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U.S.D.C. - Columbus

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

RUBEN EDREI GUERRA GARCIA
A# [redacted]
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 **RUBEN EDREI GUERRA GARCIA** pro se' 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 Mexico who entered the United States on 6-6-2006 and has lived in the U.S. continuously since then, and is not an arriving Alien or a Menace to Society as the Judge and DHS improperly assume at Stewart Detention Center in Lumpkin, GA where he remains detained unlawfully.

Petitioner applied for a Custody re-determination Hearing on **7-21-2026** 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. see **Alvarez v. Warden, Federal Detention Center**, et al, No. 25-14065 (11th Cir. 2026) and **Perez v. Assistant Field Office Director, Krome North Service Processing Center**, et al., No. 25-14075 (11th Cir. 2026). 11th Circuit states 1226 applies to unadmitted aliens arrested within the U.S.

Respondents argue that he is a Menace to Society but this is not true as the weapon charge and marijuana possession were dismissed in 2023.

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, as he is appealing to the BIA so the removal order is not final.

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 _____

JULY 23, 2026

RUBEN EDREI GUERRA GARCIA

A[redacted]

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 JULY 23, 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 _____

JULY 23, 2026

RUBEN EDREI GUERRA GARCIA

A[redacted]

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815