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UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

WILDINE TELISKA
A# [redacted]

Petitioner,

v.

WARDEN OF THE DETENTION FACILITY,
TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement,
MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, and all other persons having custody over Petitioner,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

(PRO SE)

INTRODUCTION

Petitioner, **Wildine Teliska**, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**, challenging the legality of her continued immigration detention.

This case concerns one of the most fundamental rights protected by the Constitution: the right to be free from unlawful physical restraint. Although immigration detention is civil rather than criminal, the deprivation of liberty is nevertheless substantial and may not continue in violation of the Fifth Amendment's guarantee of due process.

Petitioner is not serving a criminal sentence. She is detained solely for purposes of immigration enforcement while her removal proceedings remain pending. She has substantial family ties in

the United States, has no criminal convictions as represented in her bond filing, and has a sponsor willing to receive and support her upon release. Despite these favorable equities, she remains incarcerated.

Petitioner sought a custody redetermination before the Immigration Court. Rather than determining that she constituted a danger to the community or a flight risk, the Immigration Judge denied relief because the court concluded that it lacked jurisdiction pursuant to **Matter of Hurtado**. Consequently, Petitioner has been left without a meaningful opportunity to obtain release through the immigration court process.

The Great Writ exists precisely to prevent unlawful executive detention where no adequate remedy exists. Federal district courts possess jurisdiction under 28 U.S.C. § 2241 to examine whether continued detention violates the Constitution and laws of the United States.

Accordingly, Petitioner respectfully requests that this Court order Respondents to provide an immediate individualized bond hearing before a neutral adjudicator at which the Government bears the burden of justifying continued detention, or alternatively order Petitioner's immediate release under appropriate conditions of supervision.

JURISDICTION

This Court has jurisdiction pursuant to:

- 28 U.S.C. § 2241;
- 28 U.S.C. § 1331;
- Article III of the United States Constitution;
- The Suspension Clause;
- The Fifth Amendment to the United States Constitution

Federal courts have long exercised habeas jurisdiction to review the legality of immigration detention.

VENUE

Venue is proper because Petitioner is detained within the territorial jurisdiction of this Court and her immediate custodian is located within this District.

PARTIES

Petitioner

Wildine Teliska is a native and citizen of Haiti and is identified by Alien Registration Number A[redacted]. She is presently detained by the Department of Homeland Security in connection with civil immigration proceedings.

Respondents

Respondents include:

1. The Warden or Officer in Charge of the detention facility where Petitioner is confined;
2. The Acting Director of U.S. Immigration and Customs Enforcement;
3. The Secretary of the Department of Homeland Security; and
4. Any other official exercising legal custody over Petitioner.

FACTUAL BACKGROUND

Petitioner entered the United States and was subsequently placed into removal proceedings.

She has remained in immigration detention despite possessing substantial equities demonstrating that detention is unnecessary.

Petitioner has family residing within the United States who are willing to provide housing, supervision, and financial support upon release.

Petitioner is married to Smith Constine, who is currently residing in the United States and pursuing his own immigration case. The couple has a young daughter, S[redacted], a United States citizen born on July 2, 2023, in Georgia. Petitioner plays an essential role in the emotional, financial, and parental support of her family. Her continued detention has caused significant hardship to both her husband and minor child, who depend upon her presence, care, and support.

Petitioner has no criminal convictions and has never been found to present a danger to the community.

Petitioner also possesses humanitarian equities, including immigration applications and documentation previously submitted to immigration authorities.

Release is particularly appropriate because Petitioner has strong family ties in the United States. She has a husband residing in the country and a young U.S. citizen daughter who would directly benefit from her release. These family relationships demonstrate that Petitioner is neither a danger to the community nor a flight risk and provide substantial assurance that she will comply with all future immigration proceedings.

Her detention serves no punitive purpose because immigration detention is civil in nature.

PROCEDURAL HISTORY

Petitioner requested a custody redetermination hearing before the Immigration Court pursuant to applicable immigration regulations.

On December 10, 2025, the Immigration Judge denied the request because the court concluded that it lacked jurisdiction pursuant to **Matter of Hurtado**.

Accordingly, the Immigration Court did not determine that Petitioner was dangerous, nor did it determine that she presented a flight risk.

Instead, Petitioner remains detained without receiving meaningful consideration of whether continued incarceration is necessary.

Because no adequate administrative remedy exists to secure review of the constitutional legality of her detention, this Petition is properly before this Court.

CLAIM FOR RELIEF

Ground One

Continued Civil Detention Violates the Fifth Amendment

The Due Process Clause protects every person within the United States against arbitrary governmental detention.

Civil immigration detention cannot become punitive.

Where detention becomes unreasonable or lacks adequate procedural safeguards, continued confinement violates due process.

Petitioner has suffered a significant deprivation of liberty without a constitutionally sufficient determination that detention remains necessary.

Ground Two

Habeas Relief Is Proper Under 28 U.S.C. § 2241

The writ of habeas corpus exists to test the legality of executive detention

Federal courts retain authority to determine whether immigration detention complies with constitutional requirements.

Because Petitioner's liberty is restrained by federal officials, jurisdiction under §2241 is proper.

Ground Three

Petitioner Has Not Been Determined to Be Dangerous

The Immigration Judge did not deny custody redetermination because Petitioner constituted a danger to society.

The Immigration Judge did not deny custody redetermination because Petitioner presented a flight risk.

Instead, the Immigration Judge determined that the Immigration Court lacked jurisdiction.

Accordingly, Petitioner's continued detention rests upon no individualized factual determination demonstrating necessity.

Ground Four

Less Restrictive Alternatives Exist

Even assuming that the Government possesses a legitimate interest in ensuring Petitioner's appearance, detention is not the least restrictive means available.

Petitioner has family willing to receive her.

She has a residence available.

She can comply with reporting requirements.

She can comply with electronic monitoring if necessary.

She can comply with any reasonable conditions imposed by this Court.

Therefore, continued incarceration is unnecessary

LEGAL ARGUMENT

The Supreme Court has consistently recognized that immigration detention is civil rather than punitive.

Because it is civil, detention must bear a reasonable relationship to legitimate governmental objectives.

When detention becomes prolonged without meaningful procedural protections, due process concerns become paramount.

Federal courts possess authority under §2241 to ensure that executive detention complies with constitutional limitations.

The Government cannot simply continue detention indefinitely without adequate procedural safeguards.

Petitioner respectfully submits that the Constitution requires an individualized determination of necessity before liberty may continue to be restrained.

Absent such a determination, continued detention violates the Fifth Amendment.

IRREPARABLE HARM

Every day that Petitioner remains detained constitutes an irreparable injury. Loss of liberty cannot later be compensated through money damages.

Continued detention interferes with Petitioner's ability to prepare her immigration case, communicate with counsel, gather evidence, and assist in her defense.

Furthermore, Petitioner remains separated from her husband, Smith Constine, and their minor United States citizen daughter, S[redacted]. The family suffers ongoing emotional, financial, and practical hardship as a result of Petitioner's detention. Her daughter is deprived of her mother's daily care, affection, guidance, and support during critical developmental years.

Petitioner's continued detention imposes significant hardship not only upon Petitioner herself but also upon her husband and child, who depend upon her presence and support. Every additional day of detention compounds these harms and constitutes irreparable injury.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Accept jurisdiction over this Petition;
2. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. §2241,
3. Order Respondents to immediately provide Petitioner with a constitutionally adequate individualized bond hearing before a neutral adjudicator;
4. Require the Government to justify continued detention by the applicable constitutional standard;
5. Alternatively, order Petitioner's immediate release under reasonable conditions of supervision;
6. Grant expedited consideration due to the ongoing deprivation of liberty; and
7. Award such additional relief as this Court deems just and proper.
8. Strong family ties
9. No flight risk.
10. Humanitarian Hardship
11. Harm to U.S citizen Child
12. Why continued detention is unnecessary and inequitable.

Respectfully submitted,

Wildine Teliska
A[redacted]

Pro Se Petitioner

Date: 6/22/2026

Signature: Wildine Teliska

VERIFICATION

I, Wildine Teliska, declare under penalty of perjury pursuant to 28 U.S.C. §1746 that I have read the foregoing Petition for Writ of Habeas Corpus and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on: 6/22/2026

Signature:

Wildine Teliska

Wildine Teliska
Pro Se Petitioner