FILED IN CLERK'S OFFICE
U.S.D.C. - Columbus, GA
2026 JUN 30 PM 2:25

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

EMERGENCY MOTION FOR IMMEDIATE RELEASE

INTRODUCTION

COMES NOW Petitioner, YEAN MARCOS SOTO LUGO, Pro Se, and respectfully requests that this Honorable Court issue an immediate order directing his release from immigration detention pending full adjudication of his federal habeas corpus petition under 28 U.S.C. § 2241.

Petitioner is presently confined at Stewart Detention Center in Lumpkin, Georgia under conditions that have become unconstitutional, excessive, punitive, dangerous, and irreparably harmful to both his physical and psychological wellbeing. Petitioner respectfully asserts that continued detention serves no legitimate governmental purpose and violates the fundamental guarantees of substantive and procedural due process under the Fifth Amendment to the United States Constitution.

STATEMENT OF FACTS

Petitioner is a Venezuelan national who entered the United States on November 16, 2023, seeking safety and humanitarian protection. Since his arrival, Petitioner has actively pursued lawful immigration relief through a pending asylum case, demonstrating compliance with all immigration requirements and proceedings.

On December 4, 2025, Petitioner appeared voluntarily and responsibly at a routine ICE reporting appointment as required. During that appearance, immigration officers abruptly detained him without a judicial warrant, individualized probable cause, or any meaningful explanation other than that he would remain detained while his immigration proceedings advanced.

Petitioner previously requested bond; however, the request was denied in a fundamentally unfair proceeding where Petitioner was allegedly not permitted to meaningfully speak, present evidence, or fully explain his circumstances. The denial lacked individualized consideration and failed to account for Petitioner's strong equities, humanitarian

concerns, and lack of dangerousness.

Petitioner further reports severe mistreatment and unconstitutional detention conditions within Stewart Detention Center, including food rationing, spoiled food, denial of proper medical attention, verbal abuse by officers involving racial and xenophobic comments, and fear of retaliatory punishment for pursuing legal remedies.

Petitioner additionally fears retaliatory transfer outside the jurisdiction of this Court or sudden deportation to a third country without adequate notice or judicial review, actions that would severely prejudice his constitutional rights and undermine this Court's jurisdiction over the pending habeas proceedings.

LEGAL STANDARD

Federal courts possess inherent authority to order release through habeas corpus where continued immigration detention violates constitutional limitations. The Supreme Court has repeatedly recognized that civil immigration detention cannot become punitive, indefinite, arbitrary, or excessive in relation to its purported governmental purpose.

In Zadvydas v. Davis, 533 U.S. 678 (2001), the Supreme Court emphasized that immigration detention is constitutionally limited by due process principles. Likewise, in Jennings v. Rodriguez, 138 S. Ct. 830 (2018), the Court acknowledged the serious constitutional concerns implicated by prolonged detention without adequate procedural protections.

Additionally, Bell v. Wolfish, 441 U.S. 520 (1979), establishes that civil detainees cannot be subjected to punitive conditions of confinement. Civil immigration detention is regulatory in nature and may not resemble punishment or deliberate indifference to human suffering.

Federal courts also maintain broad equitable powers to issue immediate injunctive relief where irreparable constitutional harm is ongoing.

ARGUMENT

Petitioner respectfully submits that immediate release is warranted because his detention has become arbitrary, punitive, and constitutionally excessive.

First, Petitioner does not represent a danger to the community. Petitioner lacks any serious criminal history and has consistently complied with immigration authorities. His voluntary attendance at ICE appointments strongly demonstrates good faith compliance and the absence of any flight risk.

Second, Petitioner maintains substantial community ties and has continuously attempted to regularize his status through lawful immigration channels. His pending asylum application reflects his ongoing participation in immigration proceedings rather than any intent to evade them.

Third, the detention conditions described by Petitioner are alarming and unconstitutional. Reports of spoiled food, food rationing, denial of medical care, verbal abuse, emotional trauma, substantial weight loss, anxiety, and depression collectively establish serious constitutional concerns under the Due Process Clause.

Fourth, Petitioner faces a credible fear of retaliatory transfer or sudden deportation designed to frustrate judicial review and undermine this Court's jurisdiction. Federal courts have repeatedly condemned attempts to interfere with habeas jurisdiction through abrupt transfers.

Fifth, continued detention inflicts irreparable harm every single day. Emotional deterioration, psychological trauma, worsening physical health, and deprivation of basic dignity cannot later be adequately remedied through monetary damages or delayed judicial relief.

Finally, the balance of equities overwhelmingly favors release. The government suffers minimal prejudice from supervised release alternatives, while Petitioner continues enduring severe constitutional injuries while detained under degrading conditions.

CONCLUSION

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. GRANT this Emergency Motion for Immediate Release;
2. ORDER Petitioner immediately released from immigration custody;
3. PROHIBIT transfer outside this Court's jurisdiction while these proceedings remain pending;
4. PROHIBIT removal or transfer to any third country absent further order of this Court;
5. GRANT any additional relief deemed just, equitable, and proper.

Respectfully submitted,

YEAN MARCOS SOTO LUGO

Pro Se Petitioner
A# [redacted]