

FILED SEP 25 2025
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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLOMBUS DIVISION**

A#:



Case#: _____

Mebratu Mehur

Petitioner

Vs.

Attorney General, Pam Bondi

Secretary of DHS, Kristi Noem

U.S. ICE Georgia Field Office

Director, George Sterling

Warden of Immigration

Detention Facility, Jason Streeval

Respondents

Petition for a Writ of Habeas Corpus Under 28 U.S.C. Section 2241

Petitioner, Mebratu Mehur appearing hereby petitions this court for a Writ of Habeas Corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

Custody

1) Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement (ICE). Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, pursuant to a contractual agreement with the Department of Homeland Security. Petitioner is under the direct control of Respondents and their agents.

Jurisdiction

2) This action arises under the constitution of the United States, and Immigration and Nationality Act (INA), 8 U.S.C. sec. 1101 et seq., as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA) Pub. L. No. 104-208, 110 Stat. 1570, and the

Administrative Procedure Act (APA), 5 U.S.C. Section 701 et seq.

3) This court has jurisdiction under 28 U.S.C. sec. 2241; art. I sec 9, cl. 2 of the United States Constitution (Suspension Clause); and 28 U.S.C. sec. 1331, as Petitioner is presently in the custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, all treaties of the United States. This court may grant relief pursuant to 28 U.S.C. sec. 2241, 5 U.S.C. sec. 702, and All Writs Act, 28 U.S.C.

4) Petitioner has exhausted any and all remedies to the extent required by law.

Venue

5) Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 4848, 493-500 (1973), venue lies in the United States District Court of Georgia, the judicial district i which Petitioner resides.

Parties

6) Petitioner is a native and citizen of Eritrea. Petitioner was first taken into ICE custody on February 5, 2025 and has remained in ICE custody continuously since that date. Petitioner was ordered removed on November 13, 2019.

7) Respondent PAM BONDI is the Attorney General of the United States and is responsible for the administration of ICE and the Implementation and Enforcement of the Immigration and Nationality Act (INA). As such PAM BONDI has the ultimate custodial authority over Petitioner.

8) Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. As such Kristi Noem is the legal custodian of Petitioner.

9) Respondent George Sterling is the Field Office Director of the Atlanta Field Office of ICE and is Petitioner's immediate custodian. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), *cert. Denied*, 122 S. Ct., 43 (2001)

10) Respondent Jason Streeval is the current acting Warden of Stewart Detention Center, where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

Factual Allegations

11) Petitioner, Mebratu Mehur, is a native and citizen of Eritrea. Petitioner has been in ICE custody since February 5, 2025. An immigration judge ordered Petitioner removed on November 13, 2019. Petitioner was previously detained by ICE from 11/2019-4/2021 and during that time assisted Immigration in any and all ways asked of him. After a long and strenuous detention, and exhausting all remedies, Petitioner was finally released. Petitioner was placed under supervision, reported periodically

to ICE, refrained from any interactions with authorities, and was being a productive individual in the community. Since Petitioner's return to detention, Petitioner has fully cooperated with all and any requests from ICE. To date however, ICE has been unable to deport Petitioner back to Eritrea.

Legal Framework For Relief Sought

12) In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens. Department of Homeland Security Administrative regulations also recognize that the HQPDU has a six month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 U.F.R. sec 241.13(b)(2)(ii).

13) Petitioner was ordered removal on November of 2019, and the removal order became final on November 13, 2019. Petitioner was re-detained on February 5, 2025. Therefore, the six-month presumptively reasonable removal period for Petitioner ended on August 6, 2025.

Claims for Relief

Count One **Statutory Violation**

14) Petitioner re-alleges and incorporates by reference paragraph's 1-13 above.

15) Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. sec. 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. The six-month presumptuously reasonable period for removal efforts has expired. Petitioner still has not been removed, and continues to languish in detention. Petitioner's removal to Eritrea is not likely to occur in the reasonably foreseeable future. The Supreme Court held, in *Zadvydas* and *Martinez*, that ICE's continued detention of someone like Petitioner under such circumstances, being detained for over six months, housed in a facility that is over crowded (which causes concern for health issues) is unlawful.

Count Two **Substantive Due Process Violation**

16) Petitioner re-alleges and incorporates by reference paragraph's 1-15 above.

17) Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

18) The Due Process Clause of the 5th Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner. Petitioner is from Eritrea, a country that has little to no dealings with

the United States. This makes it very difficult and reluctant that Eritrea will grant travel documents. Due to this fact, it is not significantly likely that Petitioner will be removed in the reasonably foreseeable future. Zadvydas recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of six months and Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

Count Three **Procedural Due Process Violation**

19) Petitioner re-alleges and incorporates by reference paragraphs 1-18 above.

20) Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity. In *Demore v Hyung Joon Kim*, 538 U.S. 510, "the supreme court emphasized that detention was permissible for the "brief" and "limited period" needed for removal (proceedings)." In *Wong Wing v U.S.* 163, "The supreme court held that civil detention of a removable non-citizen violates the constitution if it's punitive". ICE does not make decisions concerning aliens custody status in a neutral and impartial manner. Any internal process to determine whether release is warranted is not subjected to review or challenge. There is a significant risk of erroneous, unwarranted detention and the deprivation of Petitioner's interests. The failure of Respondents to provide a neutral decision-maker to review the continued detention of Petitioner violates Petitioner's right to procedural due process. In *John Doe v Moises Becerra*, it was determined that, "Prolonged civil detention violates due process. Given the conditions at the facility Petitioner is detained and the available alternatives....prolonged detention has become excessive in relation to the governments purposes and has therefore become punitive violation of rights under the Due Process Clause of the 5th Amendment."

Prayer For Relief

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1)** Assume jurisdiction over this matter;
- 2)** Grant Petitioner a Writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody;
- 3)** Enter preliminary in permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4)** Award Petitioner Attorney fees and cost under the Equal Access to Justice Act (EAJA) as amended, 5 U.S.C. sec 504 and 28 U.S.C. sec 2412, and on any other basis justified under law; and
- 5)** Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

9-3-25

Date

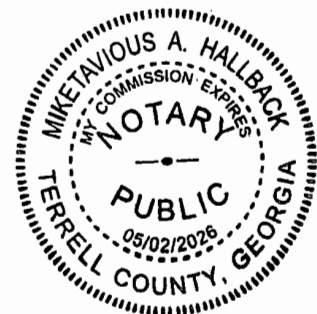
[Signature]
Signature

Petitioner's Name: Mebratu Mehur
A#: [Redacted]

146 CCA Road
P.O. Box 248
Lumpkin, Ga 31815

Public Notary

9/13/2025
[Signature]
Signature



Certificate Of Service

I Mebratu Mehur hereby certify that on 9-3-25 a copy of this Petition for Writ of Habeas Corpus which it was sent via priority mail to;

United States District Court for the Middle District of Georgia
Columbus Division P.O. Box 124 Columbus, Ga 31902

Executed on this 3rd day of September ^{'25} under penalty of perjury pursuant to 28 U.S.C. section 1746.

Mebratu Mehur
Name