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FBI-DC

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

KHAMISI TESFA GOLDING,
A# 

Petitioner, Pro Se,

v.

WARDEN, STEWART DETENTION CENTER,
146 CCA Road,
Lumpkin, GA 31815,

FIELD OFFICE DIRECTOR,
U.S. Immigration and Customs Enforcement,
Atlanta Field Office,
180 Ted Turner Dr. SW, Suite 522,
Atlanta, GA 30303,

MARKWAYNE MULLIN,
Secretary of Homeland Security,

Respondents.

Civil Action No. _____

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
(WITH EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION)**

Petitioner Khamisi Tesfa Golding, appearing pro se, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner also moves for an emergency temporary restraining order and preliminary injunction prohibiting his transfer out of this District or from the Stewart Detention Center. In support of this Petition, Petitioner states as follows:

I. INTRODUCTION AND NATURE OF THE CASE

1. Petitioner is a VAWA self-petitioner and a certified member of the Pending Petition Class in *Immigration Center for Women and Children et al. v. Noem et al.*, Case No. 2:25-cv-09848-AB-AS (C.D. Cal.). On May 20, 2026, the United States District Court for the Central District of California certified three nationwide classes and entered a preliminary injunction prohibiting ICE from detaining class members in violation of the challenged 2025 enforcement policies.

2. Petitioner is currently detained at the Stewart Detention Center in Lumpkin, Georgia, within the Middle District of Georgia, Columbus Division. He was taken into ICE custody on May 30, 2026. His removal proceedings were docketed with EOIR on June 2, 2026, with a Master Hearing scheduled for June 16, 2026 before Judge Steven B. Fuller. Petitioner has never been ordered removed from the United States.

3. Petitioner suffers from serious, documented cardiac conditions, including a history of myocardial infarction requiring placement of three cardiac stents. He is also a certified-eligible survivor under the World Trade Center Health Program for mental health treatment. These conditions are actively managed with six essential daily medications.

4. Petitioner is the primary caregiver for his three minor children. His oldest child, K [REDACTED] has been diagnosed with Autism Spectrum Disorder and has an Individualized Education Program (IEP) through Atlanta Public Schools due to significant needs in communication, socialization, behavior, and fine-motor skills. His detention creates substantial hardship on his family, particularly for K [REDACTED] who requires consistent parental care and stability.

5. Despite his membership in the protected class under the ICWC v. Noem preliminary injunction, ICE is detaining Petitioner at the Stewart Detention Center. This Petition seeks his immediate release pursuant to that injunction.

II. JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in custody in violation of the Constitution and laws of the United States, including the nationwide preliminary injunction entered in ICWC v. Noem. Jurisdiction also exists under 28 U.S.C. § 1331 and 28 U.S.C. § 2201.

7. Venue is proper in the Middle District of Georgia, Columbus Division, because Petitioner is physically detained at the Stewart Detention Center in Lumpkin, Stewart County, Georgia.

III. PARTIES

8. Petitioner Khamisi Tesfa Golding, A# [REDACTED] is a VAWA self-petitioner currently detained at the Stewart Detention Center, 146 CCA Road, Lumpkin, GA 31815.

9. Respondent Warden, Stewart Detention Center is the immediate physical custodian of Petitioner.

10. Respondent Field Office Director, Atlanta Field Office, U.S. Immigration and Customs Enforcement exercises operational control over the Stewart Detention Center and Petitioner's detention.

11. Respondent Markwayne Mullin, Secretary of Homeland Security, is sued in his official capacity.

IV. STATEMENT OF FACTS

12. Petitioner filed a VAWA self-petition (Form I-360, Receipt No. [REDACTED] on or about February 10, 2025, along with a Form I-485 Application to Adjust Status (Receipt No. [REDACTED]). His Form I-765 was approved on January 13, 2026. True and correct copies of these USCIS notices are attached as Exhibit A.

13. These filings make Petitioner a member of the Pending Petition Class protected by the nationwide preliminary injunction entered in *ICWC v. Noem* on May 20, 2026.

14. ICE knew or should have known that Petitioner was a protected class member because he had a pending VAWA self-petition and adjustment of status application on file with USCIS at the time he was taken into ICE custody. Despite this knowledge, ICE detained Petitioner on May 30, 2026, and continues to detain him at the Stewart Detention Center in violation of the nationwide preliminary injunction.

15. Petitioner suffers from serious cardiac conditions, including a documented history of heart attack requiring three stents. He is also a certified-eligible survivor under the World Trade Center Health Program for mental health treatment (certified November 11, 2025). A true and correct copy of the WTC certification is attached as Exhibit B.

16. On May 29, 2026, Khamisi was arrested by the Fulton County Police Department. The arrest occurred after his wife's vehicle was impounded due to her driving on a suspended license. When he went to get the vehicle he was taken into custody pursuant to a warrant from 2024 that stemmed from a domestic dispute arising from an argument over his wife's treatment of their autistic child, K [REDACTED] which escalated into a confrontation. The state court granted him a signature bond that same day. Despite the court-ordered release, he was held on an ICE detainer and transferred to ICE custody on May 30, 2026. He has never been ordered removed from the United States.

V. CLAIMS FOR RELIEF

COUNT I

Violation of the Preliminary Injunction in *ICWC v. Noem*

17. Petitioner is a certified member of the Pending Petition Class in *Immigration Center for Women and Children et al. v. Noem et al.* ICE knew or should have known of his class membership because he had a pending VAWA self-petition and adjustment application on file. Despite this knowledge, ICE detained Petitioner on May 30, 2026, and continues to detain him at the Stewart Detention Center in violation of the nationwide preliminary injunction entered on May 20, 2026. As a protected class member, Petitioner is entitled to immediate release.

COUNT II

Violation of the Administrative Procedure Act, 5 U.S.C. § 706

18. ICE's detention of Petitioner, a certified class member with pending VAWA relief and serious medical conditions, is arbitrary, capricious, and contrary to law.

COUNT III

Violation of the Fifth Amendment Due Process Clause

19. Petitioner's detention, despite his protected status under the *ICWC v. Noem* injunction, his pending VAWA self-petition, his serious medical conditions, and his role as primary caregiver for his three children — particularly his autistic daughter Kiara who has an IEP and significant special needs — violates the Due Process Clause of the Fifth Amendment.

COUNT IV

Violation of the Fourth Amendment

20. On May 29, 2026, the Fulton County court granted Petitioner a signature bond. At that point, any further detention by state or federal authorities became a new seizure that required probable cause. ICE held Petitioner on a detainer from May 29 until 11:30 p.m. on May 30, 2026 — more than 24 hours after bond was granted — without a judicial determination of probable cause that he had committed a criminal immigration violation (such as illegal re-entry under 8 U.S.C. § 1326). The charges on the Notice to Appear are civil immigration violations only. This continued detention after the state court ordered his release constituted an unreasonable seizure in violation of the Fourth Amendment.

COUNT V

Defective Notice to Appear / Lack of Jurisdiction

22. The Notice to Appear served on Petitioner on May 31, 2026, is facially and factually defective. It charges Petitioner under INA provisions and with language that implies he re-entered the United States after a prior order of removal, even though Petitioner has never been ordered removed. Because the NTA

fails to properly allege a valid basis for removal and appears to rest on a false factual premise, removal proceedings were never properly commenced. The Immigration Court therefore lacks jurisdiction, and Petitioner's continued detention pursuant to these defective proceedings is unlawful.

COUNT VI

Request for Injunctive Relief to Prevent Transfer

21. Any transfer of Petitioner out of the Middle District of Georgia or from the Stewart Detention Center would irreparably harm Petitioner and moot this action. Injunctive relief is necessary to preserve the status quo and this Court's jurisdiction.

VI. PRAYER FOR RELIEF

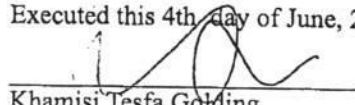
WHEREFORE, Petitioner Khamisi Tesfa Golding, appearing pro se, respectfully requests that this Honorable Court:

- A. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from the Stewart Detention Center pursuant to the nationwide preliminary injunction entered in *ICWC v. Noem*;
- B. Enter an immediate Temporary Restraining Order, and thereafter a Preliminary Injunction, prohibiting Respondents from transferring Petitioner out of the Middle District of Georgia or from the Stewart Detention Center without prior Court approval;
- C. Order Respondents to file, within 24 hours, a notice confirming Petitioner's detention at the Stewart Detention Center and providing the name and contact information of the current Warden or Facility Administrator;
- D. Declare that Petitioner's detention violates the *ICWC v. Noem* preliminary injunction and the Fourth Amendment;
- E. Award such other and further relief as the Court deems just and proper.

VERIFICATION

I, Khamisi Tesfa Golding, declare under penalty of perjury under the laws of the United States of America that I am the Petitioner in the above-captioned action and that the foregoing Petition is true and correct to the best of my knowledge and belief.

Executed this 4th day of June, 2026, at Lumpkin, Georgia.


Khamisi Tesfa Golding
Petitioner, Pro Se
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815