IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAWLE GERARD SUITE,	:	
	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
CHRISTOPHER J. LAROSE, et al.,	:	NO. 25–2613
	:	
Respondents.	:	

SUPPLEMENTAL RESPONSE TO HABEAS PETITION

In accord with the Court's October 29, 2025 order (ECF 13), the government responds to the new "Counseled Memorandum" of petitioner Rawle Gerard Suite in further support of his habeas petition under 28 U.S.C. § 2241 (ECF 14).[1] To avoid unnecessary repetition, the government relies on and refers to its previous response (ECF 8) to Suite's pro se petition, with the limited updates and supplements below.

I. Updated Facts and Procedural History

On November 4, 2025, the Board of Immigration Appeals (BIA) dismissed Suite's appeal of the Immigration Judge's final order of removal. *See* Ex. 1 (Order). Specifically, the BIA dismissed Suite's appeal because (1) his Notice of Appeal Form did not contain statements meaningfully apprising the BIA of the specific reasons for his challenge to the Immigration Judge's decision; and (2) he did not file a written brief or statement in support of his appeal, after indicating that he would submit one. *See* Ex. 1 at 1. To date, it appears that Suite has not filed a petition for review of the BIA's decision with the court of appeals. And as explained below, that means that Suite is presently subject to

[1] After the Court appointed him counsel, ECF 9, Suite filed a pro se "supplement" that improperly attempted to raise new arguments, facts, and exhibits. ECF 10. This response does not directly respond to that uncounseled "supplement," except as it is referenced in the counseled memorandum. Additionally, it appears that on October 30, 2025, Suite filed another habeas petition in this Court, rather than in the district where he was detained at the time, which is not publicly available and has not been served on the government. *See Suite v. Att'y Gen.*, Civ. No. 25–6230 (E.D. Pa.). This supplemental response therefore does not attempt to respond to any arguments in that filing.

mandatory detention under 8 U.S.C. § 1231, not under 8 U.S.C. § 1226(c), which means the arguments of his habeas petition are therefore now moot.

Additionally, on October 31, 2025, Suite was transferred from Moshannon Valley Processing Center to a newly opened ICE detention facility located at the Miami Correctional Facility in Bunker Hill, Indiana.

Finally, the California district court, which oversees Suite's criminal matter, has now denied all of Suite's post-conviction attempts, made during 2024 and 2025, to challenge his underlying conviction for fraud and his immigration status. *See United States v. Suite*, No. 8:16-CR-69 (C.D. Cal.), ECF 228 (Order). Among other things, on July 29, 2025, Suite filed a separate § 2241 habeas petition and motion for injunctive relief in that court that—on grounds seemingly identical to his habeas petition here—attempted to challenge his immigration detention. *See id.*, ECF 220. But on October 14, 2025, the California district court denied Suite's § 2241 habeas petition. *See id.*, ECF 228.

II. Updated and Supplemental Responses to Counseled Argument

A. Suite is presently detained under 8 U.S.C. § 1231 not § 1226(c)

As explained in the government's prior response (*see* ECF 8 at 7–8), 8 U.S.C. § 1226 governs the pre-removal order detention of aliens,[2] while a different section of the INA, 8 U.S.C. § 1231, governs post-removal order detention of aliens.[3]

Here, at the time Suite filed his habeas petition, he was detained under § 1226(c) and he challenged the constitutionality of his detention without a bond hearing prior to a final order of removal. *See* ECF 1 at 1; *see also* ECF 14 at 2. But as of November 4, 2025,

[2] Section 1226(c) applies to individuals pending a final order of removal and provides, in part, that the government is required to detain any noncitizen who "is deportable by reason of having committed any offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of this title." 8 U.S.C. § 1226(c)(1)(B).

[3] Section 1231 applies to the detention of aliens subject to a final order of removal that is not subject to a stay of removal. *See* 8 U.S.C. § 1231; *Guerrero-Sanchez v. Warden York Cty. Prison*, 905 F.3d 208, 213–15 (3d Cir. 2018).

when the BIA dismissed Suite's appeal, he became subject to an administratively final order of removal. *See* 8 U.S.C. § 1231(a).

Accordingly, any challenge by Suite to pre-final order detention under § 1226(c) is now moot because he is no longer detained under that statute. *See Ufele v. Holder*, 473 F.App'x 144, 146 (3d Cir. 2012); *Rodney v. Mukasey*, 340 F. App'x 761, 764–65 (3d Cir. 2009); *see also* ECF 8 at 8 n.5 (collecting cases).

As Suite's counseled memorandum notes (ECF 14 at 5), Suite may petition the court of appeals to review the BIA's dismissal. *See* 8 U.S.C. §§ 1252(b)(2), 1252(b)(9). And although the government would oppose it, the court of appeals may issue a stay of Suite's order of removal while such a petition is pending. *See* 8 U.S.C. § 1252(b)(3)(B). To date, however, it appears that Suite has not filed any petition for review, and his 30-day deadline to do so will not expire until December 4, 2025. *See* 8 U.S.C. § 1252(b)(1).

Because Suite is presently subject to a non-stayed, final order of removal, the source of his continued detention is § 1231(a)—which provides mandatory detention of aliens in that category for 90 days, and which does not entitle an alien to a bond hearing. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 581–82 (2022). As such, any challenge to Suite's current detention is premature at this time.

B. Supplemental responses to arguments of the Counseled Memorandum

To the extent the Court nonetheless reviews the arguments of the counseled memorandum regarding Suite's prior detention under 8 U.S.C. § 1226(c), the government relies on and refers to its prior response (ECF 8), with the limited supplementation provided below.

Notably, although Suite's pro se petition asked for immediate release, his counseled memorandum asks only for an individualized bond hearing. ECF 14 at 1, 11. Likewise, while Suite's pro se petition challenged his underlying convictions, the counseled memorandum acknowledges the fact of those convictions, resulting in Suite's mandatory detention under 8 U.S.C. § 1226(c). *Id.* at 1–2.

Suite's memorandum suggests there is no indication of when the BIA may rule on his administrative appeal, making his detention indeterminate. But as explained above, the BIA has dismissed that appeal as of November 4, 2025. And although Suite has 30 days from then to petition the court of appeals to review that decision, to date, he has not. Moreover, even if Suite does file a petition, the court of appeals is likely to decline further review because Suite failed to exhaust his administrative remedies, including by failing to place the BIA on notice on what was at issue in his appeal. *See* Ex. 1; *Argueta v. Att'y Gen.*, 169 F. App'x 726, 727 (3d Cir. 2006); *cf. Bhiski v. Ashcroft*, 373 F.3d 363, 367–688 (3d Cir. 2004) (while failure to provide a brief does not itself defeat jurisdiction, an alien must still put the BIA on notice of the basis for the appeal).

While the memorandum suggests that the length of Suite's immigration proceedings should not be chargeable to his own actions, the government reiterates that Suite himself determined not to concede that he had, in fact, been convicted of felonies that subjected him to removal—unnecessarily leading to a long process in which the government had to prove the fact of those convictions. *See* ECF 8 at 3. While Suite may make good-faith arguments in his own favor, he is "not entitled to [his] own facts." *Nat'l Inst. of Fam. & Life Advocs. v. Bonta*, 769 F.Supp.3d 1109, 1117 (C.D. Cal. 2025).

Likewise, while the memorandum suggests Suite's failure to file a brief in his BIA appeal was due to transfers among detention facilities, Suite, not the government, was responsible for updating his current address to ensure he received BIA filings. *See* 8 C.F.R. § 1003.38(e). And the argument that Suite was unable to litigate his immigration claims while detained or transferred is belied by the (at least) nine separate filings that Suite was able to submit to the district court in his criminal matter--during the same, 2024–2025 period when he was detained and transferred among facilities. *See United States v. Suite*, No. 8:16-CR-69 (C.D. Cal.), ECF 202, 209, 213, 219, 220, 223, 230, 231, 233.

The memorandum acknowledges that Suite is no longer at the FDC. And as noted above, as of October 31, 2025, he is also no longer detained at Moshannon but is

at a newly opened detention center in Indiana. Further, the memorandum says only that Suite "asserts" that he has not received the level of medical care that he (personally) believes he needs. ECF 14 at 9. But Suite is not a doctor, and his own assessments are not sufficient. Moreover, as shown by over 900 pages of medical records created during Suite's detention,[4] Suite has continued to receive regular (at least, weekly) care from both on-site and off-site providers—including examinations, treatments, medication, and specialist consultations. Furthermore, Suite's unsupported, personal disagreements regarding treatment of his various medical conditions—including his hypertension—are the same claims that he previously asserted against the government during his criminal incarceration. *See, e.g., Suite v. United States*, Civ. No. 2:23-CV-10886, (C.D. Cal. Dec. 28, 2023), ECF 1 (Compl.) (asserting similar claims of "medical malpractice" against Suite by various BOP facilities); *see also id.* ECF 11 (dismissing case).

III. Conclusion

For these reasons, and those in the government's prior response (ECF 8), Suite's habeas petition should be dismissed or denied.

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ Susan R. Becker for GBD
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ Mark J. Sherer
MARK J. SHERER
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8445
mark.sherer@usdoj.gov

Dated: November 20, 2025

[4] Due to the large volume of medical records, and the potential privacy concerns that would require redaction or sealing, the government has not attached Suite's medical records to this response but can provide them if helpful to the Court's consideration.

CERTIFICATE OF SERVICE

I certify that on this date, the foregoing response, and its attached exhibit, were filed electronically and are available for viewing and downloading from the CM/ECF system and were electronically served on counsel for petitioner.

Dated: November 20, 2025

/s/ Mark J. Sherer
MARK J. SHERER
Assistant United States Attorney

Exhibit 1

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Rawle Gerard SUITE, A [redacted]

Respondent

FILED
Nov 04, 2025

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: John P. Ellington, Assistant Chief Counsel

IN REMOVAL PROCEEDINGS
On Appeal from a Decision of the Immigration Court, Elizabeth, NJ

Before: Volkert, Appellate Immigration Judge

VOLKERT, Appellate Immigration Judge

ORDER:

This appeal is summarily dismissed under the provisions of 8 C.F.R. § 1003.1(d)(2)(i)(A), (E). The Notice of Appeal (Form EOIR-26) does not contain statements that meaningfully apprise the Board of specific reasons underlying the challenge to the Immigration Judge's December 9, 2024, decision. *See Hoxha v. Holder*, 559 F.3d 157, 163 (3d Cir. 2009) ("[T]he notice of appeal must set forth sufficient facts and law to inform the BIA of the basis of the appeal."); *Matter of Lodge*, 19 I&N Dec. 500 (BIA 1987); *Matter of Valencia*, 19 I&N Dec. 354 (BIA 1986).

Moreover, the respondent checked the block on the Notice of Appeal indicating that a separate written brief or statement would be filed in support of the appeal. This block is immediately followed by a clear warning that the appeal may be subject to summary dismissal if the respondent indicates that such a brief or statement will be filed and, within the time set for filing, fails to file the brief or statement and does not reasonably explain such failure. The respondent was granted the opportunity to submit a brief or statement in support of the appeal. However, the record indicates that he did not file such brief or statement, or reasonably explain the failure to do so, within the time set for filing. *See Argueta-Orellana v. Att'y Gen. U.S.*, 35 F.4th 144, 147 (3d Cir. 2022) (holding that the Board has the discretionary authority to summarily dismiss an appeal where the appellant does not submit a brief despite indicating that a brief will be filed). Accordingly, the appeal is summarily dismissed under the provisions noted above.

NOTICE: If a respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, or to present himself or herself at the time and place required for removal by the Department of Homeland Security, or conspires to or takes any action designed to prevent or hamper the respondent's departure pursuant to the order

of removal, the respondent shall be subject to a civil monetary penalty of up to $998 for each day the respondent is in violation. *See* section 274D of the Immigration and Nationality Act, 8 U.S.C. § 1324d; 8 C.F.R. § 280.53(b)(14).