

Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Ricardo Salgado, A# [REDACTED]

Petitioner,

v.

Warden, Stewart Detention Center,

Respondent.

Case No.:

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

I. INTRODUCTION

Petitioner Ricardo Salgado, a lawful permanent resident currently detained at Stewart Immigration Detention Center in Lumpkin, Georgia, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges the legality of his continued detention under mandatory custody provisions despite substantial changes in circumstances, including the filing of motions to vacate underlying criminal convictions and the submission of an EOIR-42A application for cancellation of removal.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within the Middle District of Georgia. Venue is proper in the Columbus Division, which encompasses Stewart Detention Center.

III. PARTIES

- **Petitioner:** Ricardo Salgado, currently detained at Stewart Detention Center, Unit 4C/102, 146 CCA Road, Lumpkin, GA 31815.
- **Respondent:** Warden of Stewart Detention Center, responsible for Petitioner's custody.

IV. STATEMENT OF FACTS

Petitioner has been in immigration detention since March 30, 2025, following arrest for a probation violation linked to unresolved traffic citations. Removal proceedings were initiated based on prior misdemeanor convictions. Petitioner has since:

- Filed motions to vacate three criminal convictions in Whitfield County Superior Court (Aug 26, 2025).
- Submitted EOIR-42A application for cancellation of removal (May 1, 2025).

- Appealed bond denial and filed motions to reopen and clarify proceedings.
- Received conflicting responses from EOIR and BIA regarding filings.
- Was denied bond again on Sept 9, 2025, despite pending motions to vacate convictions.

Petitioner remains in mandatory detention despite material changes in legal status and eligibility for relief.

V. CLAIM FOR RELIEF

Petitioner asserts that his continued detention violates his constitutional rights and exceeds the scope of lawful custody under 8 U.S.C. § 1226(c), given:

- The pending motions to vacate convictions that form the basis of mandatory detention.
- Procedural inconsistencies and lack of acknowledgment of EOIR-42A and bond appeal filings.
- Denial of bond without jurisdictional review despite changed circumstances.

Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus ordering his release or a new custody redetermination.
2. Declare that his continued detention is unlawful under current circumstances.
3. Grant any other relief the Court deems just and proper.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court:

- Issue an order to show cause to Respondent.
- Grant the writ of habeas corpus.
- Order Petitioner's release from custody or a new bond hearing.
- Provide any further relief deemed appropriate.

Respectfully submitted,



Ricardo Salgado
Stewart Detention Center
Unit 4C/102
146 CCA Road
Lumpkin, GA 31815
A# 

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 GeorgiaRicardo Salgado
Stewart Immigration Detention Center*Petitioner*

v.

Warden, Stewart Detention Center

Case No. _____
(Supplied by Clerk of Court)*Respondent*

(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: Ricardo Salgado
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Stewart Immigration Detention Center
(b) Address: Unit  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): detention is under removal proceedings initiated by ICE
Not serving a criminal sentence, but is being held due to immigration enforcement based on prior convictions

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: Stewart Immigration Court 146 CCA Road Lumpkin, Georgia 31811
AND Board of Immigration Appeals (BIA) 5107 Leesburg Pike Falls Church, Virginia 22041
- (b) Docket number, case number, or opinion number: A# 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Petitioner is challenging his continued mandatory immigration detention under 8 U.S.C. § 1226(c), despite
material changes in circumstances. Bond was denied on May 13, 2025, and again on September 9, 2025, even af
ter filing motions to vacate the criminal convictions that form the basis of detention. The judge stated mandatory deter
- (d) Date of the decision or action: 09/09/2025

Your Earlier Challenges of the Decision or Action

7. First appeal

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

☒ 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: _____

Filing an EOIR-42A application for Cancellation of Removal for Lawful Permanent Residents on May 1, 2025
Appealing the denial of bond through an EOIR-26 submitted on June 1, 2025, with supporting documents
Filing a Motion to Reopen Bond Proceedings on July 19, 2025, and a Motion to Clarify and Reassert Subn
Submitting Motions to Vacate Prior Criminal Convictions on August 26, 2025, to Whitfield County Superior
Attending multiple hearings and requesting custody redetermination based on changed circumstances, inc

(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 ☐ No

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: _____

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: Board of Immigration Appeals (BIA), Stewart Immigration Court

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: Not assigned(4) Result: No formal ruling received; documents returned with notice stating no record of appeal on file

(5) Date of result: _____

(6) Issues raised: _____

Board of Immigration Appeals (BIA), Stewart Immigration Court, Office of the Principal Legal Advisor (OPL)
July 19, 2025 - Motion to Reopen Bond ProceedingsBoard of Immigration Appeals (BIA), Stewart Immigration Court, Office of the Principal Legal Advisor (OPL)
July 28, 2025 - Motion to Clarify and Reassert Submission of EOIR-42A

(b) If you answered "No," explain why you did not file a third appeal: _____

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

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: _____

Petitioner has exhausted administrative remedies by filing EOIR-42A, bond appeals motions to reopen, and motions to vacate convictions. He has received conflicting responses from EOIR and BIA, and remains detained without proper review.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 03/30/2025

- (b) Date of the removal or reinstatement order: 09/11/2025

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

☒ Yes☐ No

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: _____

Filed EOIR-26 Bond Appeal on June 1, 2025

Filed motions to reopen and clarify proceedings in July 2025

Submitted EOIR-42A application for cancellation of removal

(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: _____

Motion to Reopen Bond Proceedings (filed July 19, 2025)— Requested review of procedural inconsistencies and

Motion to Clarify and Reassert Submission of EOIR-42A (Filed July 28, 2025)

-Reaffirmed delivery of removal application and requested acknowledgment of filing.

Motion to Vacate Prior Criminal Convictions (filed August 26, 2025 in Whitfield County Superior Court)

-Challenged the validity of three misdemeanor convictions that form the basis of mandatory detention.

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:

Prolonged Mandatory Detention Without Individualized Review

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

Ricardo Salgado has been detained at Stewart Immigration Detention Center since March 30, 2025, under mandatory custody provisions of 8 U.S.C. § 1226(c). Despite multiple hearings and requests for bond he has been denied release without individualized consideration of his circumstances. His continued detention exceeds six months and has not been reviewed in light of changed legal and factual conditions, violating his Fifth Amendment right to due process.

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

☒ Yes

☐ No

GROUND TWO:

Detention Based on Criminal Convictions Currently Under Review

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

On August 26, 2025, Ricardo filed motions to vacate three misdemeanor convictions in Whitfield County Superior Court. These convictions form the basis of his mandatory detention. The immigration judge acknowledged the pending motions but denied bond, stating that detention would continue until the convictions were vacated. Holding Ricardo based on convictions that may be legally invalid violates his right to fair process and undermines the lawful basis for detention under federal law.

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

☐ Yes

☐ No

GROUND THREE:

Procedural Irregularities and Lack of Acknowledgment of Relief Applications

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

Ricardo submitted an EOIR-42A application for Cancellation of Removal on May 1, 2025, with certified mail receipt confirming delivery to the BIA, Stewart Immigration Court, OPLA Atlanta, and USCIS. Despite acknowledgment during a bond hearing, subsequent hearings failed to recognize the application, and correspondence from the BIA no record of appeal was on file. These procedural inconsistencies have obstructed Ricardo's access to relief and violated his right to meaningful review under immigration law and the Due Process Clause.

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

☒ Yes

☐ No

GROUND FOUR:

Denial of Bond Despite Material Change in Circumstances

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

Ricardo' s second bond hearing on September 9, 2025, occurred after he filed motions to vacate his criminal convictions. The immigration judge denied bond again, citing mandatory detention, even though the legal basis for detention was actively being challenged. This refusal to consider new evidence and changed circumstances violates Ricardo' s right to a fair custody determination and constitutes unlawful detention under 28 U.S.C. § 2241.

(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:

Petitioner respectfully requests that this Court issue a writ of habeas corpus ordering his release from custody or new custody determination hearing. He also requests any other relief the Court deems just and proper.

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

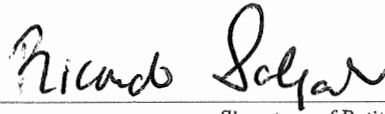
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

09/09/2025

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: 09/09/2025



Signature of Petitioner

Pro Se

Signature of Attorney or other authorized person, if any
