

AO 242 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

FEB - 3 2026

MAMO TEMESGEN
Petitioner

v.

Michael Breckon, warden, D. Ray


James ICE Processing Center
Respondent

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

Case No. 5:26-cv-142
(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: MAMO TEMESGEN
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: D. Ray James ICE Processing Center
(b) Address: Folkston Georgia
3. (c) Your identification number: 
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)

Filing fee Pd. #40003049

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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

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



(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

prolonged likely indefinite Detention with out significant likelihood of my Removal in foreseeable future.

(d) Date of the decision or action: September - 2-2025

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: My deportation officer told me that there is NO way out for me except Habeas Corpus.

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: _____

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: _____

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: _____
- (b) Date of the removal or reinstatement order: _____
- (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: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(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 and unreasonable Detention

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 Do not cite cases or law.):

I have been detained for more than one (1) year including over four (4) months after final order of removal. Such prolonged detention is unreasonable and exceeds the government's authority under immigration detention status.

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

Yes No

GROUND TWO: No significant likelihood of removal in the reasonably foreseeable future

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 Do not cite cases or law.):

Removal is not reasonably foreseeable because the government has been unable to obtain travel documents and Ethiopia has refused to issue travel documents. Continued under these circumstances is unlawful.

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

Yes No

GROUND THREE: Failure to justify continued detention

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

The government has failed to meet its burden of demonstrating that I continued detention is justified particularly where removal is not imminent and less restrictive alternatives to detention are available.

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

Yes No

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GROUND FOUR: Violation of Due process - No Bond Hearing

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

I has been Subjected to prolonged detention with out an Individulized bond hearing to determine flight risk or danger to the Community. Continued detention with out procedural safe guards Violates the Due process Clause of the fifth Amendments.

(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:

Request for Relief

15. State exactly what you want the court to do: I Respectfully requests that this Court grant the Write of habeas Corpus and Order My Immediate Release from Immigration detention. I have been detained for one (1) year including more than Four (4) months after the issuance of final Removal order and Continued detentbn is Unlawful and Unreasonable.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

1/26/2026

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: January-22-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

FEB - 3 2026

**Detainee Fund Special Withdrawal Form
Folkston ICE Processing Center**



Detainee Name <i>Nombre del detenido</i> Mamo Temesgen	Dorm <i>Dormitorio</i> Bunk # <i>Cama#</i>
Country <i>Pais</i> Ethiopia	Alien Number <i>Detenido #</i>

Please accept this memo as my request to withdraw: \$ 5 (Five) from my
Por favor, acepte esta nota como mi solicitud para retirar *de mi*

detainee trust fund account for the purpose of for Clerk Court fee
cuenta del fondo fiduciario para detenidos con el propósito de

Please make the check payable to: Clerk of Court US District Court
Por favor, haga el cheque a nombre de:

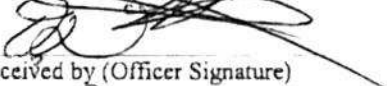
Please mail the check to:
Por favor envíe el cheque a:

(Name) *nombre* Clerk of Court US District Court
(Address) *dirección* Way Cross Division
(City, State, Zip) *Ciudad, Estado, código postal* Way Cross, GA 31502

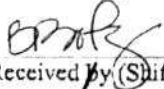

Requested by (Detainee Signature)
Firma de detenidos

January - 22 - 2026
Requested Date
Fecha Solicitada


This Section Below to be completed by GEO Staff only *Esta sección a continuación debe ser completada solo por el personal de GEO*


Received by (Officer Signature)

1-23-26
Date


Received by (Shift Supervisor Signature)

01.23.26
Date


Warden or Designee Signature

1.23.26
Date


AWFA

1/23/2026
Date

Trust Fund Check Number Issued _____ Date Issued: _____

Approved Disapproved If Disapproved, please provide comments.

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).

3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.