

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

**ADOJA OPAREBEA AMANOR
AKROFI,**

Petitioner,

V.

**WARDEN, STEWART DETENTION
CENTER,¹**

Respondent.

Case No. 4:26-cv-356-CDL-AGH
28 U.S.C. § 2241

RESPONDENT'S RESPONSE

On March 6, 2026, Petitioner filed a petition for a Writ of Habeas Corpus (“Petition”). ECF No. 1. Petitioner claims, among other things, that she is entitled to immediate release or a bond hearing pursuant to 8 U.S.C. § 1226(a). ECF No. 1. On March 9, 2026, in light of the Court’s rulings in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH (M.D. Ga. Nov. 1, 2025), and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025), the Court ordered Respondents to provide Petitioner a bond hearing within seven days. ECF No. 4. The Court’s order further states that if “Respondents in good faith contend that the Court’s prior rulings in *J.A.M.* and *P.R.S.* do not apply here, Respondents should file an appropriate motion seeking relief from this order and demonstrating why the Court’s prior rulings in *J.A.M.* and *P.R.S.*

¹ In addition to the Warden of Stewart Detention Center, Petitioner also names officials with the Department of Justice, Department of Homeland Security, and Immigration and Customs Enforcement as Respondents in her Petition. “[T]he default rule [for claims under 28 U.S.C. § 2241] is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

do not control the result in this case. If such a good faith motion is filed, then this order shall be stayed pending the resolution of that motion.” ECF No. 4. Respondent now files this good faith motion to dismiss the Petition, showing that *J.A.M.* and *P.R.S.* do not control the result in this case and that the order for a bond hearing should be stayed and the Petition should be dismissed.

BACKGROUND

Petitioner is a native and citizen of Ghana who has been mandatorily detained at Stewart Detention Center pre-final order of removal pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii). Declaration of Deportation Officer Carlos Santiago (“Santiago Decl.”) ¶¶ 4, 16 & Ex. A. On August 5, 2023, Petitioner was encountered by the U.S. Border Patrol near San Luis, Arizona. *Id.* ¶ 4 & Ex. A. Petitioner was detained and processed for expedited removal pursuant to 8 U.S.C. § 1225(b)(1). *Id.* ¶ 4 & Ex. A. Petitioner claimed relief from removal. *Id.* ¶ 5.

On August 31, 2023, U.S. Citizenship and Immigration Services (“USCIS”) issued Petitioner a Notice to Appear (“NTA”), charging her as inadmissible pursuant to 8 U.S.C. §§ 1182(a)(6)(A)(i), 1182(a)(7)(A)(i)(I). Santiago Decl. ¶ 6 & Ex. B. On or about September 7, 2023, ICE/ERO released Petitioner via parole for one year, a condition which required periodic reporting to ICE/ERO. *Id.* ¶ 7 & Ex. C. On February 13, 2024, Petitioner filed an application for relief from removal with the immigration court. *Id.* ¶ 7. On March 20, 2024, Petitioner filed written pleadings admitting allegations 1-5 and conceded both charges in the NTA. *Id.* ¶ 9. On September 15, 2025, Petitioner appeared in the Atlanta Immigration Court for a hearing on her application for relief from removal. *Id.* ¶ 10. The Immigration Judge (“IJ”) denied the application and ordered Petitioner removed to Ghana. *Id.* ¶ 10 & Ex. D.

On October 13, 2025, ICE/ERO took Petitioner into custody. Santiago Decl. ¶ 11 & Ex. E. On October 13, 2025, Petitioner filed an appeal of the denial of her application for relief and

removal order to the Board of Immigration Appeals (“BIA”). *Id.* ¶ 12 & Ex. F. The appeal is currently pending. *Id.* ¶ 12. The immigration court scheduled a bond hearing for Petitioner for March 12, 2026. *Id.* ¶ 14. Petitioner remains detained at SDC pursuant to 8 U.S.C. § 1225(b)(1). *Id.* ¶ 16.

If Petitioner becomes subject to a final order of removal, there is a significant likelihood of removal in the reasonably foreseeable future. *Id.* ¶ 15. Ghana is open for international travel, and ICE/ERO is currently removing non-citizens to Ghana. *Id.*

LEGAL FRAMEWORK

Petitioner contends that her continued detention without a bond redetermination hearing is in violation of her due process rights. Pet. ¶¶ 50-53. The Court ordered that she be provided with a bond hearing based on its previous rulings in *J.A.M.* and *P.R.S.* which held that immigration detainees apprehended in the interior of the United States could not be detained pursuant to 8 U.S.C. § 1225(b)(2)(A), but instead were detained pursuant to § 1226(a) and entitled to a bond hearing. ECF No. 4. Petitioner, however, is not detained under § 1225(b)(2)(A) like the petitioners in *J.A.M.* and *P.R.S.* Rather, Petitioner was processed for expedited removal proceedings under § 1225(b)(1) and is detained pre-final order of removal under 8 U.S.C. § 1225(b)(1)(B)(ii). Santiago Decl. at ¶ 15. Even though she was later issued a Notice to Appear and released on parole under 8 U.S.C. § 1182(d)(5)(A), Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii), as discussed more fully below.

Expedited removal orders permit ICE/ERO to remove specific classes of inadmissible non-citizens without conducting removal proceedings under INA section 240, 8 U.S.C. § 1229a: (1) arriving aliens, and (2) certain inadmissible non-citizens who have not otherwise been admitted or paroled. 8 C.F.R. § 253.3(b)(1), (b)(2)(ii). First, 8 U.S.C. § 1225(a)(1) provides that “[a]n alien

present in the United States who has not been admitted or who arrives in the United States . . . shall be deemed . . . an applicant for admission.” These non-citizens—known as “arriving aliens”—are subject to expedited removal orders in two ways. 8 C.F.R. § 253.3(b)(1)(i). “If an immigration officer determines that an alien . . . who is arriving in the United States . . . is inadmissible under [8 U.S.C. §§] 1182(a)(6)(C) or 1182(a)(7)[,] the officer shall order the alien removed from the United States without further hearing or review unless the alien” intends to apply for asylum or claims a fear of persecution. 8 U.S.C. § 1225(b)(1)(A)(i). For arriving aliens who claim a fear of persecution, “if the officer determines that an alien does not have a credible fear of persecution, the officer shall order the alien removed from the United States without further hearing or review.” 8 U.S.C. § 1225(b)(1)(B)(iii)(I).

Second, 8 U.S.C. § 1225(b)(1)(A)(iii)(I) provides that DHS/ERO may apply expedited removal proceedings to an additional class of non-citizens. *See also* 8 C.F.R. § 253.3(b)(1)(ii). Specifically, this includes non-citizens who (1) have “not been admitted or paroled into the United States,” and (2) have “not affirmatively shown, to the satisfaction of an immigration officer, that [they have] been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility[.]” 8 U.S.C. § 1225(b)(1)(A)(iii)(II). This subsection covers Petitioner.

If an immigration officer determines that a non-citizen is inadmissible and subject to expedited removal in one of these two manners, the “immigration officer shall advise the alien of the charges against him or her on Form I-860, Notice and Order of Expedited Removal, and the alien shall be given an opportunity to respond to those charges[.]” 8 C.F.R. § 253.3(b)(2)(i). If the charges are sustained, the “immigration official shall serve the alien with Form I-860[.]” *Id.* Thereafter, the non-citizen will be processed for removal. 8 C.F.R. § 253.3(b)(8).

If a non-citizen subject to an expedited removal order “indicates either an intention to apply for asylum . . . or a fear of persecution,” 8 U.S.C. § 1225(b)(1)(A)(i), the “officer shall refer the alien for an interview by an asylum officer,” 8 U.S.C. § 1225(b)(1)(A)(ii). “If the officer determines at the time of the interview that an alien has a credible fear of persecution[,] . . . the alien shall be detained for further consideration of the application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii).

Detention of all aliens subject to expedited removal is mandatory. Specifically, an alien who has made the type of claim described in 8 U.S.C. § 1225(b)(1)(A)(ii), and who is determined to have a credible fear of persecution, “*shall be detained* for further consideration of the application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). The only exception is that ICE/ERO may—in its discretion—release such aliens on parole. 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. §§ 212.5(b), 235.3(c).

ARGUMENT

Petitioner claims that her detention without a bond hearing violates her due process rights. Pet. ¶¶ 50-53. Petitioner’s claim should be denied because she is not detained under § 1225(b)(2)(A), so her circumstance is distinguishable from that of the petitioners in *J.A.M.* and *P.R.S.* and her detention is mandatory under the INA during her removal proceedings.

As set forth above, Petitioner is not detained under § 1225(b)(2)(A). Rather, she is detained pre-final order of removal under 8 U.S.C. § 1225(b)(1)(B)(ii). Santiago Decl. at ¶ 15. And under § 1225(b)(1)(B)(ii), Petitioner’s detention is mandatory, and she is not entitled to release or a bond hearing. After Petitioner was apprehended and detained, she was processed for expedited removal pursuant to § 1225(b)(1), but then referred to USCIS for consideration of her application for relief. *Id.* ¶ 5. Petitioner’s removal proceedings were never terminated, only transferred to the

immigration court for further consideration of her application for relief. 8 U.S.C. § 1225(b)(1)(B)(ii); Santiago Decl. ¶¶ 5-8. Under that same subsection, the non-citizen “shall be detained” during those proceedings. *Id.*

This procedure is exactly how the statute was intended to operate, and at no point did Petitioner’s detention authority shift from § 1225(b)(1)(B)(ii). Petitioner is in a similar circumstance to a petitioner (“G.A.G.C.”), discussed in the Court’s decision in *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL-CHW, 2025 WL 3269947 at *2 (M.D. Ga., Nov. 24, 2025). There, the Court denied the petition of G.A.G.C., who had been (1) initially detained shortly after an illegal entry, (2) “sought to lawfully remain based on allegations that she was entitled to asylum,” (3) was “released from detention pending a decision on his asylum application,” and (4) “his removal proceedings were never dismissed.” *Id.* So too Petitioner here. The only distinction is that the initial determination of Petitioner’s and G.A.G.C.’s claims were different, but this only means that G.A.G.C. was mandatorily detained pursuant to § 1225(b)(1)(B)(iii)(IV) and Petitioner is mandatorily detained pursuant to § 1225(b)(1)(B)(ii). The outcome of their habeas petitions should be the same.

As the Court held with regard to G.A.G.C., Petitioner was inspected by an examining immigration officer upon her initial entry and was subject to mandatory detention while her claim for relief was considered. The fact that she was released on humanitarian parole while that claim was considered does not eliminate Respondent’s authority to detain her without a bond hearing. Respondent did not waive the right to detain Petitioner by failing to follow the mandatory detention authority of the statute. *P.R.S.*, 2025 WL 3269947 at *2. Petitioner is not detained under § 1225(b)(2)(A), and she should be treated exactly like petitioner G.A.G.C. This claim should be denied.

CONCLUSION

The record is complete in this matter, and the case is ripe for adjudication on the merits. For the reasons stated herein, Respondent respectfully requests that the Court deny the Petition.

Respectfully submitted, this 11th day of March, 2026.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

By: /s/ Michael P. Morrill
MICHAEL P. MORRILL
Assistant United States Attorney
Georgia Bar No. 545410
United States Attorney's Office
Middle District of Georgia
P.O. Box 2568
Columbus, GA 31902
Tel.: (706) 649-7728
michael.morrill@usdoj.gov