application for Asylum) before the Immigration Court and is currently protected under Temporary Protected Status (TPS). Despite having no criminal history and being in active immigration proceedings, Petitioner was detained by ICE agents, in violation of the Due Process Clause of the Fifth Amendment of the United States Constitution.

V. LEGAL ARGUMENTS

14. Petitioner respectfully submits that his detention constitutes an unlawful deprivation of liberty and a violation of his constitutional rights. Petitioner was detained despite having no prior removal order, no criminal history, and while actively complying with immigration procedures.

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. The doctrine of legitimate expectation and due process protections require that government actions be fair, predictable, and based on individualized determinations rather than assumptions.

15. Petitioner is currently detained at:
146 CCA Road, Lumpkin, GA 31815 (Stewart Detention Center, CoreCivic).
16. Petitioner has complied with immigration procedures by filing Form I-589, which remains pending before the Immigration Court.

17. Petitioner possesses a valid Employment Authorization Document (EAD), demonstrating compliance with immigration laws and authorization to work in the United States.
18. Petitioner has no history of violent behavior and does not pose a danger to the community. He is the primary provider for his spouse and child in the United States.
19. Petitioner does not present a flight risk and has strong family, community, and employment ties.
20. Petitioner has not been granted a bond hearing under INA § 236(a), despite meeting the legal criteria established in *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).
21. The denial of a bond hearing violates due process and the right to a fair proceeding.
22. Petitioner's continued detention is unconstitutional.
23. The Supreme Court has recognized that Immigration detention must be reasonably limited and cannot become punitive without adequate procedural protections, as established in *Demore v. Kim* and *Jennings v. Rodriguez*.
24. Petitioner entered the United States on July 20, 2023, and filed for asylum while also maintaining TPS protection.
25. His presence in the United States cannot be characterized as unlawful, as he has maintained a pending immigration process.
26. The duration of his stay should not be used as a negative factor without considering the pending asylum process.
27. Detention based on unproven allegations violates due process under the Fifth Amendment.
28. Petitioner has complied with immigration laws, maintained employment, and demonstrated intent to follow legal procedures.
29. Therefore, his continued detention without a constitutionally adequate bond hearing is arbitrary, excessive, and unconstitutional.

VI. IRREPARABLE HARM

30. Petitioner is suffering ongoing and irreparable harm, including:

- Unlawful deprivation of liberty
- Emotional and psychological distress
- Inability to maintain family life

31. His detention serves no legitimate government purpose.

32. Petitioner has no other adequate legal remedy except this habeas petition.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Declare that Petitioner's continued detention violates the U.S. Constitution and 28 U.S.C. § 2241;

B. Order Petitioner's immediate release;

C. Alternatively, order an individualized bond hearing where the Government bears the burden of proof;

D. Grant any other relief the Court deems just and proper.

VIII. DECLARATION UNDER PENALTY OF PERJURY

I, JEFFERSON JOSE ZARRAGA DIAZ, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: 3/28/26

Signature: Jefferson Zamaga

Petitioner, Pro Se JEFFERSON JOSE ZARRAGA DIAZ

A-Number: 

Petitioner does not have access to his ICE custody documents, including Form I-203, which remain in ICE custody. Their absence does not prevent the filing of this petition. Supporting evidence is attached.