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

Fenil Natvarbhai PATEL,

Petitioner,

Jason STREEVAL, Warden, Stewart
Detention Center; LaDeon FRANCIS, Field
Office Director, Atlanta Field Office, United
States Immigration and Customs Enforcement;
Todd M. LYONS, Acting Director, United
States Immigration and Customs Enforcement;
Markwayne MULLIN, Secretary of Homeland
Security; Todd BLANCHE, Acting United
States Attorney General, *in their official
capacities,*

Respondents.

Case No.

**PETITION FOR A WRIT OF HABEAS
CORPUS AND INJUNCTIVE RELIEF**

INTRODUCTION

1. This case challenges the unlawful detention of Fenil Natvarbhai Patel (“Petitioner” or “Mr. Patel”) (A , who is currently in the custody of United States Immigration and Customs Enforcement (“ICE”), at the Stewart Detention Center.¹

¹ Mr. Patel is not bringing this habeas petition to challenge his detention based on this Court’s decision in *J.A.M. v. Streeval*, No. 25-cv-342, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025).

2. Mr. Patel has been detained since around October 2024. On March 11, 2025, an immigration judge ordered Mr. Patel removed to India. He timely appealed to the Board of Immigration Appeals (“BIA”), which dismissed his appeal on August 29, 2025. He thus has a final order of removal and has been detained for over six months.

3. Mr. Patel has remained detained despite no efforts to effectuate his removal to India. To counsel’s knowledge, ICE has made no efforts to obtain travel documents or taken any other steps to effectuate Mr. Patel’s removal to India. There is no significant likelihood that Mr. Patel will be removed to India in the reasonably foreseeable future.

4. The punitive, unlawful detention of Mr. Patel violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution, the Immigration and Nationality Act, 8 U.S.C. § 1231, and implementing regulations, 8 C.F.R. § 241.4, 241.13. *See Zadvydas v. Davis*, 533 U.S. 678, 689-90, 121 S. Ct. 2491 (2001).

5. Mr. Patel respectfully requests this Court to issue an order directing Respondents to immediately release him from custody subject to reasonable terms of supervision as there is no significant likelihood of his removal in the reasonably foreseeable future.

PARTIES

6. Petitioner, Mr. Patel, is a native and citizen of India. He is subject to a final order of removal, and he is currently detained in Lumpkin, Georgia, at the Stewart Detention Center.

7. Respondent Jason Streeval is the Warden of the Stewart Detention Center, where Petitioner is currently detained. He is a legal custodian of Petitioner and is named in his official capacity.

8. Respondent LaDeon Francis is the Field Office Director responsible for the Atlanta Field Office of ICE with administrative jurisdiction over Petitioner's immigration case. He is a legal custodian of Petitioner and is named in his official capacity.

9. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.

10. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security (DHS). He is a legal custodian of Petitioner and is named in his official capacity.

11. Respondent Todd Blanche is the Acting Attorney General of the United States Department of Justice. He is a legal custodian of Petitioner and is named in his official capacity.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, the Suspension Clause of the Constitution, and 28 U.S.C. § 1331 because this action arises under federal law, including the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and Administrative Procedure Act, 5 U.S.C. § 551, *et seq.*

13. Venue is proper in this district because Mr. Patel is in the custody of Respondent at the Stewart Detention Center, which is located within this District.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

14. Mr. Patel was born on  in India. Exhibit A: Notice to Appear.

15. On or about December 27, 2023, Mr. Patel entered the United States to seek asylum in the United States. *Id.*

16. Around October 2024, Mr. Patel was detained after an arrest. He requested bond twice before an immigration judge, and both requests were denied. Exhibit B: Bond Orders.

17. On March 11, 2025, an immigration judge ordered Mr. Patel removed to India. Exhibit C: Removal Order. Mr. Patel appealed to the Board of Immigration Appeals (“BIA”), which dismissed his appeal on August 29, 2025, thus making his removal order final. Exhibit D: Redacted BIA Decision.

18. Despite Mr. Patel’s final order of removal, ICE has taken no steps to effectuate his removal to India. To counsel’s knowledge, a deportation officer has spoken to Mr. Patel only one time about his removal but did not disclose any steps taken to obtain a travel document to India.

LEGAL BACKGROUND

19. Respondents are indefinitely detaining Mr. Patel in violation of 8 U.S.C. § 1231 and the Supreme Court’s decision in *Zadvydas*.

20. Under 8 U.S.C § 1231(a), detention is only mandatory during an initial ninety-day “removal period.” 8 U.S.C. § 1231(a). The removal period begins on the latest of (1) the date the order of removal becomes administratively final; (2) “[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order”; and (3) “[i]f the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.” *Id.* § 1231(a)(1)(B).

21. After the ninety-day removal period, detention is no longer mandatory, and the individual should generally be released under conditions of supervision, such as periodic reporting. *See id.* § 1231(a)(3); *id.* § 1231(a)(6) (stating that certain removable non-citizens “may be detained beyond the removal period” if they are determined “to be a risk to the community or unlikely to comply with the order of removal”); 8 C.F.R. § 241.4 (detailing criteria and procedures for release of individuals detained beyond the removal period who do not pose a threat to the community or a significant flight risk).

22. The ninety-day removal period may be expended if the individual “fails or refuses to make timely application in good faith for travel or other documents necessary to his departure or conspires or acts to prevent his removal.” 8 U.S.C. § 1231(a)(1)(C). In these circumstances, ICE is required to serve the individual with a Notice of Failure to Comply, advising him that the removal period has been extended and explaining the steps he must take to demonstrate compliance. 8 C.F.R. § 241.4(g)(5)(ii).

23. Under *Zadvydas*, there is a “presumptively reasonable period of detention” of six months, including the ninety-day removal period. 533 U.S. at 801. “After this 6-month period, once the [petitioner] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut the showing.” *Id.* At that point, the government must release the individual unless it can show some “sufficiently strong special justification” for continuing his detention. *Id.* at 690-91, 701.

24. A habeas petitioner is not required to show that his removal is “impossible,” only unlikely. *Id.* at 702. A mere claim by Respondents that “good faith efforts to effectuate . . . deportation continue” is not sufficient to justify continued detention after six months. *Id.* “[A]s the period of prior postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.* at 701.

25. An individual may state a claim under *Zadvydas* upon a showing “(1) that the six-month period, which commences at the beginning of the statutory removal period, has expired when the § 2241 petition is filed; and (2) ‘evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.’” *Gozo v. Napolitano*, 309 F. App’x 344, 346 (11th Cir. 2009) (quotation marks omitted).

26. Release is the proper remedy for unconstitutionally prolonged post-removal detention. *See Zadvydas*, 533 U.S. at 699-700 (explaining that supervised release is the appropriate relief when “the detention in question exceeds a period reasonably necessary to secure removal” because at that point, detention is “no longer authorized by statute”).

27. Other courts have recently granted habeas petitions in similar contexts for Indian nationals subject to prolonged detention. *See Singh v. Taylor*, --- F. Supp. 3d ----, 2026 WL 360913 (W.D. Tex. Feb. 9, 2026).

CLAIMS FOR RELIEF

COUNT I

STATUTORY VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231(a)(6)

28. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

29. Petitioner’s continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted in *Zadvydas*. Pursuant to 8 U.S.C. § 1231(a)(6), detention is only authorized for “a period reasonably necessary to bring about the alien’s removal from the United States.” 533 U.S. at 689, 701. Petitioner’s six-month presumptively reasonable period for continued removal efforts expired in February 2026, six months after his removal order became final when the BIA dismissed his appeal. For the reasons outlined above, Petitioner’s removal is not reasonably foreseeable as Respondents have taken no steps to effectuate his removal to India. The Supreme Court held in *Zadvydas* that the continued detention of someone after six months where deportation is not reasonably foreseeable, is unreasonable, and is in violation of 8 U.S.C. § 1231(a). 533 U.S. at 689, 701. Therefore, Mr. Patel must be immediately released.

30. However, if the Court does not order Petitioner's immediate release, the Court should allow discovery into ICE's determination to continue custody and into the likelihood of removal in the reasonably foreseeable future, including third country removal. Discovery is authorized under Rule 6(a) of the Rules Governing Section 2254 Cases—which also apply to § 2241 petitions—upon the petitioner's showing of “good cause.” *Bracy v. Gramley*, 520 U.S. 899, 904 (1997); United States Courts, *Rules Governing Section 2254 Cases*, <https://www.uscourts.gov/file/27805/download>. Good cause exists where specific factual allegations give the Court “reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is entitled to relief.” *Bracy*, at 908–09. The Eleventh Circuit applies this standard and permits discovery only when the petitioner points to specific, non-conclusory allegations that justify further factual development. *See, e.g., Arthur v. Allen*, 459 F.3d 1310, 1311 (11th Cir. 2006) (holding that Rule 6 discovery is warranted only upon a showing of specific allegations suggesting that, if developed, they would entitle the petitioner to relief).

31. Petitioner has alleged specific allegations that constitute good cause for discovery into the likelihood of his removal in the reasonably foreseeable future if he is not immediately released.

COUNT II

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION SUBSTANTIVE DUE PROCESS VIOLATION

32. Petitioner re-alleges and incorporates by reference the paragraphs above.

33. Petitioner's continued detention violates his right to substantive due process by depriving him of his core liberty interest to be free from bodily restraint. *See, e.g., Tam v. INS*, 14 F. Supp. 2d 1184 (E.D. Cal 1998) (noncitizens retain substantive due process rights). The Due

Process Clause requires that the deprivation of petitioner's liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993). While the Respondents would have a compelling government interest in detaining Petitioner in order to effect his removal, that interest does not exist if Petitioner cannot be deported. The Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. § 1231(a) to allow continued detention only for a period reasonably necessary to secure the noncitizen's removal because any other reading would go beyond the government's articulated interest—to effect the noncitizen's removal.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

- A. Exercise jurisdiction over this matter;
- B. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;
- C. Declare that Petitioner's detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;
- D. Order Petitioner's immediate release subject to reasonable terms of supervision;
- E. Award Petitioner costs and reasonable attorney's fees; and
- F. Grant such other relief as this Court may deem just and proper.

April 15, 2026

Respectfully Submitted,

/s/ Thomas Evans

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. On the basis of documents, discussions with Petitioner's immigration counsel, and Petitioner's family, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

/s/ Thomas Evans
Thomas Evans, Esq.