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

1. Barnabas Abraham YOSEF,

Petitioner,

v.

1. Jason STREEVAL, Warden of Stewart Detention Center;
2. Ladeon FRANCIS, Field Office Director of Enforcement and Removal Operations, Atlanta Field Office, Immigration and Customs Enforcement;
3. David VENTURELLA, Acting Director of Immigration and Customs Enforcement;
4. Daren MARGOLIN, EOIR Director, U.S. Department of Justice;
5. Markwayne MULLIN, Secretary, U.S. Department of Homeland Security;
6. Todd BLANCHE, U.S. Attorney General;

In their official capacities,

Respondents.

Case No.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Barnabas Abraham Yosef is in the physical custody of Respondents at the Stewart Detention Center in Lumpkin Georgia. He has been detained for over a year now and faces continued unlawful and indefinite detention without the intervention of this Court.

2. After Petitioner received a removal order in 2010, he was released from Respondents' custody and lived at liberty in the U.S. for nearly fifteen years. During that time, he complied with all ICE check-in and reporting requirements

3. On or about February 24, 2025, while Petitioner was attending a routine ICE check-in in compliance with his order of supervision, Respondents abruptly revoked his supervised release and took him into custody.

4. Nearly a year and a half has now passed with Respondents holding Petitioner in their custody. Respondents have been unable to remove Petitioner and cannot show that removal is significantly likely.

5. Accordingly, Petitioner must be released because his detention has become indefinite and unconstitutional.

JURISDICTION

6. Petitioner is in the physical custody of Respondents, detained at Stewart Detention Center in Lumpkin, Georgia.

7. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

8. This Court may grant relief pursuant to 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

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

10. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Georgia.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

12. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal

restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

13. Petitioner Barnabas Abraham Yosef is a citizen of Ethiopia who has been in immigration detention since February of 2025.

14. Respondent Jason Streeval is employed by Stewart Detention Center as Warden where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

15. Respondent Ladeon Francis is the ICE Field Office Director over the Atlanta Field Office, where he oversees Enforcement and Removal Operations. As such, he is responsible for ICE detainees in Georgia. He is sued in his official capacity.

16. Respondent David Venturella is the Acting Director of Immigration and Customs Enforcement (ICE). As such, Venturella is Petitioner's custodian and is responsible for Petitioner's detention and removal. He is sued in his official capacity.

17. Respondent Daren Margolin is the Director of U.S. Department of Justice's Executive Office for Immigration Review (EOIR), which includes the immigration court system. He is sued in his official capacity.

18. Respondent Markwayne Mulin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA"), and oversees ICE, which is responsible for Petitioner's detention. He has ultimate custodial authority over Petitioner and is sued in his official capacity.

19. Respondent Todd Blanche is the Acting Attorney General of the United States. Ge is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

LEGAL FRAMEWORK

Statutory and Regulatory Detention Authority

20. Respondents have a statutory basis to detain noncitizens who have been ordered removed for the ninety-day removal period after the removal order becomes final. 8 U.S.C. § 1231(a)(1)(A), (a)(2)(A).

21. The same statute provides that if removal is not effected during the removal period, the noncitizen will continue to remain under the supervision of the Attorney General. 8 U.S.C. § 1231(a)(3). As the Southern District of New York explained, "this means that under normal circumstances, after the ninety-day removal period ends, a person is required to be released from detention under supervision. Under the current regulatory regime, that person would be released with an order of supervision, with regulations specifying conditions under which

they can be re-detained." *Diallo v. Joyce*, No. 25-CV-9909 (AS), 2025 U.S. Dist. LEXIS 265532, at *4 (S.D.N.Y. Dec. 23, 2025).

22. When Respondents decide to re-detain a previously released individual and revoke their Order of Supervision, they cannot do so for just any reason. Revocation of this type of release is governed by 8 C.F.R. § 241.13(i) and requires either (1) violation by the noncitizen of the terms of their release, or (2) a change in circumstance so that removal of the noncitizen is now significantly likelihood in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(1), (2).

23. The burden lies upon the government to show that circumstances have *changed* so there is *now* a significant likelihood of removal, or that the Order of Supervision has been violated, pursuant to the governing regulations in 8 C.F.R. § 241.13(i). Indeed, the government has conceded in a previous case that *it* must show violation of the Order of Supervision or likelihood of removal in the reasonably foreseeable future in order to redetain someone on an Order of Supervision. *See Djadju v. Vega*, 32 F.4th 1102, 1109 (11th Cir. 2022).

24. Explaining this requirement, the Southern District of Texas describes,

> The requisite showing under that [regulatory] subsection must be made, and of its terms can only be made, by the Government. This is so because the provision states that an alien may be returned to custody "if, on account of changed circumstances, *the Service determines* that there is a significant likelihood that the alien may be removed in the foreseeable future." 8 CFR §241.13(i)(2) (emphasis added). A number of recently decided cases applying §241.13(i)(2) are in accord that, upon revocation of release, the Government bears the burden to show a significant likelihood that the alien may be removed in the reasonably foreseeable future.

Abuelhawa v. Noem, No. 4:25-cv-04128, 2025 U.S. Dist. LEXIS 203959, at *22-23 (S.D. Tex. Oct. 16, 2025). The government's failure to explain the changed circumstances "evinces a lack of accord with §241.13(i)(2), and thus with the requirements of procedural due process." *Id.* at *23.

25. Thus, while a noncitizen *may* be redetained after release on an Order of Supervision, very specific reasons for that redetention must be demonstrated by the government to show the lawfulness of that detention. The government's failure to make that showing demonstrates that the redetention is not in accord with governing law.

Constitutional Due Process

26. Procedural due process, as guaranteed in the U.S. Constitution, applies to noncitizens who are deprived of their liberty. "Freedom from imprisonment -- from government custody, detention, or other forms of physical restraint -- lies at the heart of the liberty that Clause [Due Process Clause] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

27. The Supreme Court in *Zadvydas* established a two-prong inquiry to investigate whether constitutional rights are being violated by the continued detention of a noncitizen. *Id.* The first prong asks if the presumptively reasonable six-month detention period has passed. *Id.* The second prong requires the noncitizen to show good reason for believing that their removal is "not significantly likely to happen in the reasonably foreseeable future." *Ambrosi v. Warden, Folkston ICE*

Processing Ctr., No. 5:25-cv-13, 2025 U.S. Dist. LEXIS 191893, at *3 (S.D. Ga. Sep. 29, 2025).

28. Courts in this circuit have found that, after the initial six-month period and after the noncitizen has shown a reason for believing that removal is not significantly likely, the government has the burden to prove removal in the reasonably foreseeable future is significantly likely, in order to justify continued detention. *See Ambrosi,* No. 5:25-cv-13, 2025, at *3-4 (DHS's assertions that they needed more time to find a third country to accept deportation of the noncitizen were insufficient to show significant likelihood of removal); *Thuy v. Streeval*, No. 1:26-cv-00633-VMC-JEM, 2026 U.S. Dist. LEXIS 108760, at *17-18 (N.D. Ga. May 18, 2026) (Government failed to show significant likelihood of removal in the reasonably foreseeable future when they relied primarily on statistics of recent removals to Vietnam and did not show that anything had been submitted to Vietnam regarding the noncitizen in question); *Khadjiev v. Field Office Dir., Mia. Field Office*, No. 3:26-cv-822-MMH-MCR, 2026 U.S. Dist. LEXIS 117397, at *6 (M.D. Fla. May 28, 2026) (Government did not prove removal was likely in the reasonably foreseeable future when it failed to show it had obtained any travel documents or agreements from any countries to accept the noncitizen in question).

29. The Supreme Court has well explained, "Habeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693, 128 S. Ct. 2207, 2221

(2008) (internal citations omitted). Immediate release from custody is the appropriate remedy for Petitioner in this action.

FACTS

30. Petitioner Barnabas Abraham Yosef is a citizen of Ethiopia who has resided in the United States since approximately 2004. Petitioner previously obtained lawful permanent residency in the United States.

31. On December 14, 2010, an Immigration Judge at the Dallas Immigration Court revoked Petitioner's permanent residency and ordered him removed to Ethiopia.

32. In January of 2011, ICE Respondents chose to release Petitioner from their custody, despite his removal order, pursuant to an Order of Supervision.

33. In accordance with the Order of Supervision, Petitioner obeyed the reporting requirement and checked in with ICE as required, often several times a year.

34. At one of his ICE check-ins on or about February 24, 2025, Respondents suddenly revoked Petitioner's Order of Supervision and took him into custody.

35. Respondents have apparently been unable to deport Petitioner to any country during the nearly eighteen months that he has been detained.

36. Petitioner has languished in immigration custody since February 2025, and is currently detained at the Stewart Detention Center in Lumpkin, Georgia.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA and Implementing Regulations/Accardi Doctrine

37. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

38. Respondents are bound by the Immigration and Nationality Act and by regulations promulgated pursuant to the INA governing post-order detention and supervision of noncitizens subject to final orders of removal, including 8 C.F.R. § 241.13.

39. Those regulations establish mandatory procedures governing the revocation of an Order of Supervision, requiring either (1) violation by the noncitizen of the terms of supervision, or (2) a change in circumstances that renders removal in the reasonably foreseeable future significantly likely. 8 C.F.R. § 241.13(i)(1)-(2).

40. These regulations require that re-detention after prolonged supervised release not be unfettered and must be supported by articulated justification within the regulatory scheme governing continued detention. *See* 8 C.F.R. § 241.13.

41. Under *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954), where an agency has promulgated regulations with the force and effect of law that govern the exercise of discretion, the agency is bound to follow those regulations and may not disregard them.

42. Respondents revoked Petitioner's order of supervision and re-detained him without showing he violated the terms of his release or showing that changed circumstances now make his removal reasonably foreseeable.

43. Indeed, nearly a year and a half has passed since Petitioner's redetention without his removal being effected, demonstrating that his removal was not and is not likely in the reasonably foreseeable future.

44. By failing to comply with their own binding regulations governing revocation of supervised release and continued detention, Respondents acted unlawfully and outside their statutory authority.

COUNT II

Violation of Due Process

45. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

46. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

47. Physical detention by the government constitutes a severe deprivation of liberty and may occur only in accordance with constitutionally adequate procedures.

48. Petitioner was released from custody under an order of supervision and lived at liberty for nearly fifteen years in compliance with ICE reporting requirements, giving rise to a protected liberty interest in continued freedom from physical restraint absent lawful procedures.

49. Respondents deprived Petitioner of that liberty interest when they revoked his order of supervision and took him into custody without showing any violation or change in circumstances rendering his removal significantly likely.

50. Respondents have failed to effect Petitioner's removal during nearly eighteen months that they have held him in custody after re-detaining him, demonstrating that removal in the reasonably foreseeable future was not and is still not significantly likely.

51. Respondents' continued detention of Petitioner therefore violates the Fifth Amendment, and habeas relief ordering his release is warranted and required.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Order that Petitioner shall not be transferred outside the Middle District of Georgia while this habeas petition is pending, absent further order of this Court;

c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

d. Issue a Writ of Habeas Corpus requiring that Respondents to immediately release Petitioner.

e. Declare that Petitioner's detention is unlawful;

f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

g. Grant any other and further relief that this Court deems just and proper.

DATED this 3rd day of July, 2026.

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Barnabas Abraham Yosef, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 3rd day of July, 2026.

/S/ Elissa Stiles
Elissa Stiles, Esq.