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UNITED STATES DISTRICT COURT  
DISTRICT OF GEORGIA  
COLUMBUS DIVISION.

Albert Josué Villasmil Fuenmayor

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PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is currently detained at the Stewart Detention Center in Atlanta, Georgia. This petition is filed before this United States District Court, which has authority to review the lawfulness of his detention and grant appropriate relief.

II. PETITIONER INFORMATION

Name: Albert Josue Villasmil Fuenmayor

A-Number: 

Date of Arrival at U.S. Border: September 24, 2023, through Eagle Pass, Texas

Status at Entry: Not formally admitted; surrendered to immigration authorities

Date Released from Initial Custody: September 26, 2023

Date of Re-Detention: June 26, 2025, after leaving immigration court

Place of Detention: Stewart Detention Center, Atlanta, GA

Family: Father of a nine-month-old child, U.S. citizen

Criminal Record: None

Primary Economic Provider: Yes

Pending Appeal: Yes

### III. FACTS

Petitioner arrived at the U.S. border and presented himself to immigration authorities on September 24, 2023. He was not formally admitted but has been in ICE custody since that time.

He was released on September 26, 2023, and was granted one year to file for asylum, which he submitted within the legal deadline.

Petitioner has no criminal record and has complied with all immigration processes and requirements.

Petitioner is the primary economic provider and caretaker for his nine-month-old child, a U.S. citizen (see Exhibit B – Photographs).

Petitioner was detained by ICE after leaving immigration court on June 26, 2025.

Petitioner has a pending appeal in his immigration case, demonstrating continued participation in the legal process (see Exhibit D – Appeal).

Petitioner has previously been granted protection under the Convention Against Torture (CAT) (see Exhibit C – Court Decision) due to risk of persecution if returned to his home country.

Petitioner has remained at Stewart Detention Center and has not been transferred to any other facility since his detention.

Prolonged detention is causing severe harm to his minor child and family.

### IV. LEGAL BASIS

Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment. He is not a danger to the community and is not a flight risk. Detention is unnecessary, excessive, and disproportionately affecting his rights and family life. His pending appeal further demonstrates that continued detention is unnecessary and that he is complying with all legal obligations.

### V. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

Order an immediate bond hearing; or

Order his immediate release under reasonable supervision conditions; or

Alternatively, if the Court does not grant immediate release, Petitioner respectfully requests that he not be transferred to any other detention facility during the pendency of this petition (Non-Transfer Order).

Grant any other relief the Court deems just and proper.

#### VI. LEGAL PRECEDENTS

*Zadvydas v. Davis*, 533 U.S. 678 (2001): The Supreme Court held that the government cannot detain an alien indefinitely if there is no significant likelihood of removal in the reasonably foreseeable future.

*Jennings v. Rodriguez*, 138 S. Ct. 830 (2018): The Court clarified that detained immigrants have the right to challenge prolonged detention and seek bond hearings.

Application to Petitioner: Petitioner has been detained for more than six months, has no criminal record, is the primary caregiver and economic provider for a minor U.S. citizen child, has a pending appeal, and his prolonged detention is excessive under these circumstances.

#### VII. EXHIBITS / ANNEXES

Exhibit A: Copy of Notice to Appear (NTA)

Exhibit B: Photographs of Petitioner with minor child

Exhibit C: Court Decision on CAT Protection

Exhibit D: Pending Appeal

Respectfully submitted,

Albert Villosmi

Stewart Detention Center, Atlanta, GA

Date: 04/03/2026