UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

JEFFER ALBERTO TORRES ESPINA,

Petitioner,

v.

LADEON FRANCIS, Field Office Director of Enforcement and Removal Operations, ATLANTA Field Office, Immigration and Customs Enforcement; Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, U.S. Attorney General (Acting); Warden of IRWIN County Detention Center, *in their official capacities*

Respondents.

Case No.

PETITION FOR WRIT OF HABEAS CORPUS

Agency number: [redacted]

28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Jeffer Alberto Torres Espina, a native and citizen of Venezuela, is detained in DHS custody at the Irwin County Detention Center. An Immigration Judge at the Stewart Immigration Court ordered his removal on July 30, 2026.

2. Petitioner entered the U.S. on or about February 18, 2023, via parole after using the CBP One app, had Temporary Protected Status, and was not detained. His detention in April 2026 following minor traffic violations without showing changed circumstances violates Petitioner's liberty interests.

3. Petitioner remains detained indefinitely while he is in removal proceedings. Petitioner respectfully requests that this Court order his release from custody so that he can pursue his application for humanitarian protection on a non-detained docket.

JURISDICTION

4. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Irwin County Detention Center in Ocilla, Georgia.

5. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

6. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the MIDDLE DISTRICT OF

GEORGIA, the judicial district in which Petitioner currently is detained. Irwin County is in the Valdosta Division.

8. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the MIDDLE DISTRICT OF GEORGIA.

REQUIREMENTS OF 28 U.S.C. § 2243

9 The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

10. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

11. Petitioner is a citizen of Venezuela who has been in Respondents' custody since April 2026. ICE filed a Notice to Appear (NTA) in April 2026 to initiate removal proceedings. He was ordered removed on July 30, 2026.

12. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

13. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity

14. Respondent Todd Blanch is the Acting Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

15. Respondent Warden of the Irwin County Detention Center is in charge of the detention center. He has immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

16. Congress has authorized the Department of Homeland Security (DHS) to grant parole to non-citizens for a wide variety of reasons. 8 USC §1182(d)(5)(A). Over time, DHS has used its authority to grant parole for several reasons, such as the parole program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV).[1]

17. Created in 2020, the CBP One app was used for noncitizens to schedule an appointment to present themselves at a Port of Entry, and for those who came under CHNV, they

[1] *See, e.g.,* DHS Issues Notices of Termination for the CHNV Parole Program, Encourages Parolees to Self-Deport Immediately, *ICE News Release,* June 12, 2025, *available at* https://www.dhs.gov/news/2025/06/12/dhs-issues-notices-termination-chnv-parole-program-encourages-parolees-self-deport (last accessed July 31, 2026).

could fill out their information on the app before traveling to the U.S.[2] In addition to CHNV, CBP One was the program used to come to the U.S. and ask for asylum, as non-citizens who entered the U.S. for a two year period from May 2023 to May 2025 who entered without inspection would be subjected to the Circumvention of Lawful Pathways (CLP).

18. Parole is not "admission" to the U.S., and the non-citizen is considered an arriving alien. 8 U.S.C. § 1182(a)(7)(A)(i). This constitutes what several courts have referred to as the "entry doctrine fiction," including this Circuit. *See* Gisbert v. U.S. Atty. Gen., 988 F.2d 1437, 1440 (5th Cir. 1993), amended, 997 F.2d 1122 (5th Cir. 1993) (recognizing as an "entry fiction" that while "aliens seeking admission into the United States may physically be allowed within its borders pending a determination of inadmissibility, such aliens are legally considered to be detained at the border and hence as never effected entry into this country."); *Jean v. Nelson*, 727 F.2d 957, 969 (11th Cir. 1984) (stating that "an alien's legal status is not altered by detention or parole under the 'entry doctrine fiction.'"). *See also Kaplan v. Tod*, 267 U.S 228, 230 (1925) (opinion by Oliver Wendel Holmes); *Leng May Ma v. Barber*, 357 US 185, 1988 (1958) (U.S. Supreme court affirms "entry doctrine fiction.").

19 When parole terminates, an alien's "case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." INA § 212(d)(5)(A).

20. Parole can terminate a variety of ways, some of which are automatic, such as physically leaving the U.S. without advance parole, and others occur upon triggering a specific event. *See, e.g.,* 8 CFR § 212.5(e)(2)(i) ("When a charging document is served on the alien, the

[2] *See, e.g.,* CBP One: An Overview, American Immigration Council, March 24, 2025, *available at* https://www.americanimmigrationcouncil.org/fact-sheet/cbp-one-overview/ (last accessed July 31, 2026).

charging document will constitute written notice of termination of parole, unless otherwise specified."); *Matter of Arambula-Bravo*, 28 I&N Dec. 388, 395 (BIA 2021).

21. DHS has the discretion to terminate parole, both programs and on an individual basis. *See, e.g., Kristi Noem, Secretary, Department of Homeland Security, et al. v. Svitlana Doe, et al.*, 604 U.S. ___ (2025) (application for stay granted May 30, 2025).

22. When DHS decides to revoke parole for a specific person if the circumstances no longer justify the parole, or if the parolee violates a condition of parole, DHS considers the facts and circumstances for the revocation. *See, e.g., "Determining Who is Authorized Parole,"* U.S. Citizenship and Immigration Services, "Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States," *last reviewed/updated June 23, 2022,* https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-individuals-outside-united-states.

FACTS

23. Petitioner is a native and citizen of Venezuela who entered the U.S. via parole on February 18, 2023. Since then, he has resided in the U.S. and developed ties

24. Petitioner applied for Temporary Protected Status (TPS) on April 2, 2025. He was not in removal proceedings and remained in the U.S.

25. On or about April 8, 2026, Petitioner was arrested in Cook County, GA, for (1) failure to maintain lane, and (2) driving with a license either suspended or revoked. Upon information and belief, ICE placed a hold on him, and he was transferred to the Irwin County Detention Center in Ocilla, GA.

26. ICE initiated removal proceedings by filing a Notice to Appear, and his case was docketed on April 13, 2026. The revocation of parole was triggered by filing the NTA, but Petitioner did not have an interview with ICE to determine whether his parole should remain. To date, Petitioner has been detained for more than three months.

27. On July 30, 2026, Petitioner was ordered removed by an IJ at a Master Calendar hearing.

CLAIMS FOR RELIEF

COUNT I
Violation of the INA

28. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

29. DHS terminated Petitioner's parole in April 2026 following arrests, and not convictions, of two minor traffic violations. Before revoking Petitioner's parole and detaining Petitioner in civil custody, DHS did not wait for adjudication of the criminal cases.

30. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. Therefore, civil detention must bear a reasonable relationship to a legitimate governmental purpose and may not be excessive in relation to that purpose.

31. Immigration detention is civil rather than criminal in nature. Accordingly, detention may not be imposed as punishment and may continue only so long as it reasonably serves the government's legitimate regulatory interests.

32. Respondents' decision to detain Petitioner and revoke parole, all but ensuring his detention for months in ICE detention, so quickly was in violation of Petitioner's liberty interests.

COUNT II

Violation of Due Process

33. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein

34. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

35. Petitioner has a fundamental interest in liberty and being free from official restraint.

36. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Order that Petitioner shall not be transferred outside the Middle District of Georgia while this habeas petition is pending,

c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;

e. Declare that Petitioner's detention is unlawful;

f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

g. Grant any other and further relief that this Court deems just and proper.

Dated: August 3, 2026

Respectfully submitted,

/s/ Matthew O. Boles
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Counsel for Petitioner

Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ _Matthew O. Boles Date: August 3, 2026