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

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

YADER FRANCISCO LOPEZ MONCADA
A-[redacted]

Petitioner

v.

Jason Streeval, Warden, Stewart Detention Center
David Venturella, Director of ICE
Todd Blanche, Attorney General

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

Case No. 4:26-cv-1078-CDL-CHW
(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: YADER FRANCISCO LOPEZ MONCADA
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: STEWART DETENTION CENTER
   (b) Address: 146 CCA ROADNALUMPKIN, GA 31815
   (c) Your identification number: [redacted]
3. 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)

☐ 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. DEPARTAMENT OF HOMELAND SECURITY (DHS) STEWART DETENTION CENTER, 46 CCA ROADNALUMPKIN, GA 31815

(b) Docket number, case number, or opinion number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
I am challenging my unlawful arrest and detention by ICE agents on July 4, 2026, while I was leaving my home to go to work. I was violently removed from my vehicle and detained without a warrant. My appeal of the denial of my asylum application is currently pending before the Board of Immigration Appeals (BIA), appeal 6 march, 2026.

(d) Date of the decision or action: 07/04/2026

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: I have not requested a bond hearing because my immigration court case is currently closed, as jurisdiction over my case rests with the Board of Immigration Appeal (BIA) due to my pending appeal.

8. **Second appeal**

After the first appeal, did you file a second 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 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: There was no second appeal to further appeal from, as no administrative remedy was available given the closure of my immigration court proceedings.

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

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: 07/04/2026

(b) Date of the removal or reinstatement order: 02/11/2026

(c) Did you file an appeal with the Board of Immigration Appeals?

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: 03/06/2026

(2) Case number: [redacted]

(3) Result: Pending

(4) Date of result:

(5) Issues raised: Whether the Immigration Judge erred in denying my application for asylum, withholding of removal, and protection under the Convention Against Torture.

(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:

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: My continued detention without a bond hearing violates my right to due process under the Fifth Amendment to the United States Constitution.

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

I have been detained since July 4, 2026, with no bond hearing available because my immigration court case is close while my appeal is pending before the BIA. I have a pending, good-faith appeal challenging the denial of my asylum application. I am not subject to a final order of removal. My prolonged detention without any opportunity fo individualized custody determination is unconstitutional.

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

☐ Yes ☑ No

GROUND TWO: My arrest by ICE agents on July 4, 2026, was unlawful and involved an unreasonable use of force, in violation of the Fourth Amendment to the United States Constitution.

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

On July 4, 2026, at approximately 9:00 a.m., I was leaving my home at [redacted] on my way to work when ICE vehicles intercepted my vehicle. ICE agents forcibly removed me from my vehicle using violence and detained me without presenting a judicial warrant.

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

☐ Yes ☐ No

GROUND THREE: My detention is unlawful because I am not subject to a final order of removal, and Respondent lack statutory authority to detain me under 8 U.S.C. § 1231 while my case remains pending before the Board of Immigration Appeals.

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

The Immigration Judge's decision denying my asylum application is not administratively final because my appeal was accepted by the BIA on March 6, 2026, and remains pending. I am being held under authority that applies only to individuals with final orders of removal, despite the fact that no final order exists in my case.

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

☑ Yes ☐ No

GROUND FOUR: My prolonged detention is not justified by any legitimate governmental interest, as I pose neither a danger to the community nor a flight risk, in violation of my right to substantive due process under the the Fifth Amendment

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

I have no criminal convictions. My only prior arrest, for misdemeanor battery in 2021, was dismissed (nolle prosequl) on December 1, 2022, after I completed a pretrial diversion program, and no adjudication of guilt was ever entered. I have significant ties to this community, including my home and employment in Miami, Florida. I have a pending, good-faith appeal before the BIA. Without any individualized showing that I present a danger or flight risk, my continued detention serves no legitimate purpose and is unconstitutionally punitive.

(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 request that this Court: (1) issue a writ of habeas corpus; (2) order my immediate release from ICE custody, or in the alternative, order that I be given a bond hearing before an Immigration Judge; (3) declare that my continued detention without a bond hearing violates my due process rights; and (4) grant any other relief this Court deems just and proper.

Declaration Under Penalty Of Perjury

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

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: 07/10/2026

//s// Yader Francisco Lopez Moncada A-216-214-206

Signature of Petitioner

Signature of Attorney or other authorized person, if any