

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

FILED 11:52:48:25
MDG-01

OKECHUKWU DESMOND AMADI

v.

Warden Dickerson

Director of U.S. Immigration and Customs

Enforcement (ICE); Todd Lyons

Secretary of the Department of Homeland

Security; Kristen Noem

Attorney General of the United States of
America; Pam Bondi

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

Petitioner, Okechukwu 'Desmond' Amadi, respectfully moves this Court to order his immediate release from detention. Petitioner asserts that his current detention at Stewart detention Center is unlawful and therefore in violation of the Constitution of the United States of America. In support of this Petition and Complaint for injunctive relief, Petitioner alleges as follows:

JURISDICTION

This action arises under the constitution of the United States, and the Immigration and Nationality Act ("INA"), Section 212 (a)(2)(A)(i)(E). This Court has jurisdiction under 28 U.S.C. Section 2241 of the United States Constitution, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in clear violation of the Constitution, laws, and treaties of the United States, therefore Jurisdiction lies in this Court, the judicial district in which Petitioner is held in custody.

PARTIES

- 1) Petitioner, Okechukwu 'Desmond' Amadi is a native of CANADA and a citizen of Nigeria. Petitioner is also a Lawful Permanent Resident of the United States of America.
- 2) Worden Dickerson is the Warden of Stewart detention Center, where Petitioner is currently detained under the authority of ICE. The Warden is the immediate custodian of Petitioner.
- 3) Todd Lyons is the Director of U.S Immigration

and Customs Enforcement (ICE) who is charged with the enforcement of the INA and Immigration Laws.

4) Kristen Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. As such Kristen Noem is the legal custodian of Petitioner.

5) Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such Pam Bondi has ultimate custodial authority over Petitioner.

FACTUAL BACKGROUND

1) Following a 12 day trip abroad, Petitioner returned to the United States on September 28th, 2017. Upon presenting his valid green card (Lawful permanent resident card) and his international passport, Petitioner was arrested

pursuant to a federal indictment charging Petitioner with Conspiracy to commit money laundering in violation of US Code 18 USC 1956(h) and two substantive Counts under 18 USC 1956(a)(1)(B)(i).

2) Petitioner, after a 6 day trial, was convicted and later sentenced to 135 months in Federal Custody. Petitioner through rehabilitative programming under the First Step Act (FSA) got his sentence reduced by a year resulting in a release date of 5/02/2025.

3) Upon completion of his federal sentence, Petitioner was arrested from the BOP (Bureau of Prisons) on 5/2/2025 pursuant to an NTA (Notice to Appear) issued by the Department of Homeland Security.

4) The Notice to Appear charged Petitioner with being subject to removal pursuant to Section 212 (a)(2)(A)(i)(I) of The Immigration and Nationality Act, specifically charging him with committing a 'crime involving moral turpitude' (See attached Exhibit A)

5) Accompanying the Notice to Appear is a Warrant for Arrest signed by an Immigration Officer, Travis Sayer, stating that "biometric confirmation of the subject's identity.....indicate.....subject either lacks immigration status or notwithstanding such status is removable under U.S Immigration law." (See attached Exhibit B)

6. Petitioner has been a lawful permanent resident of the United States since 2004. Petitioner entered the United States on August 26, 1997, at Atlanta GA ~~GA~~ on F-1 student visa. Petitioner's status was then adjusted to that of a Lawful permanent Resident at Dallas Tx on October 20, 2004, therefore Petitioner has been in the United States of America for 28 years.
7. Upon release from the BOP (Bureau of Prison) on his release date of 5/02/2025, Petitioner was arrested pursuant to an NTA (Notice to Appear) issued by the Department of Homeland Security which was served upon Petitioner alongside an arrest warrant. The NTA (Notice to appear) was subsequently filed with the Atlanta Immigration court, thus commencing removal proceedings against him under section 212 (a) (2) (2) (A) (1) (I).
8. The NTA (Notice to appear) did not assert that Petitioner had abandoned or relinquished his lawful permanent resident status or otherwise failed to maintain permanent residency in the United States of America.
9. The Department of Homeland Security has determined upon Petitioner's release to treat

Petitioner not as a Lawful permanent resident but rather as a person who "either lacks immigration status or notwithstanding such status is removable under U-S immigration law.", even though the Department of Homeland Security possesses documentary proof of Petitioner's Immigration history/Immigration Status as reflected on the NTA (Notice to Appear).

10. Petitioner currently has an appeal of the underlying Criminal conviction pending in the 11th Circuit Court of Appeal and as such the conviction is not final.
11. Petitioner currently has a residence approved by Probation Officer, Daniel Huck, in Garland Texas for his supervised release.

EXHAUSTION

Petitioner filed a request for release with the Warden of Stewart County Detention Center, Mr. Dickerson, on 5/19/2025. Petitioner handed the request for release to Warden Dickerson on 5/20/2025 during an inspection walk through at about 12:00pm (See exhibit C)

The Warden's response was that "he could not release me but I (the Warden) will forward my request

to the Atlanta field Office"

On 5/21/2025, Petitioner was presented with a "notice of custody redetermination hearing in Immigration proceeding" (Notice of Court hearing).

Petitioner showed up for the hearing which was scheduled at 1:30pm in front of Judge Kelley Syndor. The DHS attorney invoked that the Judge did not have jurisdiction over the case therefore there was no action taken (see Exhibit D)

The Department of Homeland Security has no intention of releasing Petitioner therefore any other requests will be futile. Petitioner's current detention is causing irreparable harm as his liberty interest is implicated. The Department of Homeland Security has effectively made a final decision not to release Petitioner when provided with a second opportunity at the re-determination hearing where it could have released Petitioner; failed to provide a legitimate governmental purpose for Petitioner's continued detention. This case is therefore ripe for Judicial review.

CLAIMS FOR RELIEF

COUNT ONE

Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. The Due Process Clause of the fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. Respondents have failed to justify the continued detention of Petitioner, who is unlikely to be removed in the reasonably foreseeable future. Petitioner's continued detention by Respondents is unlawful and therefore in violation of the fifth Amendment of the United States Constitution.

Count Two

Petitioner's arrest on 5/02/2025, without a judicial warrant violates the fourth Amendment of the United States Constitution. The Department of Homeland Security failed to present a warrant/arrest warrant accompanied with an affidavit in support

Of such a warrant duly presented to a Judicial officer pursuant to a probable cause determination by a Judge. The Fourth Amendment of the United States Constitution provides that a search and seizure must be reasonable. A request for a judicial warrant must be supported by sufficient facts to meet the probable cause standard applied to an arrest. Probable cause does not exist for Petitioner's current detention pursuant to the Warrant for arrest of Alien (See Exhibit B), therefore the search and seizure that occurred on 5/02/2025 upon Petitioner's release is in violation of the Fourth Amendment of the United States Constitution.

Count Three

Petitioner asserts that even if a removal proceeding is initiated, a litigation of the facts and issues of the underlying criminal conviction will prove, on the merits, that the crime for which Petitioner is charged is not a crime of moral turpitude. In *United States vs Lisette Lopez* 75F.4th (11th Cir. 2023), the Chief Judge William Pryor, in his ruling stated "conspiring to launder money offense, 18 U.S.C. § 1956(h) did not categorically involve moral turpitude." To qualify for a crime of moral

turpitude the Court determines whether a prior conviction qualifies as a crime involving moral turpitude in the Immigration context, Courts apply the categorical approach to determine whether the elements of the crime of conviction categorically fit within the federal definition of a crime involving moral turpitude. See *George*, 953 F.3d at 1304. This approach is consistent with the requirement of determining what elements the government would have had to prove beyond a reasonable doubt at trial. See *Klathis*, 579 U.S. at 504. The Board of Immigration Appeals too holds that "a conspiracy to commit an offense involves moral turpitude only when the underlying substantive offense is a crime involving moral turpitude." In *reflores*, 17 Dec. 225. In *United States v Lisette Lopez* 75 F.4th (11th Cir 2023), the Chief Judge William Pryor's opinion stated that "a violation of 18 U.S.C.S § 1956 (a) (1) (B) is not categorically a crime of moral turpitude for Immigration purposes."

Count Four

Petitioner asserts that the crime he was charged with does not put him in the category of people considered to be a danger to society. To make a determination whether a person is a danger to the community of the United States, Court look to see if the elements of the offense bring it "within the ambit of a particularly serious crime". In determining whether a crime is particularly serious, the essential key is whether the nature of the crime is one which indicates that the non-citizen poses a danger to the community. The focus here is on the N-A-M inquiry which requires adjudicators to determine whether the element of the offense the Petitioner was charged with bring it within the ambit of a serious crime.

Count Five

Petitioner asserts that he has an appeal of the underlying criminal conviction pending in the 11th Circuit Court of Appeal and as such the conviction is not final. Petitioner has raised multiple meritorious constitutional issues in his appellate brief. Of utmost importance, is the revelation that

the testifying FBI agent who investigated the case was in an inappropriate intimate relationship with the Jury forelady which was undisclosed during the trial. The Jury forelady has confessed under oath to not being 'impartial' at the trial. These Constitutional violations constitute a procedural and substantive due-process violation representing a legal defect in the underlying criminal conviction.

COUNT SIX

Petitioner is not a flight risk. While in BOP (Bureau of Prison) custody, Petition was eligible under the FSA (First Step Act) to earn 'time credits' due to his active participation in rehabilitative programming earning over 1000 days of 'earned time credit' resulting in the reduction of his sentence by one year and a transfer to a Half-way house in Tampa Florida. Petitioner was given a ticket to the Halfway house in Florida on the 14th of August 2024. Petitioner was allowed to fly by himself and checked in at the Halfway house in Tampa, Florida with no incidents. Petitioner spent over 7 months at the Halfway house before an eventual arrest pursuant to an 'Executive Order' which resulted in his reincarceration. In addition, Petitioner has a residence

P.A.R.F. 17

where he resided since 2001 which has been approved by a Probation Officer, Danielle Huck, in Dallas for his supervised release.

CONCLUSION

Petitioner has demonstrated through the foregoing that on the merits of Petitioner's arguments, there is a significant likelihood of prevailing in the removal proceeding initiated by the DHS (Department of Homeland Security). Petitioner's underlying offense is not an offense that would put Petitioner in a category of persons considered to be dangerous to society. Petitioner is not a flight risk as demonstrated by the fact that he travelled from prison to the Halfway House in Tampa, Florida, stayed at the Halfway House without incident. The Government has failed to show a legitimate governmental purpose for Petitioner's continued detention at the Stewart Detention Center in custody of Respondents.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a Writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter an injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Grant any other relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted,

Okechukwu 'Desmond' Amadi
145 CCA RD
LUMPKIN, GEORGIA 31815
5/30/2025

Signature: 