


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

JAMAR GLEN HENRY (A#  )  
)  
)  
)  
Petitioner, )  
)  
)

v. )

Case No. \_\_\_\_\_

JASON STREEVAL, in his capacity of )  
Warden of Stewart Detention Center; TODD )  
M. LYONS, in his capacity of Acting Director )  
of U.S. Immigration and Customs )  
Enforcement; KRISTI NOEM, in her capacity )  
as Secretary of Homeland Security; PAM )  
BONDI, in her capacity as Attorney General of )  
the United States, )  
)

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS**

FILED  
DEC 31 2025  
CLERK OF COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

## PRELIMINARY STATEMENT

1. This case challenges the government's authority to indefinitely detain a noncitizen who was granted a bond of \$10,000 by the Immigration Judge. It asks this Court to grant the petitioner release from prolonged immigration detention where an Immigration has granted bond and where the Defendants purposely and intentionally refuse to comply with the Order.
2. Petitioner has an I-130 Petition filed by his U.S. citizen spouse, and an I-485 Petition before the U.S. Citizenship and Immigration Services (USCIS) and before the Immigration Court.
3. On November 17, 2025, Respondent went to his I-485 Petition interview when he was detained by Immigration and Customs Enforcement ("ICE") and put in removal proceedings before the Stewart Immigration Court.
4. On December 4, 2024, the Immigration Court, presided by Judge Jerrica Harness granted a bond of \$10,000 after a bond hearing.
5. ICE filed a stay which has now expired, but still refuses to release Petitioner although Petitioner has attempted to pay the bond several times.
6. Petitioner has been detained, with no end to his detention in the reasonably foreseeable future
7. Petitioner's prolonged, indefinite detention pending removal proceedings violates the U.S. Constitution's Fifth Amendment because it deprives petitioner of liberty without due process of law and the Immigration and Nationality Act because it is not authorized by the statute.
8. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order petitioner's release from custody, with appropriate conditions of supervision if necessary,

and impose a sanction of \$1000 per day, starting from the expiration of the stay filed by ICE. The Stay expired on December 18, 2025.

### **PARTIES**

9. Petitioner is presently detained at the direction of Respondents at Stewart Detention Center located at 146 CCA Rd, Lumpkin, GA 31815.
10. Respondent Jason Streeval is named in his official capacity as the warden of the facility where petitioner is held. In this capacity, he is a legal custodian of petitioner. Respondent's address is 146 CCA Rd, Lumpkin, GA 31815.
11. Respondent Todd M. Lyons, is named in his official capacity as the ICE Acting Director. In this capacity, he is a legal custodian of petitioner. Respondent's address is 245 Murray Lane, SW, Mail Stop 0485, Washington DC 20528-0485.
12. Respondent Kristi Noemis named in her official capacity as the Secretary of DHS. She is responsible for the administration of the immigration laws. 8 U.S.C. § 1103(a). She routinely transacts business in this district and is legally responsible for Petitioner's detention. As such, she is a legal custodian of Petitioner. Respondent Noem's address is United States Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington DC 20528-0485.
13. Respondent Pam Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. 8 U.S.C. § 1103(g). She routinely transacts business in this district, and is legally responsible for Petitioner's detention. As such, she is a legal custodian of Petitioner. Respondent Sessions's address is United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

### JURISDICTION

14. Petitioner is detained in the custody of Respondents at 146 CCA Rd, Lumpkin, GA 31815.

15. This Court has subject matter jurisdiction over this Petition under 28 U.S.C. § 2241 (power to grant habeas corpus) and 28 U.S.C. § 1331 (federal question jurisdiction); the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 701.

16. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. Demore v. Kim, 538 U.S. 510, 516-17 (2003).

### VENUE

17. Under 28 U.S.C. § 2241(d), venue properly lies in this district because Petitioner is physically present and in the custody of Respondents within the district. In addition, Petitioner's pending removal proceedings are taking place within the district at the immigration court located at 146 CCA Rd, Lumpkin, GA 31815.

### EXHAUSTION OF ADMINISTRATIVE REMEDIES

18. "It is no longer the law of this circuit that exhaustion of administrative remedies is a jurisdictional requirement in a § 2241 proceeding." Santiago-Lugo v. Warden, 785 F.3d 467, 474-75, n.5 (11th Cir. 2015) (abrogating Boz v. United States, 248 F.3d 1299, 1300 (11th Cir.2001)).

19. Further, there is no statutory exhaustion of administrative remedies where a noncitizen challenges the lawfulness of her detention. Cf. 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only where requesting review of a final order of removal).

20. “[W]here Congress has not clearly required exhaustion, sound judicial discretion governs.” Jones v. Zenk, 495 F. Supp. 2d 1289, 1297 (N.D. Ga. 2007) (citing McCarthy v. Madigan, 503 U.S. 140, 144 (1992)). As a matter of discretion, exhaustion of administrative remedies should therefore be waived “(1) where prejudice to the prisoner’s subsequent court action ‘may result, for example, from an unreasonable or indefinite timeframe for administrative action’; (2) where the administrative agency may not have the authority ‘to grant effective relief’; or (3) ‘where the administrative body is shown to be biased or has otherwise predetermined the issue before it.’” Jones, 495 F. Supp. 2d at 1297 (citing McCarthy, 503 U.S. at 146-48). See also Woodford v. Ngo, 548 U.S. 81, 103 (2006) (Breyer, J. concurring) (noting “well-established exceptions to exhaustion” that include constitutional claims, futility, hardship to the petitioner, and where administrative remedies are inadequate or unavailable) (citations omitted)).

21. In making its discretionary decision, the Court should consider the urgency of the need for immediate review. “Where a person is detained by executive order . . . the need for collateral review is most pressing. . . . In this context the need for habeas corpus is more urgent.” Boumediene v. Bush, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive detainees).

22. Petitioner’s constitutional challenge to indefinite detention is exempt from administrative exhaustion requirements. See Woodford v. Ngo, 548 U.S. 81, 103 (Breyer, J. concurring) (constitutional claims are exempt from administrative exhaustion); see also Khan v. Atty. Gen. of U.S., 448 F.3d 226, 236 n.8 (3d.Cir. 2006) (internal alterations and quotations removed) (“[D]ue process claims generally are exempt from the exhaustion requirement because the BIA does not have jurisdiction to adjudicate constitutional issues.”); United States v. Gonzalez-Roque, 301

F.3d 39, 48 (2d Cir. 2002) (“[T]he BIA does not have jurisdiction to adjudicate constitutional issues . . . .” (quoting Vargas v. U.S. Dep’t of Immigration & Naturalization, 831 F.2d 906, 908 (9th Cir. 1987)).

23. Further, administrative exhaustion before the BIA would be futile because Petitioner has already been granted bond, and the agency refuses to comply with the Ij’s Order. Exhaustion is futile where the agency has “predetermined the issue before it.” McCarthy, 503 U.S. at 148.

Respondent already had a bond hearing, and was granted bond.

#### STATEMENT OF FACTS

24. Petitioner was put in removal proceedings by the mean of a Notice to Appear dated November 17, 2025, issued by the Department of Homeland Security.

25. Petitioner is a native of Jamaica and was born on November 26, 1993, who immigrated to the United States on July 31, 2017, with a B-2 Visa.

26. On September 11, 2023, Petitioner married his wife, Shanette Kaya Kelsey Bowes-Henry. Petitioner’s wife is a U.S. Citizen.

27. Petitioner’s wife filed an I-130 Petition on behalf of the Petitioner on March 18, 2025.

28. Petitioner was inspected and admitted, and therefore eligible to adjust his status. Petitioner has a pending I-485 application.

29. Petitioner and his wife have a child together.
30. On November 17, 2025, Petitioner and his wife went to the immigration petitions interview. Although Petitioner has no crime that could prevent him from adjusting his status, ICE put him in removal proceedings.
31. The Notice to appear stated that he had overstayed his visa, which was no issue at all because Petitioner qualifies as an immediate relative of a U.S citizen, and therefore could adjust regardless of the time he overstayed.
32. Petitioner requested a bond hearing with the immigration court. On December 4, 2025, a bond hearing was held, and the IJ granted a \$10,000 bond. See Exhibit A.
33. On December 4, 2025, the Government filed a stay form Eoir-43. See Exhibit B.
34. Form Eoir-43, in its paragraph 4, states clearly that the stay shall lapse if ICE does not file a notice of appeal along with the appropriate certification within ten business days of the issuance of the order of the immigration judge or upon withdrawal of the notice . See Exhibit B.
35. On December 18, 2025, the stay lapsed, and Petitioner tried to pay the bond, however, ICE refused and still refuses to accept the bond and to withdraw the stay.

**CLAIMS FOR RELIEF**

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO  
THE U.S. CONSTITUTION**

36. Petitioner re-alleges and incorporates by reference the paragraphs above.

37. Petitioner's prolonged detention in violation of the regulations in place, and in violation of the IJ's order deprives petitioner of due process of law. The Court should therefore order release from unconstitutional detention.

38. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

39. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." Zadvydas v. Davis, 533 U.S. 678, 693 (2001). For this reason, even "removable and inadmissible aliens are entitled to be free from detention that is arbitrary and capricious," id. at 721 (Kennedy, J., dissenting). That constitutional protection is unaffected by the government's authority to make rules for "admission" that regulate the immigration status of noncitizens. See 8 U.S.C. § 1101(a)(13)(A) (defining admission as "the lawful entry of the alien").

40. "A statute permitting indefinite detention of an alien would raise a serious constitutional problem" under the Fifth Amendment's Due Process Clause. Id. at 690. That serious constitutional problem is raised by the government's reading of § 1225(b). It interprets the statute to permit the indefinite detention of a noncitizen whom the government has not found to be removable or inadmissible, but instead granted the right to remain in the United States pending removal proceedings after demonstrating a credible fear of persecution to an asylum officer.

41. In Zadvydas v. Davis, the Supreme Court rejected the government’s argument that its immigration powers permit it to indefinitely detain noncitizens after the conclusion of removal proceedings. Id. at 695. Since then, the government has repeated that same argument to justify prolonged, indefinite detention pending removal proceedings.

42. Each time, federal courts have roundly rejected it. Every Court of Appeals to consider prolonged detention under INA § 236(c), 8 U.S.C. § 1226(c)—a statute that, like § 1225(b) mandates detention of inadmissible noncitizens pending removal proceedings—holds it limited to a reasonable period by the Due Process Clause. See Sopo v. U.S. Attorney Gen., 825 F.3d 1199 (11th Cir. 2016); Reid v. Donelan, 819 F.3d 486 (1st Cir. 2016); Lora v. Shanahan, 804 F.3d 601 (2d Cir. 2015); Rodriguez v. Robbins, 804 F.3d 1060 (9th Cir. 2015); Diop v. ICE/Homeland Sec., 656 F.3d 221 (3d Cir.2011); Ly v. Hansen, 351 F.3d 263 (6th Cir. 2003). None of these decisions distinguishes between previously admitted and inadmissible noncitizens. Instead, they find that due process limits the period that any noncitizen may be held in prolonged mandatory detention pending removal proceedings.

43. In doing so, they follow Demore v. Kim, 538 U.S. 510, 518 (2003). Demore identified mandatory detention pending removal proceedings as a “brief period,” lasting “roughly a month and a half in the vast majority of cases in which it is invoked, and about five months in the minority of cases in which the alien chooses to appeal.” Id.

44. Thus, in the Second and Ninth Circuits, the reasonable period of § 1226(c) mandatory detention pending removal proceedings ends at six months. Lora, 804 F.3d at 613; Rodriguez, 804 F.3d at 1065. In the Eleventh Circuit, “[t]he need for a bond inquiry is likely to arise in the six-month to one-year window . . . .” Sopo v. U.S. Attorney Gen., 825 F.3d 1199, 1217 (11th Cir. 2016). In determining that timeframe, Sopo cited the Third Circuit’s similar decision in Chavez-

Alvarez v. Warden York Cty. Prison, 783 F.3d 469 (3d Cir. 2015), which held that a reasonable period of detention pending removal proceedings ends sometime after six months, depending on the facts and circumstances of the case, with nine months “straining any common-sense definition of a limited or brief civil detention.” Id. at 477.

45. The only Court of Appeals to consider prolonged detention under § 1225(b) holds that “to avoid serious constitutional concerns, mandatory detention under § 1225(b) . . . must be construed as implicitly time-limited.” Rodriguez, 804 F.3d 1060.

46. Following Sopo and other Courts of Appeals, numerous district courts have held that due process limits mandatory detention under § 1225(b) to a reasonable period. See e.g., Marquez Diaz v. Moore, 16-cv-23684-UU (S.D. Fla. March 6, 2017) (adopting report and recommendation of Mag. Otazo-Reyes); Ahad v. Lowe, 2017 WL 66829 (M.D. Pa. Jan. 6, 2017); Ricketts v. Simonse, 2016 WL 7335675 (S.D.N.Y. Dec. 16, 2016); Gregorio-Chacon v. Lynch, 2016 WL 6208264 (D.N.J. Oct. 24, 2016); Damus v. Tsoukaris, 2016 WL 4203816 (D.N.J. Aug. 8, 2016); Saleem v. Shanahan, 2016 WL 4435246 (S.D.N.Y. Aug. 22, 2016); Arias v. Aviles, 2016 WL 3906738 (S.D.N.Y. July 14, 2016); Maldonado v. Macias, 150 F.Supp.3d 788 (W.D. Tex. 2015); Bautista v. Sabol, 862 F. Supp. 2d 375, 377 (M.D. Pa. 2012).

47. Petitioner’s prolonged, indefinite detention violates the Fifth Amendment by depriving petitioner of liberty without due process of law. This Court should therefore order petitioner’s release, and sanction Respondent for each day Petitioner has spent in detention from December 18, 2025, the date the stay expired.

**PRAYER FOR RELIEF**

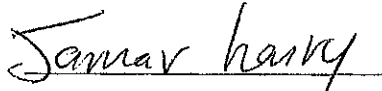
WHEREFORE, Petitioner respectfully requests that this Court:


- 1) Assume jurisdiction over this matter;
- 2) Issue a Writ of Habeas Corpus ordering respondents to release petitioner immediately;
- 3) Award petitioner costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, other statute; and
- 4) Grant such further relief as the Court deems just and proper.

Dated: Wappingers Falls, New York

December 8, 2025

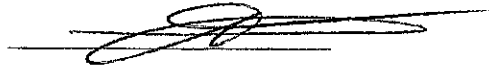
Respectfully submitted,



Jamar Henry (A   
146 CCA Rd  
Lumpkin, GA 31815

Certification

I, Ryanne Konan, an attorney admitted to practice law in the State of New York, and before all federal courts in New York, has helped Plaintiffs to prepare this Complaint on their behalf.



Ryanne Konan Law Office

4 Marshall Rd, Suite 248

Wappingers Falls, NY 12590

Tel:(888)536-1434

Cell:(845)309-3432

[konanlawoffice@gmail.com](mailto:konanlawoffice@gmail.com)