

UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

APR 28 2025

CHRISTOPHER ALFRED

Petitioner,

V.

Department of Homeland Security

Respondent,

ON BEHALF OF PETITIONER: PRO SE

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BY: DANIEL J. MCCOY, CLERK

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CIVIL DOCKET NO: 1:25-cv-00425-JE-JPM Sec. P.

MEMORANDUM IN SUPPORT OF PETITION FOR A WRIT OF HABEAS CORPUS.

Before this Honorable Court is a petition for a Writ of Habeas Corpus under 28 U.S.C § 2241 filed by the Petitioner Christopher Alfred to further remedy his perpetual prolonged detention by the respondents. The petitioner respectfully assert as follows:

SUMMARY OF EVENT

1. On July 26 2023, the Department of Homeland Security reinstated the previous removal order dated June 27th 2014.
2. On or about Aug., 2024 the Immigration and Customs Enforcement (ICE) attempted to initiate removal based on the previous order of deportation. The petitioner realleges that the United States Department of Homeland

Security violates petitioners due process clause of the 5th Amendment right of the constitution of the United States of America.

3. On or about 17th July 2024, the petitioner appeared before immigration judge while detained with the DHS at (KROME) Miami, on the said appearance the petitioner requested that the Judge allow him continue his matter favorably to allow him hire an attorney that can represent him in the civil proceedings. That request was denied without explanation and the Judge also further ordered the petitioner removed denying him his due process right.
4. The petitioner was returned to Krome and later was transferred to his current holding facility (LaSalle Detention Center). Up till now, the respondents and its agents has not conducted custody redetermination, but has continued to deprive petitioner the right to his liberty in violation of the 5th amendment right.
5. The petitioner realleges that he has been detained beyond the presumptively reasonable period and removal is not likely to occur in the foreseeable future.
6. On Jan., 3 2025 the petitioner filed a custody redetermination and individual review petition before the Headquarters post -Order detention unit. In the that petition, he requested a review of his continued detention and a compassion release request based on the recent occurrence of petitioners Son been hospitalized and in state of Comma since Nov., 2023. (ex. 2 Notice of Action, birth certificate and medical records). Up till this instant petition, the respondent has not responded let alone grant petitioner the relief requested, rather, the respondent has continued to deprive him of his right to liberty and causing his United States citizen spouse and children great hardship while languishing in ICE prison. (See Ex. 3 HQPODU).

JURISDICTION AND VENUE

This action arises under the Constitution of the United States as well as the Immigration and National Act (INA) 8 U.S.C. 1101 et seq., as amended by the Illegal Immigration Reform and the Administrative procedure Act (APA), 5 U.S.C. 701 et seq.

This Court has jurisdiction under 28 U.S.C. 2241; Art, 1 & 9, Cl. 2 of the United States. Constitution (Suspension Clause “); 28 U.S.C 1331, as the petitioner is presently in the custody under color of the authority of the United States; and the fifth Amendment of the United States Constitution, and *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491 (2001), as he challenges his continued detention. This Court may grant relief pursuant to 28 U.S.C. 702 and the ALL-WRITS Act, 28 U.S.C. 1651.

The petitioner has exhausted any and all available administrative remedies to the extent required by law.

Venue is proper and lies in the United States Court of the Western District of Louisiana because a substantial part of the events or omissions giving rise to the claim arose in this judicial District. See 28 U.S.C 1391 (e), and 28 U.S.C. 2241, et seq. pursuant to *Braden v. 30th Judicial Circuit of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court of Western District of Louisiana which is the Judicial district in which petitioner resides and currently in Immigration custody.

REASON TO GRANT WRIT OF HABEAS CORPUS

In *Zadvydas v. Davis* 533 U.S. 678, 121 S. Ct. 2491 (2001), the supreme Court made it clear that six month is the presumptively reasonable period during which DHS/ICE may detain aliens in order to effectuate their removal. *Id.* At 702. Interim administrative regulations also recognize that the Headquarters Post-Order Detention Unit (HQPDU) has six-month period to determine whether there is a significant likelihood of an alien’s removal in a reasonably foreseeable future. See 8 C.F.R. § 241.13 (b) (2) (ii). The fifth Circuit has held that §1226 (c) governs mandatory detention of aliens pending a final order of removal. *Andrade v.*

Gonzales, 459 F.3d 538, 542 (5th Cir. 2006). The Supreme Court has rejected the argument that §1226 (c) implicitly carries within the statute a right to bond hearing. Jennings v. Rodriguez, 138 S. Ct. 830 (2018). However, Jennings did not abrogate “as applied” challenges to unreasonable detention under § 1226 (c). see Misquitta v. Warden Pine Prairie ICE Processing Center, 353 F. Supp. 3d 518, 526 (5th Cir. 2018).

CLAIM FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

The petitioner reallege that Respondent’s refusal to release him is unlawful and contravenes 8 U.S.C. §1231 (a) (6) as interpreted by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678, 121 S. Ct. 2491 (2001) and further reinforced by Fifth Circuit in Misquitta v. Warden Pine Prairie ICE Processing Center, 353 F. Supp. 3d 518, 526 (5th Cir. 2018). The Petitioner Christopher Alfred, continue to languish in detention. His removal to Trinidad, or any other country, is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held that in Zadvydas that the continued detention by DHS/ICE of someone like the petitioner under such circumstances is unlawful. Although, Jennings came to a different conclusion, it did not abrogate as applied challenges to unreasonable detention. See Misquitta v. Warden Pine Prairie ICE Processing Center, 353 F. Supp. 3d 518, 526 (5th Cir. 2018).

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

The Petitioner Christopher Alfred reallege his continued detention violates his right to substantive due process through deprivation of the core liberty interest in freedom from bodily restraint.

The due process Clause of the Fifth Amendment Requires that the deprivation of his liberty be narrowly tailored to serve a compelling government interest. While Respondents would have interest in detaining the petitioner in order to effectuate removal, that interest does not justify indefinite detention, as petitioner is not significantly likely to be removed in the reasonably foreseeable future. In *Zadvydas*, the Supreme Court recognized that DHS/ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which DHS/ICE may detain an alien is not any given predetermined period of time, but the Fifth Circuit has recognized a non-exhaustive test of four factors to be examined in these situations, including (1). Whether detention has continued beyond the average time necessary for completion of removal proceedings. (2). The probable extent of future removal proceedings. (3). The likelihood that removal proceedings will actually result in removal, and (4). The conduct of both the petitioner and the government during the removal proceedings. See *Misquitta v. Warden Pine Prairie ICE Processing Center*, 353 F. Supp. 3d 518, 525 (5th Cir. 2018) (citing *Vega v. Doll*, 2018 WL 3765431 (M.D. Pa 7/11/2018)). The petitioner has already been detained in excess of six month and his removal is not significantly likely to occur in the reasonably foreseeable future.

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

The petitioner realleges that under Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. In this case, the petitioner has been denied that opportunity. The DHS/ICE does not make decision concerning alien's custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decisionmaker to review his continued detention violates his right to procedural due process.

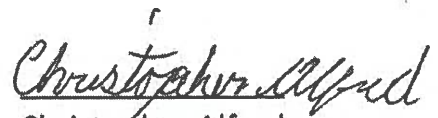
PRAYER FOR RELIEF

WHEREFORE, the promises considered, the Petitioner prays that this Honorable court grant the following relief:

1. Assume Jurisdiction over this matter;
2. Grant a Writ of Habeas Corpus directing the Respondent to immediately release petitioner from detention.
3. Enter preliminary injunction and permanent injunction relief enjoying Respondents from further unlawful detention.
4. Grant any other further relief this Honorable Court see fit and proper under the Law.

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

Respectfully Submitted, this 17 Day of April, 2025.


Christopher Alfred
830 Pine Hill Rd,
Jena, LA 71342.

CERTIFICATE OF SERVICE

I, Christopher Alfred, HEREBY CERTIFY, that a true copy and correct copy of the foregoing **MEMORANDUM IN SUPPORT OF PETITION FOR A WRIT OF HABEAS CORPUS.** also, for a court stamped copy be mailed back to me and to be served by regular mail to the following parties in said action by placing the above in an envelope and mailing said envelope to the addresses so set forth below:

Department of Homeland Security
830 Pinehill Rd,
Jena, LA 71342.

Christopher Alfred
830 Pinehill Rd,
Jena, LA 71342.

I, declare under penalty of perjury of the United States that the foregoing is true and correct.


Christopher Alfred

Dated: 04/17/ 2025.