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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
Columbus Division

GOMEZ LOPEZ, DAYANNA MABEL	)	
	)	
Petitioner	)	
v.		Case No
WARDEN,	)	*(Supplied by Clerk of Court)*
STEWART DETENTION CENTER;	)	
FIELD OFFICE DIRECTOR,	)	
ICE Atlanta Enforcement and Removal Operations;	)	
SECRETARY,	)	
U.S. DEPT. OF HOMELAND SECURITY;	)	
ACTING DIRECTOR,	)	
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;	)	
U.S. ATTORNEY GENERAL,	)	
Respondents.	)	

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

Personal Information

1. (a) Your full name: Dayanna Mabel Gomez Lopez

(b) Other names you have used: None

2. Place of confinement:

(a) Name of institution: STEWART DETENTION CENTER

(b) Address: 146 CCA Road, Lumpkin, GA 31815

(c) Your identification number: A#: [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

☒ Being held on an immigration charge

☐ Other — explain:

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)

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☐ 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): PETITIONER IS CHALLENGING HER CONTINUED DETENTION BY ICE WITHOUT AN INDIVIDUALIZED BOND HEARING, IN VIOLATION OF 8 U.S.C. § 1226(a) AND THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT. PETITIONER IS THE MOTHER AND PRIMARY CAREGIVER OF A BREASTFEEDING UNITED STATES CITIZEN INFANT FROM WHOM SHE HAS BEEN FORCIBLY SEPARATED.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:
U.S. Dept. of Homeland Security / ICE — Atlanta Enforcement and Removal Operations, 180 Ted Turner Drive, SW, Atlanta, GA 30303

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

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
CONTINUED IMMIGRATION DETENTION WITHOUT AN INDIVIDUALIZED BOND HEARING, AND FORCIBLE SEPARATION FROM PETITIONER'S BREASTFEEDING U.S. CITIZEN INFANT CHILD.

(d) Date of the decision or action: July 22, 2026

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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: _____

If "No," explain:

PETITIONER HAS NOT FILED AN ADMINISTRATIVE APPEAL BECAUSE HABEAS CORPUS IS THE APPROPRIATE AND IMMEDIATE REMEDY. ADMINISTRATIVE REMEDIES WOULD BE INADEQUATE AND FUTILE.

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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:

If "No," explain:

NO SECOND APPEAL WAS FILED BECAUSE PETITIONER DID NOT HAVE AN ADEQUATE OR MEANINGFUL ADMINISTRATIVE PROCESS AVAILABLE TO OBTAIN PROMPT REVIEW OF HER UNCONSTITUTIONAL DETENTION.

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(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: _____

_____

If "No," explain:

NO THIRD APPEAL WAS FILED BECAUSE PETITIONER SEEKS IMMEDIATE FEDERAL REVIEW OF UNLAWFUL CUSTODY THROUGH HABEAS CORPUS.

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

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

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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

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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: N/A — Petitioner is not challenging a federal conviction or sentence; this is an immigration detention matter.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

[X] Yes [ ] No

If "Yes," provide:

(a) Date you were taken into immigration custody: July 22, 2026

(b) Date of the removal or reinstatement order: N/A — Petitioner has a pending affirmative asylum application; no removal order has been issued.

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

☐ Yes [X] No

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(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

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: _____

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Grounds for Your Challenge in This Petition

13. State every ground that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: DENIAL OF AN INDIVIDUALIZED BOND HEARING UNDER 8 U.S.C. § 1226(a)

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

PETITIONER WAS LAWFULLY ADMITTED TO THE UNITED STATES ON A VALID B1/B2 VISA IN APRIL 2022 AND HAS A PENDING AFFIRMATIVE ASYLUM APPLICATION, ADMINISTRATIVELY CLOSED BY USCIS, WITH NO FINAL ORDER OF REMOVAL. SHE IS THEREFORE SUBJECT TO DISCRETIONARY DETENTION UNDER 8 U.S.C. § 1226(a), NOT MANDATORY DETENTION UNDER 8 U.S.C. § 1225(b)(2). RESPONDENTS HAVE NEITHER SCHEDULED NOR PROVIDED ANY BOND HEARING SINCE SHE WAS TAKEN INTO ICE CUSTODY ON JULY 22, 2026.

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

☐ Yes ☒ No

GROUND TWO: FORCIBLE SEPARATION FROM A BREASTFEEDING U.S. CITIZEN INFANT VIOLATES DUE PROCESS

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

PETITIONER IS THE MOTHER AND PRIMARY CAREGIVER OF [redacted] A UNITED STATES CITIZEN INFANT BORN [redacted], WHOM SHE HAS BEEN PRIMARILY BREASTFEEDING. HER CONTINUED DETENTION HAS FORCIBLY SEPARATED HER FROM HER INFANT SON DURING A CRITICAL PERIOD OF NUTRITIONAL AND IMMUNOLOGICAL DEPENDENCE, CAUSING SEVERE AND ONGOING HARM TO BOTH MOTHER AND CHILD.

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

☐ Yes ☒ No

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GROUND THREE: DETENTION IS BASED ON A DISPUTED AND UNSUBSTANTIATED UNDERLYING ALLEGATION

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

PETITIONER WAS ACCUSED OF FAILING TO SCAN CERTAIN ITEMS AT A SELF CHECKOUT STATION. PETITIONER NEVER LEFT THE STORE, PARTIALLY PAID FOR THE ITEMS IN QUESTION, AND STORE SURVEILLANCE CAMERAS WERE REPORTEDLY NOT OPERATING AT THE TIME. THE STATE CRIMINAL SYSTEM ITSELF DETERMINED PETITIONER WAS ELIGIBLE FOR AN UNSECURED BOND, REFLECTING A JUDICIAL DETERMINATION THAT SHE POSED NO FLIGHT RISK OR DANGER. ICE NEVERTHELESS PLACED AN IMMIGRATION DETAINER AND TOOK HER INTO CUSTODY AT THE 48-HOUR MARK, BEFORE SHE COULD BE RELEASED.

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

☐ Yes ☒ No

GROUND FOUR: NO CRIMINAL HISTORY AND A PENDING, NON-FINAL ASYLUM CASE

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

PETITIONER HAS NO CRIMINAL RECORD IN ECUADOR, AS CONFIRMED BY AN OFFICIAL CERTIFICATE FROM THE ECUADORIAN NATIONAL POLICE DATED JULY 23, 2026. SHE HAS A PENDING AFFIRMATIVE ASYLUM APPLICATION WITH NO FINAL ORDER OF REMOVAL. SHE RESIDES WITH HER DOMESTIC PARTNER AND THEIR U.S. CITIZEN INFANT SON AT A FIXED ADDRESS IN GASTONIA, NORTH CAROLINA, AND POSES NO FLIGHT RISK OR DANGER TO THE COMMUNITY

(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:

PETITIONER HAS NOT PRESENTED THESE GROUNDS IN PRIOR APPEALS BECAUSE THIS PETITION CHALLENGES ONGOING UNLAWFUL DETENTION REQUIRING IMMEDIATE JUDICIAL REVIEW. NO ADEQUATE ADMINISTRATIVE REMEDIES EXIST TO ADDRESS THESE CONSTITUTIONAL VIOLATIONS, AND ANY ADMINISTRATIVE APPEAL WOULD BE FUTILE GIVEN THE CONSTITUTIONAL NATURE OF THE CLAIMS AND THE URGENT HARM TO PETITIONER'S BREASTFEEDING INFANT.

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Request for Relief

15. State exactly what you want the court to do:

PETITIONER RESPECTFULLY REQUESTS THAT THIS COURT:

1. ORDER HER IMMEDIATE RELEASE FROM IMMIGRATION CUSTODY SO THAT SHE MAY BE REUNITED WITH HER BREASTFEEDING U.S. CITIZEN INFANT SON; OR, IN THE ALTERNATIVE,

2. ORDER RESPONDENTS TO PROVIDE AN IMMEDIATE INDIVIDUALIZED BOND HEARING BEFORE AN IMMIGRATION JUDGE, TO BE HELD WITHIN SEVEN (7) DAYS, CONSISTENT WITH THE CONTROLLING WEIGHT OF AUTHORITY IN THIS DISTRICT; AND

3. GRANT ANY OTHER RELIEF THAT THE COURT DEEMS JUST AND PROPER.

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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.

NOTE ON NEXT FRIEND FILING: Petitioner Dayanna Mabel Gomez Lopez is currently detained at the Stewart Detention Center in Lumpkin, Georgia, and is unable to personally submit this petition due to her confinement and lack of access to legal resources. This petition is therefore filed by Kieffer Josue Betancourt Rodriguez — Petitioner's domestic partner and the father of their infant son — as Next Friend, pursuant to Fed. R. Civ. P. 17(c) and Whitmore v. Arkansas, 495 U.S. 149 (1990). Petitioner has communicated her consent regarding this filing.

(Unable to sign — currently detained)

GOMEZ LOPEZ, Dayanna Mabel
Petitioner (currently detained)
A#: [redacted]

Firmado por:
602CEF1236BF45B...

Date: 25/07/2026

BETANCOURT RODRIGUEZ, Kieffer Josue
Next Friend / Domestic Partner of Petitioner
[redacted]@gmail.com