

(7) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF GEORGIA

EMMANUEL STANLEY RUIZ-MAGANA

Petitioner

v.

Warden, Stewart Detention Center, TODD M. LYONS,
Acting Director, Immigration and Customs Enforcement,
U.S. Department of Homeland Security

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. _____

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Emmanuel Stanley Ruiz-Magana
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: Stewart Detention Center
(b) Address: 146 CCA Road
Lumpkin GA 31815
(c) Your identification number: A-~~XXXXXXXXXX~~
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement (ICE)
Stewart Detention Center, Lumpkin, Georgia; Board of Immigration Appeals (BIA), Falls Church, Virginia.
 - (b) Docket number, case number, or opinion number: BIA appeal pending
 - (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Ongoing ICE civil immigration detention since September 7, 2025
without any bond hearing or custody redetermination based on an unsubstantiated allegation of ankle-monitor tampering, while BIA appeal remains pending of prolonged detention without a bond hearing. Petitioner seeks hab
 - (d) Date of the decision or action: 09/07/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: No bond hearing or custody redetermination has ever been provided. There is no adequate administrative remedy to obtain review of prolonged detention without a bond hearing. Petitioner seeks habeas relief under 28 U.S.C. § 2241.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

Not Applicable

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

Not Applicable

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: 09/07/2025

(b) Date of the removal or reinstatement order: 12/16/2024

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

(1) Date of filing: 01/17/2025

(2) Case number: PENDING

(3) Result: PENDING

(4) Date of result:

(5) Issues raised:

Immigration Judge erred in his finding the respondent did not meet the burden of proof and are not refugee in their relief of asylum, erred in the findings that respondents religion based persecution was no enumerated grounds of the act, the respondent reserves the right to point out any immigration judge error when they received the individual transcript

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

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Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged detention without bond hearing

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has been detained by ICE since September 7, 2025.

Petitioner has never received a bond hearing or custody redetermination by an Immigration Judge.

Petitioner denies tampering. Petitioner was not given notice, evidence or an opportunity to contest the allegations before being detained.

(b) Did you present Ground One in all appeals that were available to you?

Yes

No

GROUND TWO: Detention based on false ankle-monitor allegation without notice or hearing

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

ICE detained petitioner based on an allegation of ankle-monitor tampering

Petitioner denies tampering. Petitioner was not given notice, evidence, or an opportunity to contest the allegation before being detained.

(b) Did you present Ground Two in all appeals that were available to you?

Yes

No

GROUND THREE: Compliance with ICE/ISAP and no missed check-ins; detention unnecessary

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Before detention, petitioner complied with ICE/ISAP supervision and did not miss scheduled ICE check-in appointments. ICE had petitioner's address and supervision history

(b) Did you present Ground Three in all appeals that were available to you?

Yes

No

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GROUND FOUR: Hardship and inadequate medical care in detention

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Detention has caused severe family hardship, including separation from children during major life events like the birth of her daughter in December 2025.

While detained, petitioner suffered an eye injury and was not provided proper medical evaluation or treatment, and was given only acetaminophen and dismissed.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Petitioner has not been provided any bond hearing or custody redetermination process to present these grounds, Habeas relief is necessary to obtain review of prolonged detention and denial of a hearing.

Request for Relief

15. State exactly what you want the court to do: Order petitioner's immediate release from ICE custody under appropriate conditions of supervision, OR in the alternative order an immediate bond hearing/custody redetermination before an Immigration Judge. Petitioner requests expedited consideration due to ongoing detention and hardship. He is sole provider for his 2 children and wife.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

CERTIFICATE OF SERVICE

I, **Sayda Ayala**, hereby certify that on the date indicated below, I served a true and correct copy of the **Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241**, together with all supporting declarations, motions, memorandum of law, and exhibits, by depositing the same in the United States mail, first-class postage prepaid, addressed as follows:

Clerk of Court

United States District Court
Middle District of Georgia
Columbus Division
120 12th Street
Columbus, GA 31901

Office of the United States Attorney

Middle District of Georgia
Attn: Civil Process Clerk
440 Martin Luther King Jr. Blvd., Suite 400
Macon, GA 31201

Office of the Principal Legal Advisor (OPLA)

U.S. Immigration and Customs Enforcement
5000 Corporate Court, Suite 400
Holtsville, NY 11742

Warden

Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815

Attorney General of the United States

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Secretary of Homeland Security

U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 3th day of January, 2026.