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

UMANG VISHNUBHAI PATEL,

Petitioner,

v.

MICHAEL STREEVAL, in his official capacity as Warden of Stewart Detention Center; TODD M. LYONS, in his official capacity as Acting Director of U.S. Immigration And Customs Enforcement; MARKWAYNE MULLIN, in his official capacity as Secretary of the Department of Homeland Security; and TODD BLANCHE, in his official capacity as Attorney General of the United States,

Respondents.

Case No. 4:26-cv-1116

PETITION FOR WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

This is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging Petitioner's continued civil immigration detention. Petitioner, Umang Vishnubhai Patel ("Petitioner" or "Mr. Patel"), respectfully seeks an Order requiring Respondents to provide him with an individualized custody determination before an Immigration Judge because his detention is governed by 8 U.S.C. § 1226(a), not the mandatory detention provisions of 8 U.S.C. § 1225(b).

Mr. Patel has resided in the United States for more than three years. During that time, the Department of Homeland Security ("DHS") initiated removal proceedings under section 240 of the Immigration and Nationality Act ("INA"), permitted him to remain in the community throughout those proceedings, and required him to report periodically to U.S. Immigration and Customs Enforcement ("ICE"). Mr. Patel complied with every reporting obligation, appeared at every immigration court hearing, timely appealed the Immigration Judge's decision to the Board of Immigration Appeals ("BIA"), and voluntarily appeared for a routine ICE reporting appointment on July 30, 2026, at which time he was taken into custody.

Respondents nevertheless contend that Mr. Patel remains subject to the mandatory detention provisions of 8 U.S.C. § 1225(b), thereby categorically denying him access to an individualized custody determination before an Immigration Judge. That position is contrary to the text, structure, and purpose of the Immigration and Nationality Act. Once DHS completed the inspection process, served Mr. Patel with a Notice to Appear, and placed him into removal proceedings under INA § 240, Mr. Patel's detention became governed by 8 U.S.C. § 1226(a), which authorizes an individualized custody determination.

Because Respondents continue to detain Mr. Patel without statutory authority and without providing the custody procedures required by Congress, this Court should grant the writ and order Respondents to provide Mr. Patel with a prompt individualized custody redetermination hearing before an Immigration Judge.

PARTIES

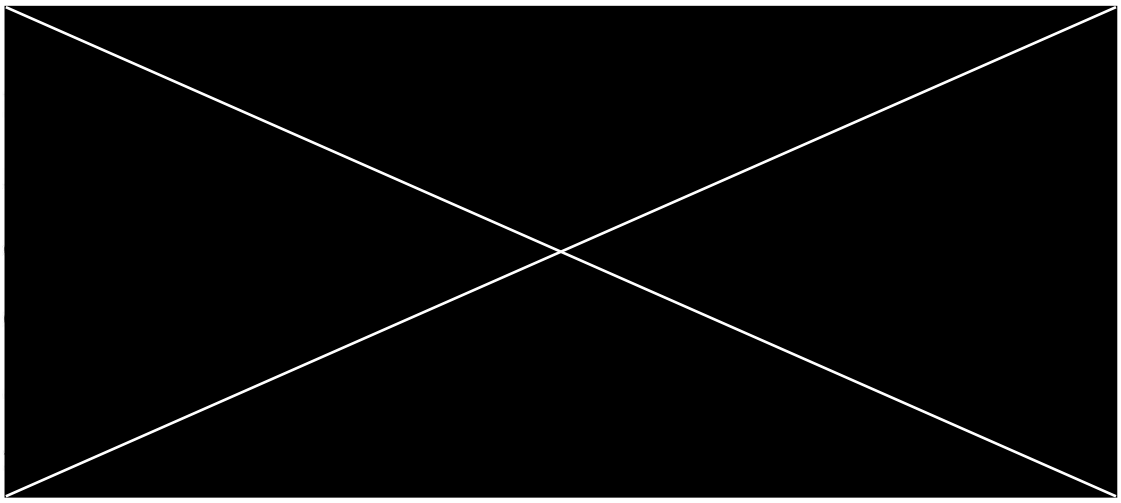
1. Petitioner Umang Vishnubhai Patel is a native and citizen of India who is presently detained at Stewart Detention Center in Lumpkin, Georgia. *Exhibit A.*
2. Respondent Michael Streeval is the Warden of Stewart Detention Center and is Petitioner's immediate custodian. He is sued in his official capacity.
3. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is responsible for the administration and enforcement of the federal immigration laws, including the detention of noncitizens in ICE custody. He is sued in his official capacity.
4. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security. DHS is the federal agency responsible for administering and enforcing the Immigration and Nationality Act. Secretary Mullin is sued in his official capacity.
5. Respondent Todd Blanche is the Attorney General of the United States and is responsible for the administration of the immigration laws of the United States. He is sued in his official capacity.

II. STATEMENT OF FACTS

A. Petitioner's Background

1. Petitioner, Umang Vishnubhai Patel ("Petitioner" or "Mr. Patel"), is a native and citizen of India.

2. Mr. Patel was born and raised in Gujarat, India, where he lived with his parents and family.

3. 

4.

5. Fearing for his safety and believing that neither he nor his wife could safely remain anywhere in India, Mr. Patel fled the country and ultimately entered the United States seeking protection under the immigration laws of the United States.

6. After arriving in the United States, Mr. Patel promptly sought asylum and other forms of relief from removal available under the Immigration and Nationality Act. He thereafter pursued those claims through the immigration court process.

B. Mr. Patel's Removal Proceedings

8. On or about February 16, 2023, the Department of Homeland Security ("DHS") served Mr. Patel with a Notice to Appear ("NTA"), thereby initiating removal proceedings pursuant to section 240 of the Immigration and Nationality Act ("INA").

9. The NTA charged Mr. Patel as inadmissible under INA § 212(a)(6)(A)(i), alleging that he was present in the United States without having been admitted or paroled.

10. Following service of the NTA, Mr. Patel was placed in removal proceedings before the Immigration Court, where he sought asylum, withholding of removal, and protection under the Convention Against Torture.

11. Mr. Patel fully participated in his removal proceedings and appeared before the Immigration Court whenever required.

12. Throughout the pendency of his removal proceedings, Mr Patel remained available to immigration authorities and complied with all directives issued by the Immigration Court and DHS.

13. Mr. Patel's removal proceedings remained pending before the Immigration Court for approximately three years.

13. On March 4, 2026, following a merits hearing, the Immigration Judge denied Mr. Patel's applications for relief. Mr. Patel disagreed with the Immigration Judge's decision and timely exercised his statutory right to appeal which remains pending. *Exhibit B.*

C. Appeal Before the Board of Immigration Appeals

19. On March 11, 2026, Mr. Patel's appeal was received by the Board of Immigration Appeals ("BIA") *Id*

20. Thereafter, the Immigration Court certified and transmitted the Record of Proceedings to the BIA for appellate review. *Id.*

21. Mr. Patel's appeal remains pending before the BIA.

22. Accordingly, Mr. Patel's administrative proceedings have not concluded, and he continues to pursue the appellate review expressly authorized by Congress.

D. Mr. Patel's Apprehension at a routine ICE check in

23. Throughout the pendency of his removal proceedings, DHS permitted him to remain at liberty, required him to report periodically to ICE, and Mr Patel complied with every reporting obligation .

24. Mr Patel reported to ICE as instructed And on July 30, 2026 during a routine check in, Mr. Patel was taken into ICE custody.

II. LEGAL FRAMEWORK

24. Petitioner incorporates by reference all preceding paragraphs as though fully set forth herein.

25. This Petition presents a straightforward question of statutory interpretation: whether Respondents possess authority to detain Petitioner under the mandatory detention provisions of *8 U.S.C. § 1225(b)*, or whether Petitioner's detention is instead governed by *8 U.S.C. § 1226(a),* which provides for an individualized custody determination before an Immigration Judge.

26. Respondents have treated Mr. Patel as categorically ineligible for bond based upon the position that he remains subject to mandatory detention under § 1225(b). That position rests principally on the Department of Homeland Security's interpretation of the Immigration and Nationality Act and the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

27. Mr. Patel respectfully submits that Respondents' interpretation is contrary to the plain language, structure, and purpose of the Immigration and Nationality Act.

28. Congress established separate statutory schemes governing the detention of noncitizens. Section 1225 governs the inspection and detention of certain noncitizens seeking admission into the United States. Section 1226, by contrast, governs the arrest and

detention of noncitizens pending a decision on whether they are to be removed from the United States. These provisions perform distinct functions within the statutory framework and must be interpreted so that each retains independent meaning.

29. Mr. Patel has lived in the United States for more than three years. During that time, DHS placed him into removal proceedings under INA § 240 and permitted him to remain in the community subject to routine ICE reporting requirements. Mr. Patel complied with every reporting obligation and appeared at every immigration court hearing. Only after he voluntarily appeared for a scheduled ICE check in while his appeal remained pending before the Board of Immigration Appeals did Respondents take him into custody.

30. Under these circumstances, Mr. Patel's detention is governed by 8 U.S.C. § 1226(a), not the mandatory detention provisions of § 1225(b). Because detention under § 1226(a) requires access to an individualized custody determination before an Immigration Judge, Respondents exceed their statutory authority by categorically denying Mr. Patel that opportunity.

31. This Court possesses jurisdiction under 28 U.S.C. § 2241 to determine whether Mr. Patel's detention is authorized by statute and consistent with the Constitution. Where executive detention exceeds the authority granted by Congress or violates the Fifth Amendment, habeas corpus provides the appropriate means of judicial review and relief.

III. CLAIMS FOR RELIEF

A. The Plain Language of the Immigration and Nationality Act Demonstrates That Petitioner's Detention Is Governed by 8 U.S.C. § 1226(a).

Statutory interpretation begins with the language Congress enacted. Where the statutory text is clear, courts "must give effect to the unambiguously expressed intent of Congress."

Moreover, courts must interpret statutes as a coherent whole, giving effect to every provision and avoiding constructions that render statutory language superfluous. Congress created two separate detention statutes within the Immigration and Nationality Act, each serving a distinct purpose.

Section 1225 governs the inspection and detention of certain noncitizens who are seeking admission to the United States. The statute is directed toward the inspection process conducted by immigration officers at or near the time an individual seeks entry into the country. Throughout *§ 1225*, Congress repeatedly employed language tied to inspection, examination, and admission.

Section 1226, by contrast, governs the arrest and detention of noncitizens pending a decision on whether the alien is to be removed from the United States. Unlike *§ 1225*, *§ 1226* is not limited to the inspection process. Instead, it provides the detention authority applicable during the adjudication of removal proceedings and expressly authorizes individualized custody determinations for noncitizens detained under § 1226(a).

Congress deliberately used different language in these two provisions. Section 1225 refers to noncitizens "seeking admission," while § 1226 applies to individuals detained pending a decision regarding removability. Courts must presume that Congress intended those different phrases to perform different functions. Reading § 1225(b) as Respondents urge would effectively erase the distinction Congress created by allowing mandatory inspection detention to continue indefinitely, even after an individual has been placed into removal proceedings under INA § 240, has lived in the United States for years, and remains before the Board of Immigration Appeals pursuing the appellate review Congress expressly authorized. That interpretation cannot be reconciled with the statutory framework.

Mr. Patel is not presently seeking admission to the United States. DHS completed the inspection process years ago when it elected to serve Mr. Patel with a Notice to Appear and initiate removal proceedings under INA § 240. DHS permitted him to remain at liberty, required him to report periodically to ICE, and accepted his compliance with every reporting obligation. Following the Immigration Judge's decision, Mr. Patel exercised his statutory right to appeal to the Board of Immigration Appeals, where his appeal remains pending.

It was only during a routine reporting appointment, after more than three years of removal proceedings, that Respondents elected to detain Mr. Patel and invoke the mandatory detention provisions of § 1225(b). Nothing in the text of the Immigration and Nationality Act authorizes such an indefinite extension of the inspection authority created by Congress.

The better reading, and the one that gives effect to the statutory language as a whole, is that Mr. Patel's present detention is governed by § 1226(a). That interpretation preserves the distinction Congress established between inspection detention under § 1225 and detention during pending removal proceedings under § 1226, gives independent meaning to both provisions, and avoids rendering either statute superfluous.

Because Mr. Patel's detention arises under § 1226(a), Respondents lack authority to categorically deny him the individualized custody determination that Congress expressly authorized. Their continued reliance upon § 1225(b) therefore exceeds the detention authority granted by the Immigration and Nationality Act.

B. This Court's Prior Stewart Detention Decisions Confirm That Petitioner's Detention Is Governed by 8 U.S.C. § 1226(a).

The statutory question presented in this Petition is not one of first impression. Over the past year, this Court has repeatedly considered whether noncitizens detained at Stewart Detention Center after being placed into removal proceedings under INA § 240 remain subject to mandatory detention under 8 U.S.C. § 1225(b), or whether their detention is instead governed by 8 U.S.C. § 1226(a).

After carefully examining the text, structure, and operation of the Immigration and Nationality Act, this Court has consistently rejected Respondents' interpretation of the detention statutes.

In *J.A.M. v. Streeval*, this Court recognized that Congress deliberately employed different language within § 1225, distinguishing between an "applicant for admission" and an "alien seeking admission." The Court concluded those phrases cannot be treated as interchangeable because doing so would eliminate the distinction Congress intentionally created between §§ 1225 and 1226. Rather than reading the statutory provisions in isolation, the Court interpreted the Immigration and Nationality Act as a coherent whole, giving independent meaning to each detention statute.

The Court reaffirmed that reasoning in *P.R.S. v. Streeval*. There, the Court again concluded that § 1225 governs detention in connection with the inspection and admission process, while § 1226 governs detention during the pendency of removal proceedings. Rejecting the Government's expansive reading of § 1225(b), the Court explained that an individual does not remain perpetually "seeking admission" simply because removal proceedings continue after entry into the United States.

Since J.A.M. and P.R.S., this Court has repeatedly applied the same statutory analysis in materially indistinguishable Stewart Detention Center habeas cases, consistently concluding that detention in these circumstances is governed by § 1226(a), rather than § 1225(b). The consistency of those decisions reflects this Court's settled interpretation of the statutory framework governing detention in this District.

Mr. Patel's circumstances are materially indistinguishable from those presented in this Court's prior Stewart detention cases. Like those petitioners, DHS placed him into INA § 240 proceedings, allowed him to remain at liberty while requiring periodic reporting, and detained him only after he voluntarily appeared for a routine ICE check-in while his BIA appeal remained pending.

Respondents nevertheless seek to invoke the same interpretation of § 1225(b) that this Court has repeatedly rejected. Principles of consistency, faithful statutory interpretation, and the orderly administration of justice all favor applying the same analysis here.

Accordingly, this Court should again conclude that Petitioner's detention is governed by 8 U.S.C. § 1226(a), that Petitioner is entitled to an individualized custody determination before an Immigration Judge, and that Respondents exceed their statutory authority by continuing to categorically detain him under § 1225(b).

C. Matter of *Yajure Hurtado* Does Not Alter the Statutory Analysis.

Respondents are expected to rely heavily upon the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), to argue that Mr. Patelremains subject to mandatory detention under 8 U.S.C. § 1225(b). However, that reliance is misplaced.

The issue before this Court is one of statutory interpretation. While the Board is charged with administering the Immigration and Nationality Act in removal proceedings, it is ultimately the responsibility of Article III courts to determine the meaning of statutes enacted by Congress. Accordingly, this Court must independently interpret the detention provisions of the INA and is not relieved of that obligation merely because the Board has reached a different conclusion.

The Board's reasoning in *Matter of Yajure Hurtado* rests on the premise that every individual deemed an "applicant for admission" under 8 U.S.C. § 1225(a)(1) necessarily remains subject to the mandatory detention provisions of § 1225(b) throughout the entirety of removal proceedings. That interpretation, however, conflates distinct statutory terms that Congress intentionally chose not to treat as synonymous.

Section 1225(a)(1) broadly defines who is considered an "applicant for admission." Section 1225(b), however, does not apply to every applicant for admission. Instead, Congress limited its mandatory detention provisions to particular categories of noncitizens who are "seeking admission." Had Congress intended mandatory detention to apply categorically to every applicant for admission throughout all stages of removal proceedings, it could have employed identical language throughout the statute. It did not.

This distinction is significant. Courts generally presume that when Congress uses different language in neighboring provisions of the same statute, those differences are intentional and should be given independent effect. Reading "applicant for admission" and "alien seeking admission" as interchangeable deprives Congress's differing word choices of any operative meaning and expands § 1225(b) beyond its text.

Moreover, Respondents' interpretation would substantially diminish the independent role Congress assigned to § 1226. Under Respondents' reading, an individual could reside in the United States for years, be placed into removal proceedings under INA § 240, comply with every reporting obligation imposed by DHS, pursue administrative appellate review before the Board of Immigration Appeals, and nevertheless remain permanently subject to the mandatory inspection detention provisions of § 1225(b). Nothing in the statutory text suggests Congress intended such a result.

This Court has previously rejected that interpretation in its Stewart Detention Center decisions, concluding that the detention provisions of §§ 1225 and 1226 perform distinct functions within the Immigration and Nationality Act and must be interpreted accordingly. Those decisions faithfully apply the statutory language enacted by Congress and preserve the independent operation of each detention provision.

Mr. Patel's case illustrates why this distinction matters. The inspection process concluded years ago when DHS initiated removal proceedings under INA § 240. Nevertheless, Respondents now seek to invoke the mandatory detention provisions of § 1225(b) after detaining Mr. Patel during a routine ICE reporting appointment while his administrative appeal remains pending. Nothing in the INA authorizes extending inspection-based detention authority in this manner.

Because *Matter of Yajure Hurtado* expands § 1225(b) beyond its statutory text and conflicts with this Court's own interpretation of the Immigration and Nationality Act, it does not compel the result Respondents seek. The Court should instead adhere to the statutory framework enacted by Congress and conclude that Mr. Patel's detention is governed by 8 U.S.C. § 1226(a).

D. Even Assuming the Immigration and Nationality Act Is Ambiguous, the Canon of Constitutional Avoidance Requires Adoption of Petitioner's Interpretation.

Mr. Patel maintains that the Immigration and Nationality Act unambiguously provides that his detention is governed by 8 U.S.C. § 1226(a). The Court need not resort to any interpretive canon where Congress has spoken clearly. However, even if the Court concludes that the relationship between §§ 1225 and 1226 is ambiguous, longstanding principles of statutory construction require the Court to adopt the interpretation that avoids serious constitutional questions.

The Supreme Court has repeatedly recognized that where a statute is susceptible to more than one reasonable interpretation, courts should adopt the construction that avoids placing the statute in constitutional doubt. This principle preserves the separation of powers by ensuring that courts do not unnecessarily construe statutes in a manner that creates substantial constitutional concerns when Congress has not clearly required such a result.

Respondents' interpretation raises precisely those concerns. Under Respondents' reading, an individual who has lived in the United States for years, has been placed into removal proceedings under INA § 240, has complied with every reporting requirement imposed by DHS, has appeared at every immigration court hearing, and has exercised the statutory right to administrative appeal may nevertheless be subjected to mandatory civil detention without any opportunity to demonstrate that continued detention is unnecessary.

Such a construction would permit prolonged detention based solely upon the Government's categorical interpretation of the statute, without any individualized determination regarding danger to the community or risk of flight. That result implicates the fundamental

liberty interests protected by the Due Process Clause of the Fifth Amendment and raises substantial constitutional questions regarding the scope of civil immigration detention.

By contrast, interpreting Mr. Patel's detention to arise under § 1226(a) fully harmonizes the statutory scheme enacted by Congress. It preserves the distinct roles of §§ 1225 and 1226, gives independent effect to both detention provisions, and provides the individualized custody procedures that Congress expressly authorized. This interpretation not only accords with the statutory text but also avoids the serious constitutional concerns presented by Respondents' expansive reading of § 1225(b).

Accordingly, even if the Court concludes that the detention provisions are susceptible to more than one reasonable interpretation, the canon of constitutional avoidance independently supports the conclusion that Mr. Patel's detention is governed by 8 U.S.C. § 1226(a).

E. Petitioner's Continued Detention Violates the Due Process Clause of the Fifth Amendment.

Petitioner incorporates by reference all preceding paragraphs as though fully set forth herein.

The Fifth Amendment provides that no person shall "be deprived of life, liberty, or property, without due process of law." The protections of the Due Process Clause extend to all persons physically present within the United States, including noncitizens in civil immigration proceedings.

Civil immigration detention constitutes a profound deprivation of physical liberty. Because such detention is civil rather than punitive, it may be justified only to the extent authorized by Congress and only insofar as it bears a reasonable relationship to legitimate

governmental interests, including ensuring a noncitizen's appearance at future proceedings and protecting the community where authorized by law. Because Mr. Patel has shown a history of compliance with immigration's requirements, his detention is punitive.

Despite Mr. Patel"s demonstrated compliance and substantial liberty interest, Respondents have categorically denied him any opportunity to obtain an individualized determination regarding whether continued detention is necessary. No Immigration Judge has considered whether Mr. Patel presents a danger to the community or a risk of flight. Instead, Respondents rely exclusively upon their interpretation of the Immigration and Nationality Act to deny Mr. Patel access to any custody hearing.

If, as Mr. Patel contends, his detention is governed by 8 U.S.C. § 1226(a), Respondents' refusal to provide the custody redetermination procedures required by that statute violates both the Immigration and Nationality Act and the Due Process Clause.

Alternatively, even if this Court were to conclude that Respondents possess statutory authority to detain Mr. Patel pursuant to 8 U.S.C. § 1225(b), the Constitution independently requires meaningful procedural safeguards before the Government may continue to deprive an individual of physical liberty for an extended period. The Due Process Clause does not permit the Government to rely upon a categorical interpretation of the detention statutes while indefinitely denying any opportunity for an individualized assessment of whether continued detention remains justified.

The facts of this case demonstrate why individualized review is constitutionally required. Respondents themselves permitted Mr. Patel to remain at liberty for years while his removal proceedings progressed. During that time, Mr. Patel consistently complied with every reporting

requirement and appeared whenever directed. Nothing in Mr. Patel's conduct suggests that he presents either a danger to the community or a meaningful risk of flight. Yet Respondents have never afforded him an opportunity to present that evidence before a neutral decisionmaker.

At a minimum, due process requires that Mr. Patel receive a prompt individualized custody determination before an Immigration Judge at which the Government bears the burden of proving that continued detention is justified under the applicable legal standard. Respondents' continued refusal to provide such a hearing deprives Mr. Patel of liberty without constitutionally adequate process in violation of the Fifth Amendment. Because Mr. Patel's detention is governed by 8 U.S.C. § 1226(a), the appropriate remedy is to order Respondents to provide Mr. Patel with the individualized custody determination Congress prescribed. If Respondents fail to provide that hearing within the time directed by this Court, Mr. Patel's continued detention would exceed their statutory authority and violate the Due Process Clause.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this Petition pursuant to 28 U.S.C. §§ 2241 and 2243;

B. Issue an Order directing Respondents to show cause why the writ should not issue;

C. Declare that Respondents lack statutory authority to continue detaining Mr. Patel pursuant to 8 U.S.C. § 1225(b);

D. Declare that Mr. Patel's detention is governed by *8 U.S.C. § 1226(a)*;

E. Issue a writ of habeas corpus directing Respondents to immediately provide Mr. Patel with an individualized custody redetermination hearing before an Immigration Judge exercising jurisdiction under 8 U.S.C. § 1226(a), to be conducted within seven (7) days of this Court's Order;

F. Alternatively, should Respondents fail to provide such a hearing within the time prescribed by the Court, order Mr. Patel's immediate release under reasonable conditions of supervision pending the completion of his removal proceedings;

G. Award Mr. Patel his reasonable attorneys' fees and costs to the extent authorized by law; and

H. Grant such other and further relief as this Court deems just, equitable, and proper.

Dated: August 17, 2026

Respectfully submitted,

/s/ Urwah Ahmed

Urwah Ahmed, Esq.
CH Legal Solutions LLC
1755 North Brown Road
Suite 200
Lawrenceville, GA 30043
Tel. 678-904-4142
Email:Chlegalsol@gmail.com

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Umang Vishnubhai Patel, and submit this verification on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Dated this 17th day of August, 2026.

/s/ Urwah Ahmed

Urwah Ahmed, Esq.
CH Legal Solutions LLC
1755 North Brown Road, Suite 200
Lawrenceville, GA 30043
Tel: (678) 904-4142
Email: Chlegalsol@gmail.com

Counsel for Petitioner