

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

FILED
APR 17 2026
MIDDLE DISTRICT
COLUMBUS, GA

GUSTAVO ADOLFO DE LA CRUZ MONCION

A# 
Petitioner,

Civil Action No: _____

v.

JASON STREEVAL Warden Stewart Detention Center,

**EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. § 2241, AND DISCRETIONARY BOND PURSUANT TO 8 U.S.C. § 1226(a).**

Petitioner GUSTAVO ADOLFO DE LA CRUZ MONCION hereby petitions this Court for a writ of Habeas Corpus to remedy petitioner's unlawful detention by respondents and to enjoin Petitioners continued unlawful detention by respondents and states as follows:

Petitioner is a Native and Citizen of the Dominican Republic who entered the United States on 12/24/2023 and has lived in the U.S. continuously since then, and is not an arriving Alien as the Judge and DHS improperly assume at Stewart Detention Center in Lumpkin, GA where he remains detained unlawfully. Petitioner does not have an aggravated felony, he is not a flight risk, or a menace to society.

Petitioner applied for a Custody re-determination Hearing on April 7, 2026 so that he could continue with his Asylum claim from outside and used these cases as reference Garcia v. Noem, 2025 U.S. Dist. LEXIS 214695 and J.A.M. v. Streeval, 2025 U.S. Dist LEXIS 215437 No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025), and the Court and Judge erroneously applied the broad interpretation of 8 U.S.C. § 1225(b)(2) which do not apply to the Petitioner because he is not an arriving Alien.

Respondents argue that they have no jurisdiction, as he is a arriving Alien "seeking admission", but this is not true as he entered the United States on 12/24/2023 which is years ago so he is governed under 8 U.S.C. § 1226 which entitles him to a Bond.

In support of his claim for Bond the Petitioner is also referencing the following similar cases as well. J.A.M.M. v. Warden, STEWART DETENTION CENTER 4:25-cv-385-CDL-AGH, P.R.S. 4:25-cv-330, J.A.C.C. 4:25-cv-337, M.M.M. 4:25-cv-343, G.A.G.C. 4:25-cv-347

Petitioner should be allowed the opportunity for pre-removal release while the removal proceedings are pending.

1.

PRAYER FOR RELIEF

THEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over the matter;
2. Grant the Petitioner a Habeas Corpus directing respondents to allow petitioner a Bond.
3. Award Petitioner's Attorney fees and cost under the Equal Access to Justice Act("EAJA"), as amended, 5 U.S.C. §2412, and on other basis justified under law; and
4. Grant any other form of relief this court deems proper.

X Gustavo

April- 8 -2026

GUSTAVO ADOLFO DE LA CRUZ MONCION

DETAINED A# 

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815

CERTIFICATE OF SERVICE

I **Swear**, that a true and correct copy of the following Motion has been placed in the hands of an institution official to be furnished and forwarded by first class mail to the following parties listed below on April 8, 2026

CLERK OF COURTS

1. U.S. DISTRICT COURT

For the Middle District of Georgia

Columbus Division

P.O. BOX 124

Columbus, GA 31902

2. Office Of Chief Counsel DHS/ICE

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815

X *Gustavo*
April- 8 -2026

GUSTAVO ADOLFO DE LA CRUZ MONCION

DETAINED AT 

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815