

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

AHMAD DANHAN MOUDABBEIS,

Petitioner,

v.

JASON STREEVAL, *in his official capacity as
Warden of Stewart Detention Center;*
KRISTEN SULLIVAN, *in her official capacity
as Acting Field Office Director of Immigration
and Customs Enforcement, Enforcement and
Removal Operations Atlanta Field Office;*
MARKWAYNE MULLIN, *in his official
capacity as Secretary of Homeland Security;*
and TODD BLANCHE, *in his official capacity
as Acting Attorney General of the United States,*

Respondents.

Case No. 4:26-cv-788

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Ahmad Danhan Moudabbeis (“Mr. Danhan” or “Petitioner”) is forced to file this habeas petition to obtain the bond hearing he is entitled to under 8 U.S.C. § 1226(a) because of Respondents’ unlawful and unprecedented policy to mandatorily detain any immigrant who is alleged to have entered the United States (“U.S.”) without inspection – including people who have resided in the United States for many years.

2. Mr. Danhan is an asylum-seeker from Venezuela who has been living in the U.S. since December 2021. U.S. immigration officials first detained him after he entered the U.S. without inspection with his family in December 2021. Those same officials later released Mr. Danhan on his own recognizance. Since arriving in the U.S., Mr. Danhan has gained lawful employment, has not been charged or convicted of any crime, and has appeared at all required check-in appointments with Immigration and Customs Enforcement (“ICE”).

3. Despite having a pending asylum application and no material changes in his circumstances since he was released into the U.S. at the border, ICE agents nevertheless detained Mr. Danhan on April 29, 2026, during a check-in at the ICE field office in Charlotte, North Carolina.

4. Had ICE detained Mr. Danhan before September 5, 2025 – indeed, at any time during the past three decades – he would have been entitled to seek a bond hearing before an Immigration Judge (“IJ”) under 8 U.S.C. § 1226(a) (Section 236(a) of the Immigration and Nationality Act (“INA”)). However, in a dramatic reimagining of the law, the Board of Immigration Appeals (“BIA”) issued a decision holding that an IJ has *no jurisdiction* to consider bond requests for any noncitizen who is “present in the United States without admission,” finding that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A). *Matter of Yajure*

Hurtado, 29 I. & N. Dec. 216, 220 (BIA 2025). Accordingly, Mr. Danhan is currently being subjected to mandatory detention due to ICE's and the BIA's erroneous interpretation of law (an interpretation that has been roundly rejected by habeas courts across the country).

5. This Court has already soundly rejected the BIA's flawed reasoning in numerous recent habeas decisions. *See, e.g., J.A.M. v. Streeval, et al.*, No. 4:25 CV 342 (CDL), 2025 WL 3050094, at *2-3 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

6. And yet, Respondents maintain their disingenuous interpretation of the law and keep Mr. Danhan needlessly detained hundreds of miles from his loved ones, without the opportunity to seek review of his custody before a neutral arbiter. To correct this injustice, this Court should grant this petition and order a bond hearing for Mr. Danhan as soon as practicable.

JURISDICTION

7. Mr. Danhan is in the physical custody of Respondents. Mr. Danhan is detained at the Stewart Detention Center ("Stewart") in Lumpkin, Georgia.

8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the judicial district in which Mr. Danhan currently is detained.

11. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Georgia.

PARTIES

12. Petitioner is a native and citizen of Venezuela and resident of North Carolina who is currently detained at Stewart in Lumpkin, Georgia.

13. Respondent Jason Streeval is the Warden of Stewart, a detention center operated privately by CoreCivic that contracts with ICE, via an intergovernmental services agreement with Stewart County, Georgia, to detain noncitizens. Warden Streeval oversees Stewart's administration and management. Warden Streeval is Petitioner's immediate custodian. He is sued in his official capacity.

14. Respondent Kristen Sullivan is the Acting Field Office Director ("FOD") for the ICE Atlanta Field Office. In that capacity, she is charged with overseeing Stewart, and she has the authority to make custody determinations regarding individuals detained there. Respondent Sullivan is a legal custodian of Petitioner. She is sued in her official capacity.

15. Respondent Markwayne Mullin is the Secretary of the DHS. He supervises ICE, an agency within DHS that is responsible for the administration and enforcement of immigration laws, and he has supervisory responsibility for and authority over the detention and removal of noncitizens throughout the United States. Secretary Mullin is the ultimate legal custodian of Petitioner. Respondent Mullin is sued in his official capacity.

16. Respondent Todd Blanche is the Acting Attorney General of the United States. As the Acting Attorney General, he oversees the Executive Office for Immigration Review ("EOIR"), including all IJs and the BIA. Respondent Blanche is sued in his official capacity.

STATEMENT OF FACTS

17. Mr. Danhan is a 22-year-old native and citizen of Venezuela and a resident of North Carolina. His father and an older sister were born in Syria, while he, his mother, and his older brother were all born in Venezuela.

18. Mr. Danhan fled Venezuela in December 2021 with his father and two siblings after suffering persecution based [REDACTED] Mr. Danhan was just over eighteen years old at the time.

19. Upon arriving at the U.S.-Mexico border with his family, Mr. Danhan entered the U.S. without inspection and surrendered himself to Border Patrol officials, who detained him and his family members and brought them to a processing center near Brownsville, Texas. Mr. Danhan and his family expressed fear of persecution or torture if they were returned to Venezuela.

20. Shortly thereafter, border officials issued Mr. Danhan a Notice to Appear (“NTA”), charging him as removable under 8 U.S.C. § 1182(a)(6)(A)(i) for being present in the United States without admission or parole. Ex. 1, NTA. The NTA stated that Mr. Danhan’s first immigration court hearing would take place on April 20, 2023. *Id.* Border officials then released Mr. Danhan and his family to come to North Carolina and continue their asylum process. Upon information and belief, border officials released Mr. Danhan on his own recognizance, pursuant to their discretionary authority under 8 U.S.C. § 1226(a). Neither Mr. Danhan nor his family have access to his Order for Release on Recognizance paperwork because ICE officials confiscated this paperwork when they most recently detained him.

21. Mr. Danhan and his family secured counsel to help them prepare and file their Form I-589 Application for Asylum and Withholding of Removal with the Charlotte Immigration Court.

Mr. Danhan timely filed his asylum application with the Charlotte Immigration Court on or around March 25, 2022.

?? Mr. Danhan obtained employment authorization and a Social Security number based on his pending asylum application. He found work in a restaurant and has paid income taxes. He lived peacefully in the Charlotte area for years with his father. He has no criminal charges or convictions anywhere in the world.

23. The Charlotte Immigration Court reset the initial hearing in Mr. Danhan's case multiple times. Mr. Danhan submitted written pleadings in that case on or around April 27, 2024, in which he denied the allegations in the NTA from 2021. Nevertheless, without resolving the issue of Mr. Danhan's removability (which is the Government's burden to establish by clear and convincing evidence), the Charlotte Immigration Court scheduled a final merits "individual" hearing on his asylum application for March 23, 2027. Ex. 2, Notice of Internet-Based Hearing.

24. When border officials released Mr. Danhan into the United States, they required him to wear an ankle monitor. He was also required to attend regular check-ins at the ICE ERO Field Office in Charlotte, North Carolina, as well as with the ISAP office (the private contractor that administers ICE's "Alternatives to Detention" program). Mr. Danhan also had to check-in over the phone on a regular basis. After Mr. Danhan complied with all reporting requirements for around nine months, ICE removed his ankle monitor and reduced his check-in frequency to once per year. Mr. Danhan has not missed any required check-ins with ICE since then.

25. On April 29, 2026, Mr. Danhan reported to the ICE ERO Field Office in Charlotte, North Carolina. However, this time, ICE officials detained Mr. Danhan. When he asked why they were detaining him, the ICE officials stated that he had entered without inspection and they wanted to accelerate his asylum case.

26. Following his detention, ICE took Mr. Danhan to Stewart, hundreds of miles away from his loved ones.

27. Mr. Danhan's next immigration court hearing is now scheduled for May 19, 2026, in the Stewart Immigration Court.

28. If he is not released on bond, Mr. Danhan will be forced to proceed with an expedited adjudication of his asylum application before an Immigration Judge, likely in the next six weeks, approximately. Because he is so far from his family and community in North Carolina, it is unclear whether his family members will be able to testify in support of his asylum hearing at the Stewart Immigration Court. His detention is also hampering his ability to communicate with his immigration counsel in preparation for the soon-to-be-scheduled asylum hearing.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA and the APA

29. Mr. Danhan incorporates the preceding paragraphs as if fully set forth herein.

30. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are present without having been admitted or paroled. By its very terms, it applies only to those noncitizens who are apprehended while they are applying for admission near the border or at a port of entry. For those like Mr. Danhan, detention must be pursuant to § 1226(a), unless they are subject to § 1226(b)(1) § 1226(c), or § 1231.

31. Mr. Danhan cannot be subject to mandatory detention under § 1225(b)(1), because he does not meet the criteria for Expedited Removal. *See Make the Road New York v. Noem*, No. 25-190, 2025 WL 2494908, at *23 (D.D.C. Aug. 29, 2025).

32. Mr. Danhan cannot be subject to mandatory detention under § 1225(b)(2), including because, as a person already present in the United States, he is not currently "seeking admission"

to the United States. *See, e.g., J.A.M.*, 2025 WL 3050094, at *2-3.

33. Mr. Danhan cannot be subject to mandatory detention under § 1226(c), including because he has not been convicted of any crime that triggers such detention. *See Demore v. Kim*, 538 U.S. 510, 513-14, 531 (2003) (allowing mandatory detention under § 1226(c) for brief detention of persons convicted of certain crimes and who concede removability).

34. Since Mr. Danhan is not “seeking admission,” nor is he an “arriving alien[s]” subject to § 1225(b), and nor does he have disqualifying criminal arrests or convictions subjecting him to § 1226(c), he is, accordingly, entitled to a bond hearing by an immigration judge pursuant to § 1226(a). The application of § 1225(b)(2) to Mr. Danhan unlawfully mandates his continued detention and violates the INA by depriving him of his rights under § 1226(a).

35. Mr. Danhan is *prima facie* eligible for a grant of release, as he has never been convicted of any crime and maintains strong community ties in the United States.

36. To the extent that Respondents assert that *Matter of Yajure Hurtado* nevertheless requires Mr. Danhan’s mandatory detention, the BIA’s interpretation in that case is *ultra vires* and in conflict with the careful balance of factors clearly established in the INA with regard to bond eligibility and is not subject to deference by this Court. *See Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

37. Respondents’ denial of Mr. Danhan’s bond eligibility also violates the Administrative Procedure Act (“APA”), as it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; and in excess of statutory jurisdiction, authority, or limitations, or short of statutory right. 5 U.S.C. § 706(2)(A)-(C).

COUNT II

Violation of Substantive Due Process

38. Mr. Danhan incorporates the preceding paragraphs as if fully set forth herein.

39. The Due Process Clause's guarantee to substantive due process prohibits the government from infringing upon certain "fundamental" liberty interests, "unless the infringement is narrowly tailored to support a compelling government interest." *Reno v. Flores*, 507 U.S. 292, 302 (1993). It applies to "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

40. The Government's interest in detaining a noncitizen during removal proceedings is limited to ensuring appearance and protecting the community. *See Demore v. Kim*, 538 U.S. 510, 531 (2003). Indefinite detention without an individualized determination is punitive and arbitrary, violating substantive due process. *Zadvydas*, 533 U.S. at 690. Here, Mr. Danhan's detention is not based on any individualized finding of flight risk or dangerousness. It is based solely on an erroneous legal classification (as an "applicant for admission") and ICE's stated desire to "accelerate" the adjudication of his asylum application. His detention is thus not "narrowly tailored to support a compelling government interest," *Flores*, 507 U.S. at 302, and is therefore substantively unreasonable and unconstitutional.

41. To that end, immediate release, with all personal property, would be an appropriate remedy for Respondents' constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Mr. Danhan's arrest, which cannot be remedied by a post-deprivation hearing. *See Muev v. O'Neill*, No. 2:25-cv-07172-JMG, ECF No. 4 at *1 n.1 (E.D. Pa. Jan. 13, 2026) (granting immediate release after finding mandatory detention without the

opportunity for a bail hearing unlawful); *Alfaro Herrera v. Baltazar*, No. 1:25-CV-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (given that petitioner had been previously released to the community and holding a bond hearing would prolong his unlawful detention, “[r]espondents’ violations of Petitioner’s rights are best remedied by ordering Petitioner’s immediate release from immigration detention.”); *Crespo Tacuri v. Genalo*, No. 1:25 CV 06896, 2026 WL 35569, at */ (E.D.N.Y. Jan. 6, 2026) (ordering release, finding that post-deprivation review cannot remedy the due process violation of detaining petitioner with no process or individualized assessment); *Qasemi v. Francis*, No. 1:25 CV 10029, 2025 WL 3654098 at *14, (S.D.N.Y. Dec. 17, 2025) (a bond hearing would not be an adequate remedy for the due process violations in petitioner’s sudden arrest and detention); *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1036 (N.D. Cal. July 2025) (ordering immediate release and granting preliminary injunction against re-detention, finding “re-detention without a pre-detention hearing before a neutral decisionmaker is likely unconstitutional.” (internal quotations omitted));

42. Where detention is unlawful and no constitutionally adequate hearing has been provided, continued custody cannot stand. *Roshniashvili v. Allen*, No. 2:26-CV-93, 2026 WL 446657, at *8 (S.D.W. Va. Feb. 17, 2026) (finding the proper remedy for unlawful detention to be immediate release, noting that “there is little chance the Government would actually hold a bond hearing, and there is no chance any hearing that occurred would comport with due process.”) (citing *Briceno Solano v. Mason*, No. 2:26-CV-45, 2026 WL 311624, at *20 (S.D.W. Va. Feb. 4, 2026)); *Larrazabal-Gonzalez v. Mason*, No. 2:26-CV-49, 2026 WL 221706, at *5 (S.D.W. Va. Jan. 28, 2026) (“There is no process to await. The Constitution requires release.”); *Moctezuma Macias v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that Government’s repeated use of unlawful detention policies across the country caused

petitioners to “sit in jail waiting for a judicial decision,” ordering immediate release instead of causing additional delay with a bond hearing). The Government’s failure to provide Mr. Danhan with a pre-detention hearing cannot now be adequately remedied through provision of a post-detention hearing. This fact renders immediate release—or in the alternative, immediate release pending a bond hearing—the only means by which the deprivation of due process suffered by Mr. Danhan might now be remedied.

43. The Government violates Mr. Danhan’s rights to substantive due process by continuing his detention without opportunity to seek administrative review of his custody. His rights continue to be violated every day that he remains detained in this manner.

COUNT III

Violation of Procedural Due Process

44. Mr. Danhan incorporates the preceding paragraphs as if fully set forth herein.

45. “In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987).

46. This fundamental principle of our free society is enshrined in the Fifth Amendment’s Due Process Clause, which specifically forbids the Government to “deprive[] any person ... of liberty ... without due process of law. U.S. Const. Amend. V.

47. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

48. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas*, 533 U.S. at 690. The Supreme Court has “repeatedly recognized that civil commitment for any purpose

constitutes a significant deprivation of liberty that requires due process protection,” including an individualized detention hearing. *Addington v. Texas*, 441 U.S. 418, 425 (1979) (collecting cases); *see also Salerno*, 481 U.S. at 755 (requiring individualized hearing and strong procedural protections for detention of people charged with federal crimes); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (same for civil commitment for mental illness); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997) (same for commitment of sex offenders).

49. Respondents’ policy, as implemented through *Matter of Yajure Hurtado*, categorically denies Mr. Danhan a bond hearing, as required by law. Respondents’ outright refusal to provide any process whatsoever to determine the necessity of Mr. Danhan’s detention is a *per se* violation of procedural due process. *See, e.g., Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232 (3d Cir. 2011) (“At its core, procedural due process guarantees an opportunity to be heard at a meaningful time and in a meaningful manner.”); *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (“the Constitution requires some kind of a hearing before the State deprives a person of liberty of property”). By instructing IJs that they lack jurisdiction to consider bond for individuals like Mr. Danhan, Respondents have deprived him of the most basic procedural safeguard—a hearing. This is the antithesis of due process.

50. Due process requires a meaningful opportunity to be heard before a neutral decision-maker. To ensure that Mr. Danhan receives a fair bond hearing, he asks this Court to impose three sets of procedures consistent with due process: 1) that he be released immediately, with all personal property, pending a future bond hearing for which he can adequately prepare from outside detention; 2) that the Government bear the burden of proof by clear and convincing evidence at the bond hearing; and 3) that, if the Immigration Judge determines that bond is required to ensure Mr. Danhan’s future appearance, that the Immigration Judge explicitly consider Mr.

Danhan's ability to pay when setting bond and also the availability of alternatives to detention, such as electronic monitoring, to mitigate any potential flight risk.

51. Under the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), categorically denying Mr. Danhan an individualized review of his custody based on *Matter of Yagure Hurtado* violates procedural due process for several reasons, including but not limited to:

a. Mr. Danhan's private interest in freedom from imprisonment weighs heavily. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) ("the most significant liberty interest there is the interest in being free from imprisonment). Every additional day of detention inflicts significant and irreparable harm on his health, well-being, and ability to assist in his own defense. His ongoing removal proceedings in immigration court, proceeding on an expedited basis while he is detained, makes the deprivation of liberty and the obstruction of his legal preparation especially acute and unjustifiable. Mr. Danhan was detained without any pre-detention determination as to whether he posed a flight risk or any risk of dangerousness, and without any material change in circumstances triggering his sudden arrest and detention; rather, "it appears [Mr. Danhan] was detained simply because" he was readily identified by Respondents as a noncitizen in the process of petitioning for [] a legal means to remain in the United States." *Hyppolite v. Noem*, No. 25-cv-4304, 2025 WL 2829511, at *34-35 (E.D.N.Y. Oct. 6, 2025).

b. The risk of erroneous deprivation of liberty is extremely high, as Respondents' new interpretation of immigration detention provisions categorically deprives individuals such as Mr. Danhan from the opportunity to prove, as required by the INA, that bond is appropriate. Mr. Danhan is precisely the type of individual for whom discretionary release under § 1226(a) was designed: non-dangerous individuals who are not flight risks because

of their community ties. “[t]he purpose of a bond hearing employed when the government seeks to exercise its discretion in detaining a noncitizen under § 1226(a) is to provide procedures which will better ensure that people who are, in fact, a risk of flight or danger to the community are the people [who] are ultimately detained.” *Id.*

c. The administrative burden on the Government is low, as until Respondents’ abrupt re-interpretation of the INA in *Matter of Yajure Hurtado*, for decades, IJs regularly conducted individualized bond hearings for individuals like Mr. Danhan. His detention is, as this Court has recognized, not authorized by § 1225, and its continuation sans individualized review serves no legitimate purpose as such. *See Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 495–96 (S.D.N.Y. 2025) (“The Attorney General’s discretion to detain individuals under 8 U.S.C. § 1226(a) is valid where it advances a legitimate governmental purpose such as ensuring the appearance of aliens at future immigration proceedings and preventing danger to the community.”) (cleaned up). The Government lacks an interest in the erroneous detention of individuals who do not pose a danger or flight risk. The cost of continued detention necessarily exceeds many times over the cost of providing a pre-detention hearing. Furthermore, while the Government has an interest in the efficient administration of immigration laws, nothing prevents them from so administering the law whilst simultaneously affording individuals, like Mr. Danhan, with their core due process right of notice and an opportunity to be heard relative to their detention. *Id.*

d. Finally, the Government has little, if any, legitimate interest in detaining an individual like Mr. Danhan who has no criminal record to speak of and has demonstrated through years of compliance with ICE’s reporting requirements that he is not a flight risk.

52. Mr. Danhan's continued detention, without an opportunity for individualized review, is accordingly unlawful and violative of his constitutionally protected rights.

COUNT IV

Access to Records

53. Mr. Danhan incorporates the preceding paragraphs as if fully set forth herein

54. Mr. Danhan also requests that the Court order Respondents to produce all records relating to decisions on his arrest and detention held by Respondents, both in 2021 and in 2026, including, but not limited to, DHS Form I-286, Notice of Custody Determination, DIIS Form I-220A, Order of Release on Recognizance, and all other records bearing upon the "true cause of the [petitioner's] detention," 28 U.S.C. § 2243, as part of their response to the petition. *See* 28 U.S.C. § 2247 ("On application for a writ of habeas corpus documentary evidence, transcripts of proceedings upon arraignment . . . shall be admissible in evidence."); *Harris v. Nelson*, 394 U.S. 286, 292 (1969) ("[T]he power of inquiry on federal habeas is plenary.") (punctuation and citation omitted).

55. Review of these records would be directly relevant and probative to the Court's inquiry into Mr. Danhan's statutory and constitutional claims, and production of these records would be a minimal burden on Respondents. At a minimum, Respondents are far better positioned to provide this evidence. *See Harris*, 394 U.S. at 291 ("[T]his Court has emphasized, taking into account the office of the writ and the fact that the petitioner, being in custody, is usually handicapped in developing the evidence needed to support in necessary detail the facts alleged in his petition . . .").

56. The existence (or nonexistence) of records regarding Respondents' custody determination, legal justifications, and factual basis for Mr. Danhan's arrest and detention are all

directly relevant to their claims in this petition for habeas corpus. *See Harris*, 394 U.S. at 300 (“[W]here specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is confined illegally and is therefore entitled to relief, it is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry.”).

PRAYER FOR RELIEF

WHEREFORE, Mr. Danhan prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order, under the All Writs Act, 28 U.S.C. § 1651, that Petitioner shall not be transferred outside of this jurisdiction while this habeas petition is pending;
- c. Issue an Order requiring Respondents to show cause within three days why this Petition should not be granted;
- d. Declare that Petitioner’s detention is unlawful, that he is not an applicant for admission “seeking admission” or “an arriving alien” subject to 8 U.S.C. § 1225(b);
- e. Declare that Respondents’ actions, as set forth herein, violate the INA, APA, and Petitioner’s substantive and procedural due process rights;
- f. Declare that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);
- g. Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner, with all personal property, outright, or, in the alternative, release Petitioner pending a bond hearing pursuant to 8 U.S.C. § 1226(a), at which Respondents bear the burden of demonstrating Petitioner’s dangerousness and flight risk and the Immigration Judge must explicitly consider Mr. Danhan’s ability

to pay any bond set and the availability of alternatives to detention, such as electronic monitoring;

- h. Order Respondents to produce all records relating to decisions on Petitioner's arrest and detention held by Respondents, including but not limited to DHS Form I-286, Notice of Custody Determination, DHS Form I-220A Order of Release on Recognizance, and all other records bearing upon the "true cause of Petitioner's detention";
- i. Issue appropriate injunctive relief; and
- j. Award Mr. Danhan attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- k. Grant any other and further relief that this Court deems just and proper.

DATED this 6th day of May, 2026.

Respectfully submitted,

/s/ F. Evan Benz

F. Evan Benz
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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT
TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: May 6, 2026

Respectfully submitted,

/s/ F. Evan Benz

Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system, which will send a notice of electronic filing (NEM) to the U.S. Attorney's Office for the Middle District of Georgia.

Dated: May 6, 2026

Respectfully submitted,

/s/ F. Evan Benz

Pro Bono Counsel for Petitioner
