


**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

MUSSA BABBA EMMANUEL)
)
 Petitioner,)
)
 v.)
)
JASON STREEVAL, Warden, Stewart)
 Detention Center; **GEORGE STERLING**,)
 Acting Director of Atlanta U.S. Immigration)
 and Customs Enforcement; **KRISTI**)
NOEM, Secretary of the U.S. Department)
 of Homeland Security; and **PAM BONDI**,)
 Attorney General of the United States,)
 in their official capacities,)
)
 Respondents.)
 _____)

**PETITION FOR WRIT OF
HABEAS CORPUS**

Case No. _____

INTRODUCTION

1. Petitioner Mussa Baba Emmanuel, A#  is a national of Liberia, who has been continuously detained at Stewart Detention Center since June 15, 2025, for civil immigration violations, while reporting to his scheduled ICE check-in appointment, pursuant to his release on an Order of Supervision.
2. Petitioner has been detained without reasonable suspicion, without an arrest warrant, in clear violation of the immigration regulations and due process and with no meaningful progress toward removal.

3. Petitioner has substantial family ties in the United States, including a U.S. citizen spouse and children, making his removal not only unlikely but also unnecessary for DHS's stated enforcement priorities.
4. There is no significant likelihood of removal of the Petitioner in the reasonably foreseeable future, yet his detention continues now beyond six months. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
5. Petitioner's continued detention, absent a significant likelihood of removal, violates the substantive due process protections set forth in Zadvydas v. Davis, 533 U.S. 678 (2001) at 701 and the regulations by which DHS is bound in 8 CFR § 241 *et seq.*
6. By detaining Petitioner for over six months without releasing him or any showing that removal is imminent, Respondents violate the Fifth Amendment. See Zadvydas and Jennings v. Rodriguez, 138 S. Ct. 830 (2018) at 852.
7. Petitioner asks this Court to find that Respondents' continued detention of Petitioner is unconstitutional of and order: a) Petitioner's immediate release from custody at Stewart Detention Center; b) Declare that Petitioner's prolonged detention violates the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment; c) Enjoin Respondents from further detaining Petitioner absent

evidence of a significant likelihood of removal in the reasonably foreseeable future; and d) Grant such other and further relief as the Court deems just and proper.

JURISDICTION

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause) and 28 U.S.C. § 2201-2 (Declaratory Judgment).
10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue lies in this District under 28 U.S.C. § 1391(e) and § 2241(d), because Petitioner resides in Douglasville, Georgia and is detained at Stewart Detention Center in Lumpkin, Georgia, which is within the jurisdiction of this District.
12. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States; a substantial part of the events or omissions giving rise to his claims occurred in this District and Petitioner resides in this

District.

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
14. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).


PARTIES

15. Petitioner is a national of Liberia who has been continuously detained at Stewart Detention Center in Lumpkin, GA, since June 15, 2025. Petitioner is a resident of Douglasville, GA. He is in custody, and under the direct control, of Respondents and their agents.
16. Respondent Jason Streeval is the Warden of Stewart Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility’s contract

with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Streeval is a legal custodian of Petitioner.

17. Respondent George Sterling is sued in his official capacity as the Acting Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement which has jurisdiction over the Stewart Detention Center. Respondent Sterling is a legal custodian of Petitioner and has authority to release him.
18. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
19. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

FACTUAL BACKGROUND

20. Petitioner, Mr. Mussa Baba Emmanuel (DHS Alien Number , hereinafter “Emmanuel,” is a 55-year-old citizen of Liberia who entered the United States on or about October 9, 1995. He was ordered deported in deportation proceedings on December 4, 1995. (See Exhibit 1, copy of Executive Office for Immigration Review website printout for Petitioner’s case).
21. Petitioner was previously detained by DHS in 2003 and DHS attempted to remove him from the United States. However, as the government was unable to remove Petitioner and after holding him for over six (6) months he was released March 17, 2004 pursuant to an “Order of Supervision” (OSUP) in accordance with the Zadvydas case and the federal regulations requiring such at 8 CFR § 241 *et seq.* (See Exhibit 2, copy of OSUP from DHS dated March 17, 2004 and record of reporting to Immigration and Customs Enforcement [hereinafter “ICE”] over the years). He has faithfully to DHS reported all these years and complied with the conditions of his supervised release and DHS has continuously issued him work authorization pursuant to his OSUP. Id.
22. Petitioner Emmanuel after he was released went to commercial driving school and has been a commercial truck driver for approximately 18 years and duly supports his family, pays taxes and is a contributing member of society. He is

married to a United States citizen, Ms. Faustina Mensah, who has filed an immediate relative petition (I-130) which has been approved on July 12, 2022. He is also the father of twin U.S. citizen children: Ch [REDACTED] and Cr [REDACTED] born [REDACTED] (See Exhibit 3, copies of his marriage certificate, wife's naturalization certificate, children's birth certificates and I-130 approval notice).

23. On June 15, 2025, Petitioner was detained during a scheduled ICE check-in appointment, despite his continuing compliance with the conditions of his OSUP. He was not provided any reason or alleged violation of his OSUP and detained without notice, without reasonable suspicion, without an arrest warrant and in clear violation of the immigration regulations and due process.
24. Petitioner has remained in ICE custody at Stewart Detention Center since June 15, 2025, with no meaningful progress toward removal and no likelihood of removal in the reasonably foreseeable future.
25. Petitioner has legal representation by the undersigned counsel and is located in Atlanta, Georgia.
26. Petitioner's family resides in Douglasville, Georgia.
27. Petitioner has substantial family ties in the United States, including a U.S. citizen spouse and children, making his removal not only unlikely but also unnecessary for DHS's stated enforcement priorities.

28. DHS has not been able to remove Petitioner from the United States for decades. There is no significant likelihood of removal in the reasonably foreseeable future, yet detention continues.
29. Petitioner potentially faces imminent transfer outside of this judicial district and faces removal from the United States.

LEGAL FRAMEWORK

30. Federal courts have long recognized habeas jurisdiction to review the lawfulness of immigration detention. INS v. St. Cyr, 533 U.S. 289, 301 (2001).
31. Immigration detention is permissible only so long as it is reasonably related to the purpose of effectuating removal. Zadvydas v. Davis, 533 U.S. 678, 699 (2001).
32. The Supreme Court in Zadvydas set a presumptively reasonable detention period of six months, after which detention must end if there is no significant likelihood of removal in the reasonably foreseeable future. Id. at 701.
33. Jennings v. Rodriguez, 138 S. Ct. 830 (2018), confirmed that although certain statutes authorize detention during immigration proceedings, constitutional due process limits apply to prolonged detention.
34. In the Eleventh Circuit, Akinwale v. Ashcroft, 287 F.3d 1050 (11th Cir. 2002), recognized that detainees are entitled to relief where detention exceeds six months without evidence of foreseeability of removal. In Sopo v. U.S. Attorney

General, 825 F.3d 1199 (11th Cir. 2016) (vacated on unrelated grounds), the court emphasized due process concerns in prolonged detention without individualized bond hearings.

35. Moreover, a noncitizen may be placed under an Order of Supervision if he “demonstrates to the satisfaction of the Attorney General . . . that . . . her release will not pose a danger to the community or to the safety of other persons or to property or a significant risk of flight pending [her] removal.” 8 C.F.R. § 241.4(d)(1). Once released pursuant to the aforementioned regulation, only under certain circumstances can the non-citizen be re-detained per 8 CFR § 241.4(l)(2):

. . . Release may be revoked in the exercise of discretion when, in the opinion of the revoking official:

- 241.4(l)(2)(i) The purposes of release have been served;
- 241.4(l)(2)(ii) The alien violates any condition of release;
- 241.4(l)(2)(iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or
- 241.4(l)(2)(iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.

36. As noted recently by the U.S. District Court, District of Maryland, “These regulations plainly provide due process protections to [noncitizens] following the removal period as they are considered for continued detention, release, and then possible revocation of release.” Orellana v. Baker, Civil Action No. 25-

1788-TDC, 2025 U.S. Dist. LEXIS 164986, at *6 (D. Md. Aug. 25, 2025). 2025 LX 369492, 2025 WL 2444087.

37. Failure to follow the aforementioned regulations is unlawful and violates a non-citizen's due process rights under the Fifth Amendment. Orellana, 2025 LX 369492, 2025 WL 2444087, at *8. Moreover, "[t]he Supreme Court has recognized that a federal agency's failure to comply with its own regulations generally renders the associated agency action unlawful." Orellana, 2025 LX 369492, 2025 WL 2444087, at *5 (citing United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954)).

CLAIMS FOR RELIEF

COUNT ONE

Unlawful Prolonged Detention Under Zadvydas v. Davis

38. The allegations in the above paragraphs are realleged and incorporated herein.
39. 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 form of physical restraint-lies at the heart of the liberty that the Clause protects." Zadvydas v. Davis, 533 U.S. 678, 690, 121 S. Ct. 2491, 150 L.Ed.2d 653 (2001).
40. Petitioner's continued detention, absent a significant likelihood of removal, violates the substantive due process protections set forth in Zadvydas, 533 U.S.

at 701. Moreover, Respondents previously detained Petitioner and were unable to deport him and released him. Again they violated his rights again, have not removed him and held him beyond six months.

41. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Procedural Due Process Violation (Fifth Amendment)

42. The allegations in the above paragraphs are realleged and incorporated herein.
43. By failing to follow the regulations by which they are bound and re-detaining Petitioner without cause and/or appropriate reason under 8 CFR § 241.4(1)(2), after his being released on an Order of Supervision pursuant to 8 CFR § 241.4(d)(1), Respondents actions are unlawful and they have violated Petitioner's rights under the Fifth Amendment. See *Shaughnessy*, 347 U.S. at 268.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner is detained in violation of law;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from Stewart Detention Center;

- (4) Enjoin Respondents from further detaining Petitioner absent evidence of a significant likelihood of removal in the reasonably foreseeable future;
- (5) Enjoin Respondents from transferring Petitioner outside of this judicial district during the pendency of removal proceedings.
- (6) Enjoin Respondents from re-detaining and/or removing Petitioner from the United States without the procedures for removal identified in the Immigration and Nationality Act.
- (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,

This 17th day of December, 2025

THE FOGLE LAW FIRM, LLC

/S/ H. Glenn Fogle, Jr.

by: H. Glenn Fogle, Jr.

Georgia Bar. No. 266963

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, the undersigned, H. Glenn Fogle, Jr., represent Petitioner, Mussa Baba Emmanuel, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 18th day of December, 2025.

A handwritten signature in black ink, appearing to be 'H. Glenn Fogle, Jr.', written over a horizontal line.

by: H. Glenn Fogle, Jr.
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