

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

APR 07 2025

BERTILLA KUM

Petitioner

v.

BY: DANIEL J. MCCOY, CLERK

Case No. 25-cv-0451 Sec P
(Supplied by Clerk of Court)

ALLEN ROSS, HELEN GRIMES

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Bertilla Nchuo, Kum
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: South Louisiana ICE Processing Center (SLIPC)
(b) Address: 3843 E. Stagg Ave Basile, LA 70515
- (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
Immigration and Custom Enforcement (ICE)
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Oakdale Immigration Court, Oakdale, Louisiana
 (b) Docket number, case number, or opinion number: [REDACTED]
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I was granted Administrative closure by an I.J. on 5/7/2024. DHS/ICE have refused to release me from their custody.
 (d) Date of the decision or action: 5/7/2024

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: I waived my rights to appeal because I was okay with the I.J.'s decision.

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

I waived my rights to appeal because I was okay with the I.T.'s decision.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

I waived my rights to appeal because I was okay with the I.T.'s decision.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 07/17/2023

(b) Date of the removal or reinstatement order: 5/7/2024, Administrative closure.

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

granted

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes

☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

Motion for Administrative closure.

(b) Name of the authority, agency, or court: _____

Oakdale Immigration court, oakdale, LA

(c) Date of filing: _____

5/6/2024

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

Motion granted by I.J.

(f) Date of result: _____

5/9/2024

(g) Issues raised: _____

I have pending Asylum and TPS applications with USCIS. DPLA has declined to exercise prosecutorial discretion, my pending Immigration benefits make any adverse decision on my asylum claim untimely.

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Asylum Seeker with no Criminal History.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I am an Asylum Seeker who fled persecution from the military of Cameroon due to the ongoing civil war. I have no Criminal history and have never gotten into trouble with the law. I am a victim of crime from the ongoing Civil war in Cameroon.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: TPS Applicant

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have applied for TPS which I qualify for since 07/30/24, it is currently pending with USCIS and will be granted once a decision is made. DHS/ICE are detaining me on the basis that I pose a security threat but they have no evidence to show for it.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Administrative closure granted, DHS/ICE Appeal dismissed and motion to re-calendar denied.

(a) Supporting facts (Be brief. Do not cite cases or law.):

my case was Administratively closed on 5/7/24. DHS/ICE has refused to release me from detention. DHS/ICE filed an Interlocutory appeal which was dismissed by BIA on 10/21/24. DHS/ICE motion to re-calendar my case was denied on 11/9/24. They still continue to detain me.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR: I am not a flight risk or Danger to the Community.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I am not a danger to the community or flight risk, I have strong ties to the community. My sister is a legal permanent Resident and will ensure I attend all my future Immigration court hearings and comply with any conditions that come with my release.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: I waived my rights to appeal.

Request for Relief

15. State exactly what you want the court to do: Order respondent to release me on my own recognizance or reasonable conditions of supervision, order respondent to issue me a bond hearing where they will have the burden to prove by clear and convincing evidence that I pose a flight risk and danger to the community and grant any other relief this court deem just and proper.

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Declaration Under Penalty Of Perjury

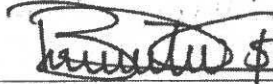
If you are incarcerated, on what date did you place this petition in the prison mail system:

03/18/2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

03/17/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

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U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

APR 07 2025

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF LOUISIANA,
LAFAYETTE DIVISION

BY: DANIEL J. MCCOY, CLERK
KW

BERTILLA KUM,

Petitioner,

v

A# 

ALLEN ROSS
Assistant Chief Counsel
Office of the Principal Legal Advisor, New Orleans (Oakdale) (OPLA),
U.S. Immigration and Customs Enforcement (USICE),
Department of Homeland Security (DHS), and
HELEN GRIMES, Warden, South
Louisiana ICE Processing Center,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

This is a petition for a writ of habeas corpus seeking relief to remedy my unlawful detention. Respondents are detaining me after an Immigration Judge administratively closed my case. My name is Kum Bertilla Nchuo, a national and citizen of Cameroon. I entered the United States on 7/17/23 as a refugee seeking Asylum. I was inspected by the Border Patrol but was not admitted or paroled. I was detained by the CBP and transferred to Richwood Correctional Center on 7/24/23. I received an Asylum interview on 8/1/23 and was found to have a positive credible fear of persecution. Respondents served me with a Notice to Appear on 8/6/23 and transferred to South Louisiana ICE Processing center on 8/10/23 where I have been detained till this day. I had master hearings on 8/29/23 and 9/19/23 where I was given the opportunity to apply for Asylum. My attorney filed an application for asylum with a handwritten declaration from me. The IJ scheduled an individual hearing for 10/31/23 which was rescheduled to 1/22/23 to 1/29/23 to 4/23/23 and to 5/7/23. My attorney requested for parole on my behalf which was denied on 11/3/23. My attorney filed for an application for Temporary Protective

Status(TPS) on 1/30/24. I received a Notice of Action and a Biometric appointment scheduled for 2/21/24,3/6/24 and 5/31/24 respectively at USCIS NEW ORLEANS, but respondents won't make provisions for me to go for the appointment. I wrote a letter to my Deportation Officer pleading with her to make provisions for me to go for the appointment but got no respond. My attorney filed a motion requesting for prosecutorial Discretion which was declined by the Respondents on 2/21/24, my attorney filed a motion for Administrative Closure which was granted by the IJ on 5/7/24. Respondents have refused to release me from their custody till this day. Respondents have filed an appeal with the Board Of Immigration Appeals(BIA) which was dismissed on 10/21/2024,they filed a motion to re-calendar which was denied on 11/19/2024. Respondents have moved to file an appeal to the BIA for the I.J's denial to re-calendar which remain pending with the BIA till date. My attorney requested a Bond from the IJ but she said she had no jurisdiction to grant me a Bond . I have remained in Respondents custody for over 19 months now pending a decision for my Asylum and TPS applications from USCIS. I submit that my detention is in violation of my constitutional rights , my prolonged detention is no longer justified under the constitution of the Immigration and Nationality Act (INA). I seek an order from this court declaring my continued and prolong detention unlawful and ordering Respondents to release me from their custody.

CUSTODY

1. I am in the physical custody of Respondent Allen Ross,Assistant chief counsel office of the Principal Legal Advisor,New Orleans(Oakdale),U.S Immigration and Customs Enforcement(USICE), the Department of Homeland Security(DHS) and Respondent Helen Grimes, warden of South Louisiana ICE Processing Center(SLIPC) in Basile LA. SLIPC contracts with DHS to detain aliens like me. I am under the direct control of respondents and their agencies.

JURISDICTION

2. This action arises under the constitution of the United States, the Immigration and Nationality Act(INA). This court has jurisdiction under 28 U.S.C.2241 of the United States constitution and 28 U.S.C.§ 1331, as I am presently in custody under color of the authority of the United States and such custody is in violation of the U.S constitution,laws or treaties of the U.S. This Court may grant relief pursuant to 28 U.S.C.§ 2241,and the All Writs Act, 28 U.S.C § 1651.

VENUE

3. Venue lies in the United States District Court for the Western District of Louisiana,

Lafayette Division the judicial district in which Respondent Allen Ross and Helen Grimes reside and where I am currently detained. 28 U.S.C. § 1391(e).

PARTIES

4. I, Kum Bertilla Nchuo is a national and citizen of Cameroon who was apprehended by the CBP on 7/17/24 and placed in removal proceedings. I am detained by Respondents pursuant to 8 U.S.C § 1231, which permits DHS to detain aliens like me pending the outcome of my immigration case.
5. Respondent Allen Ross, is the Assistant chief counsel office of the Principal Legal Advisor, New Orleans (Oakdale), USICE, DHS. Respondent Allen Ross is a custodial official acting within the boundaries of the U.S Court for the Western District of Louisiana, Pursuant to Respondents orders, I remain detained.
6. Respondent Helen Grimes is the Warden of the South Louisiana ICE Processing Center in Basile LA. She is my immediate custodian and resides in the judicial district of the U.S Court for the Western District of Louisiana.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. I have exhausted all my administrative remedies to the extend required by law.
8. I have fully cooperated with Respondents and has not delayed or obstructed my detention.
9. My only remedy is by way of this judicial action

STATEMENTS OF FACTS

10. I am a national and citizen of Cameroon who fled persecution from my country, was apprehended by the CBP on 7/17/23 and placed in removal proceedings.
11. After being placed in removal proceedings, I have applied for Asylum and TPS which still remain pending with the USCIS till this day on the basis that I represent a threat to border security, despite having easily discernible positive factors overcoming the presumptive threat designation.
12. I have requested for Parole which was declined by Respondents.
13. Respondents have denied to make provisions for me to go for my biometric appointment to consider my application for TPS.
14. I have requested for Prosecutorial Discretion and Respondents have denied to join motion to exercise prosecutorial Discretion to amend my threat status, even after being presented with

evidence of my positive factors justifying amendment and release.

15. I have filed a motion for Administrative Closure with the U.S Immigration Court in Oakdale which was granted by the IJ on 5/7/24.
16. I have filed a motion for a Bond hearing which the IJ had no jurisdiction to grant me a Bond.
17. Respondents have denied to release me from their custody.
18. I have never received a custody review from Respondents since I have been detained to determine if I should remain in custody.
19. The BIA dismissed Respondent's appeal of my Administrative Closure on 10/21/2024.
20. The IJ denied Respondent's motion to re-calendar my case on 11/19/2024.
21. Respondents have filed another appeal to the BIA from the IJ's denial to re-calendar my case which is pending with the BIA.
22. I have now been detained for over 19 months pending decisions on my Asylum and TPS applications. Respondents continue to detain me even though it is now clear that I cannot be removed to Cameroon.
23. My pending immigration benefit makes any adverse decision on my asylum claim untimely.
24. I am not a danger to the community or a flight risk. I have no criminal history and have never gotten into trouble with the Law. I am a **"VICTIM OF CRIME"** from the ongoing Civil War in Cameroon.
25. I have strong ties to the community as my Niece is a U.S Citizen and my sister who is my sponsor is a Legal Permanent Resident in the USA, residing in Minnesota.
26. Respondents decision to detain me is no longer legally justified and is capricious and arbitrary. There is no better time for the court to consider the merits of my request for release.

CLAIMS FOR RELIEF

COUNT ONE

CONSTITUTIONAL CLAIM

27. I allege and incorporates by reference paragraphs 1 through 26 above.
28. My continued detention violates my right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S Constitution.

COUNT TWO

STATUTORY CLAIM

29. I allege and incorporate by reference paragraphs 1 through 28 above.

30. My continued detention violates the Immigration and Nationality Act and the U.S Constitution.

PRAYER FOR RELIEF

WHEREFORE, I pray that this Court grant the following relief;

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release me on my own recognizance or under parole, a low bond or reasonable conditions of supervision show; and
4. Grant any relief which this Court deems just and proper.

DECLARATION

I, Kum Bertilla Nchuo, certify that all the facts stated above are true and correct to the best of my knowledge and belief.

Petitioner

A handwritten signature in black ink, appearing to read "Kum Bertilla Nchuo", with a stylized flourish at the end.

KUM BERTILLA.