

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN ROE,

Petitioner,

v.

LEONARD ODDO, *in his official capacity as Warden of Moshannon Valley Processing Center;*
BRIAN MCSHANE, *in his official capacity as Acting Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Philadelphia Field Office;*
KRISTI NOEM, *in her official capacity as Secretary of the Department of Homeland Security;* and PAM BONDI, *in her official capacity as Attorney General of the United States,*

Respondents.

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

PRELIMINARY STATEMENT

1. Petitioner John Roe ("Mr. Roe" or "Petitioner"),¹ is a stateless and disabled noncitizen who was trafficked to the United States for labor around the age of ten and enslaved to families in this country for approximately fifteen years. Due to the circumstances of his childhood, Mr. Roe does not know his birth name, his parents' names, or his native language, and is uncertain of his country of origin. Now believed to be about sixty-five years old, he has been known to federal immigration authorities since the 1990s when he was transferred to immigration custody and ordered removed, and has been on an Order of Supervision ("OSUP") and successfully

¹ Accompanying this Petition is a Motion seeking the Court's permission to litigate pseudonymously, in place of the name that John Roe uses, due to the disclosure of sensitive medical, family, and immigration information; disclosure of a sexual assault committed against Mr. Roe; and fears of retaliation and targeting during immigration detention and by other governments due to Mr. Roe's past entanglement with the criminal legal system.

reporting to Immigration and Customs Enforcement (“ICE”) for about a decade. Despite these circumstances, and with no plan or ability to deport him, ICE brought him into their custody in January 2025. Mr. Roe now languishes in solitary confinement in an ICE detention facility for an indefinite and undetermined period.

2. Over the course of decades, Mr. Roe has dutifully cooperated with ICE’s removal efforts and completed multiple travel document requests, not only for India, the country to which he was ordered deported in 1995, but for other countries identified by ICE, like Mexico and Honduras. Yet, no country has agreed to accept him. After all, Mr. Roe has lived in the United States for over fifty years, does not know his birth name, has no citizenship, status, or travel document with which to enter or live in any other country, and has been convicted of a serious felony.

3. ICE should not have detained Mr. Roe in January 2025, as his detention was not for the purposes of removal. For decades, ICE has repeatedly tried and failed to deport Mr. Roe to India, and there was no intervening event to demonstrate that he can now be removed. ICE has also not named any other country that it is considering for Mr. Roe’s removal.²

4. ICE’s arbitrary and unjustified decision to arrest and re-detain Mr. Roe and revoke his OSUP violates the Immigration and Nationality Act and its attendant regulations, the Administrative Procedure Act, and the Fifth Amendment of the U.S. Constitution.

² See *D.V.D. v. U.S. Dep’t of Homeland Sec.*, No. 25-10676 (BEM), 2025 WL 942948, at *1 (D. Mass. Mar. 28, 2025) (enjoining and restraining government defendants from “[r]emoving any individual subject to a final order of removal from the United States to a third country, i.e., a country other than the country designated for removal in immigration proceedings, UNLESS and UNTIL Defendants provide that individual, and their respective immigration counsel, if any, with written notice of the third country to where they may be removed, and UNTIL Defendants provide a meaningful opportunity for that individual to submit an application for CAT protection to the immigration court, and if any such application is filed, UNTIL that individual receives a final agency decision on any such application.”).

5. Accordingly, this Court should order Mr. Roe's immediate release from ICE custody, with any conditions the Court deems appropriate.

PARTIES

6. Petitioner Mr. Roe is a stateless individual who ICE has detained at the Moshannon Valley Processing Center ("Moshannon") in Philipsburg, Pennsylvania since January 2025.

7. Respondent Leonard Oddo is the Warden of Moshannon. He is an employee of the GEO Group, the private company that contracts with ICE to run Moshannon. He was previously the Warden of the Moshannon Valley Correctional Center before it was converted from a federal prison to an immigration facility. In his capacity as Warden, he oversees the administration and management of Moshannon. Accordingly, Respondent Oddo is the immediate custodian of Petitioner. Petitioner brings this action against Respondent Oddo in his official capacity.

8. Respondent Brian McShane is the Acting Field Office Director of the ICE Enforcement and Removal Operations ("ERO") Philadelphia Field Office. In that capacity, he is charged with overseeing all ICE detention centers in Pennsylvania, Delaware, and West Virginia and has the authority to make custody determinations regarding individuals detained there. Respondent McShane is a legal custodian of Petitioner. Petitioner brings this action against Respondent McShane in his official capacity.

9. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security ("DHS"). DHS oversees ICE, which is responsible for the administration and enforcement of immigration laws and has supervisory responsibility for and authority over the detention and removal of non-citizens throughout the United States. Respondent Noem is the ultimate legal custodian of Petitioner. Petitioner brings this action against Respondent Noem in her official capacity.

10. Respondent Pam Bondi is the Attorney General of the United States. As the Attorney General, she oversees the immigration court system, including all Immigration Judges and the Board of Immigration Appeals, and has authority over immigration detention. Petitioner brings this action against Respondent Bondi in her official capacity.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction under Art. I § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), 28 U.S.C. § 2241, 28 U.S.C. § 1331, the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, the Administration Procedure Act, 5 U.S.C. § 701, *et seq.*, and the Fifth Amendment of the U.S. Constitution.

12. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 208 (3d Cir. 2020); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

13. Federal courts also have federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702. ICE’s continued detention of Mr. Roe has adversely and severely affected his liberty.

14. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained in Clearfield County within the jurisdiction of the Western District of Pennsylvania. *See, e.g., Sanchez-Delatorre v. United States*,

No. 3:20-cv-0018, 2020 WL 8812807, at *1 (W.D. Pa. Aug. 17, 2020) (“At the time of his filing, Petitioner was confined at the Moshannon Valley Correctional Center in Philipsburg, Clearfield County, Pennsylvania, which is located in the Western District of Pennsylvania...”).”

EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. Petitioner has no administrative remedies to exhaust. Respondents provide no process whatsoever for Mr. Roe to challenge the illegal actions challenged herein.

16. Further, even if there were administrative redress the Petitioner could seek, Petitioner need not exhaust his administrative remedies. The detention statute pursuant to which Mr. Roe is detained, 8 U.S.C. § 1231(a), has no exhaustion requirement. Exhaustion is required only when Congress specifically mandates it. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). In all other instances, “sound judicial discretion governs.” *Id.*

17. This Court also should not require Petitioner to exhaust his administrative remedies. First, the Supreme Court has recognized that courts should not require exhaustion where there is an unreasonable or indefinite timeframe for administrative action. Exhaustion is thus not appropriate where plaintiff “may suffer irreparable harm if unable to secure immediate judicial consideration of his claim.” *Id.* at 147. Petitioner has a constitutionally protected liberty interest in his freedom from government custody. *Zadvydas*, 533 U.S. at 690. Petitioner’s unlawful indefinite detention constitutes irreparable harm. *See Seretse-Khama v. Ashcroft*, 215 F. Supp.2d 37, 53 (D.D.C. 2002).

18. Second, exhaustion is not required where the Petitioner challenges the constitutionality of the agency procedure itself, “such that the question of the adequacy of the administrative remedy is for all practical purposes identical with the merits of the plaintiff’s lawsuit.” *McCarthy*, 503 U.S. at 148 (internal brackets omitted). In this case, Petitioner is

challenging the constitutionality of any administrative procedures by which Respondents decided to redetain him. Thus, exhaustion of administrative remedies is not required.

STATEMENT OF FACTS REGARDING MR. ROE AND HIS CURRENT DETENTION

Mr. Roe's Subjection to Labor Trafficking as a Young Child

19. When he was about ten years old, Mr. Roe was abducted from his home somewhere in Southern Asia, likely in either India or Sri Lanka. (Wisotsky Decl., Ex. A, Clinical Evaluation by Bryen & Associates, dated Apr. 3, 2025 (hereinafter "Clinical Eval.") at 5).

20. Mr. Roe was brought to this country via ship. (Wisotsky Decl., Ex. A, Clinical Eval. At 5). Mr. Roe does not recall having any travel documents when he was trafficked to the United States as a young child and does not believe that he encountered immigration authorities at the border.

21. Upon arrival in the U.S., Mr. Roe was transferred from the ship to a house in California, and later to another residence in California, where he was kept as a domestic slave. (Wisotsky Decl., Ex. A, Clinical Eval. at 5). The family that held Mr. Roe captive hit him on the back of his head and yelled at him. (*Id.*). Beginning around the age of eleven years old, he was forced to work seven days per week, from early morning until late at night, cooking, clean, and maintain the yard. (*Id.*). He slept on a mat in the basement of the house. He was rarely let out of the house, was underfed, and was not provided an education. (*Id.*).

22. After approximately five years with this family, Mr. Roe managed to escape. He lived with a different family who tried to help him but eventually became homeless. (*Id.*).



23. During the time Mr. Roe was living on the street, 

 (*Id.*).

24. Subsequently, while working at a store to earn some money, Mr. Roe met an Indian couple from New York. They offered to help him by employing him in their store in New York and by providing him with a place to stay. He began working for them. (*Id.*).

25. The couple lied to him, and forced him back into servitude, requiring him to perform domestic chores, such as washing dishes, cleaning, and maintaining the yard. Mr. Roe worked seven days per week, approximately fifteen hours per day. (*Id.*). The couple frequently threatened Mr. Roe by reminding him that he did not have legal status in the U.S. and could be incarcerated or deported on that basis. (*Id.*). After several more years of enslavement, the couple moved him to their second home on Long Island. It was there that Mr. Roe managed to escape once more, meeting a storeowner who agreed to let him work at his store.

26. The couple discovered where Mr. Roe worked and repeatedly contacted him, demanding his return to their home. When he did not, the couple accused Mr. Roe of the crimes for which he was eventually convicted.

27. In February 1994, Mr. Roe pleaded guilty to  under  Mr. Roe explains that he pleaded guilty because he was in jail and believed that he would be released sooner, and he was not advised of the immigration consequences of the plea. He has steadfastly maintained he did not commit this offense. On April 8, 1994, Mr. Roe was sentenced to one to three years in prison. Upon completing his sentence, Mr. Roe was transferred into federal immigration custody and held by immigration authorities in county jails. (Wisotsky Decl., Ex. C, Order to Show Cause, filed May 7, 1995).

Removal Proceedings

28. On May 17, 1994, the Immigration and Naturalization Service (“INS”) issued an Order to Show Cause and Notice of Hearing, initiating deportation proceedings against Mr. Roe,

and alleging that Mr. Roe was a native and citizen of India. (*Id.*) Upon information and belief, Mr. Roe's counsel at the time admitted the factual allegation as to nationality and citizenship, despite Mr. Roe's representations that he did not know his place of birth or parentage. On May 11, 1995, the Executive Office of Immigration Review ("EOIR") issued a Notice of Hearing, for an appearance before the Immigration Court in Buffalo, New York on May 18, 1995. *Id.*

29. On June 12, 1995, the Immigration Judge ("IJ") issued an order granting Mr. Roe the possibility of release from detention upon posting a \$10,000 bond. (*Id.*, Ex. O, Order of the Immigration Judge). Upon information and belief, due to his inability to afford the bond, Mr. Roe remained in immigration custody.

30. On July 10, 1995, Mr. Roe's immigration attorney submitted a brief in support of his application for asylum and withholding of deportation relief, indicating that Mr. Roe was in immigration detention at that time. (*Id.*, Ex. E).³ Notably, Mr. Roe's attorney did not apply for relief under the Conviction Against Torture ("CAT").

31. On July 19, 1995, the Office of Asylum Affairs issued a letter regarding Mr. Roe's asylum application, noting that he was "detained at government expense." (*Id.*, Ex. G).

32. On July 27, 1995, the Director of the Office of Asylum Affairs Bureau of Democracy, Human Rights and Labor, of the U.S. Department of State, submitted a letter to the EOIR, in response to the IJ's request for an advisory opinion on Mr. Roe's application. Among

³ Mr. Roe notes that to the extent his application for asylum differs from the information contained within this Petition, it is the result of his immigration attorney including information without his consent, and his immigration attorney's refusal to discuss his circumstances with him. (*See, e.g.*, Wisotsky Decl., Ex. F (letter from Mr. Roe's immigration attorney at the time to Mr. Roe, noting that she will not discuss the circumstances under which he was trafficked to the country as a child, and forwarded to the immigration court)).

other findings, the Director noted that “it is not clear that the applicant is an Indian citizen,” and that he could also have been born in Sri Lanka. (*Id.*, Ex. B)

33. That same day, the IJ denied Mr. Roe’s application for asylum and withholding of removal via oral decision and ordered him deported to India. (*Id.*, Ex. Q).

34. On October 24, 1995, the EOIR released the record of Mr. Roe’s immigration proceedings to the Board of Immigration Appeals (“BIA”), noting that Mr. Roe remained in detention by immigration authorities. (*Id.*, Ex. H).

35. On November 21, 1995, the INS issued a “Notification to Alien of Conditions of Release or Detention,” stating:

Pursuant to the authority of Part 242.2, Title 8, Code of Federal Regulations, an authorized officer has determined that, pending a final determination of deportability in your case, and, in the event you are ordered deported, until your departure from the United States is effected, but not to exceed six months (except in the case of an alien convicted of an aggravated felony) from the date of the final order of deportation under administrative processes, or from the date of the final order of the court if judicial review is had, you shall be [released from immigration custody] under bond in the amount of \$20,000.

(*Id.*, Ex. R).

36. Upon information and belief, Mr. Roe could not afford that bond and remained in immigration custody.

37. The BIA upheld the IJ’s decision on December 4, 1995. Along with its decision, the BIA issued a Notification to File of Released/ Detained Status. (*Id.*, Ex. J). This notification recorded that Mr. Roe was in INS custody in Buffalo, New York, but the “No Date” entry indicated that the date of his initial detention was unknown. (*Id.*).

38. Upon information and belief, immigration authorities continued to detain Mr. Roe past the BIA decision date.

39. Upon information and belief, immigration authorities released Mr. Roe from custody in or around 1996 because he was stateless and could not be deported.

40. ICE does not know what country Mr. Roe is from. For instance, Mr. Roe cannot be found within ICE's online detainee locator system because he does not have an identified birth country.

Mr. Roe's Life Since His Release in 1996 and Redetention in 2025

41. Mr. Roe has continued to live in the United States since his release from immigration detention in 1996. In or around 2006, ICE asked Mr. Roe to routinely check in with them. He was first asked to report about every three months, then six months, and then yearly. In or around 2013, ICE formally placed Mr. Roe on an Order of Supervision. (*Id.*, Ex. M).

42. Upon information and belief, Mr. Roe has never missed a check-in appointment with ICE. (Wisotsky Decl., Ex. I; Wisotsky Decl., Ex. M; Wisotsky Decl., Ex. N; Stockdale Decl. ¶ 6).

43. Mr. Roe moved to New Jersey around 2007. At that time, he started regularly reporting to the ICE's Newark Field Office ("FO"). In the past approximately seventeen years, the Newark FO has asked Mr. Roe many times to apply for travel documents to effect his removal. He has complied each time. (Stockdale Decl., ¶ 6). In those years, ICE has never been successful in removing Mr. Roe.

44. Mr. Roe asked India for a passport multiple times. He even twice visited the Indian Consulate with Jean Stockdale, the Program Director of the Still Waters Anti-Trafficking Program of the Reformed Church of Highland Park Affordable Housing Corporation. (*Id.*, ¶¶ 7-9). India could not process Mr. Roe's application for travel documents because he does not have their required information like his birth name, parents' names, or proof of citizenship. (*Id.*).

45. The Newark FO has also asked Mr. Roe to apply for travel documents to five different countries, including Honduras and Mexico. Mr. Roe sent in the paperwork to each of those countries. Those countries did not respond to his applications.

46. Mr. Roe's immigration attorney at PROTECT, the anti-trafficking project at Legal Services of New Jersey, assisted Mr. Roe in completing his yearly check-in with ICE in January 2024 and 2025. (Wisotsky Decl., Ex. I). Despite completing the January 2025 check-in, without notification or change to the OSUP, and a few days after the change in administration, ICE arrested Mr. Roe in his home. Mr. Roe asked the officers why they were apprehending him, and they did not tell him. Nor did ICE inform Mr. Roe's counsel of the reasons for revocation of his release, despite having been in communication with counsel over email since at least January 2024. (*Id.*)

47. Almost immediately following his arrest, ICE officers sent Mr. Roe to the Moshannon Valley Processing Center ("Moshannon").


48. Since being detained at Moshannon, ICE has asked Mr. Roe to apply for travel documents from India three times. Mr. Roe has attempted to fill out the forms each time but lacks the information that the forms require. That information includes but is not limited to his birth name, his date of birth, his parents' names, and his country of origin.

49. Upon information and belief, ICE has not been able to secure travel documents for Mr. Roe.

50. Upon information and belief, ICE has not reviewed whether it is appropriate for Mr. Roe to stay in detention.

51. Upon information and belief, ICE has not identified any other country that would be willing to accept Mr. Roe, such that he could seek to reopen the immigration proceedings against him.

52. Upon information and belief, ICE has not adhered to the custody review procedures for revocation of release pursuant to 8 C.F.R. §§ 241.13 and 241.4. ICE has also not communicated its adherence to revocation procedures to Mr. Roe's counsel, despite being in communication with counsel to Mr. Roe for over a year (Wisotsky Decl., Ex. I), Mr. Roe's counsel's assurance that a current Form G-28, Notice of Entry of Appearance is on file with their office (*Id.*; Wisotsky Decl. Ex. T), and Mr. Roe's undersigned counsel writing to his Deportation Officer and providing an independent medical evaluation highlighting why his continued detention is unjustified (Wisotsky Decl., Ex. K).

53. Mr. Roe is terrified that if he is deported he will be killed, harmed, or otherwise die. He is afraid because of his race, because he is a devout Christian, because of his medical disabilities, because of his age, and because he was wrongfully convicted of 

 He is afraid of being deported to India and Sri Lanka, but also to other countries.

54. Mr. Roe is afraid that if he stays in immigration detention indefinitely he will die in immigration detention.

55. Before ICE re-detained him, Mr. Roe was already struggling with diabetes, high blood pressure, depression and anxiety, and pain and surgical recovery from a gunshot wound to his leg. He has survived colon cancer and was in the middle of getting a medical assessment for shortness of breath. (Stockland Decl. ¶ 11; Wisotsky Decl., Ex. Clinical Eval. at 6-8, 9-11). Since ICE re-detained him, Mr. Roe's shortness of breath has gotten progressively worse and he experiences chest pain, he has significant dental pain, the pain in his leg has become excruciating, he has a new lump on his backside, and he started having rectal bleeding. His vision has become clouded and blurry. (Wisotsky Decl., Ex. A, Clinical Eval. at 7). He is currently in solitary confinement, which means he is in a small cell with one small window for 24-hours per day. (*Id.*

at 6). He has been unable to go outside for recreation because the shackles required exacerbate the pain in his leg from the gunshot wound. Mr. Roe is isolated, and experiences symptoms of withdrawal, sadness, anxiety, and despair. (*Id.*). The medical staff at Moshannon have also reduced his medication for diabetes without regularly checking his blood sugar. (*Id.* at 6-7). Mr. Roe is not receiving the medication or treatment that he so desperately requires, and that he could receive if he was returned to the community.

LEGAL ARGUMENT

I. MR. ROE'S REDETENTION VIOLATES THE IMMIGRATION AND NATIONALITY ACT AND HIS SUBSTANTIVE DUE PROCESS RIGHTS UNDER THE FIFTH AMENDMENT.

56. Mr. Roe's detention violates the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Mr. Roe's removal is neither reasonably foreseeable now, nor was it at the moment of redetention on or around January 26, 2025, nor at any point in the thirty years since he was released from an initial period of post-removal detention in 1996. Mr. Roe's redetention under these circumstances, because it bears no reasonable relation to a legitimate governmental purpose, violates his right to liberty under the Due Process Clause of the Fifth Amendment.

57. The substantive and procedural guarantees of the Due Process Clause apply to "all persons within the United States," including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693 (2001). This includes noncitizens subject to final orders of removal. *Id.* at 693-94 (holding that due process protects admitted noncitizens later subject to removal); *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005) (holding the same for inadmissible noncitizens with final removal orders). Mr. Roe, who was issued a final

order of removal in December 1995, thus enjoys the full scope of protections provided by the Due Process Clause, including protection of the right to be free from unjustified detention.

58. Civil detention is a severe encumbrance on the liberty guaranteed by the Due Process Clause. Indeed, “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690; *see also Boumediene v. Bush*, 533 U.S. 723, 739 (2008) (“The Framers viewed freedom from unlawful restraint as a fundamental precept of liberty”). Accordingly, due process permits civil detention only when it serves a “legitimate nonpunitive objective.” *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997).

59. At all times, detention must be reasonably related to that objective, and “where detention’s goal is no longer practically attainable, detention no longer bears reasonable relation to the purpose for which the individual was committed.” *Zadvydas*, 533 U.S. at 690 (internal citations and quotations omitted). At that point, otherwise permissible detention becomes “the exercise of power without any reasonable justification” and a violation of due process. *County of Sacramento v. Lewis*, 523 U.S. 833, 845 (1998).

60. Mr. Roe was re-detained in January 2025, and remains detained, under 8 U.S.C. § 1231. The statute provides that when a noncitizen receives a final order of removal, “the Attorney General shall remove the alien . . . within a period of 90 days.” *Id.* § 1231(a)(1)(A). During this “removal period, the Attorney General shall detain the noncitizen.” *Id.* § 1231(a)(2)(A). After the removal period, “the [non-citizen] . . . shall be subject to supervision.” Detention beyond the removal period is authorized only if the noncitizen is inadmissible, removable due to certain criminal or security reasons, or deemed a risk to the community or unlikely to comply with the removal order. *Id.* § 1231(a)(6).

61. The objective of detention under 8 U.S.C. § 1231, its “basic purpose,” is to ensure a noncitizen’s “presence at the moment of removal.” *Zadvydas*, 533 U.S. at 699. When removal is not in the cards, when it is not “reasonably foreseeable,” detention bears no reasonable relation to the objective of the statute, and a reviewing court “should hold continued detention unreasonable and not authorized by statute.” *Id.* at 700-01. In other words, the Court in *Zadvydas* refused to permit indefinite detention under the statute, and instead “read § 1231 to authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien’s removal.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 699). To help “guide lower court determinations”—not to create a dispositive threshold—the Court created a heuristic presumption that six months is “reasonably necessary” to secure a noncitizen’s removal. *Zadvydas*, 533 U.S. at 701. Yet where, as here, both the government and the noncitizen cannot secure removal despite consistent efforts across three decades, that presumption can be rebutted.

62. Since receiving a final removal order in 1996, Mr. Roe’s removal has not been reasonably foreseeable, including in January when he was arrested in the community and thrust into solitary confinement at Moshannon. Despite repeated efforts, including trips to the Indian consulate, Petitioner has not been able to secure travel documents, neither to India nor to several other countries. (Stockdale Decl. ¶¶ 7-9 (detailing experiences accompanying Mr. Roe to seek a travel document from the Indian consulate)).

63. This outcome is not surprising. Petitioner does not know his birth name, his date of birth, his birthplace, or any biographic information regarding his parents, information that is naturally requisite to him obtaining travel documents. His removal order names India as the removal country, yet neither Petitioner nor the government are certain that is his country of origin.

(Wisotsky Decl., Ex. B) (“[I]t is not clear that the applicant is an Indian citizen.”); *id.* (“the applicant may be a Sri Lankan”). For all of these reasons, future attempts to secure travel documents will also very likely fail.

64. ICE has no basis to assert that Petitioner’s removal had somehow become reasonably foreseeable when he was re-detained in January 2025. On information and belief, ICE has not procured travel documents to any country where Petitioner could be removed.⁴ This includes a third country not named in his removal order. Generally, the government has the right to remove a noncitizen to a country not named in the removal order or designated by the noncitizen as an alternative. *See* 8 U.S.C. § 1231(b)(2)(D)-(E). Yet at no time during his detention in 1995-1996, his now over 90-day redetention, or the 30-year interlude has the government informed Mr. Roe or his counsel that it has designated a viable removal country. Besides, if it did so now, due process would require meaningful notice and an opportunity to present fear-based claims under 8 U.S.C. § 1231(b)(3) and the Convention Against Torture, all *prior* to deportation to the third country.⁵ *See Andriasian v. INS*, 180 F.3d 1033, 1041(9th Cir. 1999); *Kossov v. INS*, 132 F.3d 405,

⁴ While other courts have denied habeas petitions primarily where the U.S. government has already procured petitioner’s travel documents and only travel arrangements are outstanding, that is not the case here. *See Berhe v. DHS*, No. 4:18-cv-2870, 2019 WL 3734110, at *4 (N.D. Ohio May 22, 2019) (denying Petitioner’s habeas petition because “Eritrea has issued a travel document and Petitioner has presented no evidence to suggest there are other barriers to his removal”); *Tekleweini-Weldemichael v. Book*, No. 1:20-CV-660-P, 2020 WL 5988894, at *5 (W.D. La Sept. 9, 2020).

⁵ Indeed, a standing court order ensures this. Mr. Roe belongs to the class certified in *D.V.D. et al. v. DHS et al.*, 25-cv-10676 (D. Mass. Mar. 28, 2025). Accordingly, should it intend to deport Mr. Roe to a third country not named in his removal order, ICE must comply with the following: “[P]rior to removing any [Petitioner’s] to a third country, i.e., any country not explicitly provided for on the [Petitioner]’s order of removal, [ICE] must: (1) provide written notice to the [Petitioner]—and the [Petitioner]’s immigration counsel, if any—of the third country to which the [Petitioner] may be removed, in a language the [Petitioner] can understand; (2) provide meaningful opportunity for the [noncitizen] to raise a fear of return for eligibility for CAT protections; (3) move to reopen the proceedings if the [Petitioner] demonstrates “reasonable fear”; and (4) if the [noncitizen] is not found to have demonstrated “reasonable fear,” provide meaningful opportunity, and a minimum

408 (7th Cir. 1998); *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019); cf. *Protsenko v. U.S. Att’y Gen.*, 149 F. App’x 947, 953 (11th Cir. 2005) (per curiam) (permitting designation of third country where individuals received “ample notice and an opportunity to be heard”).

65. The government cannot retroactively justify re-detention—the primary purpose for which is securing a noncitizen’s presence at the moment of removal—by naming a third country after 90 days of redetention. At most, this could justify detention *after* due process is satisfied, after Mr. Roe is able to raise fear-based claims, a process that could take months and is wholly uncertain to result in Petitioner’s actual removal.

66. In light of the distinctive unlikelihood of Petitioner’s removal, the only other legitimate governmental purpose that can justify Petitioner’s detention is dangerousness. *See Zadvydas*, 533 U.S. at 691-692 (noting that “the flight risk justification” for detention “evaporates” when “removal seems a remote possibility at best”). Yet, when removal is not reasonably foreseeable, dangerousness can only justify detention when coupled with some “special circumstance, such as mental illness that helps to create the danger.” *Id.* at 691 (citing *Hendricks*, 521 U.S. at 358, 368).

67. In any event, Petitioner does not pose a danger to society. The government recognized this when it released him in 1996. *See* 8 CFR § 241.4(e)(2)-(4) (requiring immigration authorities to conclude that a detainee is nonviolent and not likely to pose a danger to the community “[b]efore making any recommendation or decision to release a detainee”). Since release, ICE has formalized the terms of release and granted him an employment authorization (Wisotsky Decl., Ex. T), actions that hardly suggest it finds him a danger to society.

of 15 days, for that [Petitioner] to seek to move to reopen immigration proceedings to challenge the potential third-country removal.

II. PETITIONER'S CONTINUED DETENTION IS PROLONGED AND INDEFINITE IN VIOLATION OF THE INA AND HIS FIFTH AMENDMENT RIGHT TO DUE PROCESS

68. Even if the Court finds Petitioner's redetention lawful, his combined periods of detention render his current detention prolonged in violation of the INA and the Fifth Amendment.

69. *Zadydas* holds that post-removal detention for more than six months is presumptively unreasonable. 533 U.S. at 701. The presumption functions as a burden-shifting framework: after six months, the noncitizen must make a preliminary showing that removal is not likely in the reasonably foreseeable future. *Id.* If that showing is made, the burden shifts to the government to produce evidence justifying continued detention. *Id.*

70. Petitioner has been detained in total for more than six months. While the precise length of his initial detention in 1995-1996 is unclear,⁶ he was detained when the BIA upheld the immigration judge's denial of asylum on December 4, 1995. (Wisotsky Decl., Ex. J). That decision rendered his removal order final and began the removal period. He was released from this initial period of post-removal detention sometime in 1996. We know that detention lasted for at least 90 days because the statute does not permit release any earlier. 8 U.S.C. § 1231(a)(2)(A) (requiring detention for entirety of 90-day removal period). Further, ICE has since issued an order of supervision and work authorization, actions that are only permitted by statute after the conclusion of the removal period. (Wisotsky Decl., Exs. M, T; 8 U.S.C. § 1231(a)(3) (requiring supervision after removal period if noncitizen cannot be removed); *id.* § 1231(a)(7) (providing for employment authorization upon release with supervision). Petitioner's present detention began in January and

⁶ As explained in a recent clinical evaluation, extensive trauma and concomitant dissociation make it difficult for Mr. Roe to recall precise details, "especially those related to chronology." Ex. [X], Clinical Evaluation dated April 3 at 7-8 ("[T]hese symptoms are also hallmarks of PTSD").

has now eclipsed 90 days. Thus, taken together, the two periods of detention amount to more than six months.

71. These periods of detention should be aggregated for at least three reasons. First, 8 U.S.C. § 1231 creates a post-removal *period*, not *periods*, and the reasonableness of post-removal detention is measured against that 90-day period. Release between periods of detention at best only tolls the clock; it does not reset it. *See* 8 U.S.C. § 1231(a)(1)(C) (providing for suspension of the removal period only when noncitizen fails to make good faith efforts to obtain travel document or works to prevent removal, and by negative implication, precluding suspension on other grounds). Second, the Supreme Court’s concern in *Zadvydas* was not tied to a rigid timeline, but to the constitutional threat of indefinite detention. 533 U.S. at 690 (noting that “permitting indefinite detention...would raise a serious constitutional problem”). If a person is repeatedly detained post-removal, each time without a real prospect of removal, the harm addressed in *Zadvydas*—prolonged deprivation of liberty—accumulates regardless of breaks in custody. *See id.* Third, if only continuous detention counts toward the six-month threshold, the government could reset the clock by briefly releasing and then re-detaining someone, undermining the protections of *Zadvydas*. Due process cannot be so easily circumvented.

72. Because the government has detained Mr. Roe beyond the period reasonably necessary to effectuate his removal, Respondents must rebut the presumption of unreasonableness by showing that there is a significant likelihood of removal in the reasonably foreseeable future. For all of the reasons detailed above, they cannot. Therefore, because it does not serve the purpose of removal, it has lasted for over six months, and Respondents cannot rebut the presumption that it is unjustifiable, Petitioner’s present detention violates the INA and the Fifth Amendment.

III. MR. ROE’S ARREST AND REDETENTION WHILE ON A VALID ORDER OF SUPERVISION VIOLATES THE IMMIGRATION AND NATIONALITY ACT, ITS ATTENDANT REGULATIONS, AND THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT.

73. Respondents’ presumed basis for arresting and re-detaining Mr. Roe is 8 U.S.C. § 1231, the statute governing detention following a final order of removal (“post-order detention”). However, under the terms of this statute and the governing regulations, Mr. Roe’s detention is unlawful.

74. As mentioned above, 8 U.S.C. § 1231 authorizes the detention of individuals following a final order of removal only under specifically delineated circumstances. 8 U.S.C. § 1231(a)(2) requires the detention of individuals during a 90-day statutory “removal period” during which time the government must secure the individual’s removal. *See* 8 U.S.C. § 1231(a)(1)(A). The removal period begins, as relevant here, “[t]he date the order of removal becomes administratively final.” 8 U.S.C. § 1231(a)(1)(B). An order becomes administratively final when, *inter alia*, a noncitizen waives appeal of the removal order or the appeal is dismissed by the BIA. 8 C.F.R. § 1241.1(a).

75. If the government fails to remove the individual during the 90-day removal period, 8 U.S.C. § 1231(a)(3) provides that, “pending removal, [he] shall be subject to supervision under regulations prescribed by the Attorney General.” *Id.* § 1231(a)(3); *see also* 8 C.F.R. § 241.5(a) (setting conditions to be included in an order of supervision). Among these conditions are requirements that he or she appear periodically before an immigration officer and obey any written restrictions. 8 U.S.C. § 1231(a)(3).

76. There are some instances in which the government may detain an individual beyond the 90-day removal period. *See* 8 U.S.C. § 1231(a)(6) (“An alien ordered removed who is [1] inadmissible . . . , [2] removable [as a result of violations of status requirements or entry conditions,

violations of criminal law, or reasons of security or foreign policy,] or [3] who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period and, if released, shall be subject to [certain] terms of supervision in paragraph (3).”). Nevertheless, individuals subject to detention beyond the removal period may also be released. *Id.* Moreover, the Supreme Court has determined that indefinite detention post-removal would be constitutionally suspect and is impermissible. *See Zadvydas*, 533 U.S. at 701 (2001).

77. An individual who may be detained beyond the removal period, but who the Government subsequently releases, also “shall be subject to supervision” under 8 U.S.C. § 1231(a)(3).

78. The 90-day statutory removal period in Mr. Roe’s case ran from the date that his final order of removal was affirmed by the BIA on December 4, 1995, to March 3, 1996. Upon information and belief, Mr. Roe was released from detention sometime in 1996, after the removal period, because he is stateless.

79. Mr. Roe has remained at liberty for nearly three decades and has been subject to an OSUP for more than ten years. Mr. Roe began reporting to ICE in 2006. He has reported at varying intervals: every three months, every six months, and yearly. Mr. Roe was placed on an order of supervision in the 2010s, has been diligently reporting ever since, and has complied with conditions of release. (Stockdale Decl. ¶ 6; Wisotsky Decl., Exs. M, N) (records of reporting under Order of Supervision); *Id.* Ex. I (Attorney Email Correspondence attesting to check-ins)). Mr. Roe has additionally complied with multiple requests to obtain a travel document, not only from India, the designated country of removal during immigration proceedings, but from multiple potential third countries, including Mexico and Honduras, to no avail. (Wisotsky Decl., Ex. Q (order of the

Immigration Judge designating India as country of deportation); Stockdale Decl. ¶¶ 7-9). Mr. Roe's inability to obtain a travel document is likely because he does not know the name of his birth parents, his birthdate, or his birthplace, as he was trafficked as a young boy and sold to a family in the United States. (Wisotsky Decl., Ex. A, Clinical Eval. at 4-5).


80. Upon information and belief, Mr. Roe was released in 1996 because there was—and still is—no significant likelihood of removal in the foreseeable future, pursuant to 8 C.F.R. § 241.13. Where the Government has made such a finding, it “shall promptly make arrangements for release of the [noncitizen] subject to appropriate conditions.” 8 C.F.R. § 241.13(g). The Government did so in 1996. Mr. Roe was released sometime that year. In or around 2006, he began reporting to ICE, and in or around 2013 he was issued an order of supervision. (Wisotsky Decl., Ex. M) (Reporting on Order of Supervision).

81. No statute authorizes Mr. Roe's arrest and re-detention or the revocation of the OSUP at this time, without cause, prior notice, and an opportunity to be heard. Rather, the only statutory provision that applies to Mr. Roe is the statute that provides that noncitizens “shall” be subject to an order of “supervision” as opposed to “detention.” *See* 8 U.S.C. § 1231(a)(6).

82. Moreover, if ICE intended to revoke Mr. Roe's release, it was at least required to follow the procedures set out in 8 C.F.R. §§ 241.13 and 241.4. It did not.

83. 8 C.F.R. § 241.13 provides for revocation of release after placement on an order of supervision in two circumstances: (1) where there's been a violation of any conditions of release, or (2) where the Government determines there is a significant likelihood that the noncitizen may be removed in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(1)-(2). Here, upon information and belief, Mr. Roe has not violated the conditions of his release, having checked-in with ICE for over a decade without incident, complied with requests to obtain travel documents,

and provided accurate address information, among other requirements. 8 C.F.R. § 241.5; (Stockdale Decl. ¶ 6; (Wisotsky Decl., Exs. I, M, N) (email correspondence attesting to check-ins and records of reporting under OSUP). By inference, the only reason ICE could have revoked the OSUP would have been based on a determination that there is a significant likelihood that he may be removed in the reasonably foreseeable future.

84. Even were the government to allege changed circumstances rendering removal foreseeable, it has established revocation procedures that have not been followed in Mr. Roe's case. Upon revocation, the noncitizen "will be notified of the reasons for revocation of his or her release." 8 C.F.R. § 241.13(i)(3). To date, neither Mr. Roe nor counsel of record has received reasons for revocation. In addition, the Government "will conduct an initial informal interview" promptly after an individual is taken into custody to "afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification." *Id.* This, too, has not occurred. The noncitizen subject to revocation "may submit evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future." *Id.* There have been no requests for evidence, but counsel has affirmatively submitted a letter requesting release, with details regarding Mr. Roe's experiences as a trafficking victim,  and statelessness, together with an independent clinical evaluation. (Wisotsky Decl., Ex. A). The custody review "will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release." *Id.* No such evaluation has been proffered to Mr. Roe or counsel.

85. Where the government does not release an individual from custody following its revocation procedures, it is directed to follow the provisions outlined in 8 C.F.R. § 241.4. *See* 8 C.F.R. § 241.13(i)(2). 8 C.F.R. § 241.4 additionally creates revocation procedures, including an

informal interview and an opportunity to respond. 8 C.F.R. § 241.4(l)(1). The Government has failed to adhere to these procedures as well.

86. The Government is required to comply with its promulgated regulations. *Leslie v. Atty. Gen.*, 611 F.3d 171, 176 (3d Cir. 2010). Moreover, “violations of regulations promulgated to protect fundamental statutory or constitutional rights need not be accompanied by a showing of prejudice to warrant judicial relief.” *Id.* at 178 (citing *Waldron v. INS*, 17 F.3d 511, 518 (2d Cir. 1993)).

87. Here, the regulations providing for the right to be heard upon the revocation of an order of supervision protect such fundamental rights. *Rombot v. Souza*, 2017 WL 5178789, at *5 (interpreting 8 C.F.R. §§ 241.4 and 241.13); *Ying Fong v. Ashcroft*, 317 F. Supp. 2d 398, 403 (S.D.N.Y. 2004) (interpreting 8 C.F.R. § 241.22), amended on reconsideration in part sub nom. *Fong v. Ashcroft*, No. 03 CIV. 7261, 2004 WL 1348994 (S.D.N.Y. June 15, 2004). Because of the fundamental rights at issue, a violation of these regulations requires reversal of the agency action, even absent a showing of prejudice. *Leslie*, 511 F.3d at 718.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

MR. ROE’S REDETENTION VIOLATES THE IMMIGRATION AND NATIONALITY ACT AND THE FIFTH AMENDMENT

88. Mr. Roe realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

89. Respondents do not have statutory authority under 8 U.S.C. § 1231(a)(6) to detain a noncitizen beyond the removal period when removal is demonstrably unforeseeable and they do not pose a danger to the community. To re-detain a noncitizen under these circumstances violates the Fifth Amendment.

90. Mr. Roe was outside the removal period and his removal was demonstrably unforeseeable when he was re-detained. Further, he does not pose a danger to the community.

91. Therefore, Respondents violated the Due Process Clause the instant they re-detained Mr. Roe.

SECOND CAUSE OF ACTION

MR. ROE'S PROLONGED AND INDEFINITE DETENTION VIOLATES HIS RIGHT TO SUBSTANTIVE DUE PROCESS

92. Mr. Roe realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

93. As explicitly articulated by the Supreme Court, noncitizens who have been discretionarily detained by the DHS pursuant to its 8 U.S.C. § 1231(a)(6) authority for over six months must be released from custody if there exists no significant likelihood that they will be removed in the reasonably foreseeable future. *Zadvydas*, 553 U.S. at 699-700.

94. Continuing to detain Mr. Roe under 8 U.S.C. § 1231(a)(6) while there does not exist a significant likelihood of his removal in the reasonably foreseeable future deprives him of his "strong interest in liberty." *United States v. Salerno*, 481 U.S. 739, 750 (1987). It further poses actual and substantial hardships and irreparable injuries to him.

THIRD CAUSE OF ACTION

MR. ROE'S REDETENTION VIOLATES THE CONTROLLING STATUTE, ITS ATTENDANT REGULATIONS, AND THE ADMINISTRATIVE PROCEDURE ACT

95. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

96. The Administrative Procedure Act ("APA") is principally aimed at ensuring that federal agencies engage in "reasoned decisionmaking" bounded by law. *Baltimore Gas & Elec.*

Co. v. Nat. Res. Def. Council, Inc., 462 U.S. 87, 104 (1983). Specifically, under the APA, a court shall “hold unlawful and set aside agency action” that is “arbitrary, capricious . . . or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). Agency action is arbitrary and capricious under the APA if the agency has not “reasonably considered the relevant issues and reasonably explained its decision.” *Fed. Commc’ns Comm’n v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021), or “if the agency has . . . entirely failed to consider an important aspect of the problem.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

97. Mr. Roe was released from ICE detention in 1996 after his removal order became final, and because removal was not reasonably foreseeable. He has remained at liberty since that time, beginning regular check-ins with ICE in 2006 and receiving an OSUP in or around 2013. He has complied with check-in requirements, diligently sought travel documents from India and alternative countries to no avail and updated his address with ICE in that time. Nevertheless, on or around January 26, 2025, ICE agents arrested Mr. Roe at his home and re-detained him. He has been held in solitary confinement at Moshannon since that time. Meanwhile, his health, both mental and physical, has significantly deteriorated, detention has disrupted his continuity of care, and he is isolated from his church community.

98. No reason has been provided to Mr. Roe or to his counsel for the abrupt revocation of release, nor has Mr. Roe been given an opportunity to present relevant facts to the agency and, therefore, none have been considered. Despite articulated revocation procedures enumerated in ICE’s own regulations which require a modicum of notice and an opportunity to be heard, Mr. Roe has received none. ICE’s decision to revoke Mr. Roe’s release and re-detain him has therefore been made arbitrarily and capriciously.

99. In addition, in the absence of violation of the conditions of his OSUP or a significant likelihood of removal, ICE's decision to re-detain Mr. Roe violates the controlling statute and regulations. The detention of an individual with a final order of removal beyond the initial 90-day removal period is only permissible if the individual poses "a risk to the community or [is] unlikely to comply with the order of removal." 8 U.S.C. § 1231(a)(6). Despite the statute's 90-day limitation, ICE's regulations provide that while the Government determines whether there is no significant likelihood of removal in the foreseeable future, the Headquarters Post-Order Detention Unit ("HQPDU") shall keep the noncitizen in custody and has no obligation to release the individual until they have had an opportunity during a six-month period to determine whether there is a significant likelihood of removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2). Notably, the six-month period begins from the beginning of the removal period, a period which ended in Mr. Roe's case in 1996. *Id.* Once ICE has determined to release a noncitizen pursuant to this regulation, release can only be revoked under certain enumerated circumstances absent here.

100. There is no allegation that Mr. Roe violated his OSUP because he has been compliant. There have been no allegations that there is a significant likelihood of removal, which makes sense, in light of the Department of State's own admission as to the uncertainty of Mr. Roe's nationality. (Wisotsky Decl., Ex. P).

101. Accordingly, ICE's redetention of Mr. Roe violates the controlling statute, its attendant regulations, and the Administrative Procedure Act.

FOURTH CAUSE OF ACTION

**THE ABRUPT REVOCATION OF MR. ROE'S ORDER OF SUPERVISION
VIOLATES THE ADMINISTRATIVE PROCEDURE ACT**

102. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

103. ICE's decision to revoke Mr. Roe's OSUP violates the APA for the same reasons enumerated in paragraphs 95-101.

FIFTH CAUSE OF ACTION

**MR. ROE'S REDETENTION WITHOUT ANY PRE-DEPRIVATION PROCESS
VIOLATES HIS RIGHT TO PROCEDURAL DUE PROCESS**

104. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

105. Individuals released from custody have a constitutionally protected interest in their continued liberty. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997) (finding liberty interest for petitioner on pre-parole conditional supervision program when parole was denied and he was ordered back into custody); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973) (holding that a liberty interest attaches for individuals released on probation).

106. Because redetention implicates the same sort of liberty interests, due process requires a procedurally adequate process to test the basis for detention, including notice of the reasons for redetention and an opportunity to be heard. *See Villiers v. Decker*, 31 F.4th 825, 833 (2d Cir. 2022) (“[A]n individual whose release is sought to be revoked [by ICE] is entitled to due process such as notice of the alleged grounds for revocation, a hearing, and the right to testify at such a hearing”).

107. Mr. Roe received no such process. ICE redetained Mr. Roe and continues to detain him without meaningful explanation to him or counsel, and has deprived him of an opportunity to be heard as to why redetention is unwarranted. As such, ICE has denied Mr. Roe procedures that his liberty interest and the Fifth Amendment's Due Process Clause require.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Declare that Petitioner's continued detention violates the U.S. Constitution's Due Process Clause and 8 U.S.C. § 1231;
- c. Grant the writ of habeas corpus and order Respondents to release Petitioner from detention forthwith, on an order of supervision pursuant to 8 U.S.C. § 1231(a)(3);
- d. Order Respondents to reimburse Petitioner's attorneys' fees and costs of suit incurred in relation to this Petition; and
- e. Grant any other relief that this Court deems just and proper.

Dated: April 30, 2025

Respectfully submitted,

/s/ Shira Wisotsky

Shira Wisotsky (NJ 243172017)

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Pro Bono Counsel for Petitioner

**Applications for admission forthcoming*

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 30, 2025

Respectfully submitted,

/s/ Shira Wisotsky
Shira Wisotsky

Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore send a courtesy copy via email, and send a true copy by USPS Certified Priority Mail, to the office of the United States Attorney for the Western District of Pennsylvania, who accepts services on behalf of all Respondents, at the following address:

Eric Olshan, U.S. Attorney
c/o Civil Process Clerk
U.S. Courthouse
700 Grant St, Suite 4000
Pittsburgh, PA 15218

Dated: April 30, 2025

Respectfully submitted,

/s/ Shira Wisotsky
Shira Wisotsky

Pro Bono Counsel for Petitioner