

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

ESMAEL HASSEN

A# [REDACTED]
Petitioner,

Civil Action No: _____

V.

TODD BLANCHE

Acting Attorney General;

MARKWAYNE MULLIN

Secretary of Department of
Homeland Security;

HOMER BRYSON

U.S. ICE Field Office Director For
The Middle District of Georgia
Field Office;

JASON STREEVAL

Warden at Stewart Detention Center,

Respondent(s).

PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241, BY A PERSON
SUBJECT TO INDEFINITE IMMIGRATION
DETENTION.

Petitioner, ESMAEL HASSEN, hereby petitions this Court for a Writ of Habeas Corpus to remedy petitioner's unlawful detention by Respondents, and to enjoin Petitioner's continued unlawful detention by the Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

BACKGROUND

Petitioner is a Citizen of Ethiopia. Detained and in the Custody of DHS/ICE in the United States, but has been **ordered removed** to Ethiopia by an Immigration judge on 10-09-2025. Petitioner's removal order is Final, but the petitioner cannot be removed to Ethiopia, thus Petitioner remains detained in DHS/ICE custody, and has been confined for a period far longer than the law mandates AS HE HAS NOW BEEN DETAINED OVER 180-DAYS AFTER A FINAL ORDER OF REMOVAL.

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S Immigration and Customs Enforcement ("ICE"). Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia where DHS/ICE has contracted the institution to house Immigration detainees such as Petitioner. Petitioner is in the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, 28 U.S.C. § 2241(c)(1), and to the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, Art IX, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. § 1131, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, Laws; or treaties of the United States. See **Zadvydas v. Davis**, 533 U.S. 678, 688 (2001) (We conclude that § 2241 Habeas Corpus proceedings remain available as a form for statutory and constitutional challenges to post-removal-period detention.") INS v. St. Cyr, 533 U.S. 289, 301 (2001) ("**at its historical core, the writ of Habeas Corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest.**") Clark v. Martinez, 543 U.S. 371 (2005) (holding that **Zadvydas** applies to aliens found inadmissible as well as removable.)

VENUE

3. Venue lies in the Middle District of Georgia as the Petitioner is currently detained in the territorial jurisdiction of this Court, at the Stewart Detention Center in Lumpkin, Georgia. 28 U.S.C. § 1391.

EXHAUSTION OF REMEDIES

4. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action. After the Supreme Court decision in **Zadvydas**, the Department of Justice issued regulations governing the custody of aliens removed. See 8 C.F.R. § 241.4. Petitioner received a final order of removal on 10-09-2025, and was supposed to have a 90-day custody review after being detained on 01-08-2026 where DHS/ICE has decided to continue his detention without his presence or knowledge. **"NO DECISION WAS EVER MADE TO PETITIONER"**. DHS/ICE has never informed the Petitioner of anything **or/why** it decided to continue his detention.

Like in the case of **Zavvar v. Scott**, 2025 U.S. Dist LEXIS 175897 Respondents have not been able to obtain any travel documents or find a country to accept Petitioner, not to mention that he has never been given notice of which Country they have tried to get to accept him. He is entitled to **"Seek Fear based relief from that Country"**, which would require additional proceedings as well. **CF. Guzman Chavez**, 594 U.S. At 537. ICE's Headquarters Post-Order Detention Unit ("HQPDU") **has not** informed Petitioner that it would release or continue to keep him in custody even after Ethiopia has Denied to accept him back to Ethiopia. The custody review regulations do not provide for appeal from a HQPDU custody review decision. See 8C.F.R. § 241.4(d). **Especially when it has never been made or given to the Petitioner.**

5. No statutory exhaustion requirements apply to Petitioner claim of unlawful detention. Petitioner remains detained without any indication from the United States Government or the Government of Ethiopia that the Petitioner's repatriation is reasonably foreseeable.

PARTIES

6. Petitioner is a citizen of Ethiopia, detained and in the custody of DHS/ICE in the United States, but has been ordered removed to Ethiopia on 10-09-2025 by an immigration Judge. It is known

that Ethiopia will not accept Petitioner nor will it agree to repatriation in the reasonable foreseeable future.

7. Respondent Todd Blanche is the Acting Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, Mr. Blanche has ultimate custodial authority over the Petitioner.

8. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the (INA), as such, Mr. Mullin is the legal custodian of the Petitioner.

9. Respondent Homer Bryson is the ICE field office director for the Middle District of Georgia for the Stewart Detention Center in Lumpkin, Georgia field office of ICE and is Petitioner's immediate custodian, See Vasquez v. Reno, 233F.3d 688, 690 (1st Cir. 2000), cert. Denied, 122 S. Ct. 43 (2001).

10. Respondent Jason Streeval, Warden at the Stewart Detention Center in Lumpkin, Ga where the Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

STATEMENT OF FACTS

11. Petitioner was born in Ethiopia on [REDACTED] and fled the country to the United States, due to him being targeted because of his Political Opinion, and upon his arrival on 12-12-2023 applied for Asylum.

13. Petitioner agrees to the charge of "Entering the United States without Admission" which ultimately caused an order of removal to be lodged against him.

14. Since Petitioner's arrival in the United States, he has committed **no crime** and **has attended every ICE/ISAP program (check-in visits)** that was required of him and also **rendered his full cooperation with the ICE/ISAP Office** before his detention.

15. Petitioner should be released on supervision with this Habeas Corpus petition and is recognized by various Court's decisions and the instant case dated **October 2, 2025** under Perez v. Noem, 2025 U.S. Dist. LEXIS 195132. **11TH CIRCUIT** As the Respondents have not and will not obtain travel documents for him to go to Ethiopia or another Country in the reasonable foreseeable future, and this now becomes cruel and unusual punishment just for the sake of detention.

16. Petitioner was detained by DHS/ICE and brought to Stewart Detention Center where he has remained detained over 180-days after a final order has been issued.

17. As of today, ICE has been unable to remove the Petitioner to Ethiopia or any other Country. Petitioner knows for sure that Ethiopia will deny and has denied any and all request for travel documents. **(This has even been stated by his D.O. "That Ethiopia did not accept Petitioner")**.

18. Petitioner has cooperated fully with all efforts of ICE to remove Petitioner from the United States, even though all parties acknowledge that Ethiopia did not accept him back to Ethiopia.

19. Petitioner's most recent 90-day custody review under the review plan, 8C.F.R. §212.12 took place on 01-08-2026 and the 180-day review took place on 04-07-2026 without his presence or knowledge at which point the Petitioner still remains detained.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

20. In Zadvydas v. Davis, 533 U.S. 678(2001), the U.S. Supreme Court held that 8.U.S.C. §1231(a)(6), **when "read in light of the constitution's demands, limits an alien's post order removal detention to a period reasonable necessary to bring about the alien's removal from the United States."** 533 U.S. At 689. a **"Habeas Court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal."** Id. at 699 if the individual's removal **"is not reasonable foreseeable, the Court should hold continued detention unreasonable and no longer authorized by the statute."** Id. at 699-700. In Clark v. Martinez, 543 U.S. 371(2005), the U.S Supreme Court held that Zadvydas applies to aliens found inadmissible as well as removable.

21. In determining the length of a reasonable removal period, the Court adopted a "preemptively reasonable period of detention." **After 90 days**, DHS has the discretion to release the detainee under reasonable conditions of supervision which they have not. The Government bears the Burden of disproving an alien's **"good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future."** See Zhou v. Farquharson, 2001 U.S. Dist. LEXIS 18239, 2-3 (D. Mass. Oct. 19, 2001) (quoting and summarizing Zadvydas). Moreover, "for detention to remain reasonable, as the period of prior post-order removal grows, what counts as the reasonably foreseeable future conversely have to shrink." Zadvydas, 533 U.S. At 701. ICE's administration regulations also recognize that the HQPDU has a maximum six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonable foreseeable future. See 8C.F.R. §241.4(k)(2)(ii).

22. An alien who has been detained beyond the presumptive period should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. See Agbada v. John Ashcroft, 2002 U.S. Dist. LEXIS 15797(D. Mass. August 22, 2002) (Court **"will likely grant"** after ICE is **"unable to present document confirmation that the government has agreed to [petitioner's] repatriation."** Zhou, 2001 U.S. Dist. LEXIS 19050 at *7(W.D. Wash. February 28, 2002) (government's failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future).

CLAIMS FOR RELIEF **COUNT ONE** **STATUTORY VIOLATION**

23. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 22 above.

24. Petitioner's continued detention is unlawful and contravenes 8 U.S.C. §1231(a)(6) as interpreted by the Supreme Court in Zadvydas. Petitioner's 90-day statutory period of detention for continued removal efforts have passed as this is now his 2nd time going through a 90-day custody review process after being ordered removed by an Immigration Court and Judge on 10-09-2025,

MAKING IT OVER 180-DAYS DETAINED AFTER A FINAL ORDER OF REMOVAL.

25. Respondent's are unable to remove the Petitioner to Ethiopia, because there is no repatriation agreement between the United States and Ethiopia for Political Refugees such as the Petitioner. In the instance of Martinez, the Supreme Court held that the continued indefinite detention of someone like the Petitioner under such circumstances is unreasonable and not authorized by U.S.C§1231(a)(6).

COUNT TWO **SUBSTANTIVE DUE PROCESS VIOLATION**

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Petitioner's continued detention violates his right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. See e.g., Tam v. INS, 14 F. Supp. 2d. 1184(E.D. Cal 1998) (**Alien retains substantive due process rights**).

28. The due process clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government's interest. While Respondents would have an interest in detaining Petitioner's order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The United States Supreme Court in Zadvydas thus interpreted 8U.S.C. §1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interests to effect the alien's removal. See Kay v. Reno, 94 F. Supp. 2d. 546, 551 (M.D. Pa. 2000) (granting Writ of Habeas Corpus, because Petitioner's due process rights were violated, and noting that "**If deportation can never occur, the government's primary legitimate purpose in detention executing removal is nonsensical**"). Because Petitioner is unlikely to be removed to Ethiopia, his continued indefinite detention violates substantive due process.

29. "**Detention is now not driven by legitimate interest of removal at all, but rather detention for the sake of detention, motivated by animus towards, or ill will against the individual, or even a desire to inflict suffering.**" C.F. Riverside, 500 U.S. At 56.

30. If the non-citizen satisfies the initial burden "**which he clearly has**", then the Government "**must respond with evidence sufficient to rebut that showing.**" Id. If the Government fails to meet its burden, then the non-citizen must be released from detention. See Jennings v. Rodriguez, 583 U.S. 281, 299(2018).

COUNT THREE **PROCEDURAL DUE PROCESS VIOLATION**

31. Petitioner re-alleges and incorporates by reference paragraphs 1 through 30 above.

32. Under the Due Process Clause of the **Fifth Amendment**, an alien is entitled to a timely and meaningful opportunity to demonstrate that he/she should not be detained. Petitioner in this case has been denied that opportunity. **There is no administrative mechanism in place for the**

Petitioner to obtain a decision from a neutral arbiter or appeal a custody decision and that violates Martinez. See generally 8 C.F.R. §212.12. The custody review procedures for Ethiopians are constitutionally insufficient both as written and as applied. A number of Courts have identified a substantial bias within ICE towards the continued detention of aliens, raising the risk of erroneous deprivation to constitutionally high levels. See, e.g., Phan v. Reno, 56 F. Supp. 2d 1149, 1157 (W.D. Wash. 1999). ("INS does not meaningfully and impartially review the Petitioner's status."); St. John v. McElroy, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) ("Due to community and political pressure, INS, an executive agency, has though they have served their sentences, on the suspicion that they may continue to pose a danger to the community."); See also Rivera v. Demore, No. C99-3042 THE, 199WL521177, (N.D. Cal. Jul.13, 1999) (Procedural due process requires that aliens release determination be made by impartial adjudicator due to policy bias).

COUNT FOUR PROCEDURAL DUE PROCESS VIOLATION

33. Petitioner re-alleges and incorporates by reference paragraphs 1 through 32 above.

34. Respondent's failure to provide him with notice and an opportunity to be heard to contest his removal to a nation that is not his Country of origin violates the Due Process Clause, the Administrative Procedure Act ("APA"), 5 U.S.C. §§551-559, 701-706, and the INA and its implementing regulations.

Like Zavvar v. Scott, 2025 U.S. Dist. LEXIS 175897 the Petitioner in this case seeks an order directing Respondents to provide him with notice and an opportunity to contest removal to a third Country on the basis of fear or likelihood of persecution in such a third Country. If granted the Habeas relief, Petitioner asks that it be ordered just as the case of Alie v. Dept of Homeland Security, 2025 U.S. Dist. LEXIS 193793 that Respondents and all their Officers, agents, employees, attorneys, and persons acting on their behalf or in concert with them be prohibited from removing Petitioner to a third Country without a meaningful opportunity to be heard in reopened removal proceedings with hearing before an Immigration Judge.

The question as to whether Petitioner's detention is in violation of the Laws of the United States and the 4th and 5th Amendment is one for a Federal Habeas Court to hear. 28 U.S.C. §2241. Petitioner respectfully requests that this Court Order his Immediate release from Detention/Confinement at Stewart Detention Center located at 146 CCA Road, Lumpkin, GA 31815.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over the Matter;
2. Grant the Petitioner a Habeas Corpus directing the respondent to immediately release Petitioner from custody, under reasonable conditions of supervision;
3. Order respondent to refrain from transferring the Petitioner out of the jurisdiction of ICE Director's Jurisdiction for the Middle District of Georgia while the Petitioner remains in the Respondent's custody; and
4. Order Respondents and all their Officers, agents, employees, attorneys, and persons acting on their behalf or in concert with them be prohibited from removing Petitioner to a third Country without a meaningful opportunity to be heard in reopened removal proceedings with hearing before an Immigration Judge especially once released on supervision.
5. Grant any other form of relief this Court deems proper.

Signature: _____

[Handwritten Signature]
H2

Date: 04/13/2026

ESMAEL HASSEN
DETAINED A# 
Stewart Detention Center
146 CCA Road,
Lumpkin, GA 31815.

CERTIFICATE OF OATH

I swear under Penalty of Perjury that I am the Petitioner, 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 Persecution of Perjury.

Signature: _____

[Handwritten Signature]
Ho

Date: 04/13/2026

ESMAEL HASSEN
DETAINED A# 
Stewart Detention Center
146 CCA Road,
Lumpkin, GA 31815

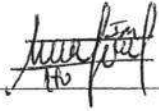
CERTIFICATE OF SERVICE

I swear, that a true and correct copy of the following Motion has been placed in the hands of an Institution Official to be furnished and forwarded by mail to the following parties listed below on

1. U.S. DISTRICT COURT
For the Middle District of Georgia
Columbus Division
P.O. BOX 124
Columbus, GA 31902

2. Office Of Chief Counsel DHS/ICE
Stewart Detention Center
146 CCA Road,
Lumpkin, GA 31815

Signature: _____



Date: 04/13/2026

ESMAEL HASSEN
DETAINED A# 
Stewart Detention Center
146 CCA Road,
Lumpkin, GA 31815.