

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

Ankitkumar Gopalbhai Patel ,

Petitioner

Case No:

WARDEN, Stewart Detention Center, **Paul Onyango**, Atlanta ERO Field Office Director of U.S Department of Homeland Security; **Todd M. Lyons**, Acting Director of United States Immigration and Customs Enforcement; **Markwayne Mullin**, Secretary of Department of Homeland Security; **Pamela Bondi**, Attorney General of the United States,

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C § 2241
IMMIGRATION HABEAS CASE**

Respondents

Petitioner Ankitkumar Gopalbhai Patel, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and alleges as follows:

I. INTRODUCTION

1. Petitioner, Ankitkumar Gopalbhai Patel (Petitioner or Mr.Patel hereinafter), respectfully submits this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his ongoing detention by U.S. Immigration and Customs Enforcement (“ICE”) at the Stewart Detention Center, Georgia.

2. Petitioner, Ankitkumar Gopalbhai Patel was ordered removed in absentia on March 8, 2012. He subsequently filed a motion to reopen his removal proceedings, which was denied. Petitioner is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at Stewart Detention Center, Georgia and faces imminent removal.

3. Petitioner's continued detention is unlawful because ICE has no basis to hold him indefinitely under these circumstances, and the detention violates his Fifth Amendment due process rights.

4. This Petition arises because Petitioner's detention is arbitrary, and unconstitutional. It seeks immediate judicial review and relief, including a bond hearing or release under appropriate conditions, to prevent continued and unlawful deprivation of his liberty. The claims asserted herein demonstrate that ICE has failed to provide the process required by law, and that Petitioner is entitled to protection under both statutory and constitutional principles.

CUSTODY

5. Mr. Patel is detained in legal and physical custody of Respondents at the Stewart Detention Center, Georgia, where he is under the direct control of Respondents and their agents.

II. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under or by color of the authority of the United States and is being held in violation of the Constitution and laws of the United States.

7. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the Fifth Amendment and the Immigration and Nationality Act.

8. This Court has authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, and pursuant to its inherent equitable powers in habeas proceedings.

9. Venue lies in this District because Petitioner is confined within this District, at the Stewart Detention Center, Georgia, and his immediate custodian is located within this District.

10. Jurisdiction over this habeas petition is not barred by 8 U.S.C. § 1252. Petitioner does not ask this Court to review a final order of removal or to adjudicate the merits of the agency's immigration decision. Rather, he challenges only the legality of his present detention and seeks relief from unconstitutional custody. A habeas challenge to detention remains cognizable notwithstanding the jurisdiction-channeling provisions that govern direct review of removal orders. See *Jennings*, 583 U.S. at 292–95; *Zadvydas*, 533 U.S. at 687–88.

III. PARTIES

11. Petitioner Ankitkumar Gopalbhai Patel is a native and citizen of India. He is currently detained by Immigration and Customs Enforcement at the Stewart Detention Center, Georgia.

12. Respondent Paul Onyango is the Field Office Director of Enforcement and Removal Operations at the Atlanta ICE Field Office. He is named in his official capacity. The Atlanta Field office has authority over Stewart Detention Center, Georgia where the petitioner is housed.

13. Respondent Warden is the official with direct day-to-day control over Petitioner's confinement at the Stewart Detention Center, Georgia. They are being sued in their official capacity as Petitioner's immediate custodian.

14. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is responsible for the policies, practices, and decisions governing civil immigration detention. He is sued in his official capacity.

15. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and has ultimate responsibility for the administration and enforcement of the immigration laws. He is sued in his official capacity.

16. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

IV. FACTUAL ALLEGATIONS

17. Petitioner Ankitkumar Gopalbhai Patel is a citizen of India. On October 27, 2011, Petitioner was issued a Notice to Appear before the Immigration Court. Petitioner did not appear at the scheduled hearing due to lack of notice, and, on March 8, 2012, the Immigration Judge entered an order of removal in absentia against Petitioner.

18. Following, the petitioner married his U.S Citizen Spouse. The spouse filed for Form I-130 Petition for Alien Relative. The petition is currently pending. Resultantly, Petitioner became eligible for relief through his U.S Citizen Spouse. Accordingly, the Petitioner timely filed a motion to reopen his removal proceedings to pursue adjustment of status. Together, the couple also have a 1 year old U.S. citizen child.

19. On January 20, 2026, the Immigration Judge denied Petitioner's motion to reopen even though he had pending and legitimate relief. This denial is arbitrary, which eventually led to the Petitioner's arrest. The Board of Immigration Appeals and the Immigration Nationality Act allow the provision of a motion to reopen for circumstances identical to the Petitioner's.

20. On November 6, 2025, Petitioner was involved in a motor vehicle accident. At the time, Petitioner's Washington driver's license was active and valid through 2027. Following the accident, law enforcement contacted U.S. Immigration and Customs Enforcement ("ICE"), which ultimately led to Petitioner's detention. No individualized screening pertaining to any crime committed, or if any flight risk exists was evaluated.

21. Petitioner has cooperated fully with ICE and has no criminal history or other record indicating that he poses a danger to the community or a flight risk.

22. Despite the absence of any lawful basis to detain him, Petitioner continues to be held in ICE custody, facing imminent removal. Petitioner's detention is therefore unlawful and violates his Fifth Amendment rights to due process.

V. EXHAUSTION IS NOT REQUIRED, AND ANY FURTHER ADMINISTRATIVE PURSUIT WOULD BE FUTILE

23. To the extent exhaustion of administrative remedies is argued in habeas proceedings challenging immigration detention, it is prudential rather than jurisdictional in this context and should be excused here.

24. Petitioner does not challenge a discretionary custody judgment that can be meaningfully corrected through ordinary agency review. Rather, he raises a constitutional challenge to the legality of his continued detention itself. Habeas review is particularly appropriate where a petitioner asserts that present confinement violates due process and where the injury is ongoing and irreparable.

25. Requiring Petitioner to continue pursuing additional administrative mechanisms would be futile. The core problem is not merely the absence of some more favorable discretionary choice by the agency. The problem is that Petitioner remains detained after no constitutionally sufficient individualized showing has been made that continued incarceration is necessary. Additional requests within the same detention system would not cure the fundamental constitutional defect that detention is being maintained without adequate process and without demonstrated necessity.

26. Moreover, each day of unlawful detention is a discrete and ongoing injury that cannot be adequately remedied after the fact. Habeas exists precisely to provide prompt judicial review where an individual is presently deprived of liberty in violation of federal law or the Constitution.

VI. LEGAL STANDARD GOVERNING IMMIGRATION DETENTION

27. The Due Process Clause of the Fifth Amendment applies to all persons within the United States, including noncitizens in immigration detention. Civil detention is constitutionally permissible only insofar as it bears a reasonable relation to legitimate governmental objectives and is accompanied by constitutionally sufficient procedural safeguards. *Zadvydas* makes clear that immigration detention is subject to constitutional limits and cannot continue when divorced from its lawful purpose. 533 U.S. at 690.

28. In *Demore v. Kim*, the Supreme Court upheld detention in a narrow setting while emphasizing the typically brief nature of such detention during removal proceedings. 538 U.S. at 529–30. The decision did not authorize prolonged or automatic civil incarceration in every case, much less after an Immigration Judge has granted relief on the merits.

29. In *Jennings v. Rodriguez*, the Supreme Court rejected a statutory construction that would automatically impose periodic bond hearings under certain detention statutes, but it did not foreclose constitutional challenges to prolonged detention. On the contrary, *Jennings* left constitutional arguments intact. 583 U.S. at 301–06.

30. The constitutional touchstone remains reasonableness, adequate process, and meaningful justification. Where detention grows prolonged, courts have increasingly required individualized hearings or release, particularly under § 1226(a), because detention cannot rest on

presumption, inertia, or administrative delay alone. *Jennings* itself recognized that noncitizens detained under § 1226(a) receive bond hearings through regulation at the outset. 583 U.S. at 306.

31. Petitioner's case presents a particularly compelling constitutional posture because he is detained without any determination, or justification of his detention. Whatever statutory basis Respondents invoke for continued custody, the Fifth Amendment requires more than bare reliance on the existence of a DHS appeal.

VII. CAUSE OF ACTION

COUNT ONE

Continued Detention Violates the Fifth Amendment Because It Is No Longer Reasonably Related to a Legitimate Regulatory Purpose

32. The Fifth Amendment forbids arbitrary civil detention. Immigration detention is lawful only insofar as it reasonably serves legitimate regulatory objectives, such as ensuring appearance at removal proceedings and protecting the community in an individualized and evidence-based manner.

33. Following his detention, Petitioner married his United States citizen spouse and filed a Form I-130, Petition for Alien Relative. Petitioner is also the parent of a minor child who is a United States citizen. As a result, Petitioner becomes eligible for relief through his U.S. citizen spouse and family. Accordingly, Petitioner timely filed a motion to reopen his removal proceedings to pursue adjustment of status.

34. On January 20, 2026, the Immigration Judge denied Petitioner's motion to reopen, even though he had pending and legitimate relief. Petitioner has been denied relief through his motion to reopen, and ICE has presented no evidence that his continued detention is necessary to ensure appearance at proceedings or to protect the community.

35. Respondents have not demonstrated that Petitioner poses a flight risk that cannot be mitigated through less restrictive conditions, nor that he presents a danger to the community requiring incarceration. The record reflects that Petitioner has substantial ties to the United States, including his U.S. citizen minor child and spouse, strong incentives to comply with immigration proceedings, and a history of lawful, stable conduct.

36. The government's asserted interests can be fully satisfied through release on reasonable conditions. Continued detention under these circumstances is excessive relative to any legitimate regulatory objective and therefore violates substantive due process. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Doherty v. Thornburgh*, 943 F.2d 204, 209 (2d Cir. 1991)..

COUNT TWO

Continued Detention Violates Procedural Due Process Because Respondents Have Not Provided a Constitutionally Adequate Hearing With the Government Bearing the Burden

37. Petitioner repeats and realleges the preceding paragraphs as though fully set forth herein.

38. Even if Respondents may initially detain Petitioner under the immigration laws, the Constitution requires adequate procedural safeguards once detention becomes prolonged and the detainee's liberty interests are significant. At minimum, due process requires a meaningful hearing before a neutral decisionmaker, at which the government bears the burden of justifying continued detention under an individualized and evidence-based standard, and where less restrictive alternatives are considered.

39. Petitioner has not received such process. Continued detention cannot constitutionally rest on assumptions, agency preference, or the mere pendency of removal proceedings. Here, Petitioner remains incarcerated despite having legitimate potential relief

through adjustment of status based on his U.S. citizen spouse and minor child, without any constitutionally sufficient demonstration that incarceration is necessary.

40. A hearing that places the burden on the detainee to prove why he should not be incarcerated is inadequate once detention becomes prolonged. Similarly inadequate is any process that fails to meaningfully consider release conditions short of confinement. The Due Process Clause requires the government to justify detention, not the detainee to disprove it.

41. Respondents' failure to provide constitutionally adequate process renders Petitioner's continued detention unlawful.

COUNT THREE

Habeas Relief Is Warranted Because Petitioner Is in Custody in Violation of the Constitution and Laws of the United States

42. Petitioner repeats and realleges the preceding paragraphs as though fully set forth herein.

43. Under 28 U.S.C. § 2241, this Court may grant relief where a person is in federal custody in violation of the Constitution or laws of the United States. Petitioner is presently confined in violation of the Fifth Amendment because his detention is prolonged, unsupported by constitutionally sufficient procedures, and not reasonably related to any adequately demonstrated regulatory purpose. Respondents have failed to make any individualized showing that detention is necessary to ensure appearance or protect the community, and no less restrictive alternatives have been considered. The writ should therefore be issued, and Petitioner should be released immediately or, in the alternative, granted release on reasonable bond.

VIII. IRREPARABLE HARM

44. Petitioner is suffering irreparable injury every day he remains detained. Loss of physical liberty, even for minimal periods, constitutes irreparable harm. That injury is magnified here because Petitioner remains jailed without any legal relief or justification for his continued confinement.

45. No later award can compensate for the time unlawfully spent in detention. The deprivation is immediate, concrete, and ongoing. Petitioner is separated from his family, community, and support system. He is also impeded in assisting counsel and managing the ordinary incidents of life while incarcerated. Each day of continued detention deepens these harms..

IX. NO ADEQUATE REMEDY AT LAW

46. Petitioner has no adequate remedy at law. He cannot obtain money damages against these Respondents in this habeas action that would redress the continuing deprivation of liberty. Absent intervention by this Court, Petitioner faces continued confinement of uncertain duration without any lawful basis..

X. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a) Assume jurisdiction over this habeas action;
- b) Issue a writ of habeas corpus under 28 U.S.C. § 2241;
- c) Stay Petitioner's removal from the U.S., and the Middle District of Georgia until the completion of this Action;
- d) Declare that Respondents' continued detention of Petitioner violates the Fifth Amendment and the laws of the United States;

- e) Order Petitioner's immediate release from ICE custody under reasonable conditions of supervision, if any conditions are deemed necessary;
- f) Award reasonable attorneys' fees and costs to the extent permitted by law; and
- g) Grant such other and further relief as this Court deems just and proper.

Dated: April 2, 2026

Respectfully submitted,

/s/ Alexis Ruiz

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