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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

MARCO ANTONIO LUNA GONZALEZ, (A[redacted]), Petitioner,	) Case No.: _____
v.	) ORAL ARGUMENT REQUESTED
FIELD OFFICE DIRECTOR, ATLANTA FIELD OFFICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;	) EMERGENCY APPLICATION
WARDEN, IRWIN COUNTY DETENTION CENTER;	) HABEAS CORPUS MATTER
ATTORNEY GENERAL OF THE UNITED STATES, Respondents.	

EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND MOTION FOR IMMEDIATE RELEASE UNDER OWN RECOGNIZANCE OR, ALTERNATIVELY, FOR AN IMMEDIATE JUDICIAL BOND DETERMINATION

I. PRELIMINARY STATEMENT

This is an extraordinary emergency application for the Great Writ of Habeas Corpus brought by Petitioner MARCO ANTONIO LUNA GONZALEZ, a native and citizen of Colombia, who is being subjected to unlawful, arbitrary, and procedurally defective civil immigration detention by Immigration and Customs Enforcement (ICE) at the Irwin County Detention Center in Ocilla, Georgia.

I am an industrious, law-abiding individual who poses absolutely zero danger to the United States or to public safety. I am the registered owner and operator of a valid, active

business, [redacted] properly incorporated and operating in the State of North Carolina. Throughout my time in this country, I have maintained an unblemished moral character, operated my business in strict accordance with the law, and ensured everything under my responsibility is completely in order. Despite my pristine history and deep economic and community ties, my physical custody was initiated via highly irregular and legally deficient enforcement mechanisms.

The timeline of my containment exposes a manifest regulatory abuse. I was abruptly detained on July 7, 2026, during a scheduled administrative appointment with ASAP, under highly irregular circumstances without having committed any crime or offense against the laws of the United States. Following this irregular initial apprehension, I was immediately transferred to the custody of ICE. Instead of correcting the procedural errors of the initial detaining authorities, Respondents accepted custody, validating and compounding an inherently flawed deprivation of liberty.

Because the executive branch cannot utilize civil immigration detention as a tool for arbitrary punishment, nor can it lock a non-violent entrepreneur of verified good moral character behind bars indefinitely without a meaningful, individualized judicial review, I invoke the Substantive and Procedural components of the Fifth Amendment. I request this Court's immediate intervention to bypass administrative inertia and order my absolute release under my own recognizance or under an appropriate, affordable bond to be determined directly by a judicial officer of this Court.

II. JURISDICTIONAL FRAMEWORK AND VENUE

This Court possesses subject-matter jurisdiction over this Emergency Petition pursuant to 28 U.S.C. § 2241 (habeas corpus), which grants federal courts the historical and statutory authority to review unlawful executive detentions. Jurisdiction is further supported by 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1651 (All Writs Act), and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause).

Venue is proper in the United States District Court for the Middle District of Georgia, Valdosta Division, pursuant to 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241(a). I am currently, physically confined by Respondents within the geographic boundaries and judicial district of this Court at the Irwin County Detention Center, located at 132 Cotton Drive, Ocilla, GA 31774.

III. IDENTIFICATION OF THE PARTIES

Petitioner MARCO ANTONIO LUNA GONZALEZ (A-Number: [redacted]) is a native and citizen of Colombia currently incarcerated under civil immigration authority within the secure, restrictive perimeter of the Irwin County Detention Center.

Respondent Field Office Director for the ICE Atlanta Field Office is the high-level operational official specifically tasked by federal law with the execution of immigration enforcement operations and custody management within this judicial district.

Respondent Warden of the Irwin County Detention Center is the on-site immediate physical custodian charged with the day-to-day operations, security, and physical confinement of Petitioner.

Respondent Secretary of the U.S. Department of Homeland Security possesses ultimate statutory authority over the administration and enforcement of immigration laws, ICE, and its contract facilities.

Respondent Attorney General of the United States is the chief law enforcement officer of the federal government and shares statutory responsibility for the administration of the immigration systems.

IV. STATEMENT OF FACTS

A. Impeccable Moral Character, Entrepreneurship, and Lack of Criminal History

I am a native and citizen of Colombia who came to the United States to work diligently and build a life rooted in law and human dignity. I have established deep community and economic ties as a business owner, operating a registered company named [redacted] in North Carolina. I have always kept everything in perfect order, paying taxes, contributing to the economy, and maintaining a blameless path. I have never committed a felony, misdemeanor, or any breach of the peace within the United States or abroad. I pose zero flight risk and absolutely zero danger to national security or public safety.

B. The Irregularity of the July 7 Arrest and Subsequent ICE Custody

On July 7, 2026, I appeared in good faith for an administrative appointment with ASAP. Instead of a standard regulatory review, I was subjected to a highly irregular and legally deficient detention process by authorities. I was not caught in the commission of any unlawful act, nor do I possess any past history that would trigger mandatory detention under the Immigration and Nationality Act (INA). Following this initial arrest, Immigration and Customs Enforcement accepted custody of me, validating and compounding an inherently flawed deprivation of human liberty.

C. Unlawful Detention and Failure to Consider Release

Since my transfer to the Irwin County Detention Center, I have been subjected to mechanical, blanket, and restrictive incarceration. The government has failed to perform a meaningful, individualized custody evaluation and has refused to grant my release on parole or recognizance. Keeping a non-violent business owner of verified good moral character behind bars achieves nothing but an unnecessary drain on public resources and destroys my business operations, representing a raw, unconstitutional exercise of detaining power.

V. MEMORANDUM OF LAW

A. The Constitutional Mandate of Due Process Under the Fifth Amendment

The Substantive Due Process Clause of the Fifth Amendment strictly forbids the government from depriving any person of liberty without due process of law. Freedom from physical restraint lies at the absolute heart of the liberty protected by the Constitution, a right that applies to all persons within the borders of the United States, including aliens. Zadvydas v. Davis, 533 U.S. 678, 690 (2001); Mathews v. Diaz, 426 U.S. 67, 77 (1976).

In the context of civil immigration enforcement, detention is a narrow exception to the general rule of liberty. It becomes inherently unconstitutional when it turns punitive, arbitrary, or detached from a valid regulatory objective. Demore v. Kim, 538 U.S. 510, 532 (2003). To justify the deprivation of this fundamental right, the government must prove that the individual is either a flight risk or a danger to society. Respondents cannot produce a single shred of evidence to classify me as a flight risk or a danger. Because I possess an impeccable moral compass and verified commercial ties, the government's refusal to grant my release constitutes an arbitrary deprivation of liberty that violates the Fifth Amendment.

B. Abuse of Statutory Discretion Under the Immigration and Nationality Act

The Immigration and Nationality Act provides clear, statutory pathways for the release of individuals who do not pose a threat to society, explicitly authorizing parole under 8 U.S.C. § 1182(d)(5)(A) or release under recognizance and bond under 8 U.S.C. § 1226(a). These mechanisms are designed to protect law-abiding, working individuals from unnecessary civil confinement.

Respondents have completely ignored these statutory directives, choosing instead a policy of blind incarceration. Failing to evaluate my deep ties to moral integrity, my active business registration, and the suspicious nature of my initial arrest constitutes a severe abuse of administrative discretion. When an agency transforms a regulatory mechanism into a punitive tool, the federal judiciary has a constitutional duty to intervene, strip the agency of its deferential shield, and restore the individual's freedom.

VI. DETAILED CLAIMS FOR RELIEF

COUNT I
VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE
(Arbitrary Civil Detainment and Lack of Individualized Custody Determination)

The Substantive Due Process Clause of the Fifth Amendment strictly prohibits the executive branch from deploying civil immigration detention as a tool for arbitrary punishment or mechanical containment.

By detaining me following a manifestly irregular arrest on July 7, 2026, and denying me access to an immediate, impartial custody hearing, Respondents have strip-mined my procedural and substantive due process rights.

Because my continuous incarceration does not advance any public safety or national security interest, it constitutes an unlawful exercise of sovereign power that directly violates the Fifth Amendment.

COUNT II

ABUSE OF STATUTORY DISCRETION UNDER THE INA

(Failure to Exercise Release Mechanisms for a Low-Risk Individual)

The INA and governing regulations provide clear pathways for the release of individuals who do not pose a threat to the community, specifically through parole or release under recognizance/bond.

Respondents have completely ignored these statutory mechanisms, opting instead for blanket, mechanical incarceration at the Irwin County Detention Center.

Failing to evaluate my commercial ties as a business owner, my clean record, and my perfect compliance with regulatory norms constitutes a clear abuse of administrative discretion that requires this Court to intervene and grant habeas corpus relief.

VII. COMPREHENSIVE PRAYER FOR RELIEF

WHEREFORE, I respectfully pray that this Honorable Court enter judgment in my favor and grant the following emergency relief:

A. Assume full, immediate jurisdiction over this Emergency Petition for a Writ of Habeas Corpus;

B. ISSUE a Writ of Habeas Corpus ordering Respondents to IMMEDIATELY RELEASE me, MARCO ANTONIO LUNA GONZALEZ, from the physical custody of the Irwin County Detention Center under my own recognizance, conditional parole, or an appropriate order of supervision;

C. IN THE ALTERNATIVE, issue an Emergency Order directing Respondents to provide me with an individualized bond hearing before an impartial judicial officer within seven (7) days, where the burden of proof is placed on the government to demonstrate by clear and convincing evidence that my continued detention is justified;

D. DECLARE that my initial irregular detention on July 7, 2026, and the subsequent ICE incarceration constitute a direct violation of the Due Process Clause of the Fifth Amendment; and

E. GRANT any and all such other further relief as this Court deems just, proper, and absolutely necessary to protect my constitutional rights and restore my fundamental liberty.

Dated: July 8, 2026
Respectfully submitted,

By: Marco Luna
MARCO ANTONIO LUNA GONZALEZ, Petitioner Pro Se
A-Number: [redacted]
Irwin County Detention Center
132 Cotton Drive
Ocilla, GA 31774

VERIFICATION UNDER PENALTY OF PERJURY

I, MARCO ANTONIO LUNA GONZALEZ, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that I am the Petitioner in the foregoing habeas corpus action; that I have read the foregoing Emergency Petition and know the contents thereof; and that the facts stated therein are true, accurate, and correct to the best of my personal knowledge, information, and belief.

Executed on this 8th day of July, 2026.

Marco Luna
MARCO ANTONIO LUNA GONZALEZ, Petitioner Pro Se

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FIELD OFFICE DIRECTOR, etc., et al., Respondents.	) HABEAS CORPUS MATTER
	) CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, 2026, I caused a true, correct, and complete copy of the foregoing Emergency Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, Emergency Motion for Immediate Release, and Proposed Order to be served upon the following parties via [X] Certified United States Mail, Return Receipt Requested, addressed as follows:

1. Office of the United States Attorney for the Middle District of Georgia
Valdosta Division
P.O. Box 1702
Macon, Georgia 31202

2. Field Office Director, U.S. Immigration and Customs Enforcement
Atlanta Field Office
180 Ted Turner Drive, SW
Atlanta, Georgia 30303

3. Facility Administrator / Warden
Irwin County Detention Center
132 Cotton Drive
Ocilla, Georgia 31774

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

Dated: July 8, 2026

By: Marco Luna

MARCO ANTONIO LUNA GONZALEZ, Petitioner Pro Se