

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

UNITED STATES DISTRICT COURT  
for the  
Western District of Pennsylvania

RECEIVED

JUN 02 2025

CLERK, U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT  
OF PENNSYLVANIA

Joel Gefferard  
Petitioner

v.

Case No. 3:25-cv-00151-KAP  
(Supplied by Clerk of Court)

Leonard Oddo  
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: Joel Gefferard
- (b) Other names you have used: \_\_\_\_\_
2. Place of confinement: \_\_\_\_\_
  - (a) Name of institution: Moshannon Valley Processing Center
  - (b) Address: 555 GED Drive  
Philipsburg, PA 16866
  - (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
 

Federal authorities     State authorities     Other - explain:  
Department of Homeland Security (DHS)
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: N/A
  - (b) Docket number of criminal case: N/A
  - (c) Date of sentencing: N/A

Being held on an immigration charge

Other (explain): N/A

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)

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

- 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): I AM currently being detained by the Department of Homeland Security (DHS) at MonShannan Valley Processing Center a Detention center privately owned by The GEO Group, INC. (GEO Group) in Philipsburg PA

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

- (a) Name and location of the agency or court: immigration and Customs Enforcement Philipsburg Philadelphia field office
- (b) Docket number, case number, or opinion number: \_\_\_\_\_
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Continue Detention

(d) Date of the decision or action: N/A

**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: N/A
- (2) Date of filing: N/A
- (3) Docket number, case number, or opinion number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A

(b) If you answered "No," explain why you did not appeal: I was granted Voluntary departure by 'I J' immigration Judge, and being place on Order of Supervision release, after Both countries denied request for Travel document by officer ICE Price.

8. **Second appeal**

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

Yes  No

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

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: N-A
- (2) Date of filing: N-A
- (3) Docket number, case number, or opinion number: N-A
- (4) Result: N-A
- (5) Date of result: N-A
- (6) Issues raised: N-A

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

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: N-A
- (2) Date of filing: N-A
- (3) Docket number, case number, or opinion number: N-A
- (4) Result: N-A
- (5) Date of result: N-A
- (6) Issues raised: N-A

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

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

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

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: 4/18/2025
- (b) Date of the removal or reinstatement order: 10/13/2011
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

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

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: \_\_\_\_\_
- (b) Name of the authority, agency, or court: \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
- (d) Docket number, case number, or opinion number: \_\_\_\_\_
- (e) Result: \_\_\_\_\_
- (f) Date of result: \_\_\_\_\_
- (g) Issues raised: \_\_\_\_\_

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

**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:** My ongoing Detention violates the due Process and deprives me of my..  
"Strong interest in liberty, and therefore Violates the Fifth Amendment..  
of the ~~right~~ United States Constitution.

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

Despite holding me in immigration detention for more than 30 day..  
after I was granted voluntary Departure by immigration Judge  
SAUNDRA D. ARKINGTON and was release on order of supervision  
because I am stateless (DHS) is holding me illegal and that's  
Facts, ~~be~~ I have no Country

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

- Yes
- No

**GROUND TWO:** There is no significant likelihood that I will be..  
Removed from the Country in a reasonably foreseeable future

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

The DHS' inability to effectuate my Removal provides..  
the shold evidence that there is not a significant likelihood of..  
of Removal in the fore seeable future

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

- Yes
- No

**GROUND THREE:** The Government can establish its continued authority to Detain  
Only if the Government can rebut the Evidence and show that the  
Alien's removal remains likely in the reasonably foreseeable..  
Future.

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

Continuing to detain me under 8 U.S.C. § 1231 (a)(6) while there is no..  
significant likelihood of my removal in the reasonable foreseeable..  
future. Continued Detention has become unreasonable and is..  
no longer authorized by Statute. there fore release is the..  
Proper remedy.

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

- Yes
- No

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

**GROUND FOUR:**

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

(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:

**Request for Relief**

15. State exactly what you want the court to do: I WOULD LIKE TO REQUEST THAT...  
THE COURT REVIEW MY CASE ALIEN FILE FOR ALL FACTORS..  
AND ADDRESSED THE ISSUE AND THAT I BE RELEASE IMMEDIATELY..  
ON ORDER OF SUPERVISTON BY THE DEPARTMENT OF HOME LAND..  
SECURITY RESPECTFULLY.

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

---

---

**Declaration Under Penalty Of Perjury**

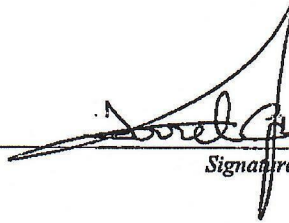
If you are incarcerated, on what date did you place this petition in the prison mail system:

---

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:

5/4/25



*Signature of Petitioner*



*Signature of Attorney or other authorized person, if any*

**FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**TORRE GEEFFERARD**  
[1]

*Petitioner,*

v.

**LEONARD ODDO,**  
in his official capacity as  
Warden of Moshannon Valley  
Detention Center,

**BRIAN MCSHANE,**  
In his official capacity as Acting  
Field Officer of 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

**PAM BONDI,**  
In her official capacity as  
Attorney General of the United  
States.

*Respondents.*

**VERIFIED PETITION FOR WRIT  
OF HABEAS CORPUS PURSUANT  
TO 28 U.S.C. § 2241**

INTRODUCTION

1. My name is [2] IOREL GEEFFERARD ("Petitioner").
2. I am currently being detained by the Department of Homeland Security ("DHS") at the Moshannon Valley Processing Center ("Moshannon"), a detention center privately owned by The Geo Group, Inc., ("GEO Group"), in Phillipsburg, Pennsylvania. I have been in immigration detention since [3] 4/18/25 for a period of approximately [4] 1 months.
3. Since I have entered the United States, I have been given the following immigration status:[5] NONCITIZEN

When I entered the United States, I was accorded the following immigration status: [6]

NONCITIZEN. When I was detained by ICE, my immigration status was: [7]

ORDER OF SUPERVISION. I was ordered removed on [8] 10/13/2011. I have been detained at Moshannon Valley Processing Center since [9] 4/18/2025.

4. On [10] 10/13/2025, the Immigration Judge sustained charges of removability against me and ordered me removed to [11] ~~BAHAMAS~~ BAHAMAS
5. [If applicable] I appealed my removal order to the Board of Immigration Appeals ("BIA"), and on [12] N-A, the BIA denied my appeal.
6. [If applicable] I petitioned for review to the U.S. Court of Appeals for the [13] N-A Circuit ("Circuit Court"). The case number is [14] N-A. [If applicable] I requested a stay of removal

from the circuit court, and the court decided: [15]

N-A

*applicable*] The circuit court has decided the following about my case: [16]

N-A

I am currently being detained by DHS pursuant to 8 U.S.C. § 1231(a)(6) because: (1) I have a final order of removal, and (2) ~~because the ninety-day removal period has now elapsed.~~

7. Despite holding me in immigration detention for more than ~~six months~~ <sup>30 days</sup> after receiving a final order of removal, DHS has not been able to effectuate my removal. Given DHS's delay thus far, there is no significant likelihood that I will be removed from the country in a reasonably foreseeable time and DHS must release me. *See generally Zadvydas v. Davis*, 533 U.S. 678 (2001).

8. Accordingly, I respectfully request that the Court use its authority under 28 U.S.C. § 2243 to order the Respondent to file an answer and return within three days, unless they can show good cause for additional time. *See* 28 U.S.C. § 2243 (stating that an order to show cause why a petition for a writ of habeas corpus should be denied "shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed").

PARTIES

9. Petitioner; [17] JOREL GEFERARD is detained at Moshannon Valley Processing Center. Since Petitioner entered the United States, Petitioner has been accorded the following immigration status: [18]

~~ORDER OF SUPERVISION~~

NON CITIZEN

When Petitioner entered the United States, Petitioner was accorded the following

immigration status: [19]

NON CITIZEN

When Petitioner was detained by ICE, Petitioner's immigration status was: [20]

ORDER OF SUPERVISION. Petitioner was ordered removed

on [21] 10/13/2011. Petitioner has been

detained at Moshannon Valley Processing Center since [22]

4/18/2025.

10. Respondent Leonard Oddo is sued in his official capacity as the Warden of the Moshannon Valley Processing Center, at which Petitioner is currently detained.
11. Respondent Brian McShane is sued in his official capacity as Acting Field Officer of Immigration and Customs Enforcement, Enforcement and Removal Operations Philadelphia Field Office.
12. Respondent Kristi Noem is sued in her official capacity as Secretary of the Department of Homeland Security.
13. Respondent Pam Bondi is sued in her official capacity as Attorney General of the United States.

#### JURISDICTION AND VENUE

14. This Court has jurisdiction under the United States Constitution. U.S. CONST. art. I § 9, cl. 2. This Court also has jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas corpus), and 28 U.S.C. § 1651 (All Writs Act).
15. Additionally, this Court has jurisdiction to grant injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2202.

16. Venue is proper in the U.S. District Court for the Western District of Pennsylvania because I am currently being detained within this District at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania, which is within the Western District. See 28 U.S.C. § 1391(e).

**EXHAUSTION OF REMEDIES**

17. There is no statutory exhaustion requirement for a petition challenging immigration detention. See *Cox v. Monica*, No. 1:07-CV-0534, 2007 WL 1804335 at \*8 (M.D. Pa. June 20, 2007) (“Under the immigration laws, exhaustion of administrative remedies is statutorily required only on appeals of final orders of removal.”) (citing 8 U.S.C. § 1252(d)(1)).

**FACTUAL BACKGROUND**

18. I was ordered removed to [23] BAHAMAS. My removal order became final on [24] 10/13/2011. [If applicable,] I have done the following things that ICE has asked me to effectuate my removal order: [25]

I have contact <sup>BAHAMAS</sup> ~~BAHAMAS~~ Embassy and Haiti. Embassy my request for Travel document was denied.

Ice officer Price also requested for. Emergency passport from Both Countries Haiti. And BAHAMAS. Because Both denied requested. Travel document by the Deportation officer Price to their respective countries I was place on order of Supervision release.

LEGAL ARGUMENT

19. The Supreme Court has stated that “[f]reedom from . . . government custody [and] detention lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). The Supreme Court further noted in *Zadvydas* that “[a] statute permitting indefinite detention of a [noncitizen] would raise a serious constitutional problem.” *Id.* at 690.
20. The Due Process clause applies to all persons in the United States, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693; *see also Plyler v. Doe*, 457 U.S. 202, 210 (1982) (“[Noncitizens], even [noncitizens] whose presence in this country is unlawful, have long been recognized as ‘persons’ guaranteed due process of law by the Fifth and Fourteenth Amendments.”).
21. Congress authorizes the DHS to detain noncitizens during a statutorily defined “removal period,” during which the Department may effectuate the noncitizen’s removal from the United States. 8 U.S.C. § 1231(a)(1). The removal period typically lasts for ninety days and starts at the latest of: (1) the date an order of removal becomes administratively final; (2) if a removal order is judicially reviewed and a stay of removal has been ordered, the date of the court’s final order; or (3) the date the noncitizen is released from any detention other than for immigration purposes. 8 U.S.C. § 1231(a)(1)(B).
22. Under 8 U.S.C. § 1231(a)(2), noncitizens subject to final orders of removal “shall” be detained during the first ninety days—the “removal period”—and they “shall” be removed during that period under § 1231(a)(1). Under 8 U.S.C. § 1231(a)(6), however, the government “may” continue detention beyond the 90-day removal period if a noncitizen

falls within certain broad categories of removability or is determined “to be a risk to the community or unlikely to comply with the order of removal.” 8 U.S.C. § 1231(a)(6).

23. The Supreme Court in *Zadvydas*, in order to avoid the serious due process concerns that would be presented by permitting detention for an indefinite period of time, construed 8 U.S.C. § 1231(a)(6) to authorize detention only where it is significantly likely that removal will occur in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 689. The Supreme Court construed § 1231(a)(6) to authorize detention only for a “period reasonably necessary to secure removal” – a period that the Court determined to be presumptively six months. *Id.* at 699-701.
24. After a noncitizen meets his or her initial burden to show that no such likelihood of removal exists, the burden shifts to the Government to “respond with evidence sufficient to rebut [the noncitizen’s] showing.” *Id.* at 701.<sup>19</sup> If the government cannot do so, the individual must be released.
25. The Supreme Court in *Zadvydas* also ruled that “for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.*; see also *Alexander v. Att’y Gen.*, 495 F. App’x 274, 276–77 (3d Cir. 2012) (“*Zadvydas* . . . suggests that an inversely proportional relationship is at play: the longer an alien is detained, the less he must put forward to obtain relief.”).

---

<sup>19</sup> To the extent Respondent claims otherwise, the Supreme Court’s decision in *Johnson v. Arteaga-Martinez* has no application here. 142 S. Ct. 1827 (2022). *Arteaga-Martinez* merely held that, as a matter of statutory construction, 8 U.S.C. § 1231(a)(6) does not require automatic bond hearings after six months of detention. *Id.* at 1833. *Arteaga-Martinez* does not reach the question of what due process requires under the Constitution, nor does it undermine the presumption affirmed in *Zadvydas* that post-order detention becomes unreasonable after six months. *Id.* at 1834-35.

26. The DHS's inability to effectuate my removal provides threshold evidence that there is not a significant likelihood of removal in the foreseeable future. *Id.* at 276 (quoting *Zadvydas*, 533 U.S. at 701) (after a presumptively reasonable period of six months and the noncitizen showed evidence of no significant likelihood of removal, the government must then "respond with evidence to rebut that showing"); see also *Shahbaz H. v. Green*, No. 19-8052, 2019 WL 2723880 at \*5 (D. NJ. July 1, 2019) ("[T]he Government can establish its continued authority to detain only if the Government can rebut [the] evidence and show that the alien's removal remains likely in the reasonably foreseeable future.").

27. My removal period began on [26] 10/13/2011, when my removal order became final.

28. My removal period expired on [27] 1/13/2012, ninety days after its initiation. I have been detained beyond the ninety days pursuant to 8 U.S.C. § 1231(a)(6).

29. As discussed above, I have done the following things to cooperate with ICE to effectuate my removal order: [28]

Contact BAHAMAS Embass.  
HAiti Embass and my request was  
denied for Travel document.

30. Accordingly, unless the Respondent can supply sufficient evidence to the contrary, they should now release me from their custody because my "continued detention [has become] unreasonable and [is] no longer authorized by statute." *Zadvydas*, 533 U.S. at 699–700.
31. Therefore, release, not a bond hearing, is the proper remedy. *See id.* (stating that where there is a lack of statutory authority to detain, the noncitizen must be released and courts can consider appropriate conditions of release); *see also Gui v. Ridge*, No. 3:CV-03-1965, 2004 WL 1920719 at \*17 (M.D. Pa. Aug. 13, 2004) (ordering the noncitizen's release where the government failed to rebut the absence of a significant likelihood of removal); *Abdel-Muhti v. Ashcroft*, 314 F. Supp. 2d 418, 430–31 (M.D. Pa. 2004) (ordering release of the noncitizen where he showed, and the government failed to rebut, "substantial evidence that removal is unlikely in the reasonably foreseeable future").

**CLAIM FOR RELIEF**

**COUNT ONE:**

***PETITIONER'S PROLONGED DETENTION VIOLATES THE UNITED STATES CONSTITUTION***

32. I reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.
33. Noncitizens who have been detained by DHS pursuant to its statutory authority under 8 U.S.C. § 1231(a) for ~~90 days~~ <sup>90 days</sup> must be released from custody if there is no significant likelihood that they will be removed in the reasonably foreseeable future.
34. Continuing to detain me under 8 U.S.C. § 1231(a)(6) while there is no significant likelihood of my removal in the reasonably foreseeable future deprives me of my "strong interest in liberty," and therefore violates the Fifth Amendment of the United States Constitution. *U.S.*

*v. Salerno*, 481 U.S. 739, 750 (1987). It further poses actual and substantial hardships and irreparable injuries to me.

35. I have no adequate remedy at law other than the instant petition for a writ of habeas corpus.

**PRAYER FOR RELIEF**

WHEREFORE, I pray that this Court grants the following relief:

1. Assume jurisdiction of this matter;
2. Use its authority under 28 U.S.C. § 2243 to:
  - a. Order the Respondent to file an Answer and Return within 3 days of the filing of the petition, unless they can show good cause for additional time;
    - i. Why Respondents believe my ongoing detention is lawful; and
    - ii. Why Respondents believe this Court should not grant relief sought herein, with a requirement that Respondents produce any evidence to support their belief that my removal is reasonably foreseeable;
  - b. Order Petitioner's Reply be filed within 30 days after the Court sets the deadline for Respondent's Answer and Return;
  - c. Order Respondents to ensure I receive all filings in a timely manner in order to facilitate prompt briefing.
3. Issue a writ of habeas corpus ordering the Respondent to immediately release Petitioner with reasonable terms of supervised release; and
4. Enjoin the Respondents from re-detaining me without first establishing, in this Court, by a preponderance of the evidence, that my removal has become reasonably foreseeable; and
5. Grant any further relief that this Court deems just and proper.

I affirm, 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.

Respectfully submitted,

[29] JOREL GEFFERIARD

[30] 

Moshannon Valley Processing Center  
555 GEO Drive  
Philipsburg, PA 16866

DATED: [31] 5/27/2025  
Philipsburg, PA