FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

LF 026 (Rev. 11/19) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

# UNITED STATES DISTRICT COURT

for the Northern District of Georgia

FEB 02 2026

KEVIN P. WEIMER, Clerk
By: Deputy Clerk

Jesús Gregorio Ruiz Alvarez
*Petitioner*

v.

Jason Streeval
*Respondent(name of warden or authorized person having custody of petitioner)*

Case No. 1:26-CV-0622
*(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: Jesus Gregorio Ruiz Alvarez
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: Stewart Detention Center
   (b) Address: 146 Cca Rd, Lumpkin GA 31815
   (c) Your identification number: A [redacted]
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)

❒ 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: Stewart Detention Center, 146 Ccq Rd, Lumpkin GA 31815
(b) Docket number, case number, or opinion number:
(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
Unlawful Prolonged Administrative detention without bond redetermination
(d) Date of the decision or action:

**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: N/A
(2) Date of filing: N/A
(3) Docket number, case number, or opinion number: N/A
(4) Result: N/A
(5) Date of result: N/A
(6) Issues raised: N/A
(b) If you answered "No," explain why you did not appeal: No appeal available. ICE is holding the Petitioner in mandatory detention a bond hearing

8. **Second appeal**
After the first appeal, did you file a second appeal to a higher authority, agency, or court?
❒ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal: The Petitioner is being held under mandatory detention. Seeking administrative relief would be futile because the agency (ICE) does not have the authority to declare it own mandatory detention status unconditional. Only this Court Federal can provide the relief request.

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: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal: Administrative exhaustion should be excused as futile. The Petitioner has no available administrative mechanism to challenge the indefinite nature of this detention, which violates his due Process right under fifth Amendment.

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

If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(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: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(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

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(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:

**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:** Unlawful Prolonged detention in violation of the due Process clause of the Fifth Amendment.

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

See attached Page little "Attachment to Ground One - Supporting facts for a detailed explanation.

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

☐ Yes ☒ No

**GROUND TWO:** the Petitioner is not a flight risk or Danger to the community

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

See attached Page little "Attachment to Ground Two - Supporting facts for a detailed explanation.

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

☐ Yes ☒ No

**GROUND THREE:** Lack of Danger to the community and is not a flight risk. His recent arrest was for a non-violent minor offense, wich does not reflect his character or his Three year history of Paceful residence in the U.S furthermore he has a strong incentive will future court dates to resolve the ongoing litigation regarding his TPS.

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

See attached Page Little "Attachment To Ground Three - Supporting facts for a detailed explanation.

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

☐ Yes ☒ No

**GROUND FOUR:** Violation of due Process and Equal Protection - Pending Systemic litigation of Venezuela TPS

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

See attachment 4 for additional Supporting facts.

(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: the immigration court (Judge) and the board of Immigration Appeals (BIA) lack jurisdiction to adjudicate constitutional challenges to mandatory detention or systemic litigation regarding TPS. therefore, these grounds could not be presented in the administrative proceedings, and any attempt to do so would have been futile.

**Request for Relief**

15. State exactly what you want the court to do: 1:) Grant the Petition for WRIT of Habeas Corpus. 2:) Order the petitioner's immediate release from ICE custody order reasonable conditions of supervision 3:) In the alternative, Order an immediate bond hearing before and Immigration Judge where the goverment bears the burden of Justifying continued detention. 4:) Grant any other relief this court deems just and Proper.

**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: 01/12/2026

Jose Sanchez (Next friend)
*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

Statement regarding Next friend Signature:

I am signing this petition on behalf of The Petitioner because he is currently held in ICE custody at Stewart Detention Center, has limited access to legal materials and mail services and is unable to sign and file this petition personally in a timely manner to protect his constitutional rights.

Next friend's name: Jose Sanchez

Address: [redacted]

Phone: [redacted]

**ATTACHMENT TO FORM 28 U.S.C. § 2241**

**SUPPORTING FACTS FOR GROUND "ONE"**

**Petitioner:** Jesus Gregorio Ruiz Alvarez

A Number: [redacted]

**GROUND ONE. Supporting facts:**

The petitioner has been continuously present in the United States for three years (since 2023). He was a detained by local police for a minor offense and subsequently transferred to ICE custody. Despite his long-term residence and lack of significant criminal history, ICE is refusing to grant him a bond hearing, claiming mandatory detention due to his initial entry through the border. This prolonged administrative detention without any judicial review of his custody status violates his fifth Amendment right to due process.

**ATTACHMENT TO FORM 28 U.S.C. § 2241**

**SUPPORTING FACTS FOR GROUND "TWO"**

**Petitioner:** Jesus Gregorio Ruiz Alvarez

A Number: [redacted]

**GROUND TWO. Supporting facts:**

Petitioner is a law-abiding and hardworking individual with deep ties to the community. He was previously granted Temporary Protected Status (TPS) for Venezuela. Although the continuity of this TPS is currently under litigation in Court of Appeals, he has consistently maintained his work authorization and legal presence until his detention. He is not flight risk or danger to the community as evidenced by his history of compliance with U>S immigration laws and his employment record. His continued detention by ICE despite these equities, is arbitrary and violates the Fifth Amendment.

**ATTACHMENT TO FORM 28 U.S.C. § 2241**

**SUPPORTING FACTS FOR GROUND "THREE"**

**Petitioner:** Jesus Gregorio Ruiz Alvarez

A Number: [redacted]

**GROUND THREE. Supporting facts:**

Lack of danger to the community and is not a flight risk. His recent arrest was for a non-violent minor offense, which does not reflect his character or his three year history of peaceful residence in the U.S furthermore , he has a strong incentive to comply with all the future court dates to resolve the ongoing litigation regarding his TPS. His continued in detention serves no legitimate government purpose and is punitively excessive under circumstances.

**ATTACHMENT TO FORM 28 U.S.C. § 2241**

**SUPPORTING FACTS FOR GROUND "FOUR"**

**Petitioner:** Jesus Gregorio Ruiz Alvarez

A Number: [redacted]

**GROUND FOUR. Supporting facts:**

The Petitioner is a beneficiary of Temporary Protected Status (TPS) for Venezuela. The continuity and lawfulness of this program is currently the subject of systemic litigation in the U.S Court of Appeals, affecting over 600,000 Venezuelan nationals. By maintaining the petitioner in mandatory detention, ICE is effective by passing the judicial review process of the TPS program. The Petitioner's detention is arbitrary because it falls to recognize his previous legal status and the fact that his right to remain in the U.S is currently being adjudicated at a national, systemic level. To deny bond while such significant litigation is pending violates the Petitioner's Fifth Amendment rights.