FILED JUL 14'26 AM 8:

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

MONROY MORALES, DANILO MIGUEL JOSE

Petitioner

v.

FACILITY DIRECTOR / WARDEN, STEWART DETENTION CENTER; FIELD OFFICE DIRECTOR, ICE Atlanta ERO

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 4:26-cv-1009-CDL-ALS
(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: Danilo Miguel Jose Monroy Morales
   (b) Other names you have used: None
2. Place of confinement:
   (a) Name of institution: STEWART DETENTION CENTER
   (b) Address: 146 CCA ROAD 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)*: Petitioner is challenging his continued detention by ICE, which is unlawful and violates due process rights under the fourth and fifth amendments to the United States Constitution, including the right to an individualized bond hearing under 8 U.S.C 1226(a).

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. Department Of Homeland Security (DHS) / ICE, ATLANTA ERO, 146 CCA ROAD LUMPKIN, GA 31815

(b) Docket number, case number, or opinion number: A# [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: UNLAWFUL SEIZURE BY UNIDENTIFIED AGENTS; EXCESSIVE FORCE; DENIAL OF DUE PROCESS AND MEDICAL CARE; DETENTION WITHOUT AN INDIVIDUAL BOND HEARING.

(d) Date of the decision or action: 07/01/2026

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: Petitioner has not filed an administrative appeal because Habeas Corpus is the appropriate and immediate remedy. Administrative remedies would be inadequate and futile.

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: No second appeal was filed because petitioner did not have an adequate or meaningful administrative process available to obtain prompt review of his unconstitutional detention.

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 third appeal was filed because petitioner seeks immediate federal review of unlawful custody through Habeas Corpus.

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:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 07/01/2026

(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 SEIZURE BY UNIDENTIFIED AGENTS (FOURTH AMENDMENT VIOLATION)

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

ON WEDNESDAY, JULY 1, 2026 PETITIONER WAS WORKING IN GEORGIA WHEN UNMARKED VEHICLES WITHOUT LICENSE PLATES BLOCKED HIS VEHICLE FROM THE FRONT AND REAR. THE LEAD VEHICLE RAMMED PETITIONER'S CAR FORCING IT TO STOP. APPROXIMATELY TEN INDIVIDUALS IN PLAIN CLOTHES EXITED THE VEHICLES AND SURROUNDED THE CAR, STRIKING THE WINDOWS. THE INDIVIDUALS NEVER IDENTIFIED THEMSELVES AS A LAW ENFORCEMENT.

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

☐ Yes ☑ No

GROUND TWO: EXCESSIVE FORCE DURING ARREST

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

WHEN PETITIONER OPENED HIS DOOR, THE INDIVIDUALS ATTEMPTED TO PULL HIM OUT THROUGH THE WINDOW AND CHOKED HIM WITH HIS OWN SEATBELT. BELIEVING HE WAS BEING KIDNAPPED THE VEHICLES BORE NO PLATES AND NO ONE HAD IDENTIFIED THEMSELVES, PETITIONER FLED ON FOOT OUT OF FEAR FOR HIS LIFE, HE WAS CAUGHT, STRUCK BY THREE INDIVIDUALS, AND THROWN TO THE GROUND WHILE BEING HANDCUFFED, SUSTAINING A SHOULDER INJURY.

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

☐ Yes ☑ No

GROUND THREE: DENIAL OF DUE PROCESS AND DENIAL OF MEDICAL CARE (FIFTH AMENDMENT VIOLATION)

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

AT NO POINT DURING THE ARREST, TRANSPORT, OR PROCESSING DID ANY AGENT IDENTIFY THEMSELVES AS ICE OR PRESENT ANY WARRANT, PETITIONER WAS TAKEN TO A HOSPITAL NEAR THE ATLANTA JAIL WHILE RESTRAINED BY CHAINS AT HIS WAIST AND HANDS EVEN DURING MEDICAL TREATMENT. MEDICAL STAFF, UPON HEARING HOW HE HAD BEEN TREATED, REMARKED THAT IT CONSTITUED "RACISM AND TERRORISM". PETITIONER'S SHOULDER WAS NOT PROPERLY TREATED.

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

☐ Yes ☑ No

GROUND FOUR: DENIAL OF AN INDIVIDUALIZED BOND HEARING

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

PETITIONER WAS LAWFULLY ADMITTED TO THE UNITED STATES ON A VALID B1/B2 VISA AND IS THEREFORE SUBJECT TO DISCRETIONARY DETENTION UNDER 8 U.S.C 1226(a), NOT MANDATORY DETENTION UNDER 8 U.S.C 1225(b)(2). UNDER THIS COURT'S CONTROLLING DECISIONS IN J.A.M. v STREEVAL, AND STANDING ORDER NO. 2026-01 (JAN. 29, 2026), PETITIONER IS ENTITLED TO AN INDIVIDUALIZED BOND HEARING. PETITIONER HAS NO CRIMINAL HISTORY IN GUATEMALA OR THE UNITED STATES, AND IS NOT A FLIGHT RISK OR DANGER TO THE COMMUNITY.

(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: Petitioner did not present these grounds in prior appeals because this petition challenges ongoing unlawful detention requiring immediate judicial review. No adequate administrative remedies exist to address these constitutional violations. And any administrative appeal would be futile given the constitutional nature of the claims.

Request for Relief

15. State exactly what you want the court to do: PETITIONER RESPECTFULLY REQUESTS THAT THIS COURT:

1. ORDER HIS IMMEDIATE RELEASE FROM CUSTODY: OR, IN THE ALTERNATIVE;
2. ORDER AND IMMEDIATE BOND HEARING BEFORE AN IMMIGRATION JUDGE;
3. ORDER STEWART DETENTION CENTER TO PROVIDE PETITIONER APPROPRIATE MEDICAL EVALUATION,
4. GRANT ANY OTHER RELIEF THAT THE COURT DEEMS JUST AND PROPER.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty of Perjury

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

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.

NOTE ON NEXT FRIEND FILING: Petitioner Danilo Miguel Jose Monroy Morales is currently detained at the Stewart Detention Center in Lumpkin, Georgia, and is unable to personally submit this petition due to his confinement and lack of access to legal resources. This petition is therefore filed by Dulce Maria Pinituj Rosales — his domestic partner of many years — as Next Friend, pursuant to Fed. R. Civ. P. 17(c) and Whitmore v. Arkansas, 495 U.S. 149 (1990). Petitioner has communicated his consent regarding this filing.

(Unable to sign — currently detained)

MONROY MORALES, Danilo Miguel Jose
Petitioner (currently detained)
A# [redacted]

Firmado por:
18199AAE28F145E...

Date: 09/07/2026

PINITUJ ROSALES, Dulce Maria
Next Friend / Domestic Partner of Petitioner
[redacted]

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA — COLUMBUS DIVISION

U.S. Post Office and Courthouse — 120 12th Street, Suite 216 — Columbus, GA 31902

IN THE MATTER OF:

MONROY MORALES, Danilo Miguel Jose

A#: [redacted]

Petitioner, by and through Next Friend DULCE MARIA PINITUJ ROSALES

v.

FACILITY DIRECTOR / WARDEN, STEWART DETENTION CENTER;
FIELD OFFICE DIRECTOR, ICE Atlanta Enforcement and Removal Operations;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
U.S. ATTORNEY GENERAL,
Respondents.

MEMORANDUM OF LAW
IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

Petitioner Danilo Miguel Jose Monroy Morales respectfully submits this Memorandum of Law in support of his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his detention by ICE at the Stewart Detention Center in Lumpkin, Georgia. This petition is filed by Dulce Maria Pinituj Rosales, his domestic partner of many years, as Next Friend, because Petitioner is currently detained and unable to personally submit this filing.

Petitioner is a Guatemalan national who was lawfully admitted to the United States on a valid B1/B2 visa (Ex. B). He has no criminal history in Guatemala or the United States. On July 1, 2026, while working as a taxi driver, he was seized without a warrant by unidentified individuals in unmarked vehicles who used excessive physical force against him — an incident captured in part by local news media (Ex. E). He has been held since that date without a bond hearing and without a meaningful opportunity to challenge his confinement.

II. NEXT FRIEND STANDING

Dulce Maria Pinituj Rosales files this petition as Next Friend on behalf of Petitioner, her domestic partner of many years (Ex. C). Under Whitmore v. Arkansas, 495 U.S. 149, 163 (1990), Next Friend standing requires: (1) the petitioner is unable to litigate on his own behalf; (2) the Next Friend is dedicated to the petitioner's best interests; and (3) adequate explanation for the inability to file. Whitmore does not require a marital relationship — only that the Next Friend have a significant relationship with, and be truly dedicated to the best interests of, the petitioner. All three conditions are satisfied here. Petitioner communicated with his partner regarding this filing while detained at the Stewart Detention Center.

III. FACTUAL BACKGROUND

Petitioner was lawfully admitted to the United States on a valid B1/B2 visitor visa (Control No. [redacted], issued Feb. 17, 2016, valid through Feb. 15, 2026) (Ex. B). He has resided in the United States, has no criminal history in Guatemala or the United States, and shares a home with his domestic partner of many years at a fixed address in Woodstock, Georgia.

On Wednesday, July 1, 2026, Petitioner left home to work as a taxi driver. While en route to pick up passengers, unmarked vehicles — bearing no license plates — boxed in his taxi from the front and rear; the lead vehicle rammed his vehicle, forcing it to stop. Local news media separately captured and reported on this encounter as an ICE arrest in Woodstock, Georgia that same morning (Ex. E).

Approximately ten individuals in plain clothes exited the vehicles and surrounded Petitioner's taxi, striking the windows and ultimately shattering the rear window of his vehicle (Ex. D). Petitioner lowered his window, showed his driver's license, and repeatedly asked what was happening. The individuals never identified themselves as law enforcement, never presented a warrant or badge, and gave no explanation for the stop.

When Petitioner opened his door, the individuals attempted to pull him out through the window and choked him with his own seatbelt. Believing he was being kidnapped — the vehicles bore no plates and no one had identified themselves — Petitioner fled on foot out of fear for his life. He was caught, struck by three individuals, and thrown to the ground while being handcuffed, sustaining a shoulder injury that continues to cause numbness in his fingers. Cash was taken from him during the encounter, and his vehicle was left with a shattered window (Ex. D).

Petitioner was taken to a processing station and then to a hospital near the Atlanta jail, restrained by chains at his waist and hands even during medical evaluation. When hospital staff asked how he had sustained his injuries, and Petitioner recounted the encounter, staff remarked that what had been done to him constituted "racism and terrorism." Petitioner's shoulder was not properly treated, and he continues to experience numbness in his fingers. He was transferred overnight to the Stewart Detention Center in Lumpkin, Georgia, where he remains detained. At no point did the arresting individuals identify themselves as ICE or present any warrant.

IV. LEGAL STANDARD

The writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action. Harris v. Nelson, 394 U.S. 286, 290–91 (1969). Under 28 U.S.C. § 2241, a federal district court has jurisdiction to grant the writ to any person in custody in violation of the Constitution or laws of the United States.

This Court has jurisdiction because Petitioner is physically confined at the Stewart Detention Center in Lumpkin, Stewart County, Georgia, which falls within the Middle District of Georgia, Columbus Division. Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004). The proper respondent is the immediate custodian — the Warden of the Stewart Detention Center. There is no statutory exhaustion requirement for § 2241 petitions; prudential exhaustion is excused where administrative remedies are inadequate, pursuit would be futile, or irreparable injury would result. McCarthy v. Madigan, 503 U.S. 140, 144–45 (1992).

V. ARGUMENT

A. THE SEIZURE WAS CONSTITUTIONALLY UNLAWFUL

The Fourth Amendment protects against unreasonable searches and seizures. Payton v. New York, 445 U.S. 573 (1980). Here, unidentified individuals in unmarked, plateless vehicles rammed Petitioner's taxi, surrounded him, and forcibly seized him without ever identifying themselves as law enforcement or presenting a warrant or badge — conduct independently corroborated by contemporaneous local news coverage (Ex. E) and by the damage to Petitioner's vehicle (Ex. D). Petitioner's request for an explanation went unanswered. This conduct rendered the initial seizure constitutionally defective regardless of Petitioner's immigration status.

B. THE USE OF EXCESSIVE FORCE INDEPENDENTLY VIOLATES THE CONSTITUTION

Force during a civil immigration arrest must be objectively reasonable. Graham v. Connor, 490 U.S. 386 (1989). Choking Petitioner with his own seatbelt, striking him with the force of three individuals, and throwing him to the ground while he was fleeing in fear — not resisting arrest by any known law enforcement officer, since none had identified themselves — was plainly excessive and caused a lasting shoulder injury. This conduct constitutes an independent ground for habeas relief.

C. PETITIONER IS ENTITLED TO AN IMMEDIATE BOND HEARING UNDER 8 U.S.C. § 1226(a), J.A.M. v. STREEVAL, AND STANDING ORDER NO. 2026-01

The Fifth Amendment's Due Process Clause applies to all persons within the United States, including non-citizens. Zadvydas v. Davis, 533 U.S. 678, 693 (2001). Prolonged detention without an individualized bond determination raises grave constitutional concerns. Demore v. Kim, 538 U.S. 510, 529–30 (2003) (Kennedy, J., concurring).

In J.A.M. v. Streeval, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025), and P.R.S. v. Streeval, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025), this Court held that noncitizens detained at Stewart Detention Center are subject to discretionary detention under 8 U.S.C. § 1226(a) — not mandatory detention under 8 U.S.C. § 1225(b)(2) — and are therefore entitled to an individualized bond hearing. In light of the volume of such petitions, the Court adopted Standing Order No. 2026-01 (Jan. 29, 2026), directing that qualifying § 2241 petitions from Stewart detainees be reviewed under Rule 4 of the Rules Governing § 2254 Cases and, where applicable, ordering Respondents to provide a bond hearing within seven days.

Petitioner's case falls squarely within this framework — indeed more clearly than the petitioners in J.A.M. and P.R.S., since Petitioner was lawfully admitted to the United States on a B1/B2 visa and inspected at entry, rather than apprehended after entry without inspection. He is unambiguously subject to § 1226(a), not § 1225(b)(2). Respondents' failure to provide any bond hearing violates this Court's controlling precedent and Standing Order 2026-01. Petitioner has no criminal history in Guatemala or the United States, shares a stable home with his longtime domestic partner in Woodstock, Georgia, and is neither a flight risk nor a danger to the community — factors weighing decisively in favor of an immediate bond hearing or release.

D. CONTINUED DETENTION WITHOUT MEDICAL CARE VIOLATES DUE PROCESS

Due process requires that detained individuals receive adequate medical care for serious injuries sustained during their arrest and custody. Petitioner's shoulder injury, which continues to cause numbness in his fingers, has not been adequately treated. Continued denial of appropriate care compounds the due process violations described above.

E. ADMINISTRATIVE EXHAUSTION IS EXCUSED

All grounds for excusing prudential exhaustion are present here: (1) administrative remedies are inadequate to address constitutional violations arising from the arrest; (2) exhaustion would be futile given the constitutional nature of the claims and the controlling authority of J.A.M. v. Streeval; and (3) continued detention constitutes irreparable injury. McCarthy v. Madigan, 503 U.S. 140, 144–45 (1992). Immediate judicial review is warranted.

VI. REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus and ORDER the immediate release of Petitioner from the custody of the Stewart Detention Center and ICE; or, in the alternative,

2. ORDER Respondents to provide Petitioner an immediate individualized bond hearing before an Immigration Judge within seven (7) days, consistent with J.A.M. v. Streeval, No. 4:25-CV-342-CDL (M.D. Ga. Nov. 1, 2025), and Standing Order No. 2026-01 (M.D. Ga. Jan. 29, 2026);

3. ORDER Stewart Detention Center to provide Petitioner appropriate medical evaluation and treatment for his shoulder injury; and

4. GRANT any other relief this Court deems just, proper, and equitable.

VII. DECLARATION OF NEXT FRIEND

I, Dulce Maria Pinituj Rosales, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, and that I file this petition in good faith as Next Friend on behalf of my domestic partner of many years, who is currently detained and unable to file himself.

(Unable to sign – currently detained)

MONROY MORALES, Danilo Miguel Jose
Petitioner (currently detained)
A#: [redacted]

Firmado por:
18199AAE28F145E...

Date: 09/07/2026

PINITUJ ROSALES, Dulce Maria
Next Friend / Domestic Partner of Petitioner
[redacted]