

JURISDICTION

2. This action arises under the constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.C.S. Section 1101 et seq., as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (“IIRIRA”) Pub. L. No. 104 – 208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. Section 701 et. seq.

3. This Court has jurisdiction under 28 U.S.C. Section 2241; art. I Section 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. Section 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in the violation of the Constitution, laws, all treaties of the United States. This court may grant relief pursuant to 28 U.S.C. Section 2241, 5 U.S.C. Section 702, and the All Writs Act, 28 U.S.C. Section 1651.

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

VENUE

5. 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 Georgia, the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of Bahamas. Petitioner was first taken into ICE custody on

April 01, 2024 and has remained in ICE custody continuously since that date. Petitioner was previously ordered removed by an Immigration Judge on November 5th, 2012 in Miami Florida, and recently on December 04th, 2024 after completing his immigration proceedings in Lumpkin, Georgia. See **Exhibit – A, ORDER OF THE IMMIGRATION JUDGE, Nov. 5, 2012; Also see Exhibit – B, ORDER OF THE IMMIGRATION JUDGE, 12/04/2024.**

7. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the Implementation and Enforcement of the Immigration and Naturalization Act (INA). As such Respondent Pam Bondi has ultimate custodial authority over Petitioner.

8. Respondent Alejandro Majokos is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such Alejandro Majokas is the legal custodian of Petitioner.

9. Respondent Russell Washburn is the Field Officer Director of the Atlanta Field Office of ICE and is Petitioner's immediate custodian. *See Vasquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. Denied, 122 S.Ct. 43 (2001).*

10. Respondent Warden of Stewart Detention Center, where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, Ricardo Lozin is a native of Bahamas. Petitioner has been in ICE custody since April 1st, 2024. An Immigration Judge ordered the Petitioner removed on December 4th, 2024 on the

ground that he is removable because he is an aggravated felon.

12. Specifically, the Immigration Judge ordered the Petitioner removed on December 4th, 2024 to the Bahamas with Haiti being the alternative. The Petitioner waives his appellate rights. Petitioner Ricardo Lozin was born virtue of birth in the Bahamas and registered birth the name Ricardo Massenat. Petitioner's mother brought him to the United States at the age of three (3) years old without inspection. Petitioner's mother was born in the Bahamas by the name Leerose Lewis, but later changed her name to Leerose Louis, to provided INA with a false birth certificate claiming Jean Paul Lozin was his father, and that the Petitioner was born in Haiti in order to gain permanent resident status in the United States and ultimately to become a naturalize U.S. citizen when the the petitioner was a minor.

13. Unfortunately, in the year 2006 the Petitioner was arrested for murder and was sentenced to a term of 20 years of imprisonment in the year of 2012. Upon the Petitioner's release on April 1st, 2024 he was taken into ICE custody and transported to Stewart Detention Center. While in custody Petitioner was informed by ICE Agent that he will be deported to Haiti. Petitioner Lozin reopen his November 05th, 2012 case in Florida and was granted a Change of Venue to Georgia. During the Petitioner's immigration proceedings he proved evidence/prove that he was born in the Bahamas; that his mother's true identity was Leerose Lewis and she was born in the Bahamas; that the man they claim was the Petitioner's father was not his biological father; Petitioner submitted to ICE his original Bahamian birth certificate as evidence. The judge denied Petitioner's based on the fact that the Petitioner have never physically step foot on Haitian soil and ordered the Petitioner removal to the Bahamas and Haiti being the Alternative.

14. In January of 2025 Petitioner spoke with Holly Pearce Bahamian consulate and she informed

him that he was not naturalized on his eighteen (18th) birthday therefore Bahamas will not recognized him as a citizen because he was born after 1973. See **Exhibit – C, BAHAMAS CITIZENSHIP: Citizenship is based upon the Constitution of The Bahamas, dated July 10, 1973.** Besides the Petitioner's mother claimed Haitian nationality which caused him to lost his Bahamian's rights. Petitioner was thereafter appointed a visit by the Haitian consulate where he showed that his mother falsely claimed to INA that she was born in the Bahamas to obtain her U.S. citizenship. The Haitian Consulate informed Petitioner that he was not a Haitian citizen and the possibility that no travel document would be issued once their investigation shows the evidences the Petitioner submitted are accurate. Concluding Petitioner is not a native of Haiti. Petitioner has been detained past the 90 days detention without any review. A 90 days Custody Review was not conducted by ICE. Neither Bahamas or Haiti has as furnish the Petitioner with an answer, and refused to claim the Petitioner as a national of their country. Therefore, the Petitioner's removal is unforeseeable, and subject him as a stateless individual. Both Bahamas and Haiti will not issue any travel document. The Petitioner is not a native of Haiti, thus it would be against the U.S. Constitution Eight and Fourteen Amendment to deport the Petitioner to a country he have never been or have no origin or no ties to, and without providing a fair opportunity to challenge the Petitioner's nationality.

15. Petitioner has not filed an appeal since the Immigration Judge issued him a final order of removal on December 4th, 2024 or does he intend to exhausted his immigration proceedings. Hence, the Petitioner's has exceeded 90 days since in Ice custody on March 4th, 2025 thereby making the order final on December 4th, 2024 from the date he been in ICE custody.

13. Petitioner was taken into custody by ICE on April 1st, 2024 and has been in the custody of ICE for more than three months since his removal/deportation exclusion order became final.

16. Petitioner 90 days Custody Review by the Department of Homeland Security Headquarter Post-Order Detention Unit (“HQCDU”) in Washington DC has not been conducted on or about March 4th, 2024. Petitioner Ricardo Lozin is not in receipt of any notice/decision from his ICE Officer Umar. If the Petitioner is order to be release in the U.S. he will reside with hissister Kenya Lozin 1205 Naples Street Apt. 307, Carrolton, Georgia 3017.

17. To date, however, ICE has been unable to remove Petitioner to Bahamas or any other country. Since petitioner was ordered removed on December 4th, 2024 ICE has failed to conduct a 90 days review that was due on March 04th, 2025 pursuant to section 237(a).

18. Petitioner has cooperated ICE in every way he could, putting forth all the effort to obtain his travel documents and to further assist his ICE Agent Umar. Furthermore, regarding Petitioner's removal from the United States. Petitioner has called both the Bahamian and Haitian Embassy attempting to obtain information to assisting his ICE Agent to gain travel document.

19. Petitioner's custody status has not been reviewed since in ICE custody on December 04th, 2024. The Petitioner was not served a written decision ordering his continued detention.

20. First on May 5th, 2024 Petitioner was severed with a notice transferring authority over his custody status to ICE HQPDU.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

21. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that six months is the

presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens. Department of Homeland Security Administrative regulations also recognize that the HQPDU has a six month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. Section 241.13(b)(2)(ii).

22. Petitioner was previously ordered removal on November 05th 2012 , and the removal order became final on or about December 4th, 2024. And, also regarding Petitioner's instant case he has been in ICE custody since April 1st, 2024. Therefore, the ninety (90) days custody review presumptively reasonable removal period for Petitioner ended on or about March 4th, 2025.

CLAIMS FOR RELIEF
COUNT ONE
STATUTORY VIOLATION

23. Petitioner's re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. Section 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and Petitioner continues to languish in detention. Petitioner's removal to the Bahamas or Haiti, or any other country is not significant likely to occur in the reasonably foreseeable future. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone like Petitioner under such

circumstances is unlawful.

COUNT TWO
SUBSTANTIVE DUE PROCESS VIOLATION

25. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

26. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

27. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. *Zadvydas* recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of three months and Petitioner's removal is not significant likely to occur in the reasonably foreseeable future.

COUNT THREE
PROCEDURAL DUE PROCESS VIOLATION

28. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

29. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case had

been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. Ice has detained Petitioner for more than six months since the issuance of his final order of removal. There is no significant likelihood that Petitioner removal will occur in the reasonably foreseeable future.

Petitioner does not pose a danger to the community or a risk for flight, and no special circumstances exist to justify his continued detention. As petitioner is not dangerous, not a flight risk, and cannot be removed, his indefinite detention is not justified and violates substantive due process. See *Zudvydas*, 533 U.S. At 690-91

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a Writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary in permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Award Petitioner Attorney's fees and cost under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. Section 504 and 28 U.S.C. Section 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that Court deems just and proper.

I affirm, under penalty of perjury, that foregoing is true and correct.

Signature: *Ricardo Lopez*

Petitioner's Name: *Ricardo Lopez*

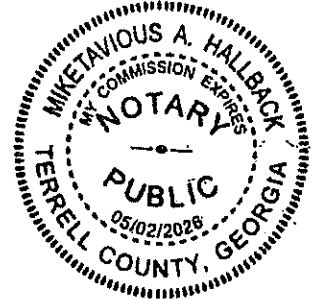
Date: *3-10-24*

A No.: 

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

PUBLIC NOTARY

3/10/2025
M Hallback
Signature



CERTIFICATE OF SERVICE

I Ricardo Lozin hereby certify that on _____ a copy of this Petition for Writ Habeas Corpus which it was send via priority mail to:

United States District Court
For the Middle District of Georgia
Columbus Division
P.O. Box 124
Columbus, Georgia 31902

Executed under the penalty of perjury pursuant to 28 U.S.C. Section 1746 on this 10 day of March 2025.

Ricardo Lozin
Ricardo Lozin