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U.S.D.C. - Columbus, GA
2026 AUG 11 P 2:18

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

MBENGUE, ALIOUNE BADARA
A# [redacted]
Petitioner,

Civil Action No: _____

v.

JASON STREEVAL Warden Stewart Detention Center.

EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C.§ 2241, AND DISCRETIONARY BOND PURSUANT TO 8 U.S.C. § 1226(a).

Petitioner **ALIOUNE BADARA MBENGUE** pro se' hereby petitions this Court for a writ of Habeas Corpus to remedy petitioner's unlawful detention by respondents and to enjoin Petitioners continued unlawful detention by respondents and states as follows:

Petitioner is a Native and Citizen of Senegal who entered the United States in 2024 and has lived in the U.S. continuously since then, and is not an arriving Alien as the Judge and DHS improperly assume at Stewart Detention Center in Lumpkin, GA where he remains detained unlawfully.

Petitioner applied for a Custody re-determination Hearing on **7-21-2026** so that he could continue with his Asylum claim from outside, as the pending charge of criminal tresspass that DHS used against him has since been dismissed and the Court and Judge erroneously applied the broad interpretation of 8 U.S.C. § 1225(b)(2) which do not apply to the Petitioner because he is not an arriving Alien. see **Alvarez v. Warden, Federal Detention Center**, et al, No. 25-14065 (11th Cir. 2026) and **Perez v. Assistant Field Office Director, Krome North Service Processing Center**, et al., No. 25-14075 (11th Cir. 2026). 11th Circuit states 1226 applies to unadmitted aliens arrested within the U.S.

Respondents argued that he is a arriving Alien **"seeking admission"**, and that he has failed to show that he is not a flight risk, but this is not true as he entered the United States in 2004 which is years ago and not now as suggested. Petitioner has submitted numerious letters from family members, friends, his U.S. citizen Fiance, and medical records all of which provide moral character support, stability, and dis-credit any false claim of possibly being a danger or a flight risk, in addition to his

medical diagnosis of pericarditis, a heart condition that requires constant medical care, that while being detained he fails to receive, which places his life in grave danger. **(See Documents attached)**

In support of his claim for Bond the Petitioner is also referencing the following similar cases as well. J.A.M.M. v. Warden, STEWART DETENTION CENTER 4:25-cv-385-CDL-AGH, P.R.S. 4:25-cv-330, J.A.C.C. 4:25-cv-337, M.M.M. 4:25 cv-343, G.A.G.C. 4:25-cv-347

Petitioner should be allowed the opportunity for pre-removal release while the removal proceedings are pending, as he appealed the removal order issued against him on 4-14-2026 to to BIA so the order is not final. **(See Exhibits attached.)**

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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 respondents to allow petitioner a Bond.
3. Award Petitioner's Attorney fees and cost under the Equal Access to Justice Act("EAJA"), as amended, 5 U.S.C. §2412, and on other basis justified under law, and
4. Grant any other form of relief this court deems proper.

X _____

JULY 31, 2026

ALIOUNE BADARA MBENGUE

A# [redacted]

Stewart Detention Center

146 CCA Rd

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 first class mail to the following parties listed below on July 31, 2026

CLERK OF COURTS

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 Rd.
   Lumpkin, GA 31815

X _____

JULY 31, 2026

ALIOUNE BADARA MBENGUE

A# [redacted]

Stewart Detention Center

146 CCA Rd

Lumpkin, GA 31815