FILED AUG20'26PM12:01
MDGA-VAL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

DONALDO GALVIS RODRIGUEZ
No.: [redacted]
The Petitioner,

Civil Case No.: _____

v.

Warden, Irwin County Detention Center; Acting Director, Immigration and Customs Enforcement; Secretary of Homeland Security,
Respondents.

PETITION FOR HABEAS CORPUS

Pursuant to 28 U.S.C. § 2241

I. INTRODUCTION

1. The Petitioner, **DONALDO GALVIS RODRIGUEZ**, respectfully appears before this Honorable Court to seek a writ of **habeas corpus** pursuant to **28 U.S.C. § 2241**, challenging the legality of his continued detention by Immigration authorities.

2. The Petitioner has been detained since **May 5, 2026**, without having received a bail hearing and without a final deportation order against him.

II. JURISDICTION AND COMPETENCE

This Court has jurisdiction pursuant to **28 U.S.C. § 2241**, as the Petitioner is in the custody of federal authorities.

The Court has additional jurisdiction under Article I, Section 9, Clause 2 of the United States Constitution.

Subject-matter jurisdiction is proper in this district because the Petitioner is being detained at:

Irwin County Detention Center, located at 132 Cotton Drive
Ocilla, Georgia 31774.

III. PARTIES

Petitioner: Donaldo Galvis Rodríguez,

Respondents: Warden, Irwin County Detention Center; Immigration and Customs Enforcement, Acting Director; Secretary of Homeland Security

IV. FACTUAL BACKGROUND

1. The Petitioner is currently detained at the **Irwin County Detention Center.**

2. He has been in the continuous custody of ICE since May 5, 2026

3. To date, he has remained detained without access to a bond hearing.

4. The Petitioner filed his asylum application with the Immigration Court, which is pending an asylum interview.

5. There is no final order of removal against him.

6. The petitioner had a bond hearing before the Immigration Court, which was denied because the judge determined that she lacked jurisdiction to grant the bond, not because there was a risk of flight.

7. He has not been granted an individualized bond hearing.

8. He is being detained in **overcrowded conditions**, which are affecting his physical and mental health.

V. LEGAL GROUNDS

FIRST LEGAL GROUND: UNCONSTITUTIONAL DETENTION

9. The petitioner has not been granted an individualized bail hearing, which constitutes a direct violation of the **Due Process Clause of the Fifth Amendment to the United States Constitution**, which protects against arbitrary deprivation of liberty by the State.

10. Immigration detention is **civil** in nature, **not punitive**, and its constitutionality depends strictly on whether it is reasonably related to its legitimate purposes: ensuring the individual's appearance at proceedings and facilitating his or her eventual removal. When detention exceeds those purposes, it becomes a disguised punitive measure, which is constitutionally impermissible.

11. The Petitioner is currently in the midst **of a pending asylum proceeding**, which demonstrates his intention to submit to the legal system and seek protection in accordance with the law.

12. Consequently, the Petitioner's detention without an individualized determination justifying the need to keep him in custody violates the fundamental due process guarantees enshrined in the Fifth Amendment to the United States Constitution. Given his history of compliance, his strong ties to the country, and the pending nature of his immigration proceedings, the continuation of his detention lacks sufficient constitutional justification and warrants the intervention of this Honorable Court.

13. In Zadvydas v. Davis, the Supreme Court held that indefinite detention without reasonable justification violates due process and is constitutionally questionable.

14. However, regardless of the duration of detention, due process requires that the deprivation of liberty be reasonably related to a legitimate government purpose and that there be an individualized justification for continuing detention when the alien has pending immigration proceedings and there is no final order of removal.

15. Furthermore, although Jennings v. Rodriguez held that the law does not automatically require periodic bail hearings, the Court was clear that statutory limitations do not eliminate **constitutional protections**, which continue to require that detention not be arbitrary.

16. Consequently, detention is no longer a reasonable means to achieve a legitimate end and has become, **in practice**, an **arbitrary and indefinite deprivation of liberty**.

17. Furthermore, the existence of pending immigration proceedings—including his asylum application—means that the future duration of detention is **uncertain and indeterminate**, which further exacerbates the constitutional violation, as it exposes the Petitioner to detention without a clear limit or effective review, especially since he has not yet been granted a bond hearing.

18. The courts have reiterated that the government cannot hold an individual in detention merely because of the existence of an ongoing immigration proceeding; it must provide a concrete and current justification for the necessity of such detention. The absence of such justification renders the detention **one in which due process is not guaranteed, disproportionate, and contrary to the fundamental principles of individual liberty**.

SECOND GROUND: ABSENCE OF AN INDIVIDUALIZED DETERMINATION REGARDING THE NECESSITY OF DETENTION FOLLOWING THE RULING OF LACK OF JURISDICTION TO CONSIDER BAIL.

19. The Petitioner, **DONALDO GALVIS RODRÍGUEZ**, appeared before the Immigration Court and requested a redetermination of custody. However, in an order dated **July 24, 2026**, the Immigration Judge did not rule on the merits of the request for bond but determined that **she lacked jurisdiction to consider bond**, concluding that the Petitioner was being detained under **INA § 235(b), 8 U.S.C. § 1225(b)**.

20. Consequently, although the Petitioner had formal access to a proceeding known as *a custody redetermination proceeding*, **he did not receive an individualized determination regarding the current necessity of keeping him in custody**. The Immigration Judge did not determine that the Petitioner posed a danger to the community, that he presented a flight risk, or that less restrictive alternatives were insufficient. The motion was denied on a strictly jurisdictional basis, without addressing these substantive issues.

21. The Immigration Judge based her conclusion primarily on the circumstances of the Petitioner's initial entry. According to the order, the Petitioner entered without inspection

on or around **March 22, 2023**, and was found by Border Patrol that same day, approximately 29 miles west of the Calexico Port of Entry. Relying primarily on *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the Immigration Judge concluded that his detention was governed by §235(b), rather than §236(a), and that, consequently, she lacked jurisdiction to grant bail.

22. However, there is one particularly relevant circumstance: **DHS had previously released the Petitioner pursuant to an Order of Release on Recognizance and a Notice of Custody Determination under section 236.** The decision itself subsequently acknowledges that DHS rescinded that release and that the Petitioner is once again in custody under what the Government considers to be his original terms of detention pursuant to §235(b).

23. Consequently, the constitutional issue before this Court **does not involve a request to review a decision by the Immigration Judge determining that the Petitioner poses a danger or a flight risk**, because no such determination was made. Nor is this Court simply being asked to substitute its own judgment for that of the Immigration Judge regarding the appropriateness of bail. The issue is whether the continued deprivation of the Petitioner's liberty—after he had previously been released up r authorization from DHS itself—can be sustained **without any adjudicator having conducted an individualized assessment of the current necessity of his detention.**

24. Freedom from physical government custody is a fundamental interest protected by the **Due Process Clause of the Fifth Amendment**. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Therefore, even if the Government invokes § 1225(b) as the statutory authority for detention, the separate constitutional question remains as to whether, given the particular circumstances and the duration of the current detention, the Petitioner is entitled to a meaningful proceeding to challenge the necessity of his continued detention.

25. Accordingly, the Petitioner requests that this Honorable Court determine that the absence of an **individualized and substantive assessment of the necessity of his**

detention violates applicable due process guarantees and order a constitutionally adequate hearing before a competent adjudicator, in which factors such as **flight risk, danger to the community, and less restrictive alternatives to detention** may be effectively considered, or grant any other remedy that the Court deems fair and appropriate.

THIRD GROUND: ARBITRARY CHANGE TO THE CUSTODY DETERMINATION PREVIOUSLY ADOPTED BY THE GOVERNMENT

26. From the date of his release under Form I-220A until the time of his recent detention, the Petitioner strictly complied with all conditions imposed by immigration authorities. He appeared at every required appointment, kept his contact information up to date, remained reachable by the authorities, obtained employment authorization, filed his tax returns, and continued to pursue in good faith his application for asylum and other available immigration benefits. This record of compliance spanning more than three years constitutes objective and compelling evidence that the Petitioner does not pose a flight risk.

27. Approximately three years elapsed between that administrative determination and the new detention, during which time the Petitioner complied with all the conditions imposed. Consequently, it is incumbent upon the Government to explain what new, objective, and individualized fact justifies abandoning its own prior determination that supervision constituted a sufficient alternative to detention.

28. The Department of Homeland Security's own official records show that, following an individualized review of the Petitioner's situation conducted in accordance with the process established in *Fraihat v. ICE*, the agency expressly concluded that continued detention was not necessary and ordered his release via Form I-220A (Order of Release on Recognizance). That administrative determination constitutes objective evidence that the Government itself considered measures less restrictive than detention to be sufficient to ensure the Petitioner's appearance.

29. It is also worth noting that the U.S. District Court for the Central District of California, in the national class-action lawsuit **Maldonado Bautista v. Noem, case number 5:25-CV-01873-SSS-BFM**, challenged the government's policy of treating any person who entered the United States without having been admitted or granted parole as automatically subject to mandatory detention under 8 U.S.C. § 1225(b)(2). As a preliminary injunction, in an order dated February 18, 2026, the court directed the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) to notify all members of the class who might be eligible for release on bond or *parole*. This court order constitutes a recognition that the mere classification of an alien under 8 U.S.C. § 1225(b)(2) does not authorize the Government to maintain a policy of automatic and indiscriminate detention without an individualized assessment of the detainee's circumstances. Consequently, the continued detention of the Petitioner without having received such an individualized assessment or an effective consideration of his eligibility for release is inconsistent with the principles of due process and reinforces the merit of this *habeas corpus* petition.

FOURTH GROUND: ARBITRARY DETENTION AFTER YEARS OF FREEDOM AND INTERFERENCE WITH THE RIGHT TO SEEK ASYLUM

30. The Petitioner's detention is particularly arbitrary and unjustified because, since his entry into the United States on March 22, 2023, immigration authorities determined that he could remain at liberty by issuing Form I-220A (Order of Release on Recognizance). For more than three years, the Petitioner remained physically in the United States without incident, strictly complying with all obligations imposed by immigration authorities and appearing at every appointment, proceeding, and requirement related to his case.

31. During that period, the Petitioner established a stable life in the United States, obtained work authorization, fulfilled his tax obligations, maintained an address known to the authorities, and actively continued with the proceedings related to his application for protection. At no time did he attempt to evade immigration authorities or violate the conditions of his release. On the contrary, his conduct consistently demonstrated his

intention to comply with immigration laws and to remain available for any proceedings related to his case.

FIFTH GROUND: STATUTORY VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT (INA):

32. The Defendants violate the Petitioner's statutory rights under **INA § 236(a)**, codified at **8 U.S.C. § 1226(a)**, by unlawfully applying the mandatory detention statute set forth in section **1225(b)(2)(A)**. Pursuant to the declaratory judgment issued in the case ***of Maldonado Bautista v. Santacruz***, No. 5:25-CV-01873-SSS-BFM, which has the full force and effect of a final judgment, individuals who were not apprehended at the exact moment of their entry and who are in formal removal proceedings under section 240 must be considered for release on bond under the standards of section 1226(a). By refusing to recognize this authority and continuing to classify the Petitioner under a mandatory detention regime to which he is not subject, the Defendants are acting in direct violation of federal law and flagrantly defying a binding federal court order.

VI. LIST OF EXHIBITS

33. The Petitioner incorporates and attaches the following documents in support of the facts set forth in this petition:

Exhibit A – Form I-589, Application for Asylum and for Withholding of Removal.

Exhibit B – Form I-220A, Order of Release on Recognizance, issued by ICE.**Exhibit C (Composite)** -- Form I-220A, Order of Release on Recognizance, issued by U.S. Immigration and Customs Enforcement ("ICE"), together with the Notice of Custody Determination (Continuation), documenting the custody determination and subsequent release of Petitioner following an individualized custody review.

Exhibit C – Tax return and passport photo.

Exhibit D – Order of the Immigration Judge.

VII. PETITION FOR RELIEF

THEREFORE, the Petitioner respectfully requests that this Honorable Court:

1. **Grant the writ of habeas corpus**
2. Order his **immediate release**, or failing that
3. Order an **individualized bail hearing** to be held **immediately**, in which due process is guaranteed
4. Grant any other relief the Court deems just and appropriate
5. Order the suspension of the Petitioner's transfer to any other detention facility or jurisdiction outside the **MIDDLE DISTRICT OF GEORGIA** while this Petition for Habeas Corpus is pending, to ensure that this Court retains jurisdiction and to protect the Petitioner's right to access his evidence and legal defense.

VII. AFFIDAVIT

I, **DONALDO GALVIS RODRIGUEZ**, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: 11/08/2026

Signature: Donaldo Galvis