



Detention Facility arrested Mr. MICHAEL and placed him in the custody of Stewart Detention Center in Lumpkin, Ga. Mr. MICHAEL 's detention was for the purpose of executing his removal order. Respondent reviewed the custody status of Mr. MICHAEL and determined that he should be detained because of his conviction and because Respondent expected to obtain Mr. MICHAEL 's travel documents to execute his removal order. In 2014, when Respondent ordered the official order of the removal for Mr. MICHAEL, Respondent was met with challenges and eventually failure due to the fact there could be no travel documents obtained for Mr. MICHAEL. Mr. MICHAEL 's country ERITREA, AFRICA does not accept deportees nor is able to produce travel documents necessary for removal. Mr. MICHAEL was supposed to have a 90-day review that would have been scheduled for September 30,2025. As of now, there has been no review given for Mr. MICHAEL.

Mr. MICHAEL has fully cooperated with Respondents' requests to complete the necessary paperwork to secure his travel documents. Respondents, however, have not secured the necessary paperwork to remove Mr. MICHAEL. Mr. MICHAEL submits that his detention is in violation of his constitutional rights. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. MICHAEL from their custody.

#### **CUSTODY**

1. Mr. MICHAEL is in physical custody of Respondents, HOMER BRYSON, U.S. ICE Field Office For The Middle District of Georgia Field Office; PAM BONDI, Attorney General; KRISTI NOEM, Secretary of Department of Homeland Security; JASON STREEVAL, Warden of Stewart Detention Facility . At the time of the filing of this petition, the Petitioner is detained at STEWART

DENTION CENTER in Lumpkin, Georgia . This detention center contracts with the DHS to detain aliens such as Petitioner. Mr. MICHAEL is under the direct control of Respondents and their agents.

### **JURISDICTION**

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat.

1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

### **VENUE**

3. Venue lies in the United States District Court for the Middle District of Georgia, the judicial district in which Petitioner, Mr. MICHAEL has been incarcerated the entirety of his time since being arrested on July 2, 2025.

### **PARTIES**

4. Petitioner MUSIA MICHAEL was a national and citizen of Eritrea, Africa and was accorded lawful permanent resident status on in 1981 and ordered removed in 2014. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien’s removal order.

5. Respondents are HOMER BRYSON, U.S. ICE Field Office For The Middle District of Georgia Field Office; PAM BONDI, Attorney General; KRISTI NOEM, Secretary of Department

of Homeland Security; JASON STREEVAL, Warden of Stewart Detention Facility . Respondent is a custodial official acting within the boundaries of the judicial district of the United States Court for the Middle District of Georgia. Pursuant to Respondent orders, Petitioner remains detained.

#### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

7. Mr. MICHAEL has exhausted his administrative remedies to the extent required by law.

8. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

9. Mr. MICHAEL 's only remedy is by way of this judicial action.

#### **STATEMENT OF FACTS**

10. Petitioner MUSIA MICHAEL is a national and citizen of Eritrea, Africa who was previously accorded lawful permanent resident status in 1981 but was ordered removed in 2014 due to a conviction.

11. Mr. MICHAEL was brought to the United States as an infant with no choice in 1981. Mr. MICHAEL's family sought refuge from the war in Eritrea, Africa.

12. On or about July 2, 2025, Respondent and agents arrested Mr. MICHAEL. The reason for his arrest was to execute his removal order.

15. However, Respondents have been unable or unwilling to remove Mr. MICHAEL likely due to Eritrea, Africa has had travel sanctions for over 20 years with no good relations with the United States.

16. Mr. MICHAEL has fully cooperated with Respondents' efforts to obtain his travel documents.

17. Respondents have reviewed Mr. MICHAEL's custody status and have determined that he should be detained.

18. Mr. MICHAEL has now been in detention for more than six (6) months pending his removal. Respondents continue to detain Mr. MICHAEL even though it is now clear that Respondents cannot remove him.
19. Mr. MICHAEL is not a danger to the community or a flight risk. He has no pending criminal case and he long ago completed his community supervision sentence relating to his conviction.
20. Mr. MICHAEL has deep roots in this community. The rest of Mr. MICHAEL's family are all American citizens.
21. Prior to his arrest, Mr. was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.
22. Respondents' decisions to detain Mr. MICHAEL is no longer legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. MICHAEL's request for release.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE CONSTITUTIONAL CLAIM**

23. Petitioners alleges and incorporates by reference paragraphs 1 through 22 above.
24. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

#### **COUNT TWO STATUTORY CLAIM**

25. Petitioner alleges and incorporates by reference paragraphs 1 through 24 above.


26. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

**PRAYER FOR RELIEF**

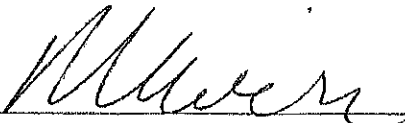
WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release Mr. MICHAEL on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

MUSIA MICHAEL  
DETAINED A.   
STEWART DETENTION CENTER  
146 CCA Rd  
Lumpkin, Ga 31815

**PETITIONER**

By:   
Musia Michael