IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

ALEX EDUARDO UMAÑA MEJÍA,
A# [redacted]

Petitioner,

v.

STEPHEN SCHRANK, Warden, Stewart Detention Center;

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

KRISTI NOEM, Secretary, U.S. Department of Homeland Security;

PAMELA BONDI, Attorney General of the United States,

Respondents.

Civil Action No. 26 - 1056

(Habeas Corpus, 28 U.S.C. § 2241)

EMERGENCY MOTION FOR IMMEDIATE RELEASE

PENDING ADJUDICATION OF PETITION FOR WRIT OF HABEAS CORPUS,

OR, IN THE ALTERNATIVE, FOR AN IMMEDIATE BOND HEARING

AND MEMORANDUM OF LAW IN SUPPORT

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA, COLUMBUS DIVISION:

COMES NOW, Petitioner Alex Eduardo Umaña Mejia ("Petitioner"), proceeding pro se, and respectfully moves this Honorable Court, pursuant to 28 U.S.C. § 2241, the Court's inherent equitable authority over habeas proceedings, and the Due Process Clause of the Fifth Amendment to the United States Constitution, for an Order directing Petitioner's immediate release from the custody of Respondents pending final adjudication of his concurrently filed Petition for Writ of Habeas Corpus (the "Petition"), or, in the alternative, directing that Petitioner be afforded an immediate, individualized bond hearing before a neutral decision-maker. In support of this Motion, Petitioner states as follows.

I. RELIEF REQUESTED

1. By this Motion, Petitioner respectfully requests that this Court enter an Order:

I. Directing Petitioner's immediate release from the custody of Respondents at Stewart Detention Center, with or without reasonable, non-custodial conditions of supervision, pending final adjudication of the Petition; or, in the alternative,

II. Directing Respondents to provide Petitioner, within five (5) calendar days of this Court's order, an individualized bond hearing before a neutral decision-maker, at which the Government shall bear the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is justified by a specific, articulable risk of flight or danger to the community that cannot be addressed through reasonable conditions of release;

III. Directing Respondents to immediately arrange independent medical evaluation and treatment of Petitioner's ongoing, untreated medical conditions as an interim measure pending the Court's ruling on this Motion and the underlying Petition, given the urgency and ongoing nature of the harm described herein; and

IV. Granting such other and further relief as this Court deems just and proper.

II. INTRODUCTION AND GROUNDS FOR EMERGENCY CONSIDERATION

2. Petitioner respectfully submits that this Motion warrants this Court's immediate and emergency attention because Petitioner is, at this very moment, suffering ongoing, ascertainable, and irreparable harm as a direct result of his continued civil detention, and because that harm will continue to compound and worsen for every additional day that this Motion remains unresolved.

3. Petitioner is currently suffering from an untreated or inadequately treated throat infection that has persisted, without resolution, since his arrival at Stewart Detention Center on February 5, 2026. Petitioner has lost a noticeable amount of body weight during his confinement. Petitioner has experienced repeated episodes of enforced starvation due to facility staff's failure to accommodate his documented physical immobility. Petitioner

reports clinically significant symptoms of depression and anxiety arising from the cumulative effect of these conditions. Each additional day of continued detention compounds these harms in a manner that cannot be undone by any subsequent award of damages or other retrospective remedy.

4. Unlike claims for money damages, the core injury at issue here — continued, unauthorized deprivation of physical liberty, compounded by ongoing and unremediated physical illness — is, by its nature, irreparable. Every day Petitioner remains in custody under the conditions described in the Petition is a day of liberty and health that can never be restored to him, even if this Court ultimately grants the Petition in full. This irreparable, ongoing, and worsening character of Petitioner's injury is precisely the kind of circumstance that warrants this Court's immediate intervention, rather than disposition on the ordinary briefing schedule otherwise applicable to civil matters.

5. Petitioner further submits that he faces an ongoing and substantial risk of transfer to a detention facility outside this Court's jurisdiction, or of removal from the United States, during the pendency of the underlying Petition — either of which would not only inflict additional irreparable harm but could also functionally extinguish this Court's ability to grant effective relief at all. This risk independently justifies the expedited and emergency treatment of this Motion.

III. LEGAL STANDARD

A. Federal Courts Possess Inherent Authority to Order Release Pending Habeas Adjudication

6. It is well established that a federal court adjudicating a petition for writ of habeas corpus possesses inherent authority to grant interim relief, including release on conditions, pending final resolution of the petition, where the petitioner demonstrates both a likelihood of success on the merits of the underlying habeas claim and the existence of "some circumstance making the [motion] exceptional and deserving of special treatment in the interests of justice." This authority derives directly from the historic, equitable character of the Great Writ itself, which Article I, Section 9, Clause 2 of the Constitution protects

against suspension, and which has traditionally functioned as the principal judicial mechanism for securing release from unlawful executive custody.

7. The traditional core function of habeas corpus is to test the legality of physical confinement and, where confinement is found unlawful, to order the petitioner's release. Where, as here, a petitioner presents substantial claims that his detention is unauthorized by statute, unsupported by any individualized risk determination, and accompanied by independently unconstitutional conditions of confinement, interim release pending final adjudication is a remedy squarely within the equitable and historic scope of the writ.

B. The Traditional Factors Governing Emergency Interim Relief Are Satisfied

8. Courts considering requests for emergency interim relief, including release pending habeas adjudication, customarily examine: (i) the petitioner's likelihood of success on the merits of his underlying claims; (ii) whether the petitioner will suffer irreparable harm absent interim relief; (iii) the balance of hardships between the parties; and (iv) the public interest. Each of these factors weighs decisively in Petitioner's favor.

9. Likelihood of Success on the Merits. As set forth in detail in the concurrently filed Petition, which is incorporated herein by reference in its entirety, Petitioner has presented substantial, well-supported claims that: (i) his continued civil detention without any individualized bond hearing violates the Due Process Clause of the Fifth Amendment under the reasoning of Zadvydas v. Davis, 533 U.S. 678 (2001), and the unresolved constitutional question expressly left open in Jennings v. Rodriguez, 583 U.S. 281 (2018); (ii) neither recognized governmental interest underlying civil immigration detention — assurance of presence or protection of the community — is served by Petitioner's continued confinement, given his non-violent underlying offense, absence of any serious criminal history, and eight years of continuous, deeply rooted residence in the United States; and (iii) the conditions of Petitioner's confinement, including repeated and serious denials of necessary medical care, independently violate due process. These are not speculative or conclusory claims; they are supported by specific, detailed factual allegations set forth in the Petition and in Petitioner's accompanying declaration.

10. Irreparable Harm. As set forth in Section II above, Petitioner is presently suffering ongoing physical illness, weight loss, and psychological distress that compounds with each additional day of detention and that cannot be remedied retrospectively. The deprivation of physical liberty itself, where unlawful, constitutes irreparable harm as a matter of well-settled law, independent of any additional injury. The combination of unlawful physical confinement with ongoing, unremediated medical neglect presents an unusually compelling case of irreparable harm warranting immediate judicial intervention.

11. Balance of Hardships. The hardship to Petitioner from continued, unauthorized detention under the conditions described in the Petition is severe, ongoing, and irreparable. By contrast, the hardship to Respondents from Petitioner's release pending adjudication of the Petition — particularly where Petitioner presents no record of violence, no disqualifying criminal history, and substantial, verifiable ties to his community — is minimal, and may be further mitigated through reasonable, non-custodial conditions of supervision, such as periodic check-ins, electronic monitoring, or third-party custodial arrangements, all of which are well-established alternatives to physical detention that adequately protect the Government's legitimate interests. The balance of hardships thus weighs decisively in Petitioner's favor.

12. Public Interest. The public interest is unambiguously served by ensuring that no individual is subjected to civil detention that exceeds its constitutional and statutory limits, and that all persons within the custody of the United States government, regardless of immigration status, receive the medical care and humane treatment to which they are constitutionally entitled. There is no public interest served by the continued, unauthorized confinement of an individual who poses no demonstrated danger to the community and no genuine risk of flight.

C. The Statutory and Constitutional Bases for Petitioner's Detention Do Not Outweigh These Factors

13. To the extent Respondents contend that Petitioner's detention is statutorily mandated and therefore not subject to release pending habeas review, Petitioner respectfully submits that such a contention does not foreclose the relief requested herein. As recognized in Jennings

v. Rodriguez, 583 U.S. 281 (2018), the constitutional question whether prolonged civil immigration detention without an individualized hearing violates due process remains open and unresolved by binding Supreme Court precedent, and is properly presented through means including a request for interim release pending the resolution of that constitutional question on the merits. A statute that may authorize detention in the ordinary case does not insulate the Government from a habeas court's authority to grant interim relief where, as here, the petitioner has raised a substantial, good-faith constitutional challenge to the continued application of that statute to his particular circumstances.

IV. ARGUMENT

A. Petitioner's Detention Bears No Reasonable Relationship to Any Legitimate Governmental Purpose

14. As more fully set forth in the Petition, Petitioner's detention does not serve either of the two legitimate governmental purposes that may justify civil immigration detention: ensuring his presence at future proceedings, or protecting the community from a danger he poses. Petitioner's sole connection to the criminal justice system is a single, non-violent traffic citation for which he failed to appear due to a defective notice process following a change of residence — not any act of willful evasion. Petitioner has resided in the United States for approximately eight years, since the age of twelve, and was, prior to his detention, the principal economic provider for his household. These facts establish that Petitioner presents neither a genuine flight risk nor any danger to the community, such that his continued physical confinement is excessive in relation to any purpose it could properly serve.

B. The Irregular Circumstances of Petitioner's Transfer Into Federal Custody Further Support Immediate Release

15. As detailed in the Petition, Petitioner was expressly informed that he would be released if ICE did not take custody of him within forty-eight hours of the resolution of his state court matter. That window elapsed without his release. He was thereafter informed that he was free and instructed to prepare for release, only to be told, after gathering his belongings, that ICE had arrived to detain him. This sequence of broken assurances and last-moment

reversals reflects a process fundamentally lacking in the basic fairness that due process requires, and constitutes an independent equitable ground supporting this Court's exercise of its authority to order interim release while the underlying legality of Petitioner's detention is fully adjudicated.

C. The Ongoing, Documented Denial of Adequate Medical Care Independently Warrants Immediate Release or, at Minimum, Emergency Interim Medical Relief

16. As set forth in the Petition, Petitioner has suffered, and continues to suffer, an unresolved throat infection, a previously untreated ear infection arising from blunt head trauma sustained during a custodial disturbance at Bartow County Jail, a previously untreated leg injury that rendered him unable to walk for approximately one week, and recurring gastrointestinal illness from spoiled food. These are not isolated or historical grievances; the throat infection, in particular, remains active and untreated as of the filing of this Motion. The continuing and active nature of this harm distinguishes this case from one involving only past, resolved injury, and underscores the necessity of this Court's immediate intervention, whether through an order of release or, at an absolute minimum, an order directing Respondents to immediately arrange independent medical evaluation and treatment for Petitioner as an interim measure while this Motion and the Petition remain pending.

D. The Threat of Transfer or Removal During the Pendency of This Motion Underscores the Need for Immediate Action

17. As set forth in the Petition, Petitioner reasonably fears retaliatory transfer to a facility outside this Court's jurisdiction, as well as removal or third-country transfer without lawful process, during the pendency of these proceedings. Either occurrence would not only inflict additional irreparable harm upon Petitioner but could also impair or extinguish this Court's practical ability to grant effective relief. This risk provides an independent and compelling basis for this Court to act on an expedited basis, rather than according to the ordinary, non-emergency briefing schedule that might otherwise apply.

V. CONCLUSION

18. For each of the foregoing reasons, and for the reasons more fully set forth in the concurrently filed Petition for Writ of Habeas Corpus, which is incorporated herein by reference, Petitioner respectfully submits that he has demonstrated a substantial likelihood of success on the merits of his underlying claims, that he is suffering ongoing and irreparable harm that compounds with every additional day of continued detention, that the balance of hardships and the public interest weigh decisively in his favor, and that emergency consideration of this Motion is warranted.

19. Petitioner respectfully requests that this Court grant this Motion in its entirety and order Petitioner's immediate release from custody, with or without reasonable conditions of supervision, pending final adjudication of the Petition, or, in the alternative, order Respondents to provide Petitioner an immediate, individualized bond hearing within five (5) calendar days, together with such interim medical relief and such other and further relief as this Court deems just and proper.

VERIFICATION

I, Alex Eduardo Umaña Mejia, Petitioner in the above-captioned action, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Emergency Motion for Immediate Release, that I am familiar with its contents, and that the factual statements contained therein, including those incorporated by reference from the Petition for Writ of Habeas Corpus filed concurrently herewith, are true and correct to the best of my own personal knowledge, information, and belief

I further declare that I am currently confined at the Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, that I am proceeding in this matter without the assistance of retained counsel, and that I respectfully request that this Honorable Court construe this pro se Motion liberally, consistent with the principle that filings submitted by unrepresented litigants are held to less stringent standards than formal pleadings drafted by attorneys.

Executed this _____ day of _____, 2026, at Lumpkin, Georgia.

Alex Umana Mejía

Alex Eduardo Umaña Mejia
Petitioner, Pro Se
A-Number: [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815
Date: 7/6/26

CERTIFICATE OF SERVICE

I, Alex Eduardo Umaña Mejía, Petitioner, Pro Se, hereby certify that, to the best of my ability under the constraints of my current civil immigration detention, a true and correct copy of the foregoing Emergency Motion for Immediate Release has been or will be served by United States Mail, postage prepaid, or by such other means as may be available to me as a detained, unrepresented litigant, upon the following:

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

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

Office of the General Counsel
U.S. Department of Homeland Security
Washington, D.C. 20528

Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Warden, Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815

Alex Umana Mejía

Alex Eduardo Umaña Mejía
Petitioner, Pro Se

A-Number: [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815
Date: 7/6/26