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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

HARRY JOSÉ LACAYO AGUIRRE,
Petitioner,

Case No.: _____

A-Number: [redacted]

v.

WARDEN, STEWART DETENTION CENTER;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
FIELD OFFICE DIRECTOR, ICE ATLANTA FIELD OFFICE; and
UNITED STATES ATTORNEY GENERAL,
Respondents.

PETITIONER'S EMERGENCY MOTION FOR IMMEDIATE RELEASE FROM UNCONSTITUTIONAL IMMIGRATION DETENTION

Petitioner Harry José Lacayo Aguirre, A-Number [redacted] a native and citizen of Nicaragua, proceeding Pro Se, respectfully moves this Honorable Court for an order directing his immediate release from custody at Stewart Detention Center, located at 146 CCA Road, Lumpkin, Georgia 31815. This motion is filed in connection with Petitioner's habeas corpus petition under 28 U.S.C. § 2241 and seeks urgent equitable relief because the facts alleged show that continued civil immigration detention has become unlawful, punitive, medically dangerous, procedurally defective, and constitutionally intolerable.

This motion is not a request for ordinary discretionary relief. It is a request for immediate judicial intervention where civil detention has crossed the constitutional line. Petitioner was taken into custody on May 5, 2026, while he was responsibly and voluntarily attending a regular immigration appointment. He was not attempting to flee. He was not hiding from the government. He presented himself in good faith, and the government converted that compliance into confinement without the protections that due process requires.

The record to be developed will show that Petitioner is not a danger to the community, has no serious criminal record, and has meaningful family and community ties in the United States. It will also show that his detention has inflicted escalating harm: extreme rationing of food and water, repeated exposure to spoiled or decomposed food, denial of medical attention when ill, unsanitary

and overcrowded conditions, verbal mistreatment by detention officers, anxiety, depression, and dehydration. These are not merely uncomfortable conditions; they are indicators that civil confinement is operating as punishment without a criminal conviction and without a constitutionally adequate justification.

I. RELIEF REQUESTED

1. Order Respondents to immediately release Petitioner from immigration custody under reasonable conditions of supervision, including reporting requirements, address notification, electronic monitoring only if strictly necessary, or any other less restrictive condition the Court deems appropriate;

2. Prohibit Respondents and their agents from transferring Petitioner out of the jurisdiction, or to any facility for retaliatory, punitive, or jurisdiction-defeating purposes, while this habeas matter remains pending;

3. Prohibit Respondents from removing Petitioner from the United States, including removal to Nicaragua or transfer to any third country, without prior notice to the Court and meaningful opportunity for Petitioner to seek judicial protection;

4. Order Respondents to preserve Petitioner's medical, custody, grievance, appointment, classification, food-service, and transfer records relevant to the claims raised in this matter;

5. Grant any further relief necessary to protect this Court's jurisdiction, prevent irreparable harm, and ensure that civil detention remains within constitutional limits.

II. FACTUAL BACKGROUND

A. Personal identity and immigration detention.

Petitioner is Harry José Lacayo Aguirre, born [redacted], a native and citizen of Nicaragua. He entered the United States on or about March 22, 2022. He is currently detained at Stewart Detention Center in Lumpkin, Georgia, within the Columbus Division of the Middle District of Georgia. His immigration A-Number is [redacted]

B. Detention after voluntary compliance.

On May 5, 2026, Petitioner appeared responsibly and voluntarily for a regular immigration appointment. Instead of being permitted to continue complying with his immigration obligations in the community, he was placed under arrest. The arrest occurred in a civil immigration context and, as alleged, without a judicial warrant and without a constitutionally sufficient individualized determination showing that detention was necessary because of danger or flight risk.

C. No serious criminal record and no danger to the community.

Petitioner does not have a serious criminal record. Nothing in the known facts suggests that he presents a danger to the community. In the civil immigration setting, detention must serve a legitimate regulatory purpose; when the government cannot show necessity, continued confinement becomes excessive and punitive.

D. Family and community ties.

Petitioner has strong ties in the United States. His wife has been gravely affected by his detention, both emotionally and financially, because Petitioner was the head of household and a source of economic support. These facts matter because they contradict any unsupported claim that Petitioner would disappear if released under supervision.

E. Conditions at Stewart Detention Center.

Petitioner alleges severe conditions of confinement, including extreme rationing of food and water, recurrent spoiled or decomposed food, lack of adequate medical response when he becomes ill, unsanitary conditions, overcrowding, and verbal mistreatment by officers. These conditions have caused or aggravated anxiety, depression, and dehydration.

F. Fear of retaliation and loss of jurisdiction.

Petitioner fears retaliation for seeking judicial review, including transfer to another facility designed to make litigation more difficult, punitive isolation, or other adverse treatment. A transfer carried out because a detainee invoked the jurisdiction of a federal court would undermine access to the courts and threaten the orderly administration of justice.

G. Risk of removal or third-country transfer.

Petitioner fears deportation or transfer to a third country without prior notice, authorization, or meaningful judicial review. Removal during the pendency of habeas proceedings could inflict irreparable harm on Petitioner and his family and could impair this Court's ability to grant effective relief.

III. GOVERNING LEGAL PRINCIPLES

A. Habeas jurisdiction protects the person, not merely the paperwork.

The writ of habeas corpus exists to test the legality of physical custody. 28 U.S.C. § 2241 authorizes federal courts to inquire into detention that allegedly violates the Constitution, laws, or treaties of the United States. The Supreme Court has repeatedly recognized that habeas review must remain meaningful where the government restrains liberty. Boumediene v. Bush, 553 U.S. 723 (2008); INS v. St. Cyr, 533 U.S. 289 (2001).

B. Civil detention cannot become punishment.

Immigration detention is civil, not criminal. Because Petitioner has not been convicted of a crime justifying punishment, his confinement must remain reasonably related to a legitimate regulatory purpose. Detention conditions or duration that become excessive in relation to that purpose violate due process. Bell v. Wolfish, 441 U.S. 520 (1979); United States v. Salerno, 481 U.S. 739 (1987).

C. Due process requires individualized justification.

The Fifth Amendment protects noncitizens within the United States from arbitrary detention. When detention is imposed without a meaningful individualized assessment of danger or flight risk, the detention becomes constitutionally suspect. Zadvydas v. Davis, 533 U.S. 678 (2001), confirms that civil immigration detention is limited by due process and cannot continue on bare administrative preference.

D. Conditions of confinement are relevant to the legality of custody.

A habeas court may consider whether custody has become unlawful because the conditions of confinement impose unconstitutional punishment or deliberate indifference to serious medical and basic human needs. Estelle v. Gamble, 429 U.S. 97 (1976), and Farmer v. Brennan, 511 U.S. 825 (1994), recognize that the government must not disregard serious risks to health and safety in custodial settings.

F. Courts may preserve jurisdiction and prevent irreparable harm.

Federal courts possess equitable authority to protect their jurisdiction and prevent actions that would defeat meaningful review. Transfer, retaliation, or removal that frustrates judicial consideration may justify protective relief. Nken v. Holder, 556 U.S. 418 (2009), recognizes that removal can present serious consequences and that courts weigh irreparable injury when deciding protective relief.

IV. ARGUMENT

A. Immediate release is warranted because Petitioner's arrest converted voluntary compliance into arbitrary detention.

Petitioner appeared for a regular appointment, demonstrating respect for the immigration process and willingness to comply with government instructions. The government's decision to detain him at that appointment, without a judicial warrant and without a constitutionally adequate individualized showing of necessity, weighs heavily in favor of release. A person who presents himself voluntarily is materially different from a person who absconds. The facts alleged show compliance, not concealment; responsibility, not flight; and family stability, not danger. Continued detention therefore lacks the individualized justification required by due process.

B. The government has less restrictive alternatives that fully protect its regulatory interests.

Even assuming the government has a legitimate interest in ensuring Petitioner's appearance, that interest can be served through supervision, scheduled reporting, address verification, telephone check-ins, GPS monitoring if truly necessary, or other conditions. The Constitution does not permit detention to be used reflexively when less restrictive measures are available. Because Petitioner has community ties, family obligations, and no serious criminal history, release under conditions would adequately protect any legitimate governmental interest.

C. Continued detention is punitive because the alleged conditions are incompatible with civil confinement.

Civil detention may not be used as punishment. Petitioner alleges rationed food and water, spoiled or decomposed meals, lack of adequate medical attention, overcrowding, poor hygiene, verbal mistreatment, and psychological deterioration. These conditions are not merely incidental discomforts. They strike at the basic human needs of nutrition, hydration, sanitation, safety, and medical care. When civil detention exposes a person to such treatment, the detention becomes excessive in relation to any regulatory objective and must yield to constitutional limits.

D. The rationing of food and water creates an immediate health risk that supports release.

Petitioner specifically alleges extreme rationing of food and water, resulting in dehydration. Dehydration is not a speculative harm. It is a present physical condition capable of worsening rapidly, particularly in a confined setting where the detainee depends entirely on the facility for basic necessities. A civil detainee cannot obtain food, water, or medical care independently; the government controls every essential condition of survival. Where the custodian cannot or will not provide adequate hydration and nutrition, immediate release is a proportionate judicial remedy.

E. Spoiled or decomposed food shows a serious failure of custodial care.

Petitioner alleges repeated occasions where food was spoiled or decomposed. Exposure to unsafe food can cause gastrointestinal illness, dehydration, infection, and aggravation of existing physical or mental health conditions. The allegation is particularly serious because it is combined with water rationing and denial of medical attention. These facts, taken together, show a custodial environment that threatens bodily integrity and cannot be justified as a normal incident of civil immigration detention.

F. Denial of medical care independently supports emergency relief.

Petitioner alleges that when he has felt ill or become sick, he has been denied adequate medical attention or treatment. The government's duty to provide medical care is heightened when it places a person in custody and deprives him of the ability to seek care on his own. Under Estelle and Farmer, deliberate indifference to serious medical needs violates constitutional norms. In the civil detention context, the standard is at least as protective because the detainee is not being punished for a crime. The alleged denial of care, combined with dehydration, anxiety, depression, and exposure to unsafe conditions, supports immediate release.

G. Anxiety, depression, and family devastation demonstrate irreparable harm.

Petitioner alleges anxiety and depression caused by detention and the conditions at Stewart Detention Center. His wife is gravely affected because her husband, head of household, and financial support has been detained. These harms are not easily repaired by later relief. Each day in unconstitutional detention deepens the injury, destabilizes the family, and increases the emotional and medical burden. Immediate release would prevent ongoing harm while allowing immigration proceedings to continue under supervision.

H. Retaliatory transfer or punitive isolation would obstruct access to the Court.

Petitioner fears that filing this case may trigger retaliatory transfer, unjustified movement to another facility, or placement in isolation. Such conduct would raise serious constitutional concerns because a detainee must be able to seek habeas relief without punishment. Transfer can separate Petitioner from legal materials, disrupt communication with family, interfere with service of documents, and complicate this Court's jurisdiction over the immediate custodian. The Court should enter protective language preventing any retaliatory or jurisdiction-defeating transfer.

I. Removal or third-country transfer during this case would create irreparable harm and undermine judicial review.

Petitioner fears deportation or transfer to a third country without notice or authorization. If removal occurs before the Court resolves the legality of custody, Petitioner may suffer consequences that cannot be undone, including separation from his family, exposure to danger or

instability abroad, and loss of meaningful access to the court. A court deciding a habeas case must be able to preserve the status quo sufficiently to make its judgment effective.

J. Petitioner's lack of serious criminal history weighs strongly against continued detention.

The absence of a serious criminal record is not a minor detail. It directly undercuts any assertion that Petitioner is dangerous. Civil detention based on unsupported assumptions is inconsistent with due process. Where the government cannot identify a concrete public-safety risk and where Petitioner has demonstrated compliance by attending appointments, the continued use of detention becomes disproportionate.

K. Petitioner's family and community ties defeat any generalized flight-risk allegation.

Petitioner has meaningful ties in the United States, including a wife who depends on him emotionally and financially. He has already shown willingness to appear by attending his appointment. Those facts make supervised release appropriate. A generalized statement that immigration detainees may fail to appear cannot substitute for individualized evidence that this Petitioner is likely to flee.

L. Immediate release is the narrow and practical remedy.

The remedy requested is not extraordinary in scope. Petitioner does not seek dismissal of immigration proceedings through this motion. He seeks release from unconstitutional custody while those proceedings continue. The Court may impose reasonable conditions to ensure compliance. That remedy respects both the government's regulatory interests and the Constitution's command that liberty not be restrained arbitrarily or punitively.

V. SELECTED AUTHORITIES SUPPORTING RELEASE

Boumediene v. Bush, 553 U.S. 723 (2008). Habeas review must be meaningful where the government restrains physical liberty. The writ is not an empty formality; it must provide a real opportunity to challenge custody.

INS v. St. Cyr, 533 U.S. 289 (2001). Federal habeas review remains a critical safeguard against unlawful executive detention and removal-related custody.

Zadvydas v. Davis, 533 U.S. 678 (2001). Immigration detention is limited by the Fifth Amendment, and civil confinement must bear a reasonable relationship to its purpose.

Jennings v. Rodriguez, 583 U.S. 281 (2018). Although addressing statutory questions, Jennings confirms the importance of constitutional challenges to immigration detention through appropriate proceedings.

Demore v. Kim, 538 U.S. 510 (2003). Even where immigration detention is permitted, it must remain tied to its civil purpose and cannot be used as unbounded punishment.

Bell v. Wolfish, 441 U.S. 520 (1979). Civil detention conditions violate due process when they amount to punishment or are excessive in relation to a legitimate governmental objective.

United States v. Salerno, 481 U.S. 739 (1987). Preventive detention is constitutionally exceptional and requires careful procedural and substantive justification.

Mathews v. Eldridge, 424 U.S. 319 (1976). Due process requires balancing the private interest, risk of erroneous deprivation, and governmental interest. Petitioner's physical liberty is among the highest private interests.

Estelle v. Gamble, 429 U.S. 97 (1976). The government violates constitutional norms when it is deliberately indifferent to serious medical needs in custody.

Farmer v. Brennan, 511 U.S. 825 (1994). Custodial officials may not disregard substantial risks to health or safety.

Nken v. Holder, 556 U.S. 418 (2009). Courts consider irreparable injury and the public interest when preventing removal related harm pending judicial review.

Rumsfeld v. Padilla, 542 U.S. 426 (2004). The immediate custodian and district of confinement are central to core habeas jurisdiction, supporting protection against jurisdiction-defeating transfer.

VI. BALANCE OF EQUITIES AND PUBLIC INTEREST

The equities strongly favor immediate release. Petitioner faces continuing physical, emotional, and constitutional injury in detention. He alleges dehydration, unsafe food, denial of medical care, anxiety, depression, overcrowding, poor hygiene, and fear of retaliation. His wife and family suffer ongoing hardship because he was the head of household and economic support. By contrast, the government's interests can be protected through ordinary conditions of supervision. Release would not prevent immigration proceedings from moving forward. It would simply ensure that those proceedings occur without unconstitutional custody.

The public interest is served when the government obeys constitutional limits. The public has no legitimate interest in civil detention that is arbitrary, punitive, medically unsafe, or retaliatory. The public does have a profound interest in ensuring that federal courts can review habeas claims before removal or transfer makes relief ineffective.

VII. REQUEST FOR EXPEDITED CONSIDERATION

Petitioner respectfully requests expedited consideration because every day in custody increases the risk of irreparable harm. The alleged deprivation of adequate food, water, medical attention, sanitation, and mental-health stability is ongoing. The possibility of retaliatory transfer, punitive isolation, deportation, or third-country transfer creates a need for immediate judicial action. Delay would not preserve neutrality; delay would effectively leave Petitioner exposed to the very harms this motion seeks to prevent.

VIII. CONCLUSION

For the foregoing reasons, Petitioner respectfully asks this Honorable Court to grant this Emergency Motion for Immediate Release, order his immediate release under reasonable conditions of supervision, prohibit retaliatory or jurisdiction-defeating transfer, prohibit removal or third-country transfer without prior notice and meaningful judicial review, preserve relevant records, and grant any additional relief the Court deems just and proper.

PRAYER FOR RELIEF

1. Grant this Motion for Immediate Release;

2. Order Respondents to release Petitioner from Stewart Detention Center immediately under reasonable conditions;

3. Find that continued detention, as alleged, violates the Fifth Amendment and exceeds the lawful limits of civil immigration detention;

4. Enjoin Respondents from transferring Petitioner for retaliatory, punitive, or jurisdiction-defeating purposes;

5. Enjoin Respondents from removing Petitioner from the United States or transferring him to any third country while this habeas case remains pending, absent prior notice and opportunity for judicial review;

6. Order Respondents to preserve all relevant custody, medical, grievance, food-service, classification, and transfer records;

7. Grant such other and further relief as justice requires.

VERIFICATION

I, Harry José Lacayo Aguirre, declare under penalty of perjury that the factual statements presented in this motion are true and correct to the best of my knowledge, information, and belief. I understand that this motion is submitted to a federal court and that it seeks urgent judicial protection from unlawful and unconstitutional detention.

Executed on: 11 JUNE, 2026

Respectfully submitted,

Harry Lacayo

Harry José Lacayo Aguirre
A-Number: [redacted]
Pro Se Petitioner
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815