UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

Yean Marcos Soto Lugo

Petitioner

v.

Warden, Stewart Detention Center, et al

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: Yean Marcos Soto Lugo
   (b) Other names you have used: NONE
2. Place of confinement:
   (a) Name of institution: Stewart Detention Center, et al.
   (b) Address: 146 CCA Rd, Lumpkin, 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)

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
I challenge my immigration detention, denial of bond, and lack of due process after being detained at a

(d) Date of the decision or action: 12/04/2025

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:

(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 appeal: Administrative remedies were not pursued because they are inadequate, unavailable, and futile given ongoing immigration detention, lack of meaningful bond process, and risk of imminent removal.

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: Further administrative appeals were not filed because remedies are inadequate, unavailable, and futile given ongoing detention, lack of meaningful review, and risk of imminent removal

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 further appeals were filed because administrative remedies are inadequate and futile.

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: Not applicable. Petitioner is not challenging a criminal conviction or sentence.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 12/04/2025

(b) Date of the removal or reinstatement order:

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

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(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 and arbitrary immigration detention in violation of due process.

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 Do not cite cases or law.)*:

I was detained by ICE after appearing at a routine check-in despite compliance and a pending asylum case. No individualized justification for detention was provided.

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

☐ Yes ☑ No

GROUND TWO: Denial of a meaningful bond hearing and procedural due process.

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

I was denied bond without a meaningful opportunity to be heard, present evidence, or challenge the basis for detention.

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

☐ Yes ☑ No

GROUND THREE: Unconstitutional conditions of confinement and punitive detention.

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

I have been subjected to inadequate food, lack of medical care, and abusive treatment, causing physical and mental harm.

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

☐ Yes ☑ No

GROUND FOUR: Risk of removal, transfer, and irreparable harm without judicial review.

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

I face risk of sudden deportation or transfer before my case is reviewed, which would cause irreparable harm and prevent access to the courts

(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: Grounds were not presented in prior appeals because administrative remedies are inadequate, unavailable, and futile given ongoing detention, lack of meaningful process, and risk of imminent removal

Request for Relief

15. State exactly what you want the court to do: I request immediate release from detention or, alternatively, an individualized bond hearing. I also request protection from transfer or removal while this petition is pending.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
06/08/2026

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

Yean Marcos Soto Lugo
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.

YEAN MARCOS SOTO LUGO, Petitioner, v. WARDEN, STEWART DETENTION CENTER; FIELD OFFICE DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY; ATTORNEY GENERAL OF THE UNITED STATES, Respondents.	**UNITED STATES DISTRICT COURT** **MIDDLE DISTRICT OF GEORGIA** **COLUMBUS DIVISION** **Case No.:** _____ **PETITION FOR WRIT OF HABEAS CORPUS 28 U.S.C. § 2241** **EMERGENCY RELIEF REQUESTED**

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

Petitioner Yean Marcos Soto Lugo, proceeding pro se, petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241, the Suspension Clause, and the Fifth Amendment. He is a Venezuelan asylum seeker who is presently confined at Stewart Detention Center in Lumpkin, Georgia, within the Middle District of Georgia, Columbus Division.

This petition challenges present physical custody. It does not ask this Court to decide the merits of Petitioner's asylum case. It asks the Court to decide whether the Government may continue confining a young civil detainee after arresting him at a voluntary ICE check-in, without a judicial warrant, without a neutral probable-cause determination, without a meaningful bond process, and under conditions that have become punitive, dangerous, medically neglectful, and psychologically destructive.

Petitioner appeared for ICE voluntarily and responsibly. That conduct is powerful evidence of compliance. Nevertheless, on December 4, 2025, he was arrested and detained under the stated excuse that detention would advance or accelerate his court process. Detention imposed for administrative convenience, intimidation, or speed is not a constitutionally valid civil purpose. Civil detention must be justified by individualized necessity, not by convenience or coercion.

Petitioner has endured food rationing, spoiled or decomposed food, denial of adequate medical attention, racial and xenophobic verbal mistreatment, weight loss, depression, anxiety, and fear of sudden deportation or third-country transfer. He also fears retaliatory transfer or isolation because he is invoking the writ of habeas corpus. These facts require immediate federal review.

I. PARTIES

1. Petitioner Yean Marcos Soto Lugo is a Venezuelan national born on [redacted]. His Alien Registration Number is A [redacted]. He entered the United States on or about November 16, 2023.

2. Petitioner has a pending asylum case. His pending case shows that he has not abandoned the lawful process. He has attempted to regularize his status through the process available to him, and his conduct demonstrates compliance rather than evasion.

3. Petitioner has been detained since December 4, 2025 and is currently held at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815.

4. Respondents are the officials exercising immediate and legal custody over Petitioner, including the Warden of Stewart Detention Center, the ICE Field Office Director responsible for his detention, the Secretary of the Department of Homeland Security, and the Attorney General of the United States.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under color of federal authority and challenges the legality of that custody. Habeas corpus is the historic remedy for unlawful executive detention and remains available to test present physical confinement.

2. This Court also has authority under the Suspension Clause because the writ must remain effective where a person challenges unlawful physical restraint. Boumediene v. Bush, 553 U.S. 723 (2008), confirms that habeas must provide a meaningful opportunity to contest detention before a neutral court.

3. INS v. St. Cyr, 533 U.S. 289 (2001), reinforces that immigration-related custody remains subject to habeas review absent a clear and constitutionally valid limitation. Petitioner seeks review of custody, not review of an asylum merits determination.

4. Venue is proper in the Middle District of Georgia, Columbus Division, because Petitioner is confined at Stewart Detention Center in Lumpkin, Georgia, and his immediate custodian is located in this District. Rumsfeld v. Padilla, 542 U.S. 426 (2004), identifies the district of confinement and the immediate custodian as the ordinary habeas framework.

5. This action is not a petition for review of a removal order. Petitioner seeks relief from unlawful detention, denial of meaningful process, punitive conditions, medical neglect, and the risk that Respondents may use removal or transfer to defeat habeas jurisdiction or inflict irreparable harm.

III. FACTUAL BACKGROUND

1. Petitioner is a young Venezuelan national. He entered the United States on or about November 16, 2023 and has a pending asylum case. His effort to pursue asylum is a lawful attempt to obtain protection and regularize his immigration status.

2. Petitioner was not hiding. He was not a person who refused to report. He appeared at a regular ICE appointment. His appearance was voluntary, responsible, and consistent with a person who intended to comply with the immigration process.

3. On December 4, 2025, during that ICE check-in, Petitioner was placed under arrest. He was not presented with a judicial warrant signed by a neutral judge. He was not afforded a neutral probable-cause determination before being deprived of his liberty.

4. The explanation given to Petitioner was that he would be detained to advance or expedite his court process. That rationale is constitutionally inadequate. The Government may not imprison a civil immigration respondent merely because confinement makes administration easier or faster.

5. Petitioner requested bond. The bond process was fundamentally unfair. Bond was denied without a meaningful opportunity for Petitioner to speak, explain his circumstances, address concerns, present his compliance, or demonstrate why release under conditions was appropriate.

6. Petitioner does not have a serious criminal record showing that he is a danger to the community. He is not a threat to public safety. Detention cannot be justified by speculation when the available facts show compliance, lack of serious criminality, and family or community ties.

7. Petitioner has substantial ties in the United States. He is not a flight risk. His voluntary appearance at ICE is direct evidence that he would continue to appear if released under supervision, reporting, monitoring, or other reasonable conditions.

8. Petitioner has suffered severe food-related deprivation. He reports rationing of food and extreme limitations on adequate nutrition. He has repeatedly been forced to eat food that was spoiled, decomposed, or unsafe because hunger and detention conditions left him with no meaningful alternative.

9. The food conditions are not merely unpleasant. Spoiled food and rationing affect physical health, weight, immune function, and mental stability. They also show that Petitioner's custody has crossed the line from civil regulation into punishment.

10. Petitioner has been denied meaningful medical treatment when he became sick or felt unwell. His medical needs have been minimized or ignored despite symptoms related to the facility's conditions, unsafe food, stress, weight loss, and deterioration.

11. Petitioner reports notable weight loss. Weight loss in detention is an objective sign that confinement is harming the body. It is particularly alarming when combined with food rationing, spoiled food, medical neglect, and psychological distress.

12. Petitioner has suffered anxiety and depressive crises. The combination of arbitrary detention, unsafe conditions, verbal mistreatment, uncertainty, and fear of sudden removal has seriously affected his mental health.

13. Petitioner reports verbal mistreatment by officers, including racial and xenophobic comments. Civil detention is not a zone where officers may degrade a person based on nationality, race, ethnicity, or immigration status. Such conduct deepens the punitive character of confinement.

14. Petitioner fears deportation to Venezuela without meaningful warning or judicial protection. He also fears being sent to a third country without prior notice, lawful authorization, or opportunity to challenge the action.

15. Petitioner fears retaliation for filing this case, including sudden transfer to another detention center, placement in isolation, disciplinary punishment, or a rushed deportation attempt designed to frustrate federal review.

16. Petitioner's detention has no adequate individualized justification. The Government has less restrictive alternatives available, including reporting, address verification, electronic monitoring, scheduled check-ins, and bond. Continued confinement is therefore excessive.

IV. THE NATURE OF THE CONSTITUTIONAL INJURY

1. Petitioner's injury is not limited to the fact of detention. It includes the manner in which detention began, the lack of meaningful process, the continuation of detention despite less restrictive alternatives, and the conditions that now make confinement punitive and dangerous.

2. The arrest at a voluntary ICE check-in is especially troubling. When a person appears as directed, the Government's decision to arrest him without individualized necessity chills compliance and turns cooperation into a trap.

3. The pending asylum case matters. A person actively pursuing protection should not be exposed to sudden removal, third-country transfer, or coercive detention conditions that pressure abandonment of lawful claims.

4. The denial of bond without meaningful opportunity to speak created an intolerable risk of erroneous deprivation. The private interest is extraordinary: physical liberty, health, access to asylum proceedings, and protection from irreparable harm.

5. The Government's interest can be served by less restrictive means. Petitioner's demonstrated compliance and lack of serious criminal history make detention unnecessary or, at minimum, require a fair bond hearing with a real opportunity to present evidence.

6. The food, medical, and verbal abuse allegations are custody allegations. Habeas courts may consider conditions where those conditions are inseparable from the legality and practical reality of confinement, especially where release or transfer to humane conditions is the only effective remedy.

V. GOVERNING LAW

1. Under 28 U.S.C. § 2241, federal courts may grant habeas relief to a person held in violation of the Constitution, laws, or treaties of the United States. The statute reaches present physical custody imposed by federal immigration authorities.

2. Boumediene v. Bush, 553 U.S. 723 (2008), explains that habeas is intended to be a meaningful and practical remedy, not an empty formality. A detainee must have a real chance to challenge the legal and factual basis for custody.

3. INS v. St Cyr, 533 U.S. 289 (2001), recognizes the enduring role of habeas review in immigration custody. The writ protects against unlawful restraint even in the immigration context.

4. Zadvydas v. Davis, 533 U.S. 678 (2001), teaches that civil immigration detention is constitutionally limited. The Government's immigration power does not authorize detention that becomes arbitrary, excessive, or disconnected from a valid regulatory purpose.

5. Demore v. Kim, 538 U.S. 510 (2003), approved a narrow category of detention under specific assumptions, but it did not authorize indefinite, punitive, medically neglectful, or arbitrary detention Demore cannot be read as a blank check.

6. Jennings v. Rodriguez, 583 U.S. 281 (2018), rejected a particular statutory interpretation but preserved constitutional challenges to immigration detention Petitioner brings a constitutional habeas challenge to custody as applied to him.

7. Bell v. Wolfish, 441 U.S. 520 (1979), holds that civil detainees may not be punished. If a condition or restriction is not reasonably related to a legitimate governmental objective, or if it is excessive in relation to that objective, it may be unconstitutional punishment.

8. Mathews v. Eldridge, 424 U.S. 319 (1976), supplies the due process framework. Here, the private interest is fundamental liberty and bodily integrity; the risk of erroneous deprivation is high because Petitioner was denied meaningful participation; and the Government can provide fair process without undue burden.

9. Estelle v. Gamble, 429 U.S. 97 (1976), and Farmer v. Brennan, 511 U.S. 825 (1994), prohibit deliberate indifference to serious medical needs and substantial risks of harm. A civil detainee cannot be left sick, malnourished, or medically neglected.

10. United States v. Salerno, 481 U.S. 739 (1987), confirms that preventive detention must be carefully limited and justified by strong regulatory interests. If lesser conditions can reasonably address appearance or safety, detention becomes excessive.

11. Reno v. Flores, 507 U.S. 292 (1993), recognizes the importance of immigration custody procedures but does not allow procedures to become arbitrary or constitutionally empty. Individual circumstances remain critical where physical liberty is at stake.

12. Rumsfeld v. Padilla, 542 U.S. 426 (2004), supports this Court's authority because Petitioner is confined in this District and challenges his immediate physical custody.

VI. CLAIMS FOR RELIEF

COUNT ONE - UNLAWFUL SEIZURE AND ARBITRARY DETENTION AFTER A VOLUNTARY ICE CHECK-IN

Petitioner incorporates all prior paragraphs. He was arrested while voluntarily attending a regular ICE appointment. He was not arrested after flight, evasion, or refusal to appear. The facts known to Respondents showed compliance.

The lack of a judicial warrant and neutral probable-cause determination is constitutionally significant. Physical liberty cannot be taken through an informal administrative decision that lacks meaningful safeguards.

The stated justification that detention would advance his court process is not an individualized reason to jail a civil respondent. Administrative acceleration is not danger. It is not flight risk. It is not probable cause. It is not a constitutionally sufficient basis for confinement.

Because the Government could have used less restrictive alternatives, continued detention is excessive and arbitrary. The Court should order release or, at minimum, a constitutionally adequate hearing.

COUNT TWO - VIOLATION OF PROCEDURAL DUE PROCESS IN THE BOND DENIAL

Petitioner requested bond and was denied in a manner that did not allow him to speak meaningfully. A proceeding that prevents the detainee from being heard cannot satisfy due process.

The risk of erroneous deprivation was extreme because the decision failed to evaluate Petitioner's voluntary ICE appearance, lack of serious criminal history, pending asylum case, community ties, and available release conditions.

Due process requires an individualized assessment. It requires a real opportunity to present facts and contest the Government's assertions. It cannot be satisfied by silence, speed, or a predetermined denial.

Petitioner should receive release or a new bond hearing where the Government bears a meaningful burden to prove that detention is necessary and no less restrictive condition will suffice.

COUNT THREE - SUBSTANTIVE DUE PROCESS VIOLATION THROUGH EXCESSIVE CIVIL DETENTION

Petitioner's detention is excessive in relation to any legitimate civil purpose. He appeared voluntarily; he has a pending case; he lacks a serious criminal record; and he can be supervised outside detention.

Substantive due process prohibits detention that becomes arbitrary, punitive, or conscience-shocking. Detention here operates as punishment and pressure rather than regulation.

The Government cannot justify continued confinement by generalized immigration enforcement interests. It must justify this person's custody under these facts. It has not done so.

COUNT FOUR - PUNITIVE CONDITIONS OF CIVIL CONFINEMENT

Petitioner is held for civil immigration purposes and may not be punished. Food rationing, spoiled food, xenophobic verbal abuse, degrading treatment, and harmful conditions are not reasonably related to a legitimate regulatory purpose.

Under Bell v. Wolfish, conditions that are excessive or punitive violate the Constitution. The conditions Petitioner describes have caused weight loss, sickness, anxiety, depression, and fear.

The Court should not treat these conditions as ordinary discomfort. They are central to the legality of custody because they transform civil detention into punitive confinement.

COUNT FIVE - DELIBERATE INDIFFERENCE TO MEDICAL AND MENTAL HEALTH NEEDS

Petitioner has been denied adequate medical care when ill or harmed by the detention environment. He has experienced weight loss, anxiety, depressive crises, and sickness linked to unsafe conditions.

Officials have an obligation to respond reasonably to serious medical and mental health needs. Ignoring symptoms, delaying care, or minimizing harm while a person remains in custody violates constitutional standards.

Because Petitioner cannot obtain adequate care within the facility, release or immediate court-ordered medical protection is necessary.

COUNT SIX - THREAT OF IRREPARABLE HARM FROM REMOVAL OR THIRD-COUNTRY TRANSFER

Petitioner has a pending asylum case and fears sudden removal to Venezuela or transfer to a third country. Such action could destroy his ability to pursue protection and expose him to grave harm.

Removal or third-country transfer without notice would also impair this Court's habeas jurisdiction. Courts may preserve their jurisdiction and prevent the Government from mooting or frustrating habeas review through sudden executive action.

Petitioner requests protection against removal, third-country transfer, or any action that would defeat judicial review while this case is pending.

COUNT SEVEN - RETALIATION AND ACCESS TO COURTS

Petitioner fears retaliation for filing this habeas petition. Retaliatory transfer, isolation, punishment, threats, or improvised deportation would violate the right of access to courts and the integrity of habeas review.

A detainee must be able to petition the judiciary without being punished for doing so. The writ would be meaningless if the Government could respond by moving the detainee outside the Court's reach or imposing discipline to chill litigation.

The Court should enter protective relief prohibiting retaliation, punitive isolation, and jurisdiction-defeating transfer absent prior notice and leave of Court

VII. EXHAUSTION, FUTILITY, AND EXCEPTIONAL CIRCUMSTANCES

1. Any alleged administrative exhaustion requirement should be excused. Petitioner challenges constitutional defects in custody, dangerous conditions, medical neglect, retaliation risk, and removal-related irreparable harm. These injuries require immediate judicial review.

2. Administrative remedies cannot provide timely protection from sudden removal, third-country transfer, retaliatory transfer, isolation, spoiled food, medical neglect, or continued psychological deterioration.

3. Exhaustion is futile where the agency responsible for the custody is the same entity maintaining the unlawful detention and where the requested relief requires judicial protection of habeas jurisdiction.

4. The Court should not require Petitioner to endure worsening health, weight loss, anxiety, depression, unsafe food, and risk of removal before permitting review. Habeas exists precisely to prevent unlawful custody from continuing unchecked.

VIII. WHY RELEASE OR A MEANINGFUL BOND HEARING IS REQUIRED

1. Petitioner is not a danger to the community. The petition alleges no serious criminal record that would justify detention as a public-safety necessity.

2. Petitioner is not a flight risk. He appeared voluntarily at an ICE appointment. A person who reports to ICE despite fear and uncertainty has already demonstrated willingness to comply.

3. Petitioner has a pending asylum case. He has a strong incentive to appear and pursue protection. Absconding would harm his own claim.

4. Less restrictive alternatives are available, including release on recognizance, bond, scheduled ICE reporting, address verification, electronic monitoring, telephonic check-ins, and other supervision conditions.

5. Continued detention is causing physical and psychological harm. Weight loss, anxiety, depression, food deprivation, and medical neglect are reasons for urgent relief, not reasons to continue custody.

6. A constitutionally meaningful bond hearing must allow Petitioner to speak, present evidence, challenge allegations, rely on his compliance history, and receive a reasoned decision based on individualized facts.

IX. REQUEST FOR RELIEF

1. Issue the writ of habeas corpus and order Respondents to show cause why Petitioner's detention is lawful;

2. Declare that Petitioner's continued detention violates 28 U.S.C. § 2241, the Suspension Clause, and the Fifth Amendment;

3. Order Petitioner's immediate release under reasonable conditions of supervision;

4. Alternatively, order a prompt, constitutionally adequate bond hearing before a neutral decisionmaker where Petitioner is allowed to speak, present evidence, and contest the Government's assertions, and where the Government bears the burden of proving by clear and convincing evidence that detention is necessary;

5. Order Respondents not to remove Petitioner to Venezuela, not to transfer him to a third country, and not to execute any removal while this habeas action is pending without meaningful prior notice and leave of Court;

6. Order Respondents not to transfer Petitioner outside this District or away from Stewart Detention Center for retaliatory purposes or to frustrate jurisdiction without prior notice and leave of Court;

7. Order Respondents not to retaliate against Petitioner through threats, isolation, discipline, punishment, denial of services, or adverse treatment because he filed this petition;

8. Order Respondents to provide adequate medical evaluation, treatment, safe nutrition, safe food, clean water, and humane conditions while Petitioner remains in custody;

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

X. VERIFICATION

I, Yean Marcos Soto Lugo, declare under penalty of perjury under the laws of the United States of America that the facts stated in this Petition are true and correct to the best of my knowledge, information, and belief.

Executed on: 6/10/26

Respectfully submitted,



Yean Marcos Soto Lugo, Pro Se

A[redacted]

Stewart Detention Center

146 CCA Road

Lumpkin, GA 31815

SELECTED AUTHORITIES

Boumediene v. Bush, 553 U.S. 723 (2008) - habeas corpus must provide a meaningful opportunity to challenge executive detention.

INS v. St. Cyr, 533 U.S. 289 (2001) - habeas review remains critically important in immigration custody matters.

Zadvydas v. Davis, 533 U.S. 678 (2001) - civil immigration detention is constitutionally limited and cannot become arbitrary or indefinite.

Jennings v. Rodriguez, 583 U.S. 281 (2018) - constitutional challenges to immigration detention remain available even where statutory issues differ.

Demore v. Kim, 538 U.S. 510 (2003) - immigration detention authority is limited and tied to regulatory purposes.

Bell v. Wolfish, 441 U.S. 520 (1979) - civil detainees may not be punished and conditions must be reasonably related to legitimate objectives.

Mathews v. Eldridge, 424 U.S. 319 (1976) - due process requires a meaningful opportunity to be heard at a meaningful time and manner.

Estelle v. Gamble, 429 U.S. 97 (1976) - deliberate indifference to serious medical needs violates the Constitution.

Farmer v. Brennan, 511 U.S. 825 (1994) - officials may not disregard a substantial risk of serious harm.

Rumsfeld v. Padilla, 542 U.S. 426 (2004) - habeas petitions challenging present custody are ordinarily filed in the district of confinement.

United States v. Salerno, 481 U.S. 739 (1987) - preventive detention must be carefully limited and justified by compelling regulatory concerns.

Reno v. Flores, 507 U.S. 292 (1993) - immigration custody procedures remain subject to constitutional limits.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2026, I served true and correct copies of the following documents filed in the above-captioned federal habeas corpus proceedings:

- Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241;
- Emergency Motion for Immediate Release;
- Emergency Motion to Expedite;
- Emergency Motion for Temporary Restraining Order and Preliminary Injunction;
- Emergency Motion for Stay of Removal;
- Affidavit Pro Se;
- All supporting exhibits and attachments;

by placing said documents in the United States Mail, postage prepaid, and/or by any other authorized method of service upon the following parties and governmental entities:

CLERK OF COURT
United States District Court
Middle District of Georgia – Columbus Division
901 Front Avenue
Columbus, GA 31901

UNITED STATES ATTORNEY'S OFFICE
Middle District of Georgia
P.O. Box 1702
Macon, GA 31202-1702

U.S. DEPARTMENT OF JUSTICE
Office of Immigration Litigation
Civil Division
P.O. Box 878
Ben Franklin Station
Washington, DC 20044

U.S. DEPARTMENT OF HOMELAND SECURITY
Office of the General Counsel
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

ICE OFFICE OF THE PRINCIPAL LEGAL ADVISOR (OPLA)
180 Spring Street SW
Suite 522
Atlanta, GA 30303

FIELD OFFICE DIRECTOR ICE ENFORCEMENT AND REMOVAL OPERATIONS
180 Spring Street SW
Atlanta, GA 30303

WARDEN
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Respectfully submitted,

YEAN MARCOS SOTO LUGO
Pro Se Petitioner
A#[redacted]