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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

WILFREDO ANTONIO FLORES
A# [redacted]

Petitioner,

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT;
THE WARDEN/DIRECTOR OF STEWART DETENTION CENTER;
ICE ENFORCEMENT AND REMOVAL OPERATIONS FIELD OFFICE DIRECTOR,

Respondents.

Case No.: _____

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

AND EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

INTRODUCTION

1. Petitioner **Wilfredo Antonio Flores**, Alien Registration Number [redacted] respectfully petitions this Honorable Court for relief pursuant to **28 U.S.C. § 2241**, challenging the legality and constitutionality of his continued detention by Immigration and Customs Enforcement ("ICE").

2. Petitioner is a citizen of Colombia and is currently detained at:

Stewart Detention Center
Lumpkin, Georgia.

3. Petitioner was transferred to Stewart Detention Center after previously being held at:

Krome North Service Processing Center
Miami, Florida

4. Petitioner is currently detained solely under immigration authority.
5. Petitioner's detention is unlawful and unconstitutional because it is disproportionate to the circumstances of his case, his underlying criminal matter involved only an allegation of driving without a license, and Petitioner suffers from a serious medical condition requiring ongoing care.
6. Petitioner is also the parent of a child who depends upon him financially and emotionally.
7. Petitioner respectfully requests emergency relief ordering:

- Immediate review of the legality of his detention;
- A prompt individualized custody hearing;
- Release under reasonable conditions, supervision, or bond.

I. JURISDICTION

8. This Court has jurisdiction pursuant to:

28 U.S.C. § 2241, which authorizes federal courts to grant habeas relief to persons held in custody in violation of the Constitution, laws, or treaties of the United States.

9. Petitioner is physically detained within this District at Stewart Detention Center.
10. The Court has authority to review whether ICE's continued detention violates Petitioner's constitutional rights.

II. PARTIES

Petitioner

11. Petitioner:

Wilfredo Antonio Flores
Alien Number: [redacted]

12. Petitioner is a citizen of Colombia.

Respondents

13. Respondents are the federal officials responsible for Petitioner's custody and detention.

III. FACTUAL BACKGROUND

14. Petitioner has lived and established ties in the United States.
15. Petitioner is the parent of a child who depends upon him for financial support and assistance.
16. Petitioner has family responsibilities and strong reasons to comply with all immigration obligations.
17. Petitioner was arrested based upon an allegation of:

Driving without a license.

18. The underlying offense was non-violent.
19. Petitioner was transferred into ICE custody following the arrest.
20. Petitioner was initially detained at:

Krome North Service Processing Center in Miami, Florida.

21. Petitioner was later transferred to:

Stewart Detention Center in Georgia.

22. Petitioner remains detained while his immigration matter proceeds.

IV. PETITIONER'S MEDICAL CONDITION

23. Petitioner suffers from diabetes.
24. Diabetes is a serious medical condition requiring:

- Proper medication management;
- Monitoring of blood glucose levels;
- Appropriate diet;
- Regular medical evaluation.

25. Continued detention creates additional medical concerns because Petitioner's ability to manage his condition depends upon adequate access to medical care.
26. The government has a constitutional obligation not to subject detainees to unnecessary medical risks.
27. Petitioner requests that the Court consider his medical condition as a significant factor supporting release.

V. CLAIM ONE

VIOLATION OF FIFTH AMENDMENT DUE PROCESS RIGHTS

28. Petitioner incorporates all previous paragraphs.
29. The Fifth Amendment prohibits the government from depriving a person of liberty without due process of law.
30. Immigration detention is civil, not punitive.
31. Petitioner's detention cannot become punishment for a minor non-violent allegation.
32. Continued detention must be supported by a lawful and individualized determination that detention is necessary.
33. Petitioner has not presented a danger to the community based upon the facts currently known.

VI. CLAIM TWO

UNREASONABLE AND EXCESSIVE IMMIGRATION DETENTION

34. Petitioner incorporates all previous paragraphs.
35. The government's authority to detain immigration respondents is subject to constitutional limitations.

36. Courts have recognized that immigration detention cannot continue without meaningful review.
37. Petitioner's circumstances demonstrate that detention is unnecessary because:

- His alleged offense was non-violent;
- He has family ties;
- He has a child who depends on him;
- He suffers from diabetes;
- Alternatives to detention exist.

I will continue and complete the remaining sections for **Wilfredo Antonio Flores, A#** [redacted]

Important note: The following is a legal drafting template for review and filing preparation. The final filing should be reviewed for the exact detention authority ICE is using (INA § 236(a), § 236(c), reinstatement, etc.), the existence of a Notice to Appear, and whether he has already requested or received a bond hearing

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PART 2

MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

AND EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

I. INTRODUCTION

Petitioner **Wilfredo Antonio Flores**, A# [redacted] respectfully submits this Memorandum of Law in support of his Petition for Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**.

Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") at **Stewart Detention Center in Lumpkin, Georgia.**

Petitioner's detention raises serious constitutional concerns because the underlying criminal matter involved only an allegation of driving without a license, a non-violent offense, while Petitioner suffers from diabetes and has significant family responsibilities, including a child who depends upon him financially.

Petitioner does not seek to avoid immigration proceedings. He seeks only a lawful and constitutional review of whether continued detention is necessary.

II. LEGAL STANDARD UNDER 28 U.S.C. § 2241

Federal courts possess authority under **28 U.S.C. § 2241** to review unlawful federal custody.

Section 2241 allows relief where a person is held:

- In violation of the Constitution;
- In violation of federal law;
- In violation of treaties of the United States.

Petitioner is currently restrained by federal immigration authorities and therefore may challenge the legality of his detention.

III. PETITIONER'S DETENTION VIOLATES THE FIFTH AMENDMENT

The Fifth Amendment provides:

"No person shall be deprived of life, liberty, or property, without due process of law."

U.S. CONST. amend. V.

The government may not deprive an individual of liberty without meaningful procedural protections.

Although immigration detention is civil, it still implicates a significant liberty interest.

The Supreme Court has recognized that constitutional protections apply when the government restrains an individual's freedom.

IV. PETITIONER'S DETENTION IS DISPROPORTIONATE TO HIS CIRCUMSTANCES

Petitioner's underlying arrest involved:

Driving without a license.

This allegation:

- Was non-violent;
- Did not involve harm to another person;
- Does not establish that Petitioner is dangerous.

Petitioner's detention has become excessive when compared with the nature of the allegation.

Immigration detention should not operate as punishment for a minor offense.

V. PETITIONER IS ENTITLED TO INDIVIDUALIZED REVIEW OF DETENTION

The Supreme Court's decision in:

Mathews v. Eldridge, 424 U.S. 319 (1976)

requires courts to consider:

1. The private interest affected;
2. The risk of erroneous deprivation;
3. The government's interests.

Here, Petitioner's liberty interest is substantial.

Factors supporting release include:

- Minor non-violent offense;
- Family ties;
- Child dependent on Petitioner;
- Medical condition;
- Willingness to comply with immigration proceedings.

The government's interests can be protected through alternatives to detention.

VI. PETITIONER'S MEDICAL CONDITION REQUIRES SPECIAL CONSIDERATION

Petitioner suffers from diabetes.

Diabetes requires consistent medical management, including:

- Medication;
- Monitoring;
- Proper nutrition;
- Medical follow-up.

A detention environment creates additional risks because Petitioner cannot independently control his access to necessary care.

The government has an obligation to provide adequate medical care to individuals in its custody.

The Eighth Amendment's prohibition against deliberate indifference to serious medical needs, while generally applied to convicted prisoners, reflects the broader constitutional principle that persons in government custody cannot be subjected to unnecessary medical harm.

VII. PETITIONER'S FAMILY CIRCUMSTANCES SUPPORT RELEASE

Petitioner has a child who depends upon him financially and emotionally.

Continued detention creates:

- Loss of financial support;
- Emotional hardship;
- Family instability.

Petitioner has strong incentives to appear for immigration proceedings because he has family responsibilities in the United States.

VIII. RELEVANT SUPREME COURT AUTHORITY

A. Zadvydas v. Davis, 533 U.S. 678 (2001)

The Supreme Court recognized that immigration detention is subject to constitutional limitations.

The government's authority to detain immigrants is not unlimited.

B. Jennings v. Rodriguez, 583 U.S. 281 (2018)

The Court recognized that constitutional concerns arise when immigration detention continues without adequate safeguards.

C. Demore v. Kim, 538 U.S. 510 (2003)

The Court recognized that immigration detention remains subject to constitutional principles.

IX. LESS RESTRICTIVE ALTERNATIVES EXIST

Petitioner respectfully requests release under reasonable conditions, including:

- ICE supervision;

- Regular reporting;
- Electronic monitoring;
- Bond;
- Any other conditions imposed by the Court.

Continued incarceration is unnecessary when less restrictive alternatives can ensure compliance.

X. CONCLUSION

Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;

OR ALTERNATIVELY:

2. Order an individualized bond hearing;
3. Require Respondents to justify continued detention;
4. Consider Petitioner's medical condition, family ties, and non-violent offense;
5. Order release under reasonable conditions.

PART 3

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

AND IMMEDIATE HEARING

Petitioner Wilfredo Antonio Flores respectfully requests emergency relief because every additional day of detention creates irreparable harm.

I. EMERGENCY BASIS

Petitioner is:

- Detained at Stewart Detention Center;

- Suffering from diabetes;
- Separated from his dependent child;
- Held after a non-violent driving offense.

Immediate judicial review is necessary.

II. LIKELIHOOD OF SUCCESS

Petitioner demonstrates a likelihood of success because:

1. His detention raises due process concerns;
2. His underlying offense was minor and non-violent;
3. He has significant family ties;
4. He has medical needs requiring consideration;
5. Alternatives to detention exist.

III. IRREPARABLE HARM

Petitioner suffers ongoing harm:

- Medical concerns caused by detention;
- Separation from his child;
- Loss of ability to provide support;
- Loss of liberty.

These harms cannot be fully repaired after prolonged detention.

IV. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Schedule an emergency hearing;
2. Require ICE to explain the legal basis for continued detention;
3. Order an individualized custody review;
4. Order release under reasonable conditions or bond.

DECLARATION OF WILFREDO ANTONIO FLORES

I, **Wilfredo Antonio Flores**, declare under penalty of perjury pursuant to 28 U.S.C. §1746:

1. My name is Wilfredo Antonio Flores.
2. My Alien Number is [redacted]
3. I am a citizen of Colombia.
4. I am currently detained at Stewart Detention Center in Georgia.
5. I was arrested for driving without a license.
6. My arrest did not involve violence or harm to another person.
7. After my arrest, I was transferred into ICE custody.
8. I was first detained at Krome Detention Center in Miami, Florida.
9. I was later transferred to Stewart Detention Center.
10. I suffer from diabetes and require medical care and monitoring.
11. I have a child who depends upon me financially and emotionally.
12. My detention has caused hardship for my child and my family.
13. I am willing to comply with all immigration requirements.
14. I will attend all hearings and comply with supervision requirements.
15. I respectfully request that the Court review my detention and grant release under appropriate conditions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25 day of JULY, 2026.

WILFREDO ANTONIO FLORES
A# [redacted]