

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

EMMANUEL STANLEY RUIZ-MAGANA

Petitioner

v.

Warden, Stewart Detention Center, TODD M. LYONS,
Acting Director, Immigration and Customs Enforcement,
U.S. Department of Homeland Security

Respondent

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

Case No.

(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: Emmanuel Stanley Ruiz-Magana
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: Stewart Detention Center
(b) Address: 146 CCA Road
Lumpkin GA 31815
(c) Your identification number: 
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)

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- ☐ 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: U.S. Immigration and Customs Enforcement (ICE)
Stewart Detention Center, Lumpkin, Georgia; Board of Immigration Appeals (BIA), Falls Church, Virginia.
(b) Docket number, case number, or opinion number: BIA appeal pending
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Ongoing ICE civil immigration detention since September 7, 2025
without any bond hearing or custody redetermination based on an unsubstantiated allegation of ankle-monitor
tampering, while BIA appeal remains pending of prolonged detention without a bond hearing. Petitioner seeks hab
(d) Date of the decision or action: 09/07/2025

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: _____

(b) If you answered "No," explain why you did not appeal: No bond hearing or custody redetermination has
has ever been provided. There is no adequate administrative remedy to obtain review of prolonged detention
without a bond hearing. Petitioner seeks habeas relief under 28 U.S.C. § 2241.

8. **Second appeal**

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

☐ Yes ☒ No

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(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: _____

Not Applicable

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: _____

Not Applicable

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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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:

(a) Date you were taken into immigration custody: 09/07/2025

(b) Date of the removal or reinstatement order: 12/16/2024

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

☒ Yes

☐ No

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If "Yes," provide:

(1) Date of filing: 01/17/2025

(2) Case number: PENDING

(3) Result: PENDING

(4) Date of result:

(5) Issues raised:

Immigration Judge erred in his finding the respondent did not meet the burden of proof and are not refugee in their relief of asylum, erred in the findings that respondents religion based persecution was no enumerated grounds of the act, the respondent reserves the right to point out any immigration judge error when they received the individual transcript

(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:

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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 detention without bond hearing

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

Petitioner has been detained by ICE since September 7, 2025.

Petitioner has never received a bond hearing or custody redetermination by an Immigration Judge.

Petitioner denies tampering. Petitioner was not given notice, evidence or an opportunity to contest the allegations before being detained.

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

☐ Yes

☒ No

GROUND TWO: Detention based on false ankle-monitor allegation without notice or hearing

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

ICE detained petitioner based on an allegation of ankle-monitor tampering

Petitioner denies tampering. Petitioner was not given notice, evidence, or an opportunity to contest the allegation before being detained.

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

☐ Yes

☒ No

GROUND THREE: Compliance with ICE/ISAP and no missed check-ins; detention unnecessary

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

Before detention, petitioner complied with ICE/ISAP supervision and did not miss scheduled ICE check-in appointments. ICE had petitioner's address and supervision history

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

☐ Yes

☒ No

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GROUND FOUR: Hardship and inadequate medical care in detention

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

Detention has caused severe family hardship, including separation from children during major life events like the birth of her daughter in December 2025.

While detained, petitioner suffered an eye injury and was not provided proper medical evaluation or treatment, and was given only acetaminophen and dismissed.

(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 has not been provided any bond hearing or custody redetermination process to present these grounds, Habeas relief is necessary to obtain review of prolonged detention and denial of a hearing.

Request for Relief

15. State exactly what you want the court to do: Order petitioner's immediate release from ICE custody under appropriate conditions of supervision, OR in the alternative order an immediate bond hearing/custody redetermination before an Immigration Judge. Petitioner requests expedited consideration due to ongoing detention and hardship. He is sole provider for his 2 children and wife.

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Declaration Under Penalty Of Perjury

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

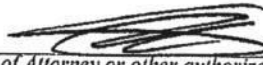
N/A FILED BY NEXT FRIEND

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: 01/05/2026

/s/Sayda Ayala, Next Friend for Petitioner Emmanuel Stanley Ruiz-Magana

Signature of Petitioner



Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

**MEMORANDUM OF LAW IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)**

I. INTRODUCTION

Petitioner Emmanuel Stanley Ruiz-Magana, by and through his Next Friend Sayda Ayala, submits this Memorandum of Law in support of his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner is currently subjected to prolonged civil immigration detention by Immigration and Customs Enforcement ("ICE") without a bond hearing, without individualized custody review, and based on an unsubstantiated allegation of electronic monitoring tampering, while his appeal remains pending before the Board of Immigration Appeals ("BIA").

Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, exceeds ICE's statutory authority, and constitutes arbitrary and punitive civil confinement. Habeas relief is warranted.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 to review the legality of Petitioner's detention. Federal courts retain habeas jurisdiction to consider constitutional and statutory challenges to immigration detention. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001).

Venue is proper in this Court because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, within the Middle District of Georgia.

III. LEGAL STANDARD GOVERNING IMMIGRATION DETENTION

The Fifth Amendment's Due Process Clause applies to all persons within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Immigration detention is civil in nature and may not be punitive. *Bell v. Wolfish*, 441 U.S. 520, 535–37 (1979).

While Congress has authorized immigration detention in certain circumstances, such detention must remain reasonable, non-punitive, and subject to meaningful procedural safeguards. Prolonged detention without individualized review raises serious constitutional concerns. *Jennings v. Rodriguez*, 583 U.S. 281, 308–09 (2018).

Even where statutes do not mandate bond hearings, constitutional challenges to prolonged detention remain cognizable through habeas corpus. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 582–83 (2022).

IV. PROLONGED DETENTION WITHOUT A BOND HEARING VIOLATES DUE PROCESS

Petitioner has been detained by ICE since September 7, 2025, without any bond hearing or custody redetermination before an Immigration Judge. He has never been afforded an opportunity to contest his continued detention.

Due process requires consideration of the private interest affected, the risk of erroneous deprivation, and the government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Petitioner's liberty interest is profound, the risk of error is high because detention is based on

an unproven allegation, and the government's interest is minimal given Petitioner's compliance and lack of flight risk.

V. DETENTION BASED ON UNSUBSTANTIATED ALLEGATIONS IS ARBITRARY

ICE detained Petitioner based on an allegation that he attempted to tamper with an ankle monitor. Petitioner categorically denies this allegation. ICE provided no notice, no evidence, and no hearing before detaining him.

Arbitrary executive action that shocks the conscience violates due process. *County of Sacramento v. Lewis*, 523 U.S. 833, 846–47 (1998). ICE's own records confirm Petitioner's ISAP compliance and contradict the allegation used to justify detention.

VI. PENDING BIA APPEAL UNDERMINES DETENTION

Petitioner remains in active removal proceedings, as confirmed by ICE/EOIR documentation dated January 26, 2024, and his appeal before the BIA remains pending. Where removal is not imminent, prolonged detention becomes constitutionally suspect. *Zadvydas*, 533 U.S. at 690.

VII. IRREPARABLE HARM AND CONDITIONS OF CONFINEMENT

Petitioner has suffered severe irreparable harm during detention, including missing the birth of his child, emotional harm to his children, an untreated eye injury, and inadequate medical care. Civil detention that becomes punitive violates due process. *Bell*, 441 U.S. at 535.

VIII. NEXT FRIEND STANDING

This petition is properly filed by Sayda Ayala as Next Friend. Courts permit next-friend habeas filings where the detainee cannot meaningfully access the courts and the next friend acts in the detainee's best interests. *Whitmore v. Arkansas*, 495 U.S. 149, 163–64 (1990).

IX. RELIEF REQUESTED

Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus; order Petitioner's immediate release or, in the alternative, an immediate bond hearing; grant expedited consideration; and grant such other relief as the Court deems just and proper.

/s/ Sayda Ayala
Sayda Ayala
Next Friend for Petitioner
Emmanuel Stanley Ruiz-Magana