

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

FILED 03/19/25 08:48 MAR-04

NTONE NDEMBA SAMMY JACKSON

Petitioner.

Case No.: 4:25-CV-43-CDL-AGH  
28 U.S.C. Section 2241

v.

WARDEN, STEWART DETENTION CENTER,1/

Respondent.

**PETITIONER RESPONSE TO RESPONDENT'S MOTION TO DISMISS**

Comes Now NTONE NDEMBA SAMMY JACKSON the Petitioner, pro se respectfully moves this honorable Court to denied the respondent motion to dismiss. As set forth below Petitioner support the facts.

**Background**

Referring to the Respondent motion to dismiss Petitioner incorporate his background history.

**Argument**

The Respondent motion to dismiss should be denied. The Petitioner's Zadvydas claim is not premature because the "ORDER OF THE IMMIGRATION JUDGE" was issued on February 1st, 2011 by Immigration Judge Jerry A. Beatmann in Oakdale, Louisianan. **See Exhibit – A.** Thus,

ICE/ERO is already familiar with Petitioner's case, that is since ~~February 1, 2025~~ **October 2, 2024**. And had more than sufficient time to obtain his travel document even if the date commence from the Petitioner's detained post final order of removal.

Petitioner's claim of prolonged detention must therefore be evaluated under the rubric applicable to post-final order of removal detention. Because Petitioner is detained under 1231(a), the propriety of his current period of detention is controlled by the Supreme Court's decision in *Zadvydas* and the Third Circuit's decision in *Guerrero-Sanchez v. Warden York Cnty. Prison*, 905 F.3d 208, 225-26 (3d Cir. 2018). As the Supreme Court has explained, Under [1231(a)], when an alien is ordered removed, the Attorney General is directed to complete removal within a period of 90 days, 8 U.S.C. 1231(a)(1)(A), and the alien must be detained during that period, 1231(a)(2). After that time elapses, however, 1231(a)(6) provides only that aliens "may be detained" while efforts to complete removal continue. (Emphasis added).

In *Zadvydas*, the Court construed 1231(a)(6) to mean that an alien who has been ordered removed may not be detained beyond "a period reasonably necessary to secure removal," [533 U.S. at 699,] and it further held that six months is a presumptively reasonable period, *id.* [at 701.] After that, the Court concluded, if the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," the Government must either rebut that showing or release the alien. *Ibid.* {2021 U.S. Dist. LEXIS 5} *Jennings v. Rodriguez*, --- U.S. ---, 138 S. Ct. 830, 843, 200 L. Ed. 2d 122 (2018).

Recently, the United States Supreme Court stated that "Section 1226 generally governs the process of arresting and detaining" deportable aliens "pending their removal." *Jennings v. Rodriguez*, 138 S. Ct.

830, 837, 200 L. Ed. 2D 122 (2018).<sup>2</sup> In other words,  $\text{c}$  1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings." 138 S. Ct. at 838. The Supreme Court explained that detention during removal proceedings "gives immigration officials time to determine an alien's status without running the risk of the alien's either absconding or engaging in criminal activity before a final decision can be made." 138 S. Ct. at 836.<sup>3</sup> Section 1231, on the other hand, gives the Attorney General 90 days in{2021 U.S. Dist. LEXIS 4} which "to complete removal" once the Attorney General is authorized to remove an alien and mandates, under  $\text{c}$  1231(a)(2), that an alien "must be detained during that [90-day] period." 138 S. Ct. at 843.

Moreover, why prolong the Petitioner's detention, deliberately punishing the Petitioner when there is no significant likelihood of removal in the reasonable foreseeable future? As the Petitioner's Cameroon consulate has made it clear to ICE/ERO on multiple occasion since 2010 that they will not issue Petitioner's travel document or less the Petitioner possess both passport and birth certificate, which the Petitioner possess neither.

On October 2<sup>nd</sup>, 2024 the Petitioner was arrested and transported to down Atlanta Field Office, located at 180 Ted Tuner Dr. SW, Atlanta Georgia 30303. There a ICE Agent told Petitioner "I don't think they will deport you, because you don't have a passport or a birth Certificate that your consulate request. And we need both to show you are a Naturalized Cameroon Citizen." Petitioner was later transported to Stewart Detention Center locate in Lumpkin Georgia.

About one month later the Petitioner ICE Officer M. Bush came to see him with a document from Cameroon Embassy for Petitioner's consulate to request travel document. ICE Officer Bush told the Petitioners "I know your country is not going issue us travel document, but we still have to go through

the process.” M. Bush further told Petitioner to be patient he is going to release him in three (3) months, but to please promise him Petitioner won't come back because when he put his name and signature on documents to release detainees he do not like to see them come back.

Petitioner's 90 days review expired on January 2<sup>nd</sup>, 2023; and on the same day Petitioner notice, ICE Officer M. Bush speaking to a number of detainees, but he did not approach or call the Petitioner, so Petitioner approached him and said “you told me you were going to release me today but you did not called me or say anything. ICE Officer M. Bush respond “I'm sorry men, but you going to have to do some time.” The Petitioner respond, “What happen did you change your mind.” Officer M. Bush replied, no, you just going to have to do some time.” Petitioner, responded, “how much time is it.” Officer M. Bush replied, “I really can't tell you, you just going to have to do some time.”

Petitioner strongly believe he is being punished and detained prolong detention because his country do not want to issue any travel document which is beyond my control.

Petitioner personally did everything in his power in the past and present to help assist ICE Agents to obtained his travel document by contacting his Cameroon consulate via telephone, as well as have his sister to do the same. The Cameroon consulate both explained to the Petitioner and his sister that in order to prove that Petitioner is a Cameroon citizen he would have to present both a passport and birth certificate, and that they also forwarded the same information to ICE /Immigration many times, since 2010 that they won't considered Petitioner a Cameroonian citizen are less the Petitioner have a passport or a birth certificate, which the Petitioner never possess a birth certificate and his passport was stolen around the year 2005. After Petitioner was release from ICE on November 8, 2011 he made a Police report regrading his stolen passport to which he provided the police report to ICE as ICE requested a

copy. Also, in the same year ICE asked Petitioner to request his travel document on his behalf. ICE instructed the Petitioner to fill out the Application, the Petitioner did likewise and return the Application in a large yellow manila envelope, the ICE Agent open the envelope to check if he did everything correctly. The ICE Agent confirmed that the application was properly filled out along the money order Petitioner purchased for the total of One hundred twenty five dollars (\$100.25.00) for his travel document. The ICE Office sealed the envelope in front of Petitioner and told him they will mail it in his place, with the Petitioner's return address or place of resident because they don't believe the Petitioner will mail them. The Petitioner, paid for the filings and mailing fees at his expense.

To be sure, the Respondent admitted on page two to three at the starting on page two in paragraph one, stating: "... Petitioner completed a travel document application on December 20, 2010, and ICE/ERO submitted the travel document request to the Cameroon consulate on April 5, 2011. Bush Del. Para. 10. On November 8, 2011, Petitioner was released from ICE/ERO custody on an order of supervision. Id. para. 11 & Ex. E." And on page three at the beginning of paragraph one, stating: On November 6, 2024, Petitioner completed a second travel document application, and ICE/ERO submitted the travel document request to the Cameroon consulate on the same day. Id. Para. 15. ..."

Cameroon is currently open for international, and there are no travel ban in place. Id. para. 17. ICE/ERO is currently removing non-citizens to Cameroon and successfully removed 10 non-citizens to Cameroon in fiscal year 2024. Id. ICE/ERO's is also able to secure travel documents from the Cameroon consulate and recently receive travel document from the consulate on August 9, 2024 and on October 10, 2024. Bush Decl. Para. 18. ICE/ERO request for Petitioner remains pending with the Cameroon consulate, and ICE/ERO will provide any additional information or document upon request from the consulate. Id para. 19". The Respondent generally states the Cameroon is currently open for international, and there are no travel ban in place; that there are non-citizens currently being removed to Cameroon in the 2024, and recent travel documents received. However, the Respondent's general

statements does not directly impact the Petitioner. The Petitioner situation is distinct and should be examine individually. Furthermore, the Respondent failed to specify those non-citizens situation and/or compared them to the Petitioner's situation. Therefore, the Court should not give any weight to the Respondent conclusory argument.

Here, the Petitioner provide “evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *Gozo*, 309 F. App'x at 346 (internal quotations omitted) (emphasis added). Hence, Petitioner provides “evidence of good reason he has met his burden under *Zadvydas*, and his Petition should be granted and the Respondent's Motion be denied.

The government again vaguely state that, “the ICE/ERO's travel document request for Petitioner remains pending with the Cameroon consulate, but doesn't say whether the Cameroon consulate approved or agreed to issue Petitioner's travel document. Simply stating the travel document is pending is not the same as saying the travel document was approved and pending arrival, or the Cameroon consulate agreed to issue the Petitioner's travel document, it is pending arrival.

#### **Petitioner's Medical Conditions**

The respondent states that Petitioner's medical conditions purportedly arose as a result of his detention are unrelated to the standard governing his due process claim in the Petition. And is not cognizable under habeas proceedings and should be dismissed. The Petitioner's medical conditions should be considered for the fact that these conditions arose as a result of his detention and more devastatingly placed Petitioner in a state of predicament wherein he cannot take showers are properly

care for himself while being confined. Recently, on the fifth occasion on February 28, 2025 Petitioner was transported to Phoebe Sumiter Orthopedic and Dr. Dil Breland conducted a surgery on the Petitioner's right arm. The Petitioner presently wears a cast on his right arm which impedes him in many ways to care for himself. Petitioner on occasions, via emails mentions his medical conditions to his ICE Officer Bush, but he shows no remorse at all. See page 5 of Petitioner's Writ of Habeas Corpus Under 28 U.C.C. Section 2241 at para. 19.

Lastly, the Petitioner is not a danger to society or a flight risk, most of the Petitioner's prior offenses are far out dated. For instance, Petitioner has One, year 2000 cases for bribery that is about 24 years old, which probation was imposed without supervision and he was required to check in yearly, the Petitioner completed the three years successfully; One year 1993 offense for possession of weapon which is still pending to date because the accuser failed to show up; One Traffic offense for suspended driver's license, in which a fine was imposed; One year 2012 offense for DUI, which received 12 months probation; ect See **Exhibit – B** for addition prior conviction. The the Petitioner only have One felony conviction for Counterfeiting which is over fifteen year old. The Petitioner is a 50 years old man and only have a single non-violent felony prior conviction over 15 year ago. Such reflects the Petitioner is not a violent person, or a danger to society and have no reason to flee the country and/or is a flight risk.

### Conclusion

For the aforementioned reasons, this Court should find that Respondent is bound by the Due Process Clause to grant Petitioner's Petition.

Respectfully submitted and this 12 day of March 2025.



NTONE NDEMBA SAMMY JACKSON

A No.: 

Stewart Detention Center  
146 CCA Road  
P.O. Box 248  
Lumpkin, Georgia 31815

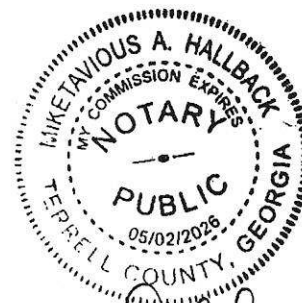
**CERTIFICATE OF SERVICE**

The Petitioner certify that he on this 12 date of March 2025 filed the Petitioner's  
**PETITIONER RESPONSE TO RESPONDENT'S MOTION TO DISMISS** with the Clerk of the  
United States District Court by hand delivering to the Stewart Detention Mail-room.

Petitioner further certify that he on this 12 day of March 2025 mailed by United States Postal  
Service the document and a copy of the aforesaid Petition to the following parties:

Roger C. Grantham, Jr.  
Assistant United States Attorney's Office  
Middle District of Georgia  
Post Office Box 2568  
Columbus, Georgia 31902-2568; and

Department Homeland Security  
Stewart Detention Center  
P.O. Box 248  
Lumpkin, GA 31815



 3-12-25

Executed under penalty of perjury pursuant to 28 U.S.C. Section 1746 on this 12 day of March  
2025.



NTONE NDEMBA SAMMY JACKSON

A No.: 