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AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

TALLYTA RIBEIRO BARBOSA

Petitioner

v.

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)

Case No. _____
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: TALLYTA RIBEIRO BARBOSA
   (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: A# [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: U. S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) Stewart Detention CenterLumpkin, Georgia.

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
Petitioner challenges her continued immigration detention following the denial of bond. The Immigration Judge' s decision relied upon an erroneous finding that Petitioner was a flight risk

(d) Date of the decision or action: APRIL 22, 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: Board of Immigration Appeals (BIA)

(2) Date of filing: 06/11/2026

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

(4) Result: PENDING

(5) Date of result:

(6) Issues raised: Appeal of bond denial and continued detention.

(b) If you answered "No," explain why you did not appeal: N/A

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: The appeal before the Board of Immigration Appeals is currently pending.

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: NOT APPLICABLE.

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. This petition challenges immigration detention, not a 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: 02/09/2026

(b) Date of the removal or reinstatement order:

(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: CONTINUED CIVIL IMMIGRATION DETENTION VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT.

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 Do not cite cases or law.)*:

Petitioner has remained in prolonged civil immigration detention despite entering the United States lawfully with a valid visa, having no criminal convictions, and timely appealing the Immigration Judge' s bond denial. The Government has failed to establish that continued detention remains necessary. Her detention has become excessive, arbitrary, and inconsistent with due process.

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

☐ Yes ☑ No

GROUND TWO: THE IMMIGRATION JUDGE' S FLIGHT-RISK FINDING WAS SPECULATIVE AND NOT SUPPORTED BY THE RECORD.

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

The Immigration Judge denied bond based on speculation rather than individualized evidence. Petitioner entered lawfully with a visa, has no criminal convictions, the 2021 DUI charge was dismissed, has a U.S. citizen child, and maintains strong family ties. The record does not establish that she presents a genuine flight risk.

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

☐ Yes ☑ No

GROUND THREE: CONTINUED DETENTION IS NOT THE LEAST RESTRICTIVE MEANS TO ENSURE PETITIONER' S APPEARANCE.

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

Petitioner has demonstrated her willingness to comply with immigration proceedings, timely appealed the bond denial, has previously complied with release conditions, and is willing to accept reporting requirements, electronic monitoring, or any reasonable alternative to detention. Continued confinement is unnecessary.

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

☐ Yes ☑ No

GROUND FOUR: CONTINUED DETENTION IS ARBITRARY AND NO LONGER SERVES A LEGITIMATE GOVERNMENTAL PURPOSE.

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

Petitioner entered the United States lawfully with a visa, has no criminal convictions, the 2021 DUI charge was dismissed, has a U.S. citizen child, and her administrative bond appeal remains pending. Less restrictive alternatives exist, making continued detention excessive, arbitrary, and inconsistent with the Fifth Amendment.

(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: The constitutional claims presented in this Petition cannot be fully resolved through the pending administrative bond appeal before the Board of Immigration Appeals. This Court has jurisdiction under 28 U.S.C. § 2241 to review the constitutionality of Petitioner's continued civil detention and provide appropriate habeas relief.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests immediate release because her continued detention violates the Fifth Amendment, or such other relief as this 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:

JULY 06 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: 07/06/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any