

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)
120 12th Street, Columbus, GA 31901

Malumba Mawatu, Danis

Petitioner

v.

**The warden, ICE AFOD, ICE
Director, and Attorney General**

Case No. A-
(Supplied by Clerk of Court)

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

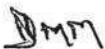
PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: **Malumba Mawatu, Danis**
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: **Stewart Detention Center**
(b) Address: **146 CCA Road, Lumpkin, GA 31815**
(c) Your identification number: A-
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)



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

- ☐ 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: Immigration and Customs Enforcementt Stewart Detention Center
 (b) Docket number, case number, or opinion number: A-
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
 Failing to comply with voluntary departure issued in 1998,
 (d) Date of the decision or action: November, 06, 2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ X Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Ryan Matsuno, Chief Counsel DHS/ICE
 (2) Date of filing: November 28, 2025
 (3) Docket number, case number, or opinion number: A-
 (4) Result: Motion denied
 (5) Date of result: 03/12/2026
 (6) Issues raised: The motion is untimely and fails to meet any exceptions

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

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

☐ Yes ☒ X No

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

(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: No appeal available.

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: No appeal available.

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

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

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:

November, 06, 2025

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals? Yes ☐ No ☒

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

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

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:

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

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 detention has become unconstitutionally prolonged and violates the Fifth Amendment of the Constitution

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

I, the petitioner, Danis Malumba, has been continuously detained in ICE custody at the Stewart Detention Center since November 2025, a period now exceeding nine months. This prolonged and indefinite immigration detention—maintained even after the denial of his motion to reopen—has inflicted severe personal and family hardship without serving a legitimate government interest. Petitioner bears no responsibility for delays in these proceedings, nor has he engaged in dilatory tactics; rather, any institutional delays stem entirely from the government's extended processing periods and ongoing detention decisions. Petitioner has no criminal record whatsoever, making rehabilitation metrics inapplicable while demonstrating that he poses zero threat to public safety or flight risk. (See attached Addendum)

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

☐ Yes

☐ No

brief. Do not cite cases or law.):

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

☐ Yes

☐ No

GROUND THREE:

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

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

☐ Yes

☐ No

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

GROUND FOUR:

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

(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:

Order my immediate release from detention, or, in the alternative, order a bond hearing at which the government must prove by clear and convincing evidence that my continued detention is necessary.

Done

Danis Malumba Mawatu Habeas Corpus Addendum**A** **Ground One**

I, the petitioner, Danis, have been continuously detained in ICE custody at the Stewart Detention Center since November 2025, a period now exceeding nine months. This prolonged and indefinite immigration detention—maintained even after the denial of his motion to reopen—has inflicted severe personal and family hardship without serving a legitimate government interest. I, the petitioner, bear no responsibility for delays in these proceedings, nor have I engaged in dilatory tactics; rather, any institutional delays stem entirely from the government's extended processing periods and ongoing detention decisions. I, Danis Mawatu Malumba, the petitioner, have no criminal record whatsoever, making rehabilitation metrics inapplicable while demonstrating that I pose zero threat to public safety or flight risk. Instead, I maintain deep, longstanding ties to the community as a dedicated elder and deacon in my church, an active leader within the local Congolese immigrant community, and the sole essential caregiver for my wife, who requires critical life-sustaining dialysis treatments three times per week. The punitive, restrictive conditions at Stewart Detention Center have severely affected my physical and mental well-being, while simultaneously preventing me from providing necessary medical support to my dangerously ill spouse. Continued detention under these circumstances violates due process and constitutes an impermissibly prolonged deprivation of liberty.

Ground Two

Deprivation of Procedural and Substantive Due Process Under the Fifth Amendment (Pending Immediate Family-Based Visa Petition and Fundamental Right to Marital Association)

I, Danis Malumba Mawatu's continued civil detention violates his Fifth Amendment rights to Procedural and Substantive Due Process. I have been married for 25 years to his spouse, Therese Mujinga Mpunga, a United States citizen. Throughout our quarter-century marriage, we have demonstrated complete civic responsibility and continuous compliance with federal and state obligations, including the consistent payment of all taxes. I have currently a

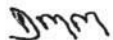
pending Form I-130 (Petition for Alien Relative) filed on my behalf by my U.S. citizen wife.

The government's ongoing deprivation of my liberty imposes an arbitrary and severe burden on a fundamental liberty interest protected by the U.S.

Constitution: the right to marital association and family integrity. Because I am the beneficiary of a pending, viable family-based immigrant petition filed by an immediate U.S. citizen relative, I possess a direct and recognized pathway to lawful status. Detaining me indefinitely while this bona fide petition remains pending before USCIS serves no legitimate, non-punitive governmental interest.

Ground Three

Furthermore, I pose zero safety risk to the community and, given my deep 25-year familial roots, U.S. citizen spouse, and documented history of good citizenship, I present no risk of flight. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001) and *Demore v. Kim*, 538 U.S. 510 (2003), civil immigration detention is constitutionally permissible only to prevent flight or protect the public. Denying Petitioner his liberty while he actively awaits the processing of an immediate-relative petition filed by his American citizen wife renders his detention unconstitutionally arbitrary, disproportionate, and a violation of due process under the Fifth Amendment.



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

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: 08-11-2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any