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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

OLUWAMUYIWA OLAWOYE

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Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY;

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);

WARDEN, STEWART DETENTION CENTER,

Respondents.

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)

I. JURISDICTION AND VENUE

This action arises under 28 U.S.C. § 2241.

This Court has jurisdiction because Petitioner is in federal immigration custody at Stewart Detention Center, Lumpkin, Georgia, within the Middle District of Georgia.

Venue is proper pursuant to 28 U.S.C. § 1391(e).

II. PETITIONER INFORMATION

Petitioner is Oluwamuyiwa Olawoye, A# .

Petitioner is currently detained by ICE at Stewart Detention Center.

III. FACTUAL BACKGROUND

Petitioner was released from ^{prison} ~~ICE~~ custody in or about 2020 and placed on supervised release.

Petitioner was not detained by ICE at that time. OF Release

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Approximately one week later, Petitioner's state probation officer instructed him to voluntarily report, which Petitioner did in good faith.

Despite voluntary compliance, Petitioner was detained.

In 2020, Petitioner was released on humanitarian grounds due to COVID-19, recognizing health and humanitarian concerns.

Petitioner fully complied with all supervision and ICE check-in requirements.

In 2025, Petitioner was re-detained during a routine ICE check-in, despite no new criminal conduct.

Petitioner requested a Joseph hearing to contest detention.

The Immigration Judge denied the Joseph hearing.

The Immigration Judge then rushed Petitioner's individual hearing within two (2) weeks of the denial.

Petitioner's attorney was not properly notified of this hearing.

Counsel requested a continuance, which was denied.

On the hearing date, Petitioner suffered from severe tooth pain and medical distress, constituting good cause for a continuance.

The Immigration Judge again denied a continuance, forcing Petitioner to proceed without effective assistance of counsel while medically impaired.

Petitioner remains detained at Stewart Detention Center.

IV. GROUNDS FOR RELIEF

GROUND ONE: Petitioner Is NOT Subject to Mandatory Detention (INA §236(c)).

ICE is detaining Petitioner as if subject to mandatory detention.

Petitioner does not fall under INA §236(c) because he was released from criminal custody years earlier, lived in the community for years, and ICE failed to take him into custody "when released."

Under *Nielsen v. Preap*, 139 S. Ct. 954 (2019), detention authority does not eliminate due-process protections.

Under *Gordon v. Barr*, 965 F.3d 252 (4th Cir. 2020) and *Santos v. Warden*, 965 F.3d 203 (3d Cir. 2020), prolonged detention without bond review violates due process.

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petitioner is therefore entitled to bond and individualized custody review under INA §236(b)

Ground Two: Fifth Amendment Due process violation

immigration detention must be fundamentally fair. *Zadvydas v. Davis*, 533 U.S. 678 (2001)

DENIAL OF A JOSEPH HEARING DEPRIVED PETITIONER OF A MEANINGFUL opportunity to challenge detention

denying the individual hearing violated basic fairness

denying continuance despite lack of attorney notice and medical necessity was arbitrary and capricious

Ground Three: Denial of right to counsel

Although immigration proceedings are civil process requires a reasonable opportunity to secure a counsel

see *Montes-Lopez v. Holder*, 694 F.3d 1085 (9th Cir. 2012)

Proceeding without good preparation of counsel to lack of notice constitutes structural error.

The immigration Judge refusal to continue violated Petitioner Fifth Amendment right

Ground Four: ABUSE OF DISCRETION BY IMMIGRATION JUDGE

Immigration Judge must grant continuance for good cause. medical emergencies are valid grounds
Matter of Sibrun, 18 I&N Dec 354 (BIA 1983)

The Immigration Judge abuse discretion of denying continuances despite attorney was not notified and documented medical distress

Ground Five: Unlawful and prolonged civil detention

Detention must serve a legitimate purpose

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Petitioner has shown compliance with supervision, no flight risk, and no danger to the community.

Continued detention is punitive, not regulatory, violating substantive due process.

V. EMERGENCY NATURE OF PETITION

Petitioner remains detained without lawful basis.

Each day of unlawful detention constitutes irreparable harm.

Immediate judicial intervention is necessary.

VI. RELIEF REQUESTED

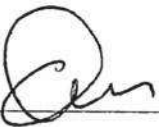
WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant the Petition for Writ of Habeas Corpus;
- B. Order Petitioner's immediate release from Stewart Detention Center;
- C. In the alternative, order an immediate Joseph hearing with the burden on the Government;
- D. Order a new immigration hearing consistent with due process;
- E. Grant any other relief the Court deems just and proper.

VII. VERIFICATION

I, Oluwamuyiwa Olawoye, declare under penalty of perjury that the foregoing is true and correct.

Date: 26/2, 2026



Oluwamuyiwa Olawoye

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Petitioner, Pro Se