

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

IBRAHIM ABDULKAREEM,

Petitioner,

v.

JASON STREEVAL, Warden, Stewart
Detention Center; **KRISTEN SULLIVAN**
Acting Director of Atlanta U.S. Immigration
and Customs Enforcement;
MARKWAYNE MULLIN, Secretary of
the U.S. Department of Homeland Security;
and **TODD BLANCHE**, Acting Attorney
General of the United States, in their official
capacities,

Respondents.

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

Case No. _____

INTRODUCTION

1. Petitioner, Ibrahim Abdulkareem (A ) is a citizen of Nigeria and applicant for adjustment of status to permanent residence based upon his marriage to a United States Citizen, who has been lawfully residing in the U.S. since 2021. He was apprehended and detained by Department of Homeland Security (“DHS”) agents at his home on March 19, 2026 in Atlanta, Georgia in a widescale immigration enforcement action.
2. Petitioner has been detained without reasonable suspicion, without an arrest warrant, in clear violation of immigration regulations and due process.
3. Petitioner is a longstanding and contributing member of his community and has substantial family and academic ties to the United States including a

home, a school, and a U.S. citizen spouse, making his risk of flight highly unlikely.

4. Petitioner is currently detained at the United States Penitentiary Atlanta, also known as “FCI Atlanta” at 601 McDonough Blvd SE, Atlanta, GA 30315. FCI Atlanta houses detainees on behalf of U.S. Immigration and Customs Enforcement (“ICE”).
5. Petitioner is now the subject of pending removal hearing. He has a hearing scheduled for April 14, 2026 before Immigration Judge Bianca Brown of the Lumpkin Immigration Court in Lumpkin, Georgia.
6. Petitioner was arrested in his home by ICE officers on March 19, 2026.

JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United States Constitution Article I, Section 9 (Suspension Clause) and 5 U.S.C. § 701 et seq. (Administrative Procedure Act).
8. Venue properly lies within the Northern District of Georgia under 28 U.S.C. § 1391, because this is a civil action in which Respondents are agencies of the United States, Petitioner is detained in this District, and a substantial part of the events or omissions giving rise to this action occurred in the District.

PARTIES

9. Petitioner Ibrahim Abdulkareem resides in Atlanta, Georgia and is currently detained at the Stewart Detention Center in Lumpkin Georgia, a private detention center contracted to hold noncitizen detainees on behalf of ICE.
10. Respondent Jason Streeval is the Warden of Stewart Detention Center, and he has immediate custody of Petitioner pursuant to the facility’s contract with

U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Streeval is the physical and legal custodian of Petitioner.

11. Respondent Kristen Sullivan is sued in her official capacity as the Acting Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement which has jurisdiction over FCI Atlanta. Respondent Sullivan is a legal custodian of Petitioner and has authority to release him.
12. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (“DHS”). In this capacity, Respondent Mullin is responsible for the implementation and the enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention. Respondent Mullin is a legal custodian of Petitioner.
13. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In that capacity he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodia of Petitioner.

FACTUAL BACKGROUND

14. Petitioner, Ibrahim Abolaji Abdulkareem, a national and citizen of Nigeria, first entered the United States on August 13, 2021 as a nonimmigrant student authorized to remain in the country until May 31, 2023. See Exhibit 1, USCIS Form I-20. Petitioner was enrolled and attended a Master’s program at Ashland University in Ashland, Ohio.

15. On September 24, 2022, Petitioner married his wife, Ms. Alexia Abonelle Brewster, who is a United State Citizen. See Exhibit 2, Marriage Certificate.
16. On March 3, 2023, Petitioner's wife filed the United States Citizenship and Immigration Service (hereinafter "USCIS") Form I-130, Petition for Alien Relative on his behalf, and Petitioner concurrently filed Form I-485, Application for Adjustment of Status, along with Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records. USCIS acknowledged receipt of the I-130, I-485, and I-131 through receipt numbers [REDACTED], [REDACTED], and [REDACTED], respectively. See Exhibit 3, I-130 Receipt Notice, I-485 Receipt Notice, I-765 approval notice and I-512L Approval Notice.
17. On March 15, 2024, Petitioner was granted Form I-512L, Authorization for Parole of an Alien Into The United States. See Exhibit 3, I-512L Approval Notice. Petitioner traveled on this advanced parole while his I-130 and I-485 continued pending. See Id. He was allowed to reenter the U.S. lawfully under granted advance parole on September 6, 2024, April 20 2025, May 4, 2025, and most recently on October 22, 2025. Upon arrival to the United States, Petitioner was granted parole into the United States to lawfully continue to pursue his application for adjustment of status. Id.
18. Petitioner's Application for Adjustment remains pending with USCIS and pursuant to the Immigration and Nationality Act is allowed to lawfully remain in the United States while his application is pending. See Exhibit 4, USCIS Case Status.
19. On March 19, 2026, Petitioner received a phone call from DHS officers letting him know they were at his [REDACTED] residence for a "home check" in relation to his pending adjustment of status application. He opened the door to the officers and rather than asking him

about details regarding his marriage to his US Citizen spouse, he was asked questions and shown photographs of individuals pertaining to alleged fraudulent activities near Atlanta. Petitioner was unable to identify the various person(s) in the photographs and informed the officers. Due to Petitioner's inability to identify anyone, the DHS offices accused him of being uncooperative and detained him.

20. Petitioner is currently in ICE custody and was initially housed at the United States Penitentiary Atlanta, also known as "FCI Atlanta" at 601 McDonough Blvd SE, Atlanta, GA 30315, but has now been transferred to Stewart Detention Center in Lumpkin, Georgia. See Exhibit 5, ICE Detainee Locator.
21. The Department of Homeland Security has initiated removal proceedings, and he has a hearing scheduled before the Lumpkin Immigration Court in Lumpkin Georgia on April 30, 2026. See Exhibit 6, EOIR Notice of Hearing.
22. Petitioner's US Citizen Spouse and other family continues to reside in Atlanta, Georgia. Petitioner has substantial family ties in the U.S. including a U.S. citizen spouse, making his removal not only unlikely but also unnecessary for DHS's stated enforcement priorities.
23. Upon the filing of this instant Habeas Corpus Petitioner, Petitioner potentially faces imminent transfer outside of this judicial district and other possible dilatory tactics by Respondents.

LEGAL BACKGROUND

Habeas Corpus Actions for Immigration Detention

24. Federal courts have long recognized habeas jurisdiction to review the lawfulness of immigration detention. INS v. St. Cyr, 533 U.S. 289, 301 (2001).
25. The Fifth Amendment to the Constitution of the United States guarantees due process to individuals in the United States. Furthermore, the government may

not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment- from government custody, detention, or other form of physical restraint-lies at the heart of the liberty that the Clause protects.” Zadvydas v. Davis, 533 U.S. 678, 690, 121 S. Ct. 2491, 150 L.Ed.2d 653 (2001). Furthermore, the Fifth Amendment requires the Government to provide individuals with notice, an opportunity to be heard and an individualized assessment of flight risk or public safety risk prior to detaining them when they are lawfully present in the United States pursuant to the Immigration and Nationality Act.

26. The Fourth Amendment to the Constitution of the United States prevents unreasonable and unlawful seizure. Furthermore, 8 U.S.C. § 1357(a)(2) limits the authority of Immigration Agents to arrest individuals without a warrant and states as follows:

(a) Powers without warrant. Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—

(1) to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;

(2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;

27. Immigration detention is permissible only so long as it is reasonably related to the purpose of effectuating removal. Zadvydas v. Davis, 533 U.S. 678, 699 (2001).

28. The Immigration and Nationality Act (“INA”) prescribes three basic forms of detention for noncitizens in removal proceedings.
29. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (“IJ”). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
30. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2). Furthermore, the Board of Immigration Appeals has held, “According to the regulations, an Immigration Judge has no authority over the apprehension, custody, and detention of arriving aliens and is therefore without authority to consider the bond request of an alien returning pursuant to a grant of advance parole.” Matter of Oseiwusu, 22 I&N Dec. 19 (BIA 1998).
31. Lastly, the Act also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231 (a)-(b).

Adjustment of Status Under the INA

32. The Form I-485 Application for Adjustment of Status is a request to become a lawful permanent resident. *See Freeman v. Gonzales*, 444 F.3d at 1033. An immigrant visa must be immediately available to an alien in order to qualify for adjustment of status. *Id.* Without an approved Form I-130 petition, an immigrant visa is not immediately available and USCIS cannot adjudicate the Form I-485 application. USCIS has sole jurisdiction of the adjudication of I-130 Petitions. 8 CFR § 204.2(a). Therefore, once a non-citizen is in removal

proceedings, they are at the mercy of USCIS adjudication backlogs¹ before the Immigration Court can adjudicate the adjustment of status application.

33. However, In the context of marriage to a US citizen eligible for adjustment of status in the I-130 petition and I-485 application are filed concurrently. If the Form I-130 petition is approved and the Form I-485 Application for Adjustment of Status is granted, then the alien is afforded permanent residence status.
34. In general, to apply for Adjustment of Status, an individual must demonstrate that he or she has been “inspected and admitted or paroled into the United States.” See 8 U.S.C. § 1255(a).
35. Finally, the applicant must demonstrate admissibility to the United States, i.e., that he or she either is not subject to an enumerated ground of inadmissibility set forth in 8 U.S.C. § 1182 or qualifies for a waiver of any such ground. Id.

*Issuance of Employment Authorization and Advance Parole During
Pendency of Adjustment of Status Applications*

36. Applicants for adjustment of status are eligible to obtain employment authorization while their applications are pending with USCIS. Pursuant to 8 C.F.R. § 274a.12(c)(9), an alien who has filed an application for adjustment of status to lawful permanent resident pursuant to 8 C.F.R. § 245, must apply for work authorization while his or her properly filed Form I-485 application is pending final adjudication, absent current employment authorization granted prior to the filing of the adjustment application.
37. Furthermore, pursuant to 8 C.F.R. § 1245.21(i), an alien may travel abroad while an application to adjust status is pending. Applicants must obtain

¹ Currently according to the USCIS website I-130 petitions are taking 48.5 months to adjudicate. See <https://egov.uscis.gov/processing-times/home>

advance parole in order to avoid the abandonment of their application to adjust status. An applicant may obtain advance parole by filing Form I-131, Application for a Travel Document, along with the application fee listed in 8 C.F.R 103.7 and 8 C.F.R part 106. If DHS approves Form I-131, the alien will be issued Form I-512, Authorization for the Parole of an Alien into the United States. See also, 8 CFR § 245.2(a)(4)(ii)(B) “The travel outside of the United States by an applicant for adjustment who is not under exclusion, deportation, or removal proceedings shall not be deemed an abandonment of the application if he or she was previously granted advance parole by the Service for such absences.”

CLAIMS FOR RELIEF

COUNT ONE

Denial of Due Process Under the Fifth Amendment to the US Constitution

38. The allegations in the above paragraphs are hereby realleged and incorporated herein.
39. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Amend. V. “Freedom from imprisonment-from government custody, detention, or other form of physical restraint-lies at the heart of the liberty that the Clause protects.” Zadvydas v. Davis, 533 U.S. 678, 690, 121 S. Ct. 2491, 150 L.Ed.2d 653 (2001).
40. Petitioner, who entered the country legally as a student, had married a United States Citizen and lawfully applied for adjustment of status to that of a lawful permanent resident. DHS had accepted his application for adjustment and had issued him work authorization and advance parole, and had allowed him to leave and return to the United States several times, the last time being in January 19, 2026. Therefore, Petitioner was lawfully residing in the United

States based upon his pending adjustment of status application based upon the I-130 petition filed by his U.S. citizen spouse and had been given permission by DHS to leave and return to the U.S. numerous times.

41. On March 19, 2026 DHS Officers came to Petitioner's house claiming to want ask him questions regarding his marriage to his U.S. citizen spouse and then detained him after accusing him of being non-cooperative when he did not recognize certain individuals that they asked him about. DHS Officers had no legitimate basis to detain Petitioner when he was lawfully present in the United States pursuant to advance parole granted to him by DHS to pursue his adjustment of status application.
42. The DHS Officers did not provide him with the required due process including a notice, a basis for his detention and/or revocation of his parole in the United States, an opportunity to be heard, an individualized assessment of his danger to the community and risk of flight, as is required by the Fifth Amendment to the US Constitution.
43. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Unreasonable Search and Seizure in Violation of the Fourth Amendment

**And Arrest without a Warrant in Violation of the Immigration and
Nationality Act**

44. The allegations in the above paragraphs are hereby realleged and incorporated herein.
45. When DHS Officers arrested Petitioner on March 19, 2026 they arrested him without a warrant and clearly and unequivocally failed to comply with 8 U.S.C. § 1357(a)(2). Specifically, Petitioner was lawfully in the United States pursuant to lawful admission as a student and then subsequently lawfully allowed to remain in the United States pursuant to his marriage to a U.S. Citizen, who had petitioned for him and he had filed an application for adjustment of status which allowed him to lawfully remain in the United States while said adjustment application is pending. Furthermore, DHS has allowed him to re-enter the United States in order to continue pursuing said application for adjustment of status.
46. The aforementioned actions constituted a violation of the Fourth Amendment to the U.S. Constitution as it was an unreasonable search and seizure, as well as a violation of 8 U.S.C. § 1357(a)(2).

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an order for Respondents to show cause pursuant to 28 U.S.C. § 2243 as to why the instant Petition should not be granted;
- (3) Declare that Petitioner is detained in violation of law;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from Stewart Detention Center;
- (5) Enjoin Respondents from transferring Petitioner outside of this judicial district during the pendency of these Habeas Corpus proceedings;
- (6) Enjoin Respondents from re-detaining and/or removing Petitioner from the United States without procedures for removal identified in the Immigration and Nationality Act.
- (7) Award Petitioner attorney's fees and costs under Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,

This 20th day of April, 2026.

THE FOGLE LAW FIRM, LLC

/S/ H. Glenn Fogle, Jr.

by: H. Glenn Fogle, Jr.

Georgia Bar. No. 266963

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, the undersigned, H. Glenn Fogle, Jr., represent Petitioner, Ibrahim Abdulkarim, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 20th day of April, 2025.

A handwritten signature in black ink, appearing to be 'H. Glenn Fogle, Jr.', written over a horizontal line.

by: H. Glenn Fogle, Jr.
Georgia Bar. No. 266963

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