

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

Columbus Division

P.O. Box 124

Columbus

GA 31902

Birau Andrei Nicusor

A#



Case No. 4:25-CV-44

V.

United States ~~Attorney~~ Director of ICE
Stewart Detention Centre

146 CCA Road

Lumpkin

GA 31815

FILED 25 FEB 4 PM 6:45 INB-03

Petition For Writ of HABEA CORPUS

For the HONORABLE JUDGE OF THIS
COURT

Petitioner BIRAU ANDREI NICUSOR,
currently detained by Immigration and
Customs Enforcement (ICE), respectfully
submits this Petition for Writ of Habeas
Corpus pursuant to 28 U.S.C. § 2241,

Challenging the legality of my detention, which violates the United States Constitution and applicable federal laws.

1. INTRODUCTION

1.1 Petitioner is currently detained at
STEWART DETENTION CENTRE
146 CCA ROAD
LUMPKIN
GA 31815

UNDER THE CUSTODY OF ICE.

1.2 This Petition is filed to contest the lawfulness and constitutionality of my detention.

2. Jurisdiction and Venue

2.1 This Court has jurisdiction under 28 U.S.C § 2241, as Petitioner is being held in federal custody in violation of the Constitution, laws or treaties of the United States.

2.2 Venue is proper because Petitioner is detained within the jurisdiction of this Court, in Middle District of Georgia.

3. Relevant Facts

3.1 Petitioner is a citizen of ROMANIA, born on [REDACTED], who has been detained by ICE SINCE 07 September 2024.

3.2 Petitioner's detention is unlawful and arbitrary for the following reasons:

- Prolonged detention without removal.
- Lack of evidence for the time held of not being removed
- Failure to provide necessary reasons for the time holding to removal.

4. Legal basis for the Petition

4.1 Petitioner's detention violates the Fifth Amendment of the U.S. constitution, which guarantees due process of law and protects against arbitrary deprivation of liberty.

4.2 Petitioner's continued detention is inconsistent with the precedent established in *Zedvydas v Davis*, 533 U.S. 678 (2001), which limits detention for a reasonable period.

4.3. The condition of detention at STEWART DETENTION CENTRE violate ICE Performance - Based National Detention STANDARDS (PBNDs).

5. Request for Relief

WHEREFORE, Petitioner respectfully request that this Court:

- 5.1 Issue a Writ of Habeas Corpus directing Respondent to immediately release Petitioner from custody
- 5.2 Declare that Petitioner's continued detention is unlawful and unconstitutional
- 5.3 Grant any other relief that this Court deems just and proper.

6. VERIFICATION UNDER PENALTY OF PERJURY

I, BIRAU ANDREI NICUSOR, declare under penalty under the laws of the United States of America that the facts stated in this petition are true and correct to the best of my knowledge and belief.

Signed: Bireu Andrei Nicusor



Dated: 01.27.25

4/4