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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

DANIA HERNÁNDEZ RÍOS,
Petitioner (Pro Se),

v.

Civil Action No.: _____

JASON STREEVAL, Warden (Facility Leader),
Stewart Detention Center;

KRISTEN SULLIVAN,
Acting Field Office Director,
ICE Enforcement and Removal Operations,
Atlanta Field Office;

KRISTI NOEM,
Secretary, U.S. Department of Homeland Security;


PAMELA BONDI,
Attorney General of the United States,

Respondents.

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
(CHALLENGING PROLONGED CIVIL IMMIGRATION DETENTION
WITHOUT INDIVIDUALIZED CUSTODY HEARING/PROCESS)**

Petitioner Dania Hernández Ríos, proceeding pro se, respectfully petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging her prolonged civil immigration detention without constitutionally adequate individualized custody review, and requests immediate relief due to imminent, irreparable harm from a mandatory USCIS ASC biometrics appointment on December 31, 2025 and an EOIR hearing on January 8, 2026.

I. INTRODUCTION AND EMERGENCY NATURE OF THE PETITION

1. Petitioner is a 22-year-old citizen of Mexico (A# ) detained by U.S. Immigration and Customs Enforcement ("ICE") at Stewart Detention Center in Lumpkin, Georgia since June 3, 2025.

2. Petitioner has been detained for more than six months without an individualized bond hearing or comparable custody hearing at which she could meaningfully challenge continued detention with constitutionally adequate procedures and a prompt decision based on individualized findings.

3. This case is an emergency because Petitioner has a mandatory USCIS ASC biometrics appointment scheduled for December 31, 2025. Continued detention prevents Petitioner from attending unless ICE affirmatively facilitates transportation/escort or releases Petitioner. Missing biometrics will cause serious, irreparable harm to Petitioner's pending USCIS asylum process and her ability to pursue relief.

4. Petitioner also has active proceedings before the Stewart Immigration Court, with a scheduled hearing on January 8, 2026 at 10:00 AM before Immigration Judge Jerrica A. Harness. Continued detention materially impairs Petitioner's ability to prepare her case pro se and meaningfully participate.

5. Petitioner does not challenge a final order of removal. No final removal order exists. Petitioner challenges only unlawful detention and the absence of constitutionally adequate individualized custody process.

II. JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in federal custody in violation of the Constitution and laws of the United States.


7. This Court also has jurisdiction under 28 U.S.C. § 1331 (federal question), and authority under the Suspension Clause, U.S. Const. art. I, § 9.

8. The REAL ID Act does not bar this Court's habeas jurisdiction over a challenge to the fact and legality of immigration detention raising constitutional claims. See *INS v. St. Cyr*, 533

U.S. 289 (2001); *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018) (as-applied constitutional challenges remain available).

9. Venue is proper in the Middle District of Georgia, Columbus Division, because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, and the immediate custodian is located within this District. See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

III. PARTIES

10. Petitioner DANIA HERNÁNDEZ RÍOS is a citizen of Mexico, A#  detained at Stewart Detention Center, 146 CCA Road, Lumpkin, GA 31815.

11. Respondent JASON STREEVAL is the Warden (Facility Leader) at Stewart Detention Center and Petitioner's immediate custodian, sued in his official capacity.

12. Respondent KRISTEN SULLIVAN is the Acting Field Office Director, ICE ERO Atlanta Field Office, with supervisory authority over Petitioner's detention, sued in her official capacity.

13. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security, sued in her official capacity.

14. Respondent PAMELA BONDI is the Attorney General of the United States, sued in her official capacity.

IV. STATEMENT OF FACTS

15. Petitioner has been continuously detained since June 3, 2025.

16. On June 3, 2025, an Immigration Judge dismissed Petitioner's Immigration Court case. Petitioner timely appealed to the Board of Immigration Appeals ("BIA") on June 9, 2025.

17. The case later returned to EOIR and is now active before the Stewart Immigration Court. EOIR's automated case information reflects:

- a. Cause/Docket Date: December 5, 2025;
- b. Next hearing: January 8, 2026 at 10:00 AM;

- c. Immigration Judge: Hon. Jerrica A. Harness;
- d. Court address: 146 CCA Road, P.O. Box 248, Lumpkin, GA 31815.

18. Petitioner has not received an individualized bond hearing or other constitutionally adequate custody hearing with a meaningful opportunity to contest continued detention and a prompt decision based on individualized findings.

19. Petitioner has no criminal history and poses no danger to the community.

20. Petitioner is actively pursuing asylum relief:

- a. Petitioner filed an affirmative asylum application with USCIS in October 2025.
- b. USCIS scheduled Petitioner for an ASC biometrics appointment on December 31, 2025.

21. Petitioner has repeatedly requested administrative action (release, transport to biometrics, or written custody determination). ICE has not provided timely, substantive relief.

V. GROUNDS FOR RELIEF

COUNT I

FIFTH AMENDMENT DUE PROCESS — PROLONGED CIVIL DETENTION WITHOUT CONSTITUTIONALLY ADEQUATE INDIVIDUALIZED CUSTODY PROCESS

22. Petitioner incorporates paragraphs 1–21.

23. The Fifth Amendment Due Process Clause imposes procedural and substantive limits on civil immigration detention.

24. Petitioner’s detention has become unreasonably prolonged (over six months) without constitutionally adequate individualized custody process and without timely, individualized findings demonstrating that continued detention is necessary.

25. Although *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), rejected certain statutory interpretations requiring automatic hearings, it did not foreclose as-applied constitutional challenges to prolonged detention without adequate process.

26. Continued detention is not reasonably related to any legitimate governmental purpose where Petitioner has no criminal history, has demonstrated good-faith compliance and

engagement with immigration proceedings, and can be managed under reasonable conditions of release.

COUNT II

DUE PROCESS — UNLAWFUL INTERFERENCE WITH STATUTORY ACCESS TO ASYLUM AND DHS/USCIS BIOMETRICS COMPLIANCE

27. Petitioner incorporates paragraphs 1–26.

28. Petitioner faces imminent, irreparable harm because detention prevents compliance with DHS/USCIS biometrics requirements scheduled for December 31, 2025 and materially impairs preparation for the January 8, 2026 Immigration Court hearing.

29. This creates a government-imposed barrier to lawful process that warrants immediate judicial intervention.

VI. REQUESTED RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. **GRANT** the writ and order Petitioner’s immediate release from Stewart Detention Center under reasonable conditions (including ROR, OSUP, ATD/ISAP, and/or other conditions the Court deems appropriate);

B. In the alternative, order ICE to transport/escort Petitioner to her USCIS ASC biometrics appointment on December 31, 2025 and provide immediate written confirmation of logistics; and/or

C. In the further alternative (or additionally), order an expedited individualized custody hearing with constitutionally adequate procedures and a prompt written decision supported by individualized findings; and

D. Grant any other relief the Court deems just and proper.

VII. DECLARATION UNDER PENALTY OF PERJURY (28 U.S.C. § 1746)

2. I have been detained since June 3, 2025 and have not received an individualized bond hearing or constitutionally adequate custody hearing.
3. I have a USCIS ASC biometrics appointment scheduled for December 31, 2025, and I cannot attend unless ICE transports/escorts me or releases me.
4. I have an Immigration Court hearing scheduled for January 8, 2026 at 10:00 AM before Immigration Judge Jerrica A. Harness.
5. I have no criminal record, I am not a danger, and I will comply with all conditions of release and appear for all required proceedings.

Executed on December 30, 2025, at Lumpkin, Georgia.



/s/ Dania Hernández Ríos

Dania Hernández Ríos, Petitioner Pro Se

A#

Stewart Detention Center

146 CCA Road

Lumpkin, GA 31815

Email: