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UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

HARRY JOSÉ LACAYO MORENO, Petitioner,

v.

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

EMERGENCY MOTION FOR IMMEDIATE RELEASE

INTRODUCTION

COMES NOW Petitioner Harry José Lacayo Moreno, proceeding Pro Se, and respectfully moves this Honorable Court for an Order granting his immediate release from immigration detention pending adjudication of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241.

This Motion arises from extraordinary constitutional, humanitarian, and due process concerns involving the detention of a recently turned eighteen-year-old Nicaraguan national who was detained while voluntarily attending a routine immigration appointment despite substantial compliance with immigration supervision requirements.

Petitioner respectfully submits that continued detention under the present circumstances constitutes excessive and punitive civil confinement incompatible with the Fifth Amendment and fundamental principles of fairness recognized throughout federal habeas jurisprudence.

FACTUAL BACKGROUND

Petitioner Harry José Lacayo Moreno is a native and citizen of Nicaragua born on [redacted] Petitioner entered the United States on or about March 22, 2022 together with family members seeking safety, stability, and opportunity.

At the time of detention, Petitioner was in the process of completing high school education and attempting to continue building a productive future within the United States. Petitioner had recently reached adulthood and remained emotionally and educationally vulnerable due to age, dependency, and family circumstances.

On May 5, 2026, Petitioner voluntarily appeared for a routine immigration appointment in good faith and in compliance with immigration supervision requirements. During that appearance, Petitioner was unexpectedly detained without criminal judicial warrant and without meaningful individualized determination regarding danger or flight risk.

Since detention at Stewart Detention Center, Petitioner allegedly has suffered severe emotional distress, anxiety, depression, dehydration, hopelessness, fear, and psychological deterioration.

Petitioner further alleges severe rationing of food and water, repeated exposure to spoiled or unsafe food, denial or delay of adequate medical treatment, overcrowding, unsanitary confinement conditions, verbal mistreatment by officers, and fear of retaliatory transfer or punitive segregation for pursuing federal judicial relief.

Petitioner additionally fears deportation or transfer to a third country without meaningful notice or opportunity to protect constitutional and statutory rights before this Court

LEGAL STANDARD

Federal courts possess broad authority to grant release through habeas corpus proceedings where detention becomes unconstitutional, punitive, excessive, arbitrary, or incompatible with due process protections.

The writ of habeas corpus occupies a unique constitutional role as a safeguard against unlawful executive detention. See Boumediene v. Bush, 553 U.S. 723 (2008); INS v. St. Cyr, 533 U.S. 289 (2001).

Civil immigration detention cannot become punitive in nature. Conditions amounting to punishment violate substantive due process protections guaranteed by the Fifth Amendment. See Bell v. Wolfish, 441 U.S. 520 (1979).

Courts additionally recognize that denial of adequate medical care, dangerous detention conditions, retaliatory treatment, and deprivation of meaningful judicial access may support immediate judicial intervention and release.

ARGUMENT

Immediate release is warranted because Petitioner faces continuing and irreparable constitutional injury each day detention continues.

First, Petitioner was detained while voluntarily complying with immigration supervision obligations. Such compliance strongly demonstrates good faith participation in immigration proceedings and substantially undermines any claim that Petitioner presents a meaningful flight risk.

Second, Petitioner does not possess a serious criminal history and does not present a danger to public safety. Continued detention therefore serves no legitimate punitive or protective purpose.

Third, Petitioner's youth and educational circumstances make continued detention particularly harmful. Petitioner had been actively attempting to complete high school education and continue personal development before detention abruptly interrupted educational progress, emotional stability, and family life.

The disruption of education and emotional development at such a critical stage of life creates extraordinary humanitarian concerns warranting immediate consideration by this Court.

Fourth, the conditions alleged within Stewart Detention Center present severe constitutional concerns. Petitioner alleges deprivation of adequate food and hydration, denial of medical care, overcrowding, unsanitary conditions, emotional deterioration, verbal abuse, and fear of retaliation.

Such allegations exceed ordinary civil detention discomfort and instead describe conditions potentially incompatible with constitutional due process protections.

Fifth, Petitioner fears retaliatory transfer intended to interfere with federal jurisdiction or access to judicial review. Courts possess inherent authority to preserve jurisdiction and prevent actions capable of frustrating meaningful habeas review.

Sixth, Petitioner fears deportation or transfer to a third country without meaningful notice or opportunity to seek judicial protection. Removal prior to adjudication of constitutional claims would create immediate and irreparable harm incapable of later remedy.

The balance of equities overwhelmingly favors release. Petitioner presents substantial family ties, humanitarian concerns, educational disruption, emotional vulnerability, and absence of serious criminal conduct.

The public interest is always served by preserving constitutional rights, protecting meaningful judicial review, and preventing arbitrary or punitive detention practices.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. GRANT this Emergency Motion for Immediate Release;

2. ORDER Respondents to immediately release Petitioner from detention pending adjudication of the habeas proceedings;

3. PROHIBIT retaliatory transfer outside the jurisdiction of this Court;

4 PROHIBIT placement of Petitioner in punitive segregation or retaliatory isolation;

5. PROHIBIT removal or transfer to any third country while proceedings remain pending;

6 GRANT all additional relief deemed just and proper under the law

Respectfully submitted,

Harry Lacayo

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