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UNITED STATES DISTRICT COURT

for the

Macedonio De Los Santos Zavala
Petitioner

v.

Warden, Stewart Detention Center
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. _____
(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: Macedonio De Los Santos Zavala
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: Stewart Detention Center
   (b) Address: 146 CCA Road, Lumpkin, Georgia 31815
   (c) Your identification number: [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)*:

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

(a) Name and location of the agency or court:

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:

(d) Date of the decision or action:

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: Board of Immigration Appeals, Executive Office for Immigration Review.

(2) Date of filing: August 7, 2026.

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

(4) Result: Pending.

(5) Date of result: Pending.

(6) Issues raised:

The Immigration Judge erred in finding Petitioner to be a significant flight risk and denying release despite Petitioner's approximately twenty-six years of residence in the United States, two United States citizen children, established roofing business, tax history, fixed residence, United States citizen sponsor, pending EOIR-42B application, and willingness to comply with conditions of release.

(b) If you answered "No," explain why you did not appeal:

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:

Petitioner's timely appeal to the Board of Immigration Appeals, filed August 7, 2026, remains pending. No final BIA decision has yet been issued from which a further administrative appeal could be taken.

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:

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: July 4, 2026.

(b) Date of the removal or reinstatement order: N/A – No final order of removal or reinstatement order has been entered. Removal proceedings remain pending.

(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ☐ No

If "Yes," provide:

(1) Date of filing: August 7, 2026

(2) Case number: A [redacted]

(3) Result: pending

(4) Date of result: pending

(5) Issues raised: Immigration Judge erred in finding Petitioner to be a significant flight risk and denying release despite substantial family, community, employment, financial, and immigration equities.

(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: My continued civil immigration detention violates my constitutional right to due process.

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

I have lived in the United States for approximately twenty-six years. I have two United States citizen children, an established roofing business, a fixed residence, a United States citizen sponsor, and substantial family and community ties. The Immigration Judge did not find that I am a danger to the community. I remain detained solely based on flight risk even though conditions of supervision are available to ensure my appearance.

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

☒ Yes ☐ No

GROUND TWO: My continued physical detention is unnecessary because reasonable conditions of supervision can adequately ensure my appearance.

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

I have a United States citizen sponsor who will provide housing, transportation, and support. I am willing to report to ICE, comply with electronic monitoring, obey travel restrictions, and comply with any other lawful conditions of supervision. I was also willing to post a substantial monetary bond.

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

☒ Yes ☐ No

GROUND THREE: My pending application for cancellation of removal gives me a substantial incentive to appear for all immigration proceedings.

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

I filed Form EOIR-42B seeking cancellation of removal. I intend to pursue that application and appear at every Immigration Court hearing. My family, children, business, home, and community are in the United States, and I have every reason to remain engaged in my immigration proceedings.

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

☒ Yes ☐ No

GROUND FOUR: My continued detention is unconstitutional under the particular circumstances of my case and I seek immediate release subject to reasonable supervision.

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

I have been detained by ICE since July 4, 2026. On August 3, 2026, the Immigration Judge denied release solely because I was considered a significant flight risk and did not find that I posed a danger to the community. I timely appealed that decision to the Board of Immigration Appeals on August 7, 2026. I remain detained even though I have substantial family, employment, residential, and community ties and am willing to comply with conditions of supervision.

(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. To the extent Petitioner's constitutional challenge to his continued physical confinement was not separately presented to the Board of Immigration Appeals, Petitioner filed a timely BIA appeal on August 7, 2026 challenging the Immigration Judge's flight-risk determination and denial of release. That appeal remains pending. This § 2241 petition raises a separate constitutional challenge to Petitioner's present physical detention and seeks immediate release. Petitioner should not be required to remain incarcerated while the administrative appeal remains pending because the alleged deprivation of physical liberty continues each day.

Request for Relief

15. State exactly what you want the court to do:

Petitioner respectfully requests that the Court grant the writ of habeas corpus, declare his continued civil immigration detention unconstitutional under the Due Process Clause of the Fifth Amendment, and order his immediate release from immigration custody subject to reasonable conditions of supervision. Petitioner does not request another bond hearing.

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.

Date: 8/7/2026

Hardwin

Signature of Petitioner

Signature of Attorney or other authorized person, if any