

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

Carlos Augusto Rendon Melo,

Petitioner,

v.

Warden, Stewart Detention Center,

Field Office Director, ICE,

Secretary, Department of Homeland Security,

Respondents.

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

I. INTRODUCTION

Petitioner, Carlos Augusto Rendon Melo, a native and citizen of Colombia, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his ongoing immigration detention by the Department of Homeland Security (“DHS”).

Petitioners have been detained for a prolonged period without a meaningful opportunity for release on bond. An Immigration Judge determined that the court lacked jurisdiction to grant bond, leaving Petitioner without any avenue for custody review.

This continued detention violates the Due Process Clause of the Fifth Amendment.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241.

Petitioner is currently detained within this district at Stewart Detention Center in Lumpkin, Georgia. Therefore, jurisdiction and venue are proper in the Middle District of Georgia.

III. PARTIES

Petitioner: Carlos Augusto Rendon Melo + A 

Respondents:

- * Warden, Stewart Detention Center
- * Field Office Director, ICE (Enforcement and Removal Operations)
- * Secretary of the Department of Homeland Security

IV. STATEMENT OF FACTS

1. Petitioner is a native and citizen of Colombia.
 2. He entered the United States through the southern border.
 3. Prior to his detention, Petitioner filed an application for asylum with USCIS.
 4. Following his detention, his case was placed in removal proceedings before EOIR, and his asylum application was re-submitted before the Immigration Court.
 5. Petitioner has been detained for a prolonged period without release.
 6. A bond hearing was conducted; however, the Immigration Judge determined that the court lacked jurisdiction to set bond.
 7. As a result, Petitioner remains detained without any meaningful opportunity for custody review.
 8. The basis for his detention involved allegations related to alcohol; however, testing and available evidence do not support any wrongdoing.
 9. Petitioner does not have a significant criminal history and does not pose a danger to the community.
 10. Petitioner is the father of two children who reside in the United States and depend on him both emotionally and financially.
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V. LEGAL ARGUMENT

A. Prolonged detention without bond hearing violates due process

Petitioner's continued detention without an individualized bond hearing violates the Due Process Clause.

Immigration detention is civil in nature and must remain reasonably related to its purpose. When detention becomes prolonged and no meaningful review is available, it becomes unconstitutional.

B. Lack of jurisdiction for bond creates a constitutional violation

The Immigration Judge's determination that there was no jurisdiction to conduct a bond hearing has left Petitioner without any mechanism to challenge his detention.

Without a bond hearing:

- * There is no individualized determination of risk
- * There is no review of custody

This lack of process violates fundamental fairness

C. Petitioner is neither a flight risk nor a danger

Petitioner:

- * Has strong family ties in the United States
- * Is the primary provider for his children
- * Has no substantiated criminal conduct
- * Has a pending asylum claim with merit

D. Continued detention is excessive and unjustified

Given:

- * the prolonged nature of detention
- * the absence of bond review
- * the pending asylum application

Petitioner's continued detention is no longer reasonably related to its purpose and violates constitutional protections.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus.
2. Order Petitioner's immediate release;

VII. CONCLUSION

Petitioner have been detained for a prolonged period without a meaningful opportunity to challenge his custody. This violates due process and warrants immediate judicial intervention.

VIII. SIGNATURE

Carlos Augusto Rendon Melo
