

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN**

**RODERICO FILADELFO PEREZ-
PEREZ ([REDACTED]),**

Petitioner,

v.

Robert Lynch, Field Office Director for
Enforcement and Removal Operations (ERO),
U.S. Immigration and Customs Enforcement
(ICE), and Department of Homeland Security
(DHS); Rebecca Adducci, Detroit Field Office
Director for Detention and Removal, ICE, DHS;
And Julie Massengill, Jail Administrator,
Monroe County Jail.


Case No. _____

Respondents.

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

1. This is a petition for a writ of habeas corpus filed on behalf of Roderico Filadelpho Perez-Perez, seeking relief to remedy his unlawful detention. Respondents are detaining Mr. Perez, even though his deportation was stayed by the United States Court of Appeals for the Sixth Circuit on March 26, 2025, during the pendency of his Appeal. EXHIBIT A, Sixth Circuit's Order. Mr. Perez is appealing a decision by the Board of Immigration Appeals (BIA) to revoke his grant of cancellation of removal and green card by the Immigration Court in 2020. To win the Order to Stay Removal by the Sixth Circuit, Mr. Perez had to show, among other things, "a strong showing that he is likely to win on the

merits of his case.” The three-judge panel of the Sixth Circuit not only concluded that Mr. Perez has a strong case based on the merits of his appeal, but also that “his case cannot result in a ‘prompt’ removal simply because the Board took five years to adjudicate the government’s appeal.” EXHIBIT A, at 4.

2. Mr. Perez has fully cooperated with Respondents in their efforts to remove him. On March 25, 2025, Mr. Perez reported to the Detroit Department of Homeland Security office at 985 Michigan Ave, Detroit, MI 48226, to provide ICE with his valid Guatemalan Identification document. In the Government’s Response Brief opposing Mr. Perez’s request for a stay of removal, the government wrote that Mr. Perez “would not be deported before March 31.” EXHIBIT B, Government Response, at 2. Mr. Perez was fearful of being detained when he reported to ICE; however, he relied on ICE’s statement that he would not be deported before March 31, and assumed that ICE would only detain him if he lost his motion for a stay. Mr. Perez has always complied with all past ICE orders. There was no reason to doubt that he would suddenly start violating ICE orders. Even though Mr. Perez won his request for a stay of removal a day later, he is still being detained by Respondent Robert Lynch.
3. Mr. Perez has resided in the United States for 25 years consecutively. Mr. Perez has worked continuously, except for a break at the onset of COVID-19 pandemic. He lives with his wife and three children including his daughter , who suffers from debilitating panic attacks. He does not have any recent criminal convictions. He is not a flight risk or a danger to the community. His current detention violates DHS’s own policies on who should and should not be detained.

4. In February 2025 DHS's website explains their Alternatives to Detention (ATD), a cost-saving and humanitarian release program.¹ ATD relies on several different mechanisms to keep track of deportable or potentially deportable persons, from releasing a detainee on his/her own recognizance to weekly check ins with ICE, to using an *ICE check-in app* or electronic monitoring devices to more closely track people with a final order of deportation which is imminent. *Id.* In the Sixth Circuit's order, it ordered the Government that Mr. Perez that could not be subjected to an expedited deportation. Mr. Perez's baseless detention, instituted without charges or cause, violates both the Immigration & Nationality Act and the Constitution.
5. On March 25, 2025, Respondent Robert Lynch placed Mr. Perez at the Monroe Jail, contracted by DHS as a Detention Center, located at 100 E. 2nd Street, Monroe, MI 48161. The Government states that his detention falls under the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his detention unlawful and ordering Respondents to release Mr. Perez from their custody immediately.

CUSTODY

6. Mr. Perez is in the physical custody of Respondent Robert Lynch, Field Office Director for Enforcement and Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE), the Department Of Homeland Security (DHS), Detroit Office and Respondent, Jail Administrator, Julie Massengill in Monroe Michigan. At the time of the filing of this petition, Petitioner is detained at the at the Monroe County Jail. The Monroe

¹ Available at: <https://www.ice.gov/features/atd>

County Jail contracts with the DHS to detain aliens such as Petitioner. Mr. Perez is under the direct control of Respondents and their agents.

JURISDICTION

7. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Venue lies in the United States District Court-Eastern District of Michigan, the judicial district in which Respondents, Robert Lynch and Julie Massengill live and where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES

9. Petitioner is a national and citizen of Guatemala who was accorded lawful permanent resident status on or about April 20, 2020 and ordered removed on or about February 21, 2025. He is detained by Respondents pursuant to 8 U.S.C. § 1231.
10. Respondent Robert Lynch is the Field Office Director for Detention and Removal, ICE, DHS. Respondent Julie Massengill is a custodial official acting within the boundaries of the judicial district of the United States Court for the Eastern District of Michigan. Pursuant to Respondent Adducci’s orders, Petitioner remains detained.

11. Respondent Julie Massengill is the jail administrator of the Monroe County Jail Complex facility in Monroe, Michigan. She is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Eastern District of Michigan.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. Mr. Perez has exhausted his administrative remedies to the extent required by law.

13. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

14. Mr. Perez's only remedy is by way of this judicial action.

STATEMENT OF FACTS

15. Petitioner is a national and citizen of Guatemala who was previously accorded lawful permanent resident status but was ordered removed on February 21, 2025, based on a decision by the Board of Immigration Appeals (BIA).





16. After being ordered removed, Mr. Perez appealed the decision of BIA to the United States Court of Appeals for the Sixth Circuit. The case, *Roderico Filadelfo Perez-Perez v. Pamela Bondi*, No. 25-3146 is pending.

17. On or about March 25, 2025, Respondent Robert Lynch and her agents arrested Mr. Perez at the Detroit DHS Office. The reason for his arrest was to execute his removal order.

18. On March 26, 2025 Mr. Perez was granted a Stay of Removal by a three-judge Panel of the Court of Appeals for the Sixth Circuit. He is still being held in detention.

19. Mr. Perez has fully cooperated with Respondents' efforts to obtain his travel documents.

20. Mr. Perez remains in detention for an undefined time for no lawful reason. Respondents continue to detain Mr. Perez even though it is now clear that Respondents cannot remove him.

21. Mr. Perez is not a danger to the community or a flight risk. He has no pending criminal cases and is not on parole.
22. Mr. Perez has deep roots in this community. He has three U.S. citizen children and a brother who is a lawful permanent resident.
23. Prior to his arrest, Mr. Perez was working, paying his taxes, and providing for his family. His continued detention deprives his family of his company, in particular his daughter , who is suffering from panic attacks based on her fears that her father will be deported, despite the Stay of Deportation ordered by the Sixth Circuit. Mr. Perez is the main breadwinner for his family.
24. Mr. Perez's US citizen son  Perez works with Mr. Perez in construction.  was injured and lost part of his foot, which has disabled him. Mr. Perez has been working to take care of his son. Mr. Perez's detention is causing hardship for  as well.
25. Respondents' decision to detain Mr. Perez is not legally justifiable and is capricious and arbitrary.
26. There is no better time for the Court to consider the merits of Mr. Perez's request for release.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

27. Petitioner alleges and incorporates by reference paragraphs 1 through 26 above.
28. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

29. Petitioner alleges and incorporates by reference paragraphs 1 through 26 above.

30. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

31. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

- 32. Assume jurisdiction over this matter;
- 33. Issue an order directing Respondents to show cause why the writ should not be granted;
- 34. Issue a writ of habeas corpus ordering Respondents to release Mr. Perez on his own recognizance or under parole, a low bond or reasonable conditions of supervision.
- 35. Award Petitioner reasonable costs and attorney's fees; and
- 36. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

/s/ Shanta Driver (P 65007)
ATTORNEYS FOR PETITIONER
Driver, Schon & Associates PLC
19767 Cranbrook Dr. #111
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March 27, 2025

VERIFICATION OF COUNSEL

I, Shanta Driver, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ Shanta Driver

March 27, 2025