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UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

AMERICUS DIVISION

Alejandro Valladares-Labrada,

Petitioner,

4:26-cv-1017-CDL-AGH

v.

WARDEN

Stewart Detention Center

FIELD OFFICE DIRECTOR

U.S. Immigration and Customs Enforcement

Atlanta Field Office

ATTORNEY GENERAL OF THE UNITED STATES

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

Petitioner Alejandro Valladares-Labrada, proceeding pro se, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his continued and unlawful detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner has been continuously detained since January 7, 2026. Although this Petition is filed in advance of the six-month mark established in *Zadvydas v. Davis*, 533 U.S. 678 (2001), this Court's ruling will in all reasonable likelihood issue after that threshold has been exceeded, and at that point the burden will shift to the Government to demonstrate a significant likelihood of removal in the reasonably foreseeable future, a burden it cannot carry. No country, including Cuba, has formally agreed to accept Petitioner, and no travel documents have been secured or removal date scheduled.

Petitioner is a 64-year-old Cuban national who arrived in the United States in 1980 as part of the Mariel boatlift. He has serious medical conditions, including a prior heart attack, removal of his right lung, multiple spinal surgeries, three stomach surgeries, and depression requiring ongoing medication. Continued detention of this medically vulnerable individual, without any realistic prospect of removal, serves no legitimate immigration purpose and violates the Fifth Amendment to the United States Constitution.

JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 2241(c)(3), which grants federal courts authority to issue writs of habeas corpus to persons held "in custody in violation of the Constitution or laws or treaties of the United States." The Middle District of Georgia, Americus Division, is the proper venue because Petitioner is detained at Stewart Detention Center, located in Lumpkin, Georgia, within this district.

Respondents

1. The Warden of Stewart Detention Center, the official with immediate physical custody over Petitioner.
2. The Field Office Director, U.S. Immigration and Customs Enforcement, Atlanta Field Office, the official with supervisory custody over Petitioner.
3. The Attorney General of the United States, the official with ultimate authority over immigration enforcement.

Background and Immigration History

1. Petitioner Alejandro Valladares-Labrada is a 64-year-old native and citizen of Cuba. He arrived in the United States on or about 1980 as part of the Mariel boatlift, entering by boat through a port of entry.
2. Petitioner has resided in the United States for over 45 years. He is divorced and does not have minor U.S. citizen children.
3. Petitioner never obtained lawful permanent resident status (green card). He has been on ICE supervision and reported to ICE every three months as required, complying with all supervision requirements for years.
4. Petitioner was previously detained by ICE at Krome Detention Center in 2016 for approximately five months, during which his deportation order was issued. ICE was ultimately unable to effectuate removal to Cuba at that time and released Petitioner.

Current Detention

5. On January 7, 2026, Petitioner was arrested by ICE while he was in custody at Polk County Jail on a probation violation relating to a suspended license charge. ICE took custody of Petitioner at that time.

6. Petitioner has been continuously detained by ICE at Stewart Detention Center since January 7, 2026. As of the date of this filing, Petitioner has been detained for approximately **180 days**. By the time this Court reviews and rules upon this Petition, Petitioner will have been detained for well over six months, the presumptive limit established in *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

7. To Petitioner's knowledge, ICE has taken no concrete steps toward removal. No country, including Cuba or any third country, has formally agreed to accept Petitioner. No travel documents have been obtained. No removal date has been scheduled. ICE previously failed to remove Petitioner to Cuba when it had approximately five months to do so in 2016. Nothing has changed to make removal now more likely.

Medical Conditions

8. Petitioner suffers from serious, documented medical conditions, including.
    a. A prior heart attack (2010)
    b. Surgical removal of his right lung
    c. Three abdominal/stomach surgeries
    d. Two spinal surgeries
    e. Diagnosed depression
    f. Multiple ongoing medications required to manage these conditions

9. Continued immigration detention presents a serious and ongoing risk to Petitioner's health given his cardiac history, diminished pulmonary function resulting from the removal of one lung, and spinal conditions.

GROUNDS FOR HABEAS RELIEF

GROUND ONE – PETITIONER'S DETENTION WILL HAVE EXCEEDED THE ZADVYDAS PRESUMPTIVE LIMIT BY THE TIME THIS COURT RULES

Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), once a removal order becomes final, the Government has a presumptively reasonable six-month period in which to effectuate removal. After that period, if the detainee shows good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the Government to rebut that showing. *Id.* at 701; *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

Although this Petition is filed in advance of the 180-day mark as a matter of prudent practice, Petitioner respectfully notes that this Court's consideration and ruling will in all likelihood occur after that threshold has been crossed. At that point, the constitutional analysis under *Zadvydas* is fully triggered, and the Government must come forward with concrete evidence — not vague assertions — that removal is significantly likely in the reasonably foreseeable future.

GROUND TWO – REMOVAL TO CUBA IS NOT SIGNIFICANTLY LIKELY IN THE REASONABLY FORESEEABLE FUTURE

Petitioner satisfies the *Zadvydas* standard for several independent reasons.

First, ICE already demonstrated its inability to remove Petitioner to Cuba when it detained him for five months in 2016 and ultimately released him because removal could not be accomplished. That prior failure is powerful evidence that removal remains unavailable. Nothing in the record suggests Cuba is any more willing to accept Petitioner now than it was in 2016.

Second, Cuba has a well-documented history of refusing or substantially delaying the repatriation of its nationals from the United States. The United States and Cuba have no reliable, functioning repatriation agreement. Cuban nationals subject to removal orders have routinely remained in the United States for years and decades without removal, precisely the circumstance *Zadvydas* addressed.

Third, no third country has formally agreed to accept Petitioner. ICE has not produced travel documents, identified a receiving country, or scheduled a removal date. The absence of any concrete removal plan, after nearly six months of detention, is itself evidence that removal is not significantly likely in the foreseeable future.

GROUND THREE – ICE CANNOT LAWFULLY RESTART THE DETENTION CLOCK BY RE-DETAINING PETITIONER

Petitioner was previously detained by ICE in 2016 for approximately five months under the same removal order now at issue. ICE released him only because removal to Cuba could not be accomplished. Allowing ICE to re-detain Petitioner under the same unexecuted order and claim a fresh six-month period would effectively authorize indefinite, cyclical detention, the precise evil that *Zadvydas* forbids. The constitutional limits on post-order detention do not reset each time the Government chooses to re-detain a noncitizen whose removal has proven impossible. *See Zadvydas*, 533 U.S. at 699.

GROUND FOUR – PETITIONER'S SERIOUS MEDICAL CONDITIONS WEIGH HEAVILY AGAINST CONTINUED DETENTION

Petitioner is 64 years old and has suffered a heart attack, the surgical removal of one lung, three abdominal surgeries, two spinal surgeries, and depression. He requires ongoing medication to manage these conditions. Detention of an individual with this medical profile, in the absence of any realistic prospect of removal, is both constitutionally suspect and inhumane. These facts weigh heavily in favor of immediate release.

RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release under appropriate supervision conditions;
3. Grant any further relief the Court deems just and proper.

Declaration Under Penalty of Perjury

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 material fact may serve as the basis for prosecution for perjury.

Name: Alejandro Valladares-Labrada

Date: 7/10/26.

A-Number: [redacted]

A Valladares-Labrada

(Signature of Petitioner)