

Papa Samba Sy

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Northwest Detention Center  
1623 East J Street  
Tacoma, WA 98421-1615

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAPA SAMBA SY,

Petitioner,

v.

PAMELA BONDI, Attorney General of  
the United States; KRISTI NOEM,  
Secretary, United States Department of  
Homeland Security; DREW BOSTOCK,  
Seattle Field Office Director, United  
States Citizenship and Immigration  
Services; WARDEN of Immigration  
Detention Facility; and the United States  
Immigration and Customs Enforcement,

Respondents.

No. C

PETITION FOR WRIT OF HABEAS  
CORPUS BY A PERSON IN FEDERAL  
CUSTODY PURSUANT TO 28 U.S.C.  
§ 2241

PETITION

1. Place of detention:

Northwest Detention Center, 1623 East J Street, Tacoma, Washington 98241-  
1615, pursuant to a contractual arrangement with my custodian, the ICE Field Office  
Director at Seattle, Washington.

2. Name and location of court and name of judge who imposed confinement:

ICE Field Director, Seattle, Washington.

3. Case Number or numbers [ICE file number, if known]:

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PETITION FOR WRIT OF HABEAS CORPUS  
(Sy v. Bondi, et.al., Case No.) - 1

FEDERAL PUBLIC DEFENDER  
1601 Fifth Avenue, Suite 700  
Seattle, Washington 98101  
(206) 553-1100

- 1 4. Date of Order of Confinement:  
2 A. Taken into custody by ICE: March 1, 2024  
3 B. Date of Order of Removal: March 28, 2024  
4 5. Did you appeal from the judgment of conviction or the imposition of sentence:  
5 N/A  
6 6. If you answered "yes" to (5), list  
7 A. The name of each court or administrative tribunal to which you appealed:  
8 N/A  
9 B. The result in each court to which you appealed:  
10 N/A  
11 C. The date of each result:  
12 N/A  
13 D. If known, citations of any written opinions or orders entered pursuant to  
14 such results:  
15 N/A  
16 7. Have you previously filed petitions for habeas corpus, motions under section  
17 2255 of Title 28, United States Code, or any other applications, petitions or  
18 motions with respect to this confinement:  
19 None  
20 8. If you answered "yes" to (7), list with respect to each petition, motion or  
21 application:  
22 A. The specific nature thereof:  
23 N/A  
24 B. The name and location of the court in which each was filed:  
25 N/A  
26

1 C. The disposition:

2 N/A

3 D. The date of such disposition:

4 N/A

5 E. If known, citations of any written opinions or orders entered pursuant to  
6 each such disposition:

7 N/A

8 9. State concisely the grounds on which you base your allegation that you are being  
9 held in custody unlawfully, and the facts which support each of the grounds.

10 **GROUND FOR RELIEF**

11 A. My continued detention by respondent ICE is in violation of my rights to  
12 procedural and substantive due process, as guaranteed by the Fifth Amendment to the  
13 United States Constitution.

14 B. Because I am seeking relief related only to my custody status, which is  
15 not inconsistent with an order of deportation, exhaustion of administrative remedies, if  
16 any, is not required.

17 C. Because there is not good reason to believe my removal will be  
18 effectuated in the foreseeable future, ICE has no statutory authority pursuant to 8  
19 U.S.C. § 1231(a)(6) to detain me. *Zadydas v. Davis*, 533 U.S. 678 (2001); *Lin Guo Xi*  
20 *v. INS*, 298 F.3d 832 (9th Cir. 2002); *Thai v. Ashcroft*, 366 F.3d 790 (9th Cir. 2004).

21 D. I was taken into ICE custody on March 1, 2024. My order of removal to  
22 Senegal became final on March 28, 2024. As of today's date, ICE has not been able to  
23 effectuate my removal. I have done everything that ICE has asked me to do to try to get  
24 travel documents and will continue to cooperate fully in the process of getting travel  
25 documents. However, I have not had any contact with either the Senegalese consulate  
26 or my deportation officer since my arrival at the Northwest Detention Center. I do not

1 know what else I can do to assist in my deportation and have no reason to believe that  
2 ICE is working towards my removal.

3 E. The statute authorizing my detention, 8 U.S.C. § 1231, and related  
4 regulations are unconstitutional as applied to me and others like me. The fact that nearly  
5 a year has passed without an interview with the Senegalese government establishes no  
6 reason to believe that I will be removed in the reasonably foreseeable future. My  
7 continued detention therefore is purely a punitive measure that violates my  
8 constitutional rights. *See Wong Wing v. U.S.*, 163 U.S. 228, 237 (1896) (holding that  
9 punitive measures could not be imposed upon immigrants ordered removed because "all  
10 persons within the territory of the United States are entitled to the protection" of the  
11 Constitution).

12 10. Do you have any petition or appeal now pending in any court or administrative  
13 body as to the claims raised above?

14 N/A

15 11. Have you exhausted your administrative remedies with respect to the claims  
16 raised above?

17 *See* 9(C), above.

18 12. If you are seeking leave to proceed in forma pauperis, have you completed the  
19 sworn affidavit setting forth the required information?

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**PRAYER FOR RELIEF**

Based upon the illegal and unconstitutional actions listed above, I request that the Court grant my petition and direct respondent to release me from custody, as well as any other relief to which I may be entitled in this proceeding under 28 U.S.C. § 2241.

I verify, under penalty of perjury, that the foregoing information is true and correct to the best of my recollection.

DATED this 21 day of January, 2025.

Respectfully submitted,

 [SIGN NAME]

Papa Samba Sy

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Northwest Detention Center  
1623 East J Street  
Tacoma, WA 98421-1615

In Propria Persona