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

Melvin Javier Lopez Mejia
Petitioner

v.

Warden,Stewart Detencion Center
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 4:26-cv-1108-CDL-ALS
(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: Melvin Javier Lopez Mejia

(b) Other names you have used: none

2. Place of confinement:

(a) Name of institution: Stewart Detention Center Lumpkin ,Georgia

(b) Address: Stewart Detention Center 146 CCA Road, Lumpking, Georgia 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

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: United States Department of justice,Executive Office for Immigration Review (EOIR),Immigration court ,Lumpkin, Georgia .

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
The Immigration Judge stated that bond was denied because the record in this case reflected that respondent was originally encountered and arrested on March 16, 2019 by border patrol after entering U.S from Mexico. As such, the court finds that it does not have jurisdiction to determine bond in this matter.

(d) Date of the decision or action: 07/24/2026

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: Petitioner did no appeal because his attorney withdrew from representation. Petitioner is still detained and is unable to obtain legal representation to pursue an administrative appeal due to financial hardship. Petitioner is filing this habeas petition pro se.

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:

Petitioner is filing this habeas petition pro se.

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:

Petitioner is filing this habeas petition pro se.

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 ?255 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: 07/08/2026

(b) Date of the removal or reinstatement order:

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

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(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: Petitioner is being unlawfully detained by ICE despite having a pending asylum application and without being afforded appropriate relief from continued detention.Petitioner is not subject to final order of removal

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 Do not cite cases or law.)*:

ICE detained Pettitioner on july 8 2026 after He was arrested by local police for driving without driver's license.He has no criminal convictions. He has a pending asylum application that has been pending for a few years. He fears returning to Honduras and continues to seek protection in the United States.

His rights because His being hold despite having an activo immigration case and no serious criminal history.

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

☐ Yes ☑ No

GROUND TWO: Petitioner remains in ICE custody while his asylum application is still pending.his continued detention has caused significant hardship to him and his family and is not justified under the circumstances.

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

Petitioner has a pending asylum application and remains in ICE custody while His immigration case is unresolved. Continued detention without release is causing hardship and is not justified under the circumstances .

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

☐ Yes ☑ No

GROUND THREE: Petitioner is not a danger to the community or a flight risk,and his continued detention is not justified .

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

Petitioner has strong family and community ties in Georgia. He is married and has three minor children who depend on him for support.He has no criminal convictions and is willing to comply with any conditions of release.

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

☐ Yes ☑ No

GROUND FOUR: petitioner's continued detention is no longer justified under the circumstances .

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

Petitioner's appeared before an immigration Judge for a bond hearing.The immigration judge denied bond, because the court determined it lacked jurisdiction to consider his request. Petitioner respectfully contends that his continued detention is unlawful and requests relief from this court.

(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 did not file an administrative appeal of the bond decision because His attorney withdrew from representation,and petitioner remained detained and was unable to pursue and was unable to pursue an appeal without legal assistance.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court grant the petition for a Writ of Habeas Corpus,order his release from ICE custody ,or grant such other relif as the Court deems just and proper Petitioner ask the Court to intervene so that the may return to his family .regain his dignity,and begin from the hardship hi has endured.

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: 08/07/2026

Signature of Petitioner

Guadalupe Frias Barro

Signature of Attorney or other authorized person, if any