

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

UNITED STATES DISTRICT COURT
for the

FILED
APR 15 2026
4:09 PM
MD-CDL

A No # [REDACTED]
NJINKENG ELVIS NCHABALIN
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

JASON STREVAL
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: NJINKENG ELVIS NCHABALIN
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: STEWART DETENTION CENTER
(b) Address: Sumpter, 146 CCA
Sumpter, GEORGIA 31815
(c) Your identification number: A No # [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
Immigration and Customs Enforcement (ICE)
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: Immigration and Customs enforcement (ICE)

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Pro-long detention in violation of the due process right of the fifth amendment.

(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: _____

(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: _____

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: _____

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: _____

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: 12/26/2024

(b) Date of the removal or reinstatement order: _____

(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: _____

(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: Due Process of the fifth amendment: I am currently being detained in violation of my fifth amendment rights to due process. My detention does not have an end date.

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 Do not cite cases or law.):

the Supreme Court in *Zachrydas v Davies* had held that any statute that permit continuous and indefinite detention is against the law of the United States. My detention now is 15 months long and it is against the fifth amendment right of the United States.

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

☐ Yes

☒ No

GROUND TWO: Pro-Long Detention in violation of due process of the fifth amendment.

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 Do not cite cases or law.):

My detention is 15 months long as of now and it's directly against the Constitution. My detention does not have an end date as my immigration proceedings are pending before an immigration judge after the grant of withholding was appeal by DHS and case remanded.

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

☐ Yes

☒ No

GROUND THREE: Substantive Due Process.

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

Though I am detained under § 8 USC 1225(b) my continuous detention has not been justified by any sufficient means constitutionally and the means given to me to justify continuous detention are inadequate. My continuous detention does not have any process.

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

☐ Yes

☒ No

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GROUND FOUR:

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

(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: @ ~~enjoin~~ Assume Jurisdiction over my case @ direct respondent to immediately released petitioner or on the contrary engage a bond hearing for him in 14 days. Also the government bears the burden of proving that he is risk to society or flight risk @ Stop denial of bond on basis of detention rule 225(b)

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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:

04/06/2026 & 06 April 2026

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: 04/06/2026


Signature of Petitioner

Signature of Attorney or other authorized person, if any

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

A# N0



NJINKENG ELVIS NCHABAUN
(petitioner)

CASE N0

V

TODD BLANCHE
ACTING ATTORNEY GENERAL
MARKWAYNE MULLIN
SECTARY FOR THE DEPARTMENT OD HOMELAND SECURITY
TODD LYON
ACTING DIRECTOR ICE
DIRECTOR FOR THE GEORGIA FIELD OFFICE FOR ICE
JASON STREEVAL
WARDEN OF STEWARTY DETENTION CENTER
(respondents)

PETITIONER FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C SECTION 2241

petitioner **NJINKENG ELVIS** appearing hereby petition this court for a writ of habeas corpus to remedy petitioners pro-long detention by respondents . In support of this petition and complain for an injunctive relief, petitioner alleges as follows

CUSTODY

petitioner is in the physical custody of the respondents and U.S. Immigration and customs enforcement (ICE).Petitioner is currently detained at Stewart detention center lumpkin Georgia,pursuant to a contractual agreement with the Department of Homeland Security. Petitioner is under the direct control of its agents.

JURISDICTION

This action arises under the constitution of the united states, and the immigration and nationality Act ("INA"), 8 U.S.C section 1101et seq as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (" IIRIRA")

pub L No 104-208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. section 701 et seq

This court has jurisdiction under 28 U.S.C. section 2241; art 1 section 9, cl. 2 of the United States Constitution ("suspension clause"); and 8 U.S.C. section 1225(b), as petitioner is presently in custody under the color of the authority of the United States, and such custody is in violation of the Constitution, laws, and all treaties of the United States. This court may grant relief pursuant to 28 U.S.C. Section 2241, 5 U.S.C. section 702, and the ALL WRITS ACT, 28 U.S.C. SECTION 165

VENUE

Pursuant to *Bradeb v. 30 Judicial Circuit of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Georgia, the judicial district in which petitioner is detained

PARTIES

Petitioner **NJINKENG ELVIS** is a native and citizen of Cameroon. Petitioner was taken into custody on the 12/26/2024 immediately after crossing the border from Mexico and has remained in detention till date. Petitioner is currently pursuing his immigration proceedings with the BOARD OF IMMIGRATION APPEALS (BIA). Petitioner does not have a final removal order yet.

Respondent **TODD BLANCHE** is the acting attorney general for the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such **TODD BLANCHE** has ultimate custodial authority over petitioner.

Respondent **MARKWAYNE MULLIN** is the secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA as such **MARKWAYNE MULLIN** is the legal custodian of the petitioner.

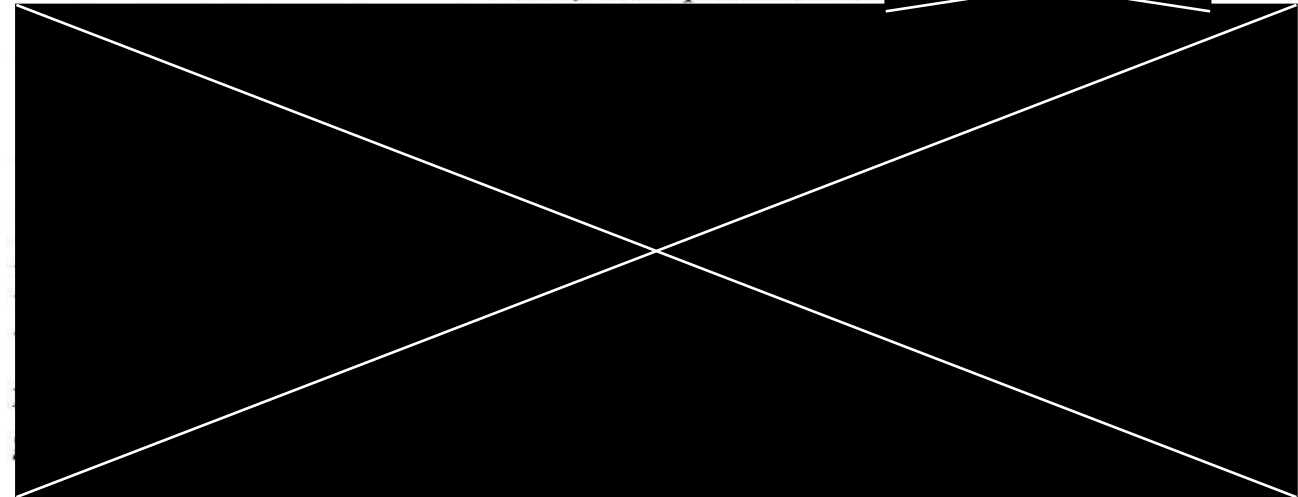
Respondent _____ is the field director for the Atlanta ICE field office and is PETITIONER'S immediate custodian. See *Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S.Ct. 43 (2001).

Respondent **JASON STREEVAL** is the warden of Stewart Detention Center (STD), where petitioner is currently detained under the authority of ICE, alternatively should be considered to be petitioner's immediate custodian.

Alternatively should be considered as petitioners direct custodian

FACTUAL ALLEGATIONS

PETITIONER NJINKENG ELVIS NCHABAUN is a native and citizen of Cameroon he fled from his country after persecution 



after passing through many countries I entered the united states on 12\26\2024 after crossing the southern boarder from Mexico , I presented myself to the boarder patrol officers and I was directly taken into custody at san diego .after 18 days I was transported to Stewart detention center lumpkin Georgia were I am detained till date

I was provided with a credible fear interview which the asylum officer found me to have credible fear of return to Cameroon . My case was directed to an immigration judge my master hearing was in the month of April 2025 another in the month of may 2025 at that hearing I submitted my application for asylum ,withholding of removal and the convention against torture my merits hearing was scheduled for 9\9\2025 this date was later change without my knowledge to 6\23\2025 .during that hearing I answered the questions ask by the parties and the ij found me over all credible under trial of facts and evaluation of every document submitted in court. She denies to grant asylum because of the lawful path ways rule of former president Biden but granted withholding of removal to Cameroon My C.A.T CLAIMS were moot this decision was appealed by DHS and after 8 months of waiting my case was remanded to the immigration judge by BIA and I am still

Waiting for another master hearing and another merits hearing as of now my case is pending in front of an IJ for a new determination which I may appeal if the decisions taken are not in my favor to the board of immigration appeals BIA and later to the court of appeal and to the supreme court God willing .

LEGAL FRAME WORK FOR RELIEF SOUGHT

IN **ZADVYDAS V DAVIES** the supreme court held that six months is the presumptive reasonable period ICE may detain any alien in order to effectuate its removal, my detention is not actually serving this purpose as I have been detained for about 15 months and I do not have a removal order yet. Still in **zadvydas v davies**, held that any statute that permits the detention of persons indefinitely is against the constitution of the United States. Department of Homeland Security administrative regulations also recognize that the **HQPDU** has a six months period for determining whether there is a significant likelihood of an alien's removal in the reasonable foreseeable future 8 U.S.C. 241.13(b)

petitioner **-NJINKENG ELVIS NCHABAUN** -has not been ordered removed by an immigration judge and his immigration proceedings are still pending in an immigration court in this country
therefore petitioner is will not be removed in the reasonable foreseeable future .

District courts around the country have used the 6 factors analysis in **banda v macaleenan** to make decisions on cases similarly situated like mine in **kydyrali v wolf 499 F.3d 768** the district court held that prolonged detention without bond hearing violates due process right of the fifth amendment
other courts have held similar positions around the country in **abdul kadir v larose**, **markosian v bondi 2026 U.S. dist. lexis 995**, **lopez v garland 631 F.3d 870**, **tonoyam v andrews 1:25-cv-00815** etc

CLAIMS FOR RELIEF

1) DUE PROCESS OF THE FIFTH AMENDMENT

Though I am mandatory detained under 8 U.S. 1225(b) my long duration in detention has not been justified through any constitutionally sufficient procedure in *Zadvydas v. Davis* the supreme court held that any statute that permit continuous and indefinite detention of persons is against the constitution of the united state ,and that due process of the fifth amendment is given to anyone on the soil of the united states whether they are legal illegal detained or not detained .therefore my continues detention violates my rights to due process the due process countermands the continues detention of persons by the government .my wish is to have liberty which I will continue to pursue my immigration proceedings.

2) PRO-LONG DETENTION IN VIOLATION OF DUE PROCESS

My detention now span 15 months and it does not have a date or time. it is going to end. my proceedings are currently pending in front of an immigration judge awaiting a master hearing .my rights to due process will continue to be violated as I wait for my preceding to go to conclusion .i beg the court to use the factors analyze in *Banda v. Macaleenan* to determine if my pro-long detention is in violation of my due process most district courts around the country have applied similar decisions as in the case of *Lopez v. Garland* 631f supp3d 870879, *Abdul Kadir v. Larose* 25cv1045 ll mmp2025dist lexis2036142025wl2932654, *Markosian vs Mbondi* 2026u s dist lexis 995, *Sadeqi v. Larose* 25cv2587 rshbjw2025 U.S dist lexis 2228122 2025wl 3154520 and *Kartashyan v. Warden Golden State Annex Texas* U.S lexis 268456 as I explain below.

My detention is now 15 months and it is going to continue because my

case is pending in front of an immigration judge awaiting a master , and a merit hearing and a decision which I will appeal if the decision does not go to my favor to BIA and later to court of appeal if the decisions do not go to my favor still and to the supreme court God willing. I have pursue my proceedings in very good faith and it was the government who chose to appeal the grant of withholding of removal which took 8 months for the case to be remanded to an I J . and because of the crowded docket of the BIA which will continue to slow future appeal processes .I am detained at Stewart detention center which is manage by core civic of America a for profit organization which also take charge of most of the federal prisons of the united state there the conditions here are not different from jail . we are kept in the same facility with some other detainees that are in red and are called high custody detainees HACA . this are people with violent criminal record we are kept in the same kind of conditions the food here is very small and it has made me to lose to much weight and it is done for propose so that detainees can continue to order from their online store which is very expensive and I can not afford , the medications provided to me for my high blood pressure is not treating the illness the facility is always over crowded in my room people sleep on the boats on the floor too much noise and very little officers to control. Communication is strictly limited and phones go off even when u are on a called. My detention has a shot down system that detainees are not allow to go to the next pod for anything we have a limited time to go out door which is usually 45min to 1 hour and its not given every day .my CAT CLIAMS were mooted by the IJ so I may decide to reopened them so much such that my proceedings will not end with a final order of removal

SUBSTANTIVE DUE PROCESS VIOLATION

petitioners continued detention violates petitioners rights to substantive due process through deprivation of the core liberty interest in freedom from bodily restrain.

The due process clause of the fifth amendment requires that the deprivation of the of petitioners liberty be narrowly tailored to serve a government interest. While respondents would have an interest in detaining petitioner in order to effectuate his removal, that interest does not justify prolonged and indefinite detention of petitioner .who is not significantly likely to be removed in the reasonable foreseeable future because petitioners proceedings have been remanded to an immigration judge by the BIA to reevaluate the grand of withholding of removal by the judge .petitioner has not been given any adequate process to justify his continued detention by the government in a neutral manner in *zadvydas v davies* the supreme court held that any statue that encourages continues and indefinite detention of persons without any form of process violate due process of the fifth amendment.

The law may permit the government to continually detained any alien who is deemed security risk to the country or has committed crimes but in this case petitioner has never committed any crime in the united states of America or any where in the world.

PRAYER FOR RELIEF

WHEREFORE ; petitioner prays that the court grants the following reliefs.

- 1) Assume jurisdiction over this matter.
- 2) Grant petitioner the writ of Habeas Corpus directing respondent to immediately release petitioner from custody or on the contrary arrange a bond hearing for the petitioner where by the government bears the burden of proof that petitioner is either a danger to the community or flight risk.
- 3) Give an order for the petitioner's bond not to be denied on the bases that he is detained under 8 U.S.C. Section 1225(b).
- 4) Enter a preliminary in permanent injunctive relief enjoining respondent from further detaining petitioner as long as he does not have a final order of removal.
- 5) Award petitioner attorney fees and cost under the equal access to justice Act (EAJA).
- 6) Grant any other and further relief that the court deems just and proper.

I affirm under penalty of perjury that all the above is true and correct

NAME :NJINKENG ELVIS NCHABAUN

A # No



DATE

04/07/2026

SIGNATURE

146 CCA ROAD

P. O BOX 146

LUMPKIN GEORGIA

PUBLIC NOTERY

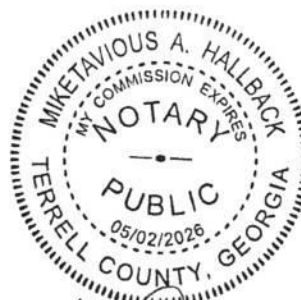
CERTIFICATE OF SERVICE

I NJINKENG ELVIS NCHABAUN hereby certify that on the
a copy of this petition for writ of habeas
corpus was send via priority mail to

united states district court
for the middle district of georgia
columbus division
p o box 124
columbus georgia 31902

Executed on this ~~07~~ day of April 2026 under penalty of perjury
pursuant to 28 U.S.C section 1746

NAME; NJINKENG ELVIS NCHABAUN



[Signature]
4/17/26

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.