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UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

MARLENY FERNANDEZ ARIAS

Petitioner

v.

Case No.

(Supplied by Clerk of Court)

WARDEN, STEWART DETENTION CENTER; MELISSA HARPER, FIELD OFFICE DIRECTOR, ICE ERO ATLANTA; TODD LYONS, ACTING DIRECTOR, ICE

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: MARLENY FERNANDEZ ARIAS

   (b) Other names you have used: NONE

2. Place of confinement:

   (a) Name of institution: STEWART DETENTION CENTER

   (b) Address: 146 CCA ROAD

   LUMPKIN, GA 31815

   (c) Your identification number: [redacted]

3. Are you currently being held on orders by:

   ☑ Federal authorities ☐ State authorities ☐ Other - explain:

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)

☐ 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: ICE ENFORCEMENT AND REMOVAL OPERATIONS (ERO) STEWART DETENTION CENTER LUMPKIN, GEORGIA

(b) Docket number, case number, or opinion number: A [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
Petitioner challenges her continued detention by ICE following her arrest at a routine supervision check-in on February 3, 2026, without release and without an opportunity for a bond hearing.

(d) Date of the decision or action: 02/03/2026

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: Petitioner has not been provided a bond hearing or any administrative process through which to challenge her continued detention.

8. **Second appeal**

After the first appeal, did you file a second 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 second appeal: Petitioner did not file a second appeal because no administrative appeal process was available to challenge her continued immigration detention.

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: Petitioner did not file a third appeal because no prior administrative appeals were available regarding her current detention.

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

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: Not applicable. Petitioner is challenging immigration detention, not a federal criminal 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: 02/03/2026

(b) Date of the removal or reinstatement order: 10/09/2018

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

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: DENIAL OF DUE PROCESS THROUGH CONTINUED DETENTION WITHOUT AN INDIVIDUALIZED CUSTODY DETERMINATION.

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

Petitioner has remained in ICE custody since February 3, 2026, after appearing for a routine supervision check-in. Despite years of compliance with ICE supervision, Petitioner has not received a meaningful individualized custody determination demonstrating that continued detention is necessary. ICE continues to detain Petitioner without establishing that she presents a current danger to the community or a flight risk.

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

☐ Yes ☑ No

GROUND TWO: CONTINUED DETENTION DESPITE YEARS OF COMPLIANCE WITH ICE SUPERVISION

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

Following her 2018 removal order, Petitioner remained under ICE supervision for approximately eight years and consistently complied with all reporting requirements. Petitioner regularly appeared for scheduled check-ins, remained available to immigration authorities, and never attempted to evade supervision. Her lengthy history of compliance demonstrates that detention is unnecessary and unsupported by any legitimate concern that she will abscond.

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

☐ Yes ☑ No

GROUND THREE: LACK OF EVIDENCE THAT PETITIONER PRESENTS A CURRENT DANGER TO THE COMMUNITY

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

Petitioner does not present a current danger to the community . Any prior criminal matter was resolved years ago, and her probation was formally terminated on February 12, 2018, after successful compliance with all court requirements. Since then, Petitioner has lived in the community without any violent conduct, criminal activity, or other behavior suggesting a threat to public safety. ICE has identified no recent misconduct that would justify continued detention.

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

☐ Yes ☑ No

GROUND FOUR: LESS RESTRICTIVE ALTERNATIVES TO DETENTION HAVE ALREADY PROVEN EFFECTIVE.

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

Prior to her re-detention, Petitioner successfully complied with ICE supervision for many years while residing in the community. Her record demonstrates that alternatives to detention, including supervision and reporting requirements, effectively ensured compliance with immigration authorities. Because Petitioner has already demonstrated long-term compliance, continued detention is excessive and unnecessary under the circumstances.

(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: Petitioner did not present these grounds in prior appeals because no administrative appeal, bond hearing, or meaningful custody-review process was made available to her to challenge her current ICE detention.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests immediate release from ICE custody under appropriate conditions of supervision. In the alternative, Petitioner requests an individualized custody hearing before a neutral decision-maker at which the Government bears the burden of justifying continued detention. Petitioner further requests any other relief the Court deems just and proper.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
JUNE 15 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: 06/15/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

MARLENY FERNANDEZ ARIAS,
Petitioner,

v

WARDEN, STEWART DETENTION CENTER, et al.,
Respondents.

PROOF OF SERVICE

I, Marleny Fernandez Arias, hereby certify under penalty of perjury that I placed a true and correct copy of the Petition for Writ of Habeas Corpus, Memorandum of Law, Civil Cover Sheet, and all supporting documents in the United States Mail, postage prepaid, addressed to the following:

Clerk of Court
United States District Court
Middle District of Georgia
Columbus Division
120 12th Street
Columbus, GA 31901

United States Attorney's Office
Middle District of Georgia
P.O. Box 1702
Macon, GA 31202-1702

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

Marleny Fernandez

MARLENY FERNANDEZ ARIAS
Petitioner, Pro Se
A# [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815