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

RAWLE GERARD SUITE	:	
	:	
v.	:	**CIVIL NO. 25-2613**
	:	
CHRISTOPHER J. LAROSE, et al.	:	
	:	

RESPONSE IN OPPOSITION TO MOTION TO RECONSIDER

Petitioner Rawle Gerard Suite, through undersigned counsel, respectfully submits this response in opposition to Respondent's Motion to Reconsider, and in support thereof avers as follows:

1. On or about May 19, 2025, Mr. Suite filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (ECF 1) arguing that his detention in immigration custody without a bond hearing violated his due process rights under the reasoning of *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203 (3d. Cir. 2020), which specifically applies to those detained under 8 U.S.C. § 1226(c). At the time Mr. Suite filed his pro se petition, he was detained under § 1226(c).

2. Respondents filed an opposition to the pro se petition on August 8, 2025. ECF 8.

3. On November 10, 2025, after undersigned counsel was appointed to represent Mr. Suite, Mr. Suite filed a counseled memorandum of law in support of his petition. ECF 14.

4. Respondents filed a new response to the counseled memorandum of law on November 20, 2025 (ECF 15), and Mr. Suite filed a counseled reply on December 5, 2025 (ECF 16).

5. On January 15, 2026, the Court granted Mr. Suite's habeas petition and ordered the Immigration Court to hold a bond hearing within two weeks of its order.

6. In the meantime, on January 13, 2026, the Third Circuit had dismissed Mr. Suite's Petition for Review for failing to submit an appeal fee. *See* Exhibit A (USCA No. 25-3386), Doc. No. 9.

7. Undersigned counsel was unaware of the order because she does not represent Mr. Suite on his immigration appeal and does not receive electronic docket notices nor can she access non-public documents in that matter. Mr. Suite was unaware of the order because he is detained and had not received the order.

8. The Third Circuit's dismissal order also lifted the stay on Mr. Suite's final order of removal. With a final order of removal in effect, the government's authority to detain Mr. Suite in immigration custody falls under 8 U.S.C.§ 1231 rather than § 1226(c). Under 8 U.S.C. § 1231, detention is required for a period of 90 days during which the government can remove Mr. Suite. § 1231(a)(2).

9. In light of the Third Circuit's dismissal, Respondent's filed a motion to reconsider the court's order granting the habeas petition on January 16, 2026. ECF 20.

10. This Court stayed its order granting the petition until after the Respondent's motion for reconsideration had been resolved. ECF 23.

11. On January 21, 2026, Mr. Suite filed a motion to reopen with the Third Circuit and a motion to proceed *in forma pauperis*. *See* Exhibit A, Doc. No. 11 & 12; Exhibit B (file-stamped motion to reopen and proceed *in forma pauperis*).

12. If the Third Circuit grants the motions to reopen and proceed *in forma pauperis*, the Court will also likely grant a stay of the removal order, Mr. Suite's detention would once again fall under § 1226(c), and there would be no basis to reconsider the Court's order of January 15, 2026.

13. Therefore, Mr. Suite respectfully requests that this Court refrain from ruling on Respondent's Motion to Reconsider and hold it under advisement until the Third Circuit has ruled on Mr. Suite's motion to reopen his appeal and proceed *in forma pauperis*.

14. Undersigned counsel shall check Mr. Suite's Third Circuit docket weekly and can provide status updates to the Court at whatever interval the Court wishes.

WHEREFORE, Mr. Suite respectfully requests that the Court hold the Respondent's Motion to Reconsider after advisement until after the Third Circuit has ruled on Mr. Suite's motions to reopen and proceed in forma pauperis in the matter of *Suite v. Attorney General*, USCA No. 25-3386.

Respectfully submitted,

DATE: January 30, 2026

/s/ Susan M. Lin

Susan M. Lin
KAIRYS, RUDOVSKY, MESSING,
FEINBERG & LIN
The Cast Iron Building
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Counsel for Rawle Gerard Suite

EXHIBIT A

PACER fee: Not Exempt Change

General Docket
United States Court of Appeals for the Third Circuit

Court of Appeals Docket #: 25-3386
Gerard Suite v. Attorney General United States of America
Appeal From: Board of Immigration Appeals
Fee Status: IFP pending in USCA

Docketed: 12/04/2025
Termed: 01/13/2026

Case Type Information:
1) agency
2) petition review
3) Immigration

Originating Court Information:
District: BIA-1 : A018-139-760

Prior Cases:
None

Current Cases:
None

RAWLE GERARD SUITE Petitioner	Rawle Gerard Suite [NTC Pro Se] Miami Correctional Facility 3038 W. 850 S. Bunker Hill, IN 46914
v.	
ATTORNEY GENERAL UNITED STATES OF AMERICA Respondent	Pamela Bondi, Esq. Email: Third.circuit.oil@usdoj.gov [NTC Federal government] United States Department of Justice Office of Immigration Litigation P.O. Box 878 Ben Franklin Station Washington, DC 20044 OIL Email: Third.Circuit.Oil@usdoj.gov [NTC Federal government] United States Department of Justice Office of Immigration Litigation P.O. Box 878 Ben Franklin Station Washington, DC 20044 Remi da Rocha-Afodu, Esq. Direct: 202-305-7386 Email: remi.o.darocha-afodu@usdoj.gov Fax: 202-353-7224 [COR NTC Federal government] United States Department of Justice Office of Immigration Litigation P.O. Box 878 Ben Franklin Station Washington, DC 20044

GERARD RAWLE SUITE,
Petitioner

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

12/04/2025	1 0 pg, 0 KB	AGENCY CASE DOCKETED. Petition filed by Gerard Rawle Suite. Certificate of Service dated 12/04/2025. Service made by hand delivery. Petition filed nonelectronically. (SB) [Entered: 12/04/2025 03:11 PM]
12/04/2025	2 1 pg, 8.39 KB	ORDER (Clerk) directing the Executive Office of Immigration Review to file the administrative record. (SB) [Entered: 12/04/2025 03:16 PM]
12/04/2025	3 0 pg, 0 KB	MOTION filed by Petitioner Gerard Rawle Suite to Stay Removal. Response due on 12/15/2025. Certificate of Service dated 12/04/2025. Service made by hand delivery. (SB) [Entered: 12/04/2025 03:19 PM]
12/04/2025	4 3 pg, 104.16 KB	ORDER (Clerk) temporarily granting motion for stay of removal in accordance with the Standing Order of the Court dated August 5, 2015. Removal is stayed until such time as the Court can consider the motion for stay of removal. [VACATED per 1/13/2026 Clerk Order].--[Edited 01/13/2026 by SB] (SB) [Entered: 12/04/2025 03:22 PM]
12/04/2025	5 0 pg, 0 KB	ECF FILER: ENTRY OF APPEARANCE from Remi Da Rocha-Afodu on behalf of Respondent(s) Pamela Bondi. [25-3386] (Rd) [Entered: 12/04/2025 04:40 PM]
12/11/2025	6 0 pg, 0 KB	ECF FILER: Response filed by Respondent Attorney General United States of America to motion. Certificate of Service dated 12/11/2025. [25-3386] (Rd) [Entered: 12/11/2025 05:01 PM]
12/15/2025	7 0 pg, 0 KB	Dated Copy of Petitioners Motion to Stay Removal and Petition for Review filed by Petitioner Gerard Rawle Suite.. Certificate of Service dated 12/02/2025. Service made by US mail. (SB) [Entered: 12/16/2025 12:49 PM]
12/18/2025	8 0 pg, 0 KB	ECF FILER: ADMINISTRATIVE RECORD. [25-3386] (TS) [Entered: 12/18/2025 01:40 PM]
01/13/2026	9 1 pg, 70.77 KB	ORDER (Clerk) dismissing case, pursuant to F.R.A.P. 3(a) and LAR 3.3 and Misc. 107.1(a), for failure to pay the filing fee for the notice of appeal. In light of the dismissal, no action will be taken on the pending motion to stay removal and the temporary stay of removal issued on December 4, 2025, is lifted. Case terminated on 01/13/2026. (SB) [Entered: 01/13/2026 11:33 AM]
01/20/2026	10 0 pg, 0 KB	RETURNED MAIL. U.S. Postal Service returned Immigration Petition for Review [1] sent to Petitioner Gerard Rawle Suite. Mail was returned because Not deliverable as addressed. (JK) [Entered: 01/21/2026 04:14 PM]
01/21/2026	11 0 pg, 0 KB	MOTION filed by Petitioner Gerard Rawle Suite to Reopen Appeal. (JK) [Entered: 01/21/2026 04:16 PM]
01/21/2026	12 0 pg, 0 KB	MOTION filed by Petitioner Gerard Rawle Suite to Proceed In Forma Pauperis. (JK) [Entered: 01/21/2026 04:17 PM]

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○ **Documents Only**

☐ **Include Page Numbers**

Selected Pages: 0 **Selected Size:** 0 KB
Totals reflect accessible documents only and do not include unauthorized restricted documents.

View Selected

PACER Service Center			
Transaction Receipt			
Third Circuit - 01/30/2026 10:25:43			
PACER Login:	Susanmlin	**Client Code:**	
Description:	Docket Report (filtered)	**Search Criteria:**	25-3386
Billable Pages:	1	**Cost:**	0.10
Exempt Flag:	Not Exempt	**Exempt Reason:**	Not Exempt

EXHIBIT B

RECEIVED
JAN 21 2026
U.S.C.A. 3rd CIRCUIT

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Rawle Gerard Suite
Petitioner,
v.
Attorney General, USA
Respondents.

Third Circuit Case No. 25-3386
A Number: [redacted]

MOTION TO REOPEN THE CASE

Petitioner **Rawle Gerard Suite**, hereby asks the United States Court of Appeals for the Third Circuit to Reopen his case as he is indigent and the case was dismissed for failure to submit the filing fee.

1. Mr. Suite previously filed a Petition for Review of the Final Order of Removal issued by the Department of Homeland Security (DHS) and/or the Executive Office for Immigration Review (EOIR).
2. Mr. Suite also previously filed a Motion to Stay the Final Order of Removal.
3. On January 13, 2026, the Court dismissed his appeal because he failed to submit the filing fee.
4. Mr. Suite, who is representing himself in this appeal, does not have the funds to pay the filing fee and requests to proceed in forma pauperis.
5. Included with this motion is an affidavit requesting to proceed in forma pauperis.
6. Mr. Suite respectfully requests that the Court vacate the order dismissing the case, reinstate the temporary stay of removal, and allow him to proceed in forma pauperis.

Respectfully submitted,

Rawle Gerard Suite
A[redacted]
Miami Correctional Facility
3038 W 850 S
Bunker Hill, Indiana 46914

Date: 1/20/26

Signature: [signature]

UNITED STATES COURT OF APPEALS
for the THIRD CIRCUIT

v.) No.

AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

Affidavit in Support of Motion	Instructions
I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)	Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.
Signed: Rawle Suite For RGS	Date: 1/20/2026

My issues on appeal are:

I have been incarcerated since 2016. I served my sentence. The day i was released from my criminal sentence is the day that immigration detained me. I have been institutionalized for ten years and have not worked.

I am not married. My children are adults.I did not own a home or a car prior to being incarcerated in 2016.

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	**Average monthly amount during the past 12 months**		**Amount expected next month**	
	You	Spouse	You	Spouse
Employment	$0	$0	$0	$0
Self-employment	$0	$0	$	$0
Income from real property (such as rental income)	$0	$0	$0	$0
Interest and dividends	$0	$0	$0	$0
Gifts	$0	$0	$0	$0
Alimony	$0	$0	$0	$0
Child support	$0	$0	$0	$0
Retirement (such as social security, pensions, annuities, insurance)	$0	$0	$0	$0
Disability (such as social security, insurance payments)	$0	$0	$0	$0
Unemployment payments	$0	$0	$0	$0
Public-assistance (such as welfare)	$0	$0	$0	$0
Other (specify):	$0	$0	$0	$0
Total monthly income:	$0	$0	$0	$0

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	**Address**	**Dates of employment**	**Gross monthly pay**
N/A	N/A	N/A	$0

			$
			$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
N/A	N/A	N/A	$0
			$
			$

4. *How much cash do you and your spouse have? $_____*

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
N/A	N/A	$0	$0
		$	$
		$	$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. *List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.*

Home	Other real estate	Motor vehicle #1
(Value) $0	(Value) $ 0	(Value) $0
		Make and year:

		Model:
		Registration #:

Motor vehicle #2	**Other assets**	**Other assets**
(Value) $	(Value) $	(Value) $
Make and year:		
Model:		
Registration #:		

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	**Amount owed to you**	**Amount owed to your spouse**
N/A	$0	$0
	$	$
	$	$
	$	$

7. *State the persons who rely on you or your spouse for support.*

Name [or, if a minor (i.e., underage), initials only]	**Relationship**	**Age**
N/A	N/A	

8. *Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home) Are real estate taxes included? Yes No Is property insurance included? Yes No	$0	$0
Utilities (electricity, heating fuel, water, sewer, and telephone)	$0	$0
Home maintenance (repairs and upkeep)	$0	$0
Food	$0	$0
Clothing	$0	$0
Laundry and dry-cleaning	$0	$0
Medical and dental expenses	$0	$0
Transportation (not including motor vehicle payments)	$0	$0
Recreation, entertainment, newspapers, magazines, etc.	$0	$0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	$0	$0
Life:	$0	$0
Health:	$0	$0
Motor vehicle:	$0	$0
Other:	$0	$0
Taxes (not deducted from wages or included in mortgage payments) (specify):	$0	$0
Installment payments		
Motor Vehicle:	$0	$0
Credit card (name):	$0	$0
Department store (name):	$0	$0
Other:	$0	$0
Alimony, maintenance, and support paid to others	$0	$0

Regular expenses for operation of business, profession, or farm (attach detailed statement)	$0	$0
Other (specify):	$0	$0
Total monthly expenses:	$0	$0

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes ✔ No If yes, describe on an attached sheet.

10. *Have you paid or will you be paying an attorney any money for services in connection with this case, including the completion of this form?* Yes ✔ No

If yes, how much? $ _____
If yes, state the attorney's name, address, and telephone number:

11. *Have you paid-or will you be paying-anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?* Yes ✔ No

If yes, how much? $ _____
If yes, state the person's name, address, and telephone number:

12. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

I have been incarcerated since 2016. The day i was released (January 2024, i was immediately taken into immigration custody). I have no means to pay the fee.

13. *State the [city and state] of your legal residence.*

Anaheim, Califronia

Your daytime phone number: (____) N/A

Your age: 66 *Your years of schooling:* N/A

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2026, the foregoing Response in Opposition to Motion to Reconsider was filed via the Court's CM/ECF system, is available for viewing and downloading, and, as such, was served upon the below counsel:

Mark J. Sherer
Assistant U.S. Attorney
mark.sherer@usdoj.gov

/s/ Susan M. Lin
Susan M. Lin