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

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

Harry José Lacayo Moreno

Petitioner

v.

Warden, Stewart Detention Center

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

Case No _____
(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: Harry José Lacayo Moreno
   (b) Other names you have used: NONE
2. Place of confinement:
   (a) Name of institution: Stewart Detention Center
   (b) Address: 146 CCA RoadLumpkin, GA 31815
   (c) Your identification number: A# [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) Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Detention by ICE following a voluntary appearance at a scheduled immigration appointment on May 5, 2026. Petitioner challenges the legality of continued immigration detention, denial of due process, denial of adequate food, water, medical care, and the risk of retaliatory transfer or removal.

(d) Date of the decision or action: 05/05/2026

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: Board of Immigration Appeals (BIA)

(2) Date of filing: 03/27/2026

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

(4) Result: Pending

(5) Date of result:

(6) Issues raised: Appeal of Immigration Judge's Removal Order dated March 17, 2026; challenge to removal order and request for review of immigration decision.

(b) If you answered "No," explain why you did not appeal:

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: Administrative remedies are inadequate and futile because Petitioner faces ongoing constitutional violations, including denial of adequate food water, medical care, deteriorating mental health, and risk of removal before meaningful judicial review can occur.

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: No administrative appeal was available that could provide timely relief from ongoing unconstitutional detention and conditions of confinement.

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: Petitioner is not challenging a criminal conviction or sentence. He is challengin unlawful civil immigration detention under 28 U.S.C. § 2241.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 05/05/2026

(b) Date of the removal or reinstatement order: 03/17/2026

(c) Did you file an appeal with the Board of Immigration Appeals?

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: 03/27/2026

(2) Case number: [redacted]

(3) Result: Pending

(4) Date of result:

(5) Issues raised: Challenge to the Immigration Judge's removal order and request for review of the removal decision.

(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:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

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: Unlawful Immigration Detention Without Meaningful Due Process.

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

Petitioner voluntarily appeared for a scheduled immigration appointment on May 5, 2026, demonstrating compliance rather than flight. He was detained without meaningful individualized review despite having no serious criminal history and strong family ties.

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

☑ Yes ☐ No

GROUND TWO: Punitive and Excessive Civil Detention.

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

Petitioner is a civil immigration detainee who poses no danger to the community and no significant flight risk. Continued detention is excessive and unnecessary where less restrictive alternatives exist.

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

☑ Yes ☐ No

GROUND THREE: Denial of Adequate Food, Water, Medical and Mental Health Care.

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

Petitioner has experienced inadequate food and water, spoiled food, delayed medical treatment, anxiety, depression, and deteriorating emotional health while detained.

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

☑ Yes ☐ No

GROUND FOUR: Risk of Retaliatory Transfer, Removal, and Interference with Access to Courts.

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

Petitioner fears transfer, removal, or retaliation that could interfere with access to counsel, family contact, and judicial review.

(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: Petitioner raises constitutional claims requiring immediate federal intervention because administrative remedies are inadequate, ineffective, and incapable of preventing irreparable harm.

Request for Relief

15. State exactly what you want the court to do:

I respectfully request immediate release, protection from removal or transfer while this case is pending, preservation of evidence, and any other relief the Court deems just and proper.

FILED IN CLERK'S OFFICE U.S.D.C. - Columbus

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

HARRY JOSÉ LACAYO MORENO,

Petitioner,

v.

WARDEN, STEWART DETENTION CENTER;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
DEPARTMENT OF HOMELAND SECURITY;
and all persons exercising custody over Petitioner,

Respondents.

Case No.:

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

PRO SE PETITION

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

REQUEST FOR IMMEDIATE RELEASE, CONSTITUTIONAL PROTECTION, AND PRESERVATION OF JURISDICTION

I. PRELIMINARY STATEMENT

Petitioner Harry José Lacayo Moreno, A# [redacted], proceeding Pro Se, respectfully petitions this Honorable Court for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is presently detained at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, within the territorial jurisdiction of the United States District Court for the Middle District of Georgia, Columbus Division.

This Petition challenges present physical custody, the legality of Petitioner's continued civil immigration detention, and the ongoing constitutional violations allegedly occurring while Petitioner remains confined. Petitioner seeks immediate judicial intervention because his detention arose after he responsibly and voluntarily appeared for a regular immigration appointment, and he was allegedly taken into custody without a neutral judicial warrant, without an individualized probable-cause determination by a judicial officer, and without a meaningful assessment of whether detention was actually necessary.

Petitioner is a young Nicaraguan national who had only recently reached eighteen years of age at the time of detention. He entered the United States on or about March 22, 2022, while still a child, and was attempting to continue his education and complete high school when his life and

schooling were abruptly interrupted by detention. His age, educational circumstances, emotional vulnerability, family reliance, and lack of serious criminal history make this case particularly urgent.

Petitioner does not present a danger to the community. He has no serious criminal record. His voluntary appearance for a regular appointment demonstrates compliance rather than flight. His family and community ties show that less restrictive alternatives can reasonably ensure future appearances. Continued detention under severe alleged conditions is therefore excessive, punitive, and incompatible with the Fifth Amendment.

The conditions of confinement alleged here are grave. Petitioner reports extreme rationing of food and water, repeated exposure to spoiled or unsafe food, denial of medical care when sick or emotionally distressed, verbal abuse, overcrowding, unsanitary conditions, anxiety, depression, dehydration, and fear of retaliation. He further fears that officials may transfer him to defeat jurisdiction, place him in punitive isolation, remove him from the United States, or send him to a third country without meaningful notice or judicial protection.

Habeas corpus exists precisely to prevent unlawful executive detention from escaping meaningful judicial review. Petitioner respectfully asks this Court to issue the writ, order Respondents to show cause, preserve jurisdiction, prohibit retaliatory transfer or removal, and order immediate release or any less restrictive remedy this Court deems just.

II. PARTIES

Petitioner Harry José Lacayo Moreno is a native and citizen of Nicaragua. His Alien Registration Number is [redacted]. His date of birth is [redacted]. He entered the United States on or about March 22, 2022. He was detained on May 5, 2026.

Petitioner is currently confined at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815. Stewart Detention Center is an immigration detention facility used for civil immigration custody. Petitioner is within the physical custody and control of Respondents.

Respondent Warden of Stewart Detention Center is Petitioner's immediate custodian for habeas purposes because the Warden exercises day-to-day control over Petitioner's physical confinement. See Rumsfeld v. Padilla, 542 U.S. 426 (2004).

Respondents also include U.S. Immigration and Customs Enforcement, the Department of Homeland Security, and any officers, agents, contractors, or persons acting in concert with them who exercise custody, supervision, control, transfer authority, detention authority, removal authority, or disciplinary authority over Petitioner.

III. JURISDICTION AND VENUE

This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under or by color of the authority of the United States and challenges the legality, duration, and conditions-connected constitutional character of that custody.

The Suspension Clause, U.S. Const. art. I, § 9, cl. 2, preserves the writ of habeas corpus as a meaningful judicial remedy against unlawful executive detention. The writ must remain effective in practice, not merely available in name. Boumediene v. Bush, 553 U.S. 723 (2008).

Venue is proper in the Middle District of Georgia, Columbus Division, because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, and his immediate custodian is located within this District. The official United States District Court website identifies the Columbus Division courthouse at 120 12th Street, Columbus, Georgia 31902.

This Court may grant relief because Petitioner challenges present physical detention and seeks protection from ongoing constitutional injury, retaliatory transfer, and removal actions that could frustrate this Court's jurisdiction.

IV. EXHAUSTION AND NEED FOR IMMEDIATE FEDERAL REVIEW

To the extent Respondents contend that Petitioner must pursue additional administrative remedies before seeking habeas relief, exhaustion should be excused because the injuries alleged are immediate, ongoing, and irreparable. Administrative processes are inadequate to remedy dehydration, denial of medical care, psychological collapse, retaliatory transfer risk, or removal before judicial review.

Habeas review is especially necessary where administrative remedies are unavailable, futile, incapable of providing timely relief, or inadequate to prevent constitutional harm. Petitioner does not seek a routine immigration benefit; he seeks protection from present custody that he alleges is unlawful, punitive, and dangerous to his health and access to courts.

Exhaustion cannot be used as a shield for detention conditions that threaten life, health, family unity, education, and meaningful judicial review. The Court should therefore reach the merits and provide prompt relief.

V. FACTUAL ALLEGATIONS

Petitioner is a young Nicaraguan national born on [redacted]. He entered the United States on or about March 22, 2022, when he was still a minor child. He came with his father and sought the opportunity to live safely, study, and build a lawful and productive future.

Before detention, Petitioner was attempting to complete his high school education. His detention abruptly interrupted his schooling, daily structure, developmental stability, and future opportunities. The interruption has left him emotionally devastated, discouraged, and fearful that his education and prospects are being permanently damaged.

On May 5, 2026, Petitioner voluntarily appeared for a regular immigration appointment. He did not hide, flee, resist, or refuse to comply. His appearance was an act of responsibility and good faith, demonstrating that he was willing to comply with immigration supervision.

During that appointment, Petitioner was placed under arrest. Petitioner alleges that he was detained without a neutral judicial warrant and without a meaningful probable-cause determination by a judicial officer. He was not engaged in criminal activity at the time of arrest.

Petitioner has no serious criminal history. Nothing in his history shows that he is a danger to the community. The absence of serious criminal conduct weighs strongly against continued detention and supports release on recognizance, bond, or other reasonable supervision.

Petitioner has family and community ties in the United States. These ties reduce any alleged flight risk and support the availability of less restrictive alternatives to detention.

Since arriving at Stewart Detention Center, Petitioner has allegedly endured extreme rationing of food and water. He reports that access to adequate hydration and nutrition has been severely limited. As a result, he has suffered dehydration, physical weakness, anxiety, and fear for his health.

Petitioner further alleges that he has repeatedly been served or forced to eat food that appeared spoiled, unsafe, rotten, or in poor condition. Exposure to unsafe food within a locked detention environment creates serious risk because detainees cannot freely obtain safe alternatives.

Petitioner has allegedly requested medical care or treatment when feeling sick, weak, dehydrated, emotionally unstable, anxious, or depressed. He reports that treatment has been denied, delayed, or inadequately provided. This alleged denial of care has worsened his fear, distress, and physical vulnerability.

Petitioner alleges overcrowding, poor hygiene, and unsanitary conditions inside the detention facility. These conditions increase stress, expose detainees to illness, and contribute to a punitive atmosphere inconsistent with civil detention.

Petitioner reports verbal mistreatment by officers. Verbal abuse by officials who control every aspect of confinement can deepen trauma, humiliation, fear, and helplessness, especially for a recently turned eighteen-year-old detainee separated from normal educational and family support.

Petitioner has experienced anxiety and depression as a direct result of his detention, the conditions described, the sudden interruption of his education, and the fear that he may be deported or sent to a third country without meaningful notice. He has become demotivated and emotionally affected because he believed he was doing the right thing by attending his appointment.

Petitioner fears retaliation for presenting this habeas action. Specifically, he fears transfer to another facility to interfere with this Court's jurisdiction, placement in isolation or segregation, punitive treatment, denial of access to legal materials, or other actions intended to discourage pursuit of federal relief.

Petitioner also fears deportation or transfer to a third country without prior notice or authorization from this Court. Such action would separate him from his family, interrupt his education further, and potentially render this Court's review ineffective.

Petitioner's detention is civil, not criminal. Yet the combination of arrest at a voluntary appointment, youth, educational interruption, lack of serious criminal history, alleged deprivation

of food, water, medical care, sanitary conditions, and threat of retaliation has made detention punitive in purpose and effect

VI. LEGAL FRAMEWORK GOVERNING HABEAS RELIEF

Section 2241 authorizes federal courts to grant habeas relief when a person is held in custody in violation of the Constitution, laws, or treaties of the United States. The statute provides a vital vehicle for challenging unlawful executive detention.

The Supreme Court has long recognized that habeas corpus protects individual liberty against arbitrary governmental custody. In INS v. St. Cyr, 533 U.S. 289 (2001), the Court emphasized the strong presumption favoring judicial review of executive detention and immigration-related custody decisions.

In Boumediene v. Bush, 553 U.S. 723 (2008), the Supreme Court explained that the writ must be effective and meaningful. A hollow remedy after transfer, deportation, or severe deterioration would not satisfy the constitutional function of habeas corpus.

In Zadvydas v. Davis, 533 U.S. 678 (2001), the Court recognized that civil immigration detention raises serious constitutional concerns when detention is excessive or disconnected from a valid nonpunitive purpose. The government's power to detain is not unlimited.

In Jennings v. Rodriguez, 583 U.S. 281 (2018), the Court addressed statutory detention provisions while leaving constitutional challenges available for further adjudication. Jennings does not eliminate due process limits on immigration detention; rather, it confirms that constitutional claims remain distinct and judicially cognizable.

In Demore v. Kim, 538 U.S. 510 (2003), the Court upheld certain mandatory detention in a limited context, but it did not authorize indefinite, punitive, medically dangerous, or retaliatory detention. Demore rested on assumptions of brief detention and specific statutory circumstances, not on permission for unchecked custody.

In Bell v. Wolfish, 441 U.S. 520 (1979), the Court held that civil or pretrial confinement may not amount to punishment. Restrictions or conditions not reasonably related to a legitimate governmental objective, or that are excessive in relation to that objective, violate due process.

In Mathews v. Eldridge, 424 U.S. 319 (1976), the Supreme Court established a balancing framework for procedural due process. Petitioner's private liberty interest is weighty, the risk of erroneous deprivation is high where detention occurred without meaningful individualized review, and the government can use less restrictive measures to secure appearance.

In Youngberg v. Romeo, 457 U.S. 307 (1982), the Court recognized that persons in civil custody retain substantive liberty interests in reasonably safe conditions and freedom from unreasonable bodily restraint. Civil custody carries constitutional obligations, not constitutional silence.

In Estelle v. Gamble, 429 U.S. 97 (1976), and Farmer v. Brennan, 511 U.S. 825 (1994), the Supreme Court recognized the seriousness of deliberate indifference to medical needs and conditions posing substantial risk of harm. Although those cases arose in the criminal context,

civil detainees are entitled to at least comparable, and often greater, constitutional protection through due process.

In Helling v. McKinney, 509 U.S. 25 (1993), the Court recognized that exposure to conditions posing unreasonable risk to future health can violate constitutional protections. Unsafe food, inadequate water, denial of medical care, and unsanitary conditions implicate similar concerns.

In Kingsley v. Hendrickson, 576 U.S. 389 (2015), the Court applied an objective reasonableness standard in the pretrial detention context, reinforcing that nonconvicted persons may not be subjected to unreasonable force or punitive treatment. Petitioner is a civil immigration detainee and has not been convicted in connection with his detention.

In Nken v. Holder, 556 U.S. 418 (2009), the Court recognized the importance of preventing removal where judicial review may otherwise be impaired. While Nken concerned a stay standard, its reasoning underscores the irreparable nature of removal before meaningful review.

In Rumsfeld v. Padilla, 542 U.S. 426 (2004), the Supreme Court discussed the immediate-custodian rule for core habeas petitions Petitioner is detained in this District, and his immediate custodian is properly subject to this Court's habeas authority.

VII. GROUND ONE: UNLAWFUL DETENTION AFTER VOLUNTARY COMPLIANCE WITHOUT MEANINGFUL JUDICIAL SAFEGUARDS

Petitioner's detention began when he voluntarily appeared for a scheduled immigration appointment. That fact is central. It shows compliance, not evasion. It shows responsibility, not danger. Detaining a young person who appears in good faith without a meaningful individualized determination undermines the very incentive structure that immigration supervision depends upon.

Petitioner alleges he was arrested without a neutral judicial warrant and without a probable-cause determination by a judicial officer. Civil immigration enforcement has distinct statutory mechanisms, but due process still prohibits arbitrary custody. The government cannot transform voluntary compliance into a trap that results in punitive confinement without meaningful review.

Petitioner's age and educational posture intensify the due process concern. He was born [redacted], entered the United States as a child, and was attempting to complete high school. The government's decision to detain him at the threshold of adulthood carries consequences beyond ordinary inconvenience: it interrupts education, development, mental stability, and family support.

The Fifth Amendment protects persons, not only citizens. Petitioner is entitled to fair process before the government deprives him of liberty. Continued detention is constitutionally suspect where the record supports compliance, lack of serious criminal history, family ties, and the availability of alternatives.

VIII. GROUND TWO: CONTINUED DETENTION IS PUNITIVE AND EXCESSIVE UNDER THE FIFTH AMENDMENT

Immigration detention is civil. Its permissible objectives are limited: securing appearance and protecting the community where necessary. When detention becomes excessive in relation to those goals, or when conditions operate as punishment, due process is violated.

Petitioner is not a danger to the community. He has no serious criminal history. He was not arrested during criminal conduct. He appeared for a regular appointment. These facts sharply reduce any legitimate basis for continued confinement.

Petitioner is not a meaningful flight risk. A person who voluntarily appears for immigration supervision demonstrates a willingness to comply. Family and community ties further support release. If the government believes some supervision is necessary, less restrictive alternatives exist, including check-ins, reporting requirements, bond, monitoring, and address updates.

The alleged conditions at Stewart Detention Center make continued detention punitive in effect. Extreme food and water rationing, spoiled food, denial of medical care, verbal abuse, overcrowding, and unsanitary conditions go far beyond ordinary administrative custody. They impose suffering unrelated to securing appearance.

Under Bell v. Wolfish, the Court must examine whether the conditions are reasonably related to a legitimate governmental purpose or excessive in relation to that purpose. Here, there is no legitimate civil objective served by depriving a young detainee of adequate nutrition, hydration, medical care, sanitation, and educational continuity.

IX. GROUND THREE: DENIAL OF ADEQUATE FOOD AND WATER VIOLATES BASIC CONSTITUTIONAL PROTECTIONS

Petitioner alleges extreme rationing of food and water. Adequate nutrition and hydration are not privileges; they are basic conditions of lawful custody. The government assumes responsibility for a detainee's bodily needs once it deprives him of freedom to care for himself.

Dehydration is an immediate medical risk. It can cause weakness, dizziness, confusion, kidney stress, anxiety, panic, and physical deterioration. For a recently turned eighteen-year-old already experiencing depression and fear, dehydration magnifies psychological distress and undermines ability to participate in legal proceedings.

Petitioner also alleges repeated exposure to spoiled or decomposed food. Serving unsafe food to persons who cannot leave, purchase alternatives, or control preparation creates an unreasonable risk of illness. Civil confinement cannot lawfully operate through deprivation of safe meals.

These allegations support habeas relief because they are intertwined with the legality of detention itself. A detention regime that inflicts serious physical deprivation on a non-dangerous civil detainee is not merely unpleasant; it is constitutionally intolerable.

X. GROUND FOUR: DENIAL OF MEDICAL AND MENTAL HEALTH CARE

Petitioner alleges that he has been denied medical treatment when he has felt sick, dehydrated, anxious, depressed, and emotionally unstable. Once the government takes custody of a person, it cannot disregard serious medical or mental health needs.

Anxiety and depression are serious conditions when they arise or worsen in custody, especially in a young detainee whose education, family stability, and future have been suddenly disrupted. Ignoring mental health deterioration may cause long term harm and impair the ability to understand proceedings, communicate, and make decisions.

Denial of care also increases the risk that Petitioner will deteriorate before this Court can adjudicate the habeas petition. Delayed relief after injury is not meaningful relief. Habeas exists to prevent unconstitutional custody before it produces irreversible damage.

The alleged denial of medical and mental health treatment further supports immediate release or, at minimum, an order requiring constitutionally adequate care, protection from retaliation, and preservation of access to courts.

XI. GROUND FIVE: UNSANITARY AND OVERCROWDED CONDITIONS

Petitioner alleges poor hygiene, overcrowding, and unsanitary conditions. Such conditions impose physical and psychological stress that is incompatible with civil detention when they are severe, prolonged, or connected to neglect.

Overcrowding and poor sanitation increase the risk of communicable disease, sleep deprivation, emotional instability, conflict, humiliation, and fear. These harms are especially acute for a young person who entered the United States as a child and was attempting to complete schooling.

Civil detention must be reasonably safe. The government may not warehouse civil detainees under conditions that resemble punishment, especially where the detainee has no serious criminal history and can be supervised through less restrictive alternatives.

The Court should consider these conditions not as isolated complaints but as part of the totality showing that Petitioner's confinement has become excessive, punitive, and constitutionally unlawful.

XII. GROUND SIX: VERBAL ABUSE, HUMILIATION, AND PSYCHOLOGICAL HARM

Petitioner alleges verbal mistreatment by officers. While isolated rude words may not always create a constitutional claim, repeated verbal abuse by custodial officials can contribute to a broader pattern of punitive treatment, intimidation, and psychological deterioration.

The custodial context matters. Petitioner cannot simply walk away from abusive officials. He depends on the facility for food, water, movement, medical care, housing, and communication. Verbal abuse within that power relationship can intensify anxiety, depression, and fear of retaliation.

Petitioner's age and disrupted education make the harm more serious. A recently turned eighteen-year-old who was finishing high school should not be subjected to unnecessary humiliation and intimidation while held in civil custody without serious criminal history.

The Court should weigh verbal mistreatment as part of the total environment demonstrating that detention has crossed the constitutional line from civil supervision into punitive confinement.

XIII. GROUND SEVEN: RETALIATORY TRANSFER AND ACCESS TO COURTS

Petitioner fears that filing this Petition may result in retaliatory transfer, placement in isolation, or punishment. That fear is reasonable in the detention context because transfers can disrupt communication, legal preparation, family contact, medical continuity, and jurisdictional clarity.

The right of access to courts is fundamental. The government may not punish a detainee for seeking judicial relief. Any transfer designed to frustrate habeas jurisdiction, delay proceedings, impair communication, or discourage litigation would undermine the integrity of the judicial process.

This Court has equitable authority to preserve its jurisdiction and prevent actions that would make habeas relief ineffective. A protective order prohibiting retaliatory transfer, punitive isolation, and interference with legal access is necessary to maintain meaningful review.

Petitioner does not ask for special treatment; he asks for protection from retaliation. The Court should ensure that the filing of a habeas petition does not become the cause of further harm.

XIV. GROUND EIGHT: RISK OF REMOVAL OR THIRD-COUNTRY TRANSFER WITHOUT MEANINGFUL REVIEW

Petitioner fears deportation or transfer to a third country without meaningful notice, judicial authorization, or opportunity to be heard. Such action would cause irreparable harm to Petitioner and his family and may impair this Court's ability to provide effective relief.

Removal before adjudication could separate Petitioner from family, interrupt legal communications, extinguish educational opportunities, and expose him to unknown conditions outside the United States. If removal occurs first and review happens later, the harm may already be irreversible.

The Supreme Court in Nken v. Holder recognized that removal is a serious event that may produce substantial consequences. A federal court considering habeas claims must be able to preserve the status quo so that judicial review remains meaningful.

Petitioner therefore requests that this Court prohibit removal, deportation, and third-country transfer while these proceedings remain pending, and order immediate corrective relief if any removal occurs in violation of the Court's jurisdiction.

XV. GROUND NINE: YOUTH, EDUCATION, AND DEVELOPMENTAL VULNERABILITY

Petitioner was born on [redacted]. He had only recently reached eighteen years of age when detained on May 5, 2026. Although he is now legally an adult, he remains a young person

whose education, development, and transition into adulthood have been severely disrupted by civil detention.

Petitioner entered the United States on March 22, 2022, when he was still a child. He grew through formative adolescent years in this country and was attempting to complete high school. Detention violently interrupted that path, damaging motivation, stability, and future opportunity.

Courts evaluating due process consider the individual circumstances of the person detained Youthful age, school interruption, lack of serious criminal history, family support, and emotional vulnerability all weigh against unnecessary detention and in favor of less restrictive alternatives.

The government's interest in appearance can be satisfied through supervision. It does not require confining a young, nonviolent, compliant, school-aged person under conditions involving alleged food and water deprivation, medical neglect, and psychological harm.

Petitioner respectfully asks this Court to view this case with the seriousness it deserves: the detention of a young person who came with his father to seek a better future, appeared when instructed, and now faces conditions that threaten his health and education.

XVI. GROUND TEN: FAMILY HARDSHIP AND COMMUNITY TIES

Petitioner's family suffers because of his detention. Family separation is not a minor collateral consequence when detention is unnecessary, especially where the detainee is young, emotionally vulnerable, and dependent on family support.

Family ties also demonstrate that Petitioner is not a flight risk. A person with meaningful relationships, support, and incentive to remain connected to proceedings can be supervised through conditions less restrictive than detention.

The government has many tools short of confinement. It may require reporting, address updates, check-ins, bond, monitoring, or other conditions. These alternatives would protect the government's interests while avoiding the grave harm of continued detention.

The Court should weigh family hardship as part of the totality of circumstances supporting release. Continued detention is not narrowly tailored where a young, non-dangerous detainee can comply with reasonable supervision.

XVII. LESS RESTRICTIVE ALTERNATIVES

Due process requires consideration of alternatives before the government imposes severe physical confinement. Petitioner can be released on recognizance, bond, supervision, electronic monitoring if necessary, scheduled check-ins, address reporting, telephonic reporting, or any combination this Court deems appropriate.

Less restrictive alternatives are particularly appropriate because Petitioner voluntarily appeared for his appointment. That conduct is powerful evidence that he will comply with future proceedings. Detention is not the least restrictive means of ensuring appearance.

The government's interest is not undermined by release under conditions. To the contrary, supervised release would preserve Petitioner's health, education, family stability, and ability to litigate while maintaining governmental oversight.

When detention itself produces constitutional harm, alternatives are not merely preferable; they are necessary to prevent continued unlawful custody.

XVIII. REQUEST FOR AN ORDER TO SHOW CAUSE

Petitioner respectfully requests that the Court issue an Order to Show Cause directing Respondents to justify the legality of Petitioner's detention and to address the specific allegations raised in this Petition.

Respondents should be required to explain the legal basis for detention, the existence or absence of individualized custody review, the factual basis for any claim of danger or flight risk, the medical care provided, food and water conditions, housing conditions, disciplinary actions, transfer plans, and any removal or third-country transfer plans.

Because Petitioner alleges immediate health and constitutional injury, the Court should require an expedited response and should prohibit actions that would defeat jurisdiction before the Court can rule.

XIX. REQUEST FOR PRESERVATION OF EVIDENCE

Petitioner respectfully requests that Respondents be ordered to preserve all evidence relevant to this matter, including custody records, detention logs, medical requests, medical treatment records, food and water distribution records, grievances, housing records, surveillance footage where available, transfer communications, disciplinary records, and communications relating to removal or third-country transfer.

Preservation is necessary because the evidence is largely controlled by Respondents. Petitioner cannot independently secure many of these records from inside detention. Without preservation, meaningful review may be impaired.

XX. CLAIMS FOR RELIEF

CLAIM ONE - Violation of the Fifth Amendment Due Process Clause

Respondents have violated Petitioner's substantive and procedural due process rights by detaining him after voluntary compliance without meaningful individualized judicial safeguards, despite his lack of serious criminal history, family and community ties, educational interruption, and availability of less restrictive alternatives.

CLAIM TWO - Unlawful and Excessive Civil Detention

Respondents have converted civil immigration custody into punitive confinement through excessive detention and conditions not reasonably related to legitimate governmental objectives.

CLAIM THREE - Denial of Basic Human Needs

Respondents have subjected Petitioner to alleged extreme food and water rationing, unsafe or spoiled food, dehydration, and conditions incompatible with lawful civil detention.

CLAIM FOUR - Denial of Medical and Mental Health Care

Respondents have allegedly denied or delayed adequate medical and mental health care despite Petitioner's anxiety, depression, dehydration, sickness, and emotional deterioration.

CLAIM FIVE - Retaliation and Interference with Access to Courts

Respondents may not transfer, isolate, punish, or otherwise retaliate against Petitioner for filing this habeas action or seeking judicial protection.

CLAIM SIX - Risk of Removal or Third-Country Transfer

Removal, deportation, or third-country transfer during the pendency of this action would cause irreparable harm and could frustrate this Court's jurisdiction and Petitioner's right to meaningful review.

XXI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant the following relief:

1. Issue the writ of habeas corpus under 28 U.S.C. § 2241;

2. Order Respondents to show cause on an expedited basis why Petitioner should not be immediately released;

3. Declare that Petitioner's continued detention, as alleged, violates the Constitution and laws of the United States;

4. Order Petitioner's immediate release from custody, or alternatively release under the least restrictive conditions sufficient to ensure appearance;

5. Order Respondents to provide constitutionally adequate medical and mental health evaluation and treatment pending release;

6. Prohibit retaliatory transfer, punitive isolation, or interference with Petitioner's access to courts;

7. Prohibit removal, deportation, or transfer to any third country while this matter remains pending;

8. Order Respondents to preserve all records relevant to detention, conditions, medical care, transfer, discipline, and removal;

9. Retain jurisdiction to enforce any order issued in this case; and

10. Grant any further relief this Court deems just and proper.

XXII. VERIFICATION

I, Harry José Lacayo Moreno, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Petitioner in this action, that I have read this Petition or had it read to me, and that the factual statements contained herein are true and correct to the best of my knowledge, information, and belief.

Executed on this ____ day of _____, 2026.

Harry Lacayo _____

Harry José Lacayo Moreno
A# [redacted]
Pro Se Petitioner
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
06/082026

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: 06/08/2026

Harry José Lacayo Moreno
Signature of Petitioner

Signature of Attorney or other authorized person, if any

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

Instructions

1. **Who Should Use This Form.** You should use this form if
   - you are a federal prisoner and you wish to challenge the way your sentence is being carried out *(for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits)*;
   - you are in federal or state custody because of something other than a judgment of conviction *(for example, you are in pretrial detention or are awaiting extradition)*; or
   - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form.** You should not use this form if
   - you are challenging the validity of a federal judgment of conviction and sentence *(these challenges are generally raised in a motion under 28 U.S.C. § 2255)*;
   - you are challenging the validity of a state judgment of conviction and sentence *(these challenges are generally raised in a petition under 28 U.S.C. § 2254)*; or
   - you are challenging a final order of removal in an immigration case *(these challenges are generally raised in a petition for review directly with a United States Court of Appeals)*.

3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

6. **Required Filing Fee.** You must include the $5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

7. **Submitting Documents to the Court.** Mail your petition and ___ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

   If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

HARRY JOSÉ LACAYO MORENO, Petitioner,

v.

WARDEN, STEWART DETENTION CENTER, et al., Respondents.

PROOF OF SERVICE

I hereby certify that a true and correct copy of the Petition for Writ of Habeas Corpus, Emergency Motion for Immediate Release, Emergency Motion to Expedite, Emergency Motion for Temporary Restraining Order, Proposed Order, Emergency Motion for Stay of Removal, Pro Se Declaration and all accompanying supporting documents were served by U.S. Mail and/or Certified Mail on this 11 day of JUNE, 2026, upon the following parties:

Clerk of Court

United States District Court
Middle District of Georgia – Columbus Division
120 12th Street
Columbus, GA 31901

United States Attorney

Office of the United States Attorney
Middle District of Georgia
P.O. Box 1702
Macon, GA 31202-1702

Attorney General of the United States

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Office of the Principal Legal Advisor (OPLA)

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
180 Ted Turner Drive SW, Suite 522
Atlanta, GA 30303

Warden

Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815

ICE Enforcement and Removal Operations

ICE ERO Atlanta Field Office
180 Ted Turner Drive SW, Suite 330
Atlanta, GA 30303

Respectfully submitted,

Harry Lacayo

Harry José Lacayo Moreno
[redacted]
Pro Se Petitioner
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815