

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

VINCENT JOBO,

Petitioner,

v.

BOBBY THOMPSON, Warden,
South Texas
ICE Processing Center; VINCENT
MARMOLEJO, Assistant Field Office
Director, ICE San Antonio Field Office
MIGUEL
VERGARA, Field Office Director, San
Antonio Field Office, United States
Immigration and Customs Enforcement;
TODD M. LYONS, Acting Director, United
States Immigration and Customs
Enforcement; KRISTI NOEM, Secretary
of Homeland Security; PAMELA BONDI,
United States Attorney General, *in their*
official capacities,

Respondents.

Case No. 5:25-cv-00687

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241 OR ORDER TO SHOW CAUSE
WITHIN THREE DAYS**

ORAL ARGUMENT REQUESTED

**PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241 OR ORDER TO
SHOW CAUSE WITHIN THREE DAYS**

I. INTRODUCTION

1. Petitioner Vincent Jobo ("Vincent") is being unlawfully held by Respondents at the South Texas ICE Processing Center in Pearsall. He has spent over 630 days/twenty months in detention. 232 of those days, since October 29, 2024, have occurred after an immigration judge ordered him removed to his native South Africa. Despite this order, and Vincent's full

cooperation, immigration officials have failed to remove him, with no indication they will be able to do so in the foreseeable future.

2. A former professional rugby player, Vincent first came to the United States on a visitor visa in January 2017. He returned to South Africa before coming back to the United States in November 2017 on a P-1A athlete visa. After leaving his professional rugby club in New Orleans, Vincent was placed in removal proceedings. Unfortunately, he never received notice of his immigration court date and was ordered removed *in absentia* without his knowledge on April 17, 2023. He left professional rugby in 2019, before returning to live and work in Austin until 2023.
3. On September 20, 2023, Vincent was arrested in Kinney County and charged with alleged “human smuggling.” The charges were quickly rejected for a lack of articulation of his involvement. As a result of this arrest, he was transferred to ICE custody.
4. Since October 2023, Vincent has been detained at the South Texas ICE Processing Center (STIPC) in Pearsall, Texas. Pearsall is approximately 55 miles southwest of San Antonio.
5. While detained at STIPC, Vincent filed a motion to reopen his immigration case, which was granted. Vincent applied for asylum on July 29, 2024.
6. An immigration judge denied Vincent’s asylum claim and issued a final order of removal on October 29, 2024. Since then, Immigration and Customs Enforcement (ICE) has tried to deport Vincent multiple times, with at least twelve sets of fingerprints taken on six different days. According to ICE’s communications with Vincent and his counsel, South Africa has rejected Vincent’s fingerprints, which has resulted in his failed removal each time. ICE personnel have provided no reason for the rejection or any indication that circumstances are likely to change.

7. On April 29, 2025, counsel for Vincent submitted a 180-day post-order custody review request to both the San Antonio and Washington, DC ICE offices. ICE denied the request without explanation on May 12, 2025. Vincent has experienced mistreatment and abuse in detention, which has caused his mental health to deteriorate significantly.
8. Vincent challenges his indefinite detention as a violation of the Immigration and Nationality Act (INA), as well as his rights under the Due Process Clause of the Fifth Amendment.
9. Vincent respectfully requests this Court to grant him a Writ of Habeas Corpus and order Respondents to release him from custody under reasonable conditions of supervision. He is seeking habeas relief under 28 U.S.C. § 2241, which is the proper vehicle for challenging civil immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).
10. Vincent asks the Court to “award the writ or issue an order directing the respondent[s] to show cause why the writ should not be granted,” within *three days*, as prescribed by statute. 28 U.S.C. § 2243.

II. CUSTODY

11. Petitioner Vincent Jobo is in the physical custody of Respondents. He is detained at STIPC in Pearsall, Texas. He is under the direct control of Respondents and their agents.

III. JURISDICTION AND VENUE

12. Jurisdiction is proper under 28 U.S.C. §§ 1331, 2241, and the Suspension Clause, U.S. Const. art. I, § 9, clause 2.
13. Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas petitions by noncitizens who challenge the lawfulness of their detention under federal law. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas*, 533 U.S. at 687; *Maldonado v. Macias*, 150 F. Supp. 3d 788, 794 (W.D. Tex. 2015).

14. Venue is proper in the United States District Court for the Western District of Texas because at least one Respondent is in this District, the Petitioner is detained in this District, and the Petitioner's immediate physical custodian is in this District. 28 U.S.C. §§ 1391(b).

IV. PARTIES

15. Petitioner Vincent Jobo is currently detained by Respondents at STIPC. He has been in ICE custody since October 2023. His removal order became administratively final on October 29, 2024. He has been detained for 232 days since his removal order became final, and over 630 days total.
16. Respondent Bobby Thompson is the Warden for STIPC. He is the legal custodian of Petitioner and is named in his official capacity.
17. Respondent Miguel Vergara is the Field Office Director responsible for the San Antonio Field Office of ICE with administrative jurisdiction over Petitioner's case. He is a legal custodian of Petitioner and is named in his official capacity.
18. Respondent Todd Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.
19. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (DHS). She is a legal custodian of Petitioner and is named in her official capacity.
20. Respondent Pamela Bondi is the Attorney General of the United States Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.

V. STATEMENT OF FACTS

i. Vincent's Immigration History and Current Detention Status.

21. Petitioner Vincent Jobo is a native and citizen of South Africa. He was born in Kagiso, Johannesburg, South Africa on February 1, 1991. He suffers from severe mental health

conditions including major depressive disorder, post-traumatic stress disorder (PTSD), bipolar disorder, severe anxiety disorder, and substance abuse disorder. These conditions stem in part from enduring the racially-motivated murders of his parents and other violence and abuse during his childhood in South Africa.

22. Vincent first came to the United States in January 2017 on a B1/B2 visitor visa after being invited to play with the Austin Blacks Rugby Club, an amateur team. Vincent thrived while playing with the Austin Blacks and fell in love with Austin. Because his visitor visa was expiring, Vincent left Austin in June 2017 and returned to South Africa.
23. In November 2017, Vincent returned to the United States on a P-1A athlete visa to play professional rugby for the New Orleans Gold.
24. Vincent suffered a series of injuries which prevented him from playing rugby for long periods of time in 2018 and 2019.
25. In April 2019, the New Orleans Gold terminated Vincent's contract. ICE placed Vincent in immigration proceedings on July 30, 2019 for failure to maintain visa status, and detained him for three months. Vincent was granted a bond and released in September 2019. Vincent moved back to Austin, settling in and finding work, while continuing to play rugby with the Austin Blacks.
26. On April 17, 2023, an immigration judge in New Orleans ordered Vincent removed *in absentia*. Vincent never received notice of the hearing, and was entirely unaware that he had been ordered removed.
27. On September 20, 2023, Vincent was arrested for human smuggling under Texas law. On that day, Vincent and a friend from work were on their way back to Austin after visiting the friend's family in Kinney County. The two friends spotted a very pregnant woman and her

children on the side of the road. Thinking the family might need help, Vincent's friend pulled over and asked them where they were going. They said San Antonio, which was on the way to Austin. Vincent's friend then offered the family a ride, which they accepted.

28. Less than a mile away, law enforcement pulled Vincent's friend over. When Vincent's friend stopped the car, the family opened the car doors and ran out. Vincent was confused by the family's reaction to the stop.
29. Vincent was arrested and charged with human smuggling under Texas law. The charges were quickly rejected for "insufficient articulation of passenger involvement."¹ Vincent was detained in Kinney County custody for a few hours before being transferred to Border Patrol custody due to his prior *in absentia* removal order. At the time, Vincent was still unaware of his removal order.
30. Vincent was detained in Border Patrol custody for about three days. He was then transferred to the Texas Department of Criminal Justice Briscoe Unit in Dilley, Texas, where he stayed for about a month.
31. The next month, October 2023, Vincent was transferred to STIPC, where he has remained detained ever since.
32. Because Vincent never received notice of his prior immigration hearing or removal order, he filed a motion to reopen his case, which was granted.
33. Vincent applied for asylum on July 29, 2024, based on his fear of race-based and mental-health-based persecution. The immigration judge denied Vincent's application and ordered him removed on October 29, 2024.²

¹ Exh. 2, Kinney County Rejection of Charges (Oct. 13, 2023).

² Exh. 3, Final Removal Order, *In re Vincent Thabiso Jobo*, Case No. A 201-942-517, Immigration Court (Pearsall, Tx. Oct. 29, 2024).

34. Nearly eight months have passed since Vincent was ordered removed, yet he remains detained. He has spent over 630 days in immigration detention, 232 of which have been after his final order of removal.

ii. ICE Has Been Unsuccessful in its Attempts to Remove Vincent, Despite Vincent's Full Cooperation.

35. Since Vincent's order of removal became final, ICE has unsuccessfully attempted to obtain travel documents for his removal to South Africa a total of *six* times, with twelve different sets of fingerprints taken on six different days.³
36. During his detention, Vincent has been fully compliant with ICE's attempts to deport him. Vincent agreed to have his photograph taken and submitted his South African passport (which is now expired), South African birth certificate, and P-1A visa to ICE. ICE has not requested any other documents from Vincent.
37. Vincent was originally scheduled to be removed to South Africa on February 18, 2025.⁴ Vincent fully cooperated with having his photograph and fingerprints taken sometime in late December 2024 or early January 2025.
38. In mid-January 2025, the Deportation Officer assigned to his case, Officer Salazar, came to Vincent's dorm with another officer and told Vincent that South Africa was not accepting his fingerprints. She did not provide further explanation. The officers took Vincent's fingerprints again.
39. A few days before February 18, 2025, Officer Salazar again came to Vincent's dorm and told him that South Africa had again rejected his fingerprints. She took yet another set of Vincent's fingerprints.

³ Exh. 1, Decl. of Elisa Jelley, ¶ 19.

⁴ *Id.* at ¶¶ 7-9.

40. ICE failed to deport Vincent as promised on February 18, 2025. Vincent had his bags packed and was ready for his removal, but no officials arrived to escort him. Vincent did not know what was happening and did not hear from any ICE officer until weeks afterward.
41. About two weeks after February 18, 2025, Officer Salazar came to Vincent's dorm with three other officers. Officer Salazar stated that the previous fingerprints were denied again, which was why Vincent was not deported on February 18. The officers took Vincent's fingerprints for a fourth time. This time, the officers took three sets of fingerprints. All four officers provided suggestions on taking the fingerprints and discussed the fingerprinting process.
42. On March 21, 2025, Officer Salazar came to Vincent's dorm again with the same three officers. Officer Salazar told Vincent that his fingerprints were denied again. The officers took five sets of fingerprints that day.
43. On March 21, 2025, Deportation Officer Salazar told Vincent's attorney on the phone that ICE was "at war" with the South African consulate over the fingerprints.⁵ Officer Salazar explained that ICE provided Vincent's passport and fingerprinted Vincent several more times, but she said that the South African embassy told ICE that another retake was needed.⁶ Officer Salazar also told Vincent's counsel that the fingerprints taken earlier that day, March 21, 2025, had already received a same-day rejection from South Africa.⁷
44. On April 29, 2025, Vincent's attorney filed a 180-day post removal order request for release.⁸ On May 12, ICE denied that request.⁹ No explanation was given for the denial.¹⁰

⁵ *Id.* at ¶ 12.

⁶ *Id.*

⁷ *Id.*

⁸ Exh. 4, Counsel's 180-Day Post Order Custody Request for Release (April 29, 2025).

⁹ Exh. 5, ICE Letter Denying Request for Release (May 12, 2025).

¹⁰ *Id.*

45. Another ICE officer, Officer Vasquez, took Vincent's fingerprints again in early May. Vincent has not heard anything from ICE regarding those fingerprints.
46. ICE has made at least six attempts to secure removal documents for Vincent, all of which have failed. ICE has taken at least twelve sets of Vincent's fingerprints, all of which South Africa has apparently rejected. Neither ICE nor the South African consulate have provided any reason for the rejection or for Vincent's continued detention. There is no indication from ICE that any of ICE's future attempts to deport Vincent will have a different result.

iii. Current Relations between the United States and South Africa Do Not Support a Significant Likelihood of Removability in the Reasonably Foreseeable Future.

47. In addition to the above, diplomatic relations between the United States and South Africa have grown increasingly tense under the current presidential administration. This diplomatic tension renders Vincent's removal—already demonstrably unlikely, given the repeated failure to remove him—even more remote.
48. On February 7, 2025, President Trump signed an executive order titled, "Addressing Egregious Actions of The Republic of South Africa."¹¹ President Trump claimed that South Africa's Expropriation Act 13 of 2024 enables "the government of South Africa to seize ethnic minority Afrikaners' agricultural property without just compensation," and that the law "follows countless government policies designed to dismantle equal opportunity ... and hateful rhetoric and government actions fueling disproportionate violence against racially disfavored landowners."¹² President Trump ordered that all aid and assistance to South Africa be cut.¹³

¹¹ Exec. Order No. 14204, Addressing Egregious Actions of the Republic of South Africa, 90 Fed. Reg. 12456 (Feb. 12, 2025).

¹² *Id.*

¹³ *Id.*

49. Additionally, President Trump ordered that Afrikaners (white South Africans) be prioritized for admission and resettlement as refugees in the United States.¹⁴ Weeks earlier, on January 20, 2025, President Trump had suspended all refugee admissions altogether.¹⁵ The practical effect of President Trump's executive orders was to permit *only* white South Africans to enter the United States as refugees.
50. In March 2025, the U.S. government expelled Ebrahim Rasool, the South African ambassador to the United States, and gave him only days to return to South Africa.¹⁶ The expulsion followed a social media post by U.S. Secretary of State Marco Rubio describing Rasool as a "race-baiting politician" and declaring him "no longer welcome in our great country."¹⁷
51. On May 12, 2025, a group of about 59 white South Africans arrived in the United States as refugees.¹⁸ A second group of about 9 white South African refugees arrived in early June 2025.¹⁹
52. On May 21, 2025, South African President Cyril Ramaphosa traveled to the White House to meet with President Trump and "reset the countries' relations."²⁰ President Trump continued

¹⁴ *Id.*

¹⁵ Exec. Order No. 14163, Realigning the United States Refugee Admissions Program, 90 Fed. Reg. 8459 (Jan. 20, 2025); see also Nomia Iqbal, *Dozens of white South Africans arrive in US under Trump refugee plan*, BBC NEWS (May 12, 2025), <https://www.bbc.com/news/articles/crljn5046epo>.

¹⁶ Khanyisile Ngcobo, *The expelled envoy at the heart of the latest US-South Africa row*, BBC NEWS (Mar. 18, 2025), <https://www.bbc.com/news/articles/cvg10rle1lvo>; Rachel Looker, *South African ambassador 'no longer welcome' in US, Rubio says*, BBC NEWS (Mar. 15, 2025), <https://www.bbc.com/news/articles/crmj8ky3rvno>.

¹⁷ Looker, *South African ambassador 'no longer welcome' in US, Rubio says*, BBC NEWS, *supra*.

¹⁸ Iqbal, *Dozens of white South Africans arrive in US under Trump refugee plan*, BBC NEWS, *supra*.

¹⁹ Michelle Gumede, *More white South Africans arrive in the US under a new refugee program*, AP NEWS (June 2, 2025), <https://apnews.com/article/trump-south-africa-refugees-afrikaner-white-f5ed3aa615e0448157f8c4752d2a0cc7>.

²⁰ Farouk Chothia, *Is there a genocide of white South Africans as Trump claims?*, BBC NEWS (June 2, 2025), <https://www.bbc.com/news/articles/c9wg5pg1xp5o>.

to raise concerns that “white farmers in [South Africa] were being systematically singled out for persecution and murder.”²¹ He called this a “genocide.”²²

53. On May 23, 2025, South African Police Minister Senzo Mchunu broke down crime statistics by race, which his office does not normally do, in order to address President Trump’s “white genocide” claims.²³ Mchunu reported that between January and March 2025, five out of the six people killed on farms in South Africa were black and one was white.²⁴ In the previous quarter, from October to December 2024, Mchunu reported that 12 murders on farms were recorded: only one of the 12 victims was white.²⁵
54. The relationship between South Africa and the United States is “at its lowest point since the end of the apartheid system of racial segregation in 1994.”²⁶ Although the state of current and future diplomatic relations between the United States and South Africa is uncertain, the instability bodes poorly for Vincent’s likelihood of removal.
55. ICE has had nearly eight months in which to deport Vincent, and has tried and failed to do so at least six times, with at least twelve sets of fingerprints. Deteriorating diplomatic relations between the United States and South Africa makes it far less likely that ICE will be able to effectuate Vincent’s removal.

²¹ Chris Megerian, *Lights, video, confrontation—Trump’s meeting with South African leader takes dramatic turn*, AP NEWS (May 21, 2025), <https://apnews.com/article/trump-south-africa-oval-office-drama-0080e7c7288860bd0511b8cc4efd06f6>.

²² Chothia, *Is there a genocide of white South Africans as Trump claims?*, BBC NEWS, *supra*.

²³ Wedaeli Chibelushi & Nomsa Maseko, *South Africa crime statistics debunk ‘white genocide’ claims – minister*, BBC NEWS (May 23, 2025), <https://www.bbc.com/news/articles/cgr5xe7z0y0o>.

²⁴ *Id.*

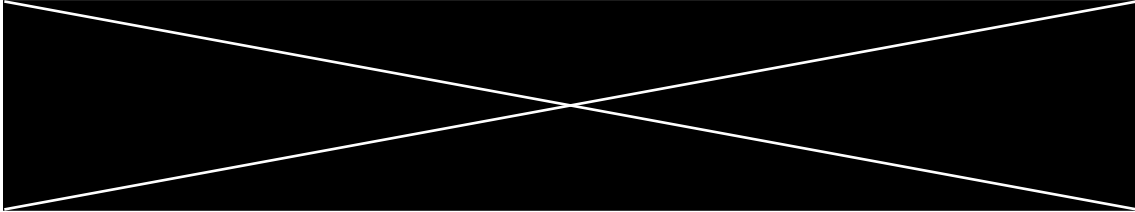
²⁵ *Id.*

²⁶ Gerald Imray, *South Africa’s leader aims to salvage relationship with Trump in face of ‘genocide’ claim*, AP NEWS (May 21, 2025), <https://apnews.com/article/trump-south-africa-ramaphosa-genocide-3f599aa3e91277dcc095d9bc9003357c>.

iv. Vincent Suffers from Severe Mental Health Conditions.

56. In the meantime, Vincent, who suffers from severe mental health conditions that drastically impact his physical health, has remained in immigration detention—despite a final order of removal—for nearly eight months.

57. Vincent has suffered from severe mental health conditions since he was a teenager. Vincent



disorders stem from a lifetime of tragedy.

58. Throughout his childhood and as a teen, Vincent experienced severe race-based harassment and abuse.

59. Both of Vincent's parents were murdered in racially-motivated killings in South Africa. Vincent's mother was killed in 2007, while walking through the predominantly white neighborhood of Krugersdorp, when someone shot her while passing by in a car. Vincent was just sixteen years old. Racially-motivated violence toward black people passing through is common in Krugersdorp. In fact, Vincent's father was shot and killed in the same neighborhood while he was riding in a minibus in Krugersdorp in 2022. Four people died and others were injured in that attack.

60. Since Vincent was a child, rugby has always been his outlet. Vincent's professional rugby career and the community he found there have been critical in improving his mental health and helping him build a more stable life.

61. Vincent's mental health issues have caused him to attempt suicide numerous times. His first suicide attempt was when he was sixteen, shortly after his mother was murdered.

62. In October 2020, Vincent attempted suicide by dousing himself in lighter fluid and lighting himself on fire.²⁷ He was in a coma for several months.

63. Vincent stayed at the Intensive Care Unit at Dell-Seton Medical Center at the University of Texas from October 2020 until the end of July 2021.²⁸ At the hospital, Vincent was diagnosed

[REDACTED]

[REDACTED]²⁹As a result of the suicide attempt and the treatment he received, Vincent has skin grafts on a large percentage of his body.

64. After being released from the hospital in July 2021, Vincent moved around frequently and stayed with different friends in Austin who took him in and supported him. Vincent continued to play rugby, attend therapy, and participate in his community: all things that allow him to remain healthy, both physically and emotionally. The past year and a half of detention has set back his healing process immeasurably.

v. Indefinite Detention Has Caused Vincent's Mental Health to Suffer Critically.

65. Since being detained at STIPC in October 2023, Vincent's mental health has deteriorated considerably due to mistreatment. Detention guards have beaten him, sprayed him with pepper spray, called him racial slurs, denied him basic necessities, placed him in solitary confinement for more than a week at a time, and denied him health care treatment and medication.

66. Vincent has frequently been subjected to excessive force, racial harassment, and arbitrary solitary confinement. The mistreatment began around November 2023. On January 16, 2024,

²⁷ Exh. 10, Vincent Jobo Medical Records. ²⁸ *Id.*

²⁹ *Id.*

detention guards told Vincent he was being moved to solitary confinement. Vincent told them he did not want to go. One guard, Major Trejo, approached Vincent's cell and began cursing at him. He called Vincent a "piece of shit" and said, "fuck you."³⁰ Major Trejo continued taunting him stating, "Ooh I cannot wait for that pepper spray to penetrate through those skin grafts you dumb nigger."³¹

67. Several other guards entered Vincent's cell and pepper sprayed him five or six times. They picked Vincent up by his arms and legs and slammed him on the concrete floor. Vincent felt his shoulder break. The guards then punched and kicked Vincent repeatedly.
68. As a result of the pepper spray attack, Vincent became dizzy, and felt a burning all over his body. The beating left him in extreme pain. He could not walk or move, so the guards put him in a wheelchair to transfer him to solitary confinement. ICE had to transfer Vincent to hospitals in Frio and San Antonio to receive treatment for the injuries he sustained. Vincent later filed a police report with the Pearsall Police Department regarding this assault.³²
69. On April 9, 2024, Vincent attempted suicide by overdosing on pills.³³ Guards tried to take Vincent to the hospital, but he refused to go. The guards chained his hands, feet, and stomach. When Vincent again expressed that he did not want to go to the hospital, the guards pepper sprayed Vincent's eyes. The guards then took Vincent to solitary confinement.
70. While in solitary confinement, guards refused to give Vincent a mattress or blanket to use. He was kept in the solitary confinement area for twelve days and was refused not only a proper bed, but also drinking water, a shower, and medication.³⁴ He was not permitted any

³⁰ Exh. 6, Dep't. of Homeland Sec. Off. for Civ. Rights and Civ. Liberties Complaint, Confirmation No. WP-001343 (Mar. 12, 2024).

³¹ *Id.*

³² Exh. 7, Pearsall Police Dep't. Report, Case No. 202403-00390 (Mar. 6, 2024).

³³ Exh. 8, Dep't. of Homeland Sec. Off. for Civ. Rights and Civ. Liberties Complaint, Confirmation No. WP-001613 (May 6, 2024).

³⁴ *Id.*

phone calls to contact his attorney, family, and friends.³⁵ Vincent's attorney scheduled two visitations during this time, but ICE cancelled them without explanation.³⁶ Vincent's attorney contacted the facility three times to inquire about meeting with Vincent, and each time the Deportation Officer told her she could not speak with her client.³⁷ Vincent lost fifteen pounds over those twelve days.

71. Finally, on April 22, 2024, Vincent saw the STIPC psychiatrist, Dr. Boyce Elliot. Dr. Elliot walked into the room with a STIPC social worker and said to Vincent, "You know what you are? You are like a little baby that cries for everything."³⁸ Dr. Elliot told Vincent he was going to be deported and asked Vincent if he was going to burn himself if he did not get what he wanted.³⁹ Vincent understood this to be a reference to Vincent's 2020 suicide attempt.
72. As a result of this and other abuse, combined with inadequate access to health care, Vincent has sustained serious injuries and his mental health has suffered. As much as he hopes otherwise, Vincent believes that he will never be able to play rugby again.

VI. LEGAL FRAMEWORK

73. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Indefinite detention, in particular, raises a "serious constitutional problem" and violates the Due Process Clause *Id.* at 689–90.
74. The Due Process Clause protects Vincent's liberty, and deprivation of his liberty must be

³⁵ *Id.*

³⁶ Exh. 9, Dep't. of Homeland Sec. Office of the Immigration Detention Ombudsman Complaint, Submission No. 2024-PS-00002043 (Apr. 15, 2024).

³⁷ *Id.*

³⁸ Exh. 8, *supra*.

³⁹ *Id.*

narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02, 305 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests *at all*, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”) (emphasis in original).

75. Title 8 U.S.C. § 1231 governs the detention and removal of noncitizens who have been ordered removed, like Vincent. Section 1231(a)(2) only authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is supposed to effectuate removal. This is known as the “removal period.” Section 1231(a)(6) allows for noncitizens to be held beyond the removal period if there is a delay in removal under Section 1231, or on grounds stemming from criminal convictions, security concerns, or if they have been determined to be a danger to the community or a flight risk. *See* 8 U.S.C. § 1231(a)(6).
76. The removal period can also be extended when a non-citizen “fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal subject to an order of removal.” 8 U.S.C. § 1231(a)(C).
77. Under “special circumstances,” the government may continue to detain removable non-citizens “even though there is no significant likelihood that the alien will be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.14. Examples of special circumstances include adverse foreign policy consequences of release, terrorism or security concerns, the non-citizen being especially dangerous, or the non-citizen being ill with a highly contagious disease that threatens public safety. *Id.*
78. Six months of detention, including the 90-day removal period, is presumptively reasonable.

Zadvydas, 553 U.S. at 701. A noncitizen cannot be held in detention beyond six months unless there is a “significant likelihood of removability in the reasonably foreseeable future.” *Id.*

79. Crucially, non-citizens whose removal is not reasonably foreseeable must be released because their continued detention would violate both Section 1231(a)(6) and the Due Process Clause of the Fifth Amendment. *Id.* “After this 6-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.*; see also *Clark v. Martinez*, 543 U.S. 371, 386 (2005) (granting habeas relief to inadmissible Cuban petitioners whose detention lasted beyond six months post-order and whose removal to Cuba was not reasonably foreseeable); *Baez v. Bureau of Immigr. & Customs Enf’t*, 150 F. App’x 311, 312 (5th Cir. 2005) (same).
80. The government must release a noncitizen whom it has detained beyond the presumptive six-month period if it is unable to demonstrate that removal is likely to occur in the reasonably foreseeable future. *Clark*, 543 U.S. at 386.
81. Release is the proper remedy for unconstitutionally prolonged post-removal-order detention. See *Zadvydas*, 553 U.S. at 699–700 (explaining that supervised release is the appropriate relief when “the detention in question exceeds a period reasonably necessary to secure removal” because at that point, detention is “no longer authorized by statute”).
82. ICE’s detention of Vincent fits squarely within the *Zadvydas* framework. His removal order became administratively final almost eight months ago.
83. Vincent has not impeded his own removal. To the contrary, Vincent has complied with all requests to facilitate his removal. Deportation Officer Salazar stated that the delay in

Vincent's removal is due to ICE's "war" with the South African consulate over Vincent's fingerprints. Nonetheless, Vincent has complied by providing at least twelve sets of fingerprints to aid in his removal. Accordingly, there are no grounds for extension of the removal period under 8 U.S.C. § 1231(a)(C).

84. The government is unable to meet its burden of demonstrating that Vincent's removal is significantly likely in the reasonably foreseeable future, given the length of his detention, South Africa's numerous rejections of Vincent's fingerprints, the poor diplomatic relations between the United States and South Africa, and the absence of any indication by ICE that progress has been made to arrange Vincent's removal. Nor has the government shown that there are any "special circumstances" that permit Respondents to continue to detain Vincent beyond the presumptively constitutional six-month period. 8 C.F.R. § 241.14; *see also Zadvydas*, 533 U.S. at 690–91.
85. Petitioner Vincent Jobo's continued detention violates the implicit requirement in Section 1231(a)(6) that detention should not become unreasonably prolonged. His continued detention serves no legitimate government purpose and lacks sufficient procedural protections in violation of the Due Process Clause.

VII. CLAIMS FOR RELIEF

COUNT ONE

Violation of The Immigration and Nationality Act – 8 U.S.C. § 1231

86. Petitioner Vincent Jobo repeats and realleges each allegation of this petition here.
87. Title 8 U.S.C. § 1231(a) governs the detention of an individual with a final order of removal. The INA permits DHS to detain an immigrant during the "removal period," which is defined

as the 90-day period following the issuance of a final order of removal. *See* 8 U.S.C. §§ 1231(a)(1)(A); 1231(a)(2).

88. Vincent has not engaged in any conduct to trigger an extension of the removal period under Section 1231(a)(1)(C). Vincent has cooperated with all requests relating to his removal, including having his picture and fingerprints taken and providing documents including his passport, birth certificate, and previous P-1A visa.
89. Because Vincent is well past the 90-day removal period—his final order of removal became administratively final almost eight months ago—and he has done nothing to extend the removal period, ICE is necessarily detaining him under § 1231(a)(6). Section 1231(a)(6) is the discretionary, post-removal period detention provision.
90. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court addressed the constitutional limits of Section 1231(a)(6) detention. The Court construed Section 1231(a)(6) to contain an implicit temporal limitation of six months, after which continued detention is no longer presumptively reasonable. *Id.* at 701. After that point, “once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Khan v. Gonzales*, 481 F. Supp. 2d 638, 641 (W.D. Tex. 2007) (quoting *Zadvydas*, 533 U.S. at 701) (internal quotations omitted). And “[f]or detention to remain reasonable, what counts as the ‘reasonably foreseeable future’ must shrink as the period of detention increases.” *Id.*
91. ICE has detained Vincent for well over seven months since his removal order became administratively final—more than four months beyond the statutory period and more than a month past the presumptively reasonable period of continued detention. ICE’s detention of Vincent under Section 1231 is no longer presumed reasonable. Moreover, Respondents

cannot make a showing that they are significantly likely to remove Vincent in the reasonably foreseeable future. Therefore, Vincent is entitled to release under *Zadvydas*.

92. There is no “sufficiently strong special justification” for ICE to detain Vincent beyond the six-month limit. *See Zadvydas*, 533 U.S. at 690–91. Vincent’s detention violates Section 1231 and he is entitled to immediate release from custody.

COUNT TWO

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution

93. Petitioner Vincent Jobo repeats and realleges each allegation of this petition here.
94. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause Protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha*, 504 U.S. at 80).
95. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). The Supreme Court recognized that the statutory purpose of § 1231 was to detain non-citizens with final orders of removal to effectuate removal. *Id.* at 697 (Section 1231’s “basic purpose” is to “effectuat[e] an alien’s removal.”).
96. Prolonged civil detention also violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Id.* at 690–91. Respondents have provided Vincent with no procedural protections to guard against a deprivation of his liberty.

97. Vincent's prolonged civil detention has extended well beyond the 90-day removal period and will continue into the indefinite future. ICE has already denied Vincent's post removal order request for release. His detention is no longer reasonably related to the primary statutory purpose of effectuating removal. *Id.* at 697.
98. Vincent's detention violates substantive due process.

VIII. PRAYER FOR RELIEF

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

- A. Assume jurisdiction over this matter;
- B. Issue an order to show cause to be returned within three days;
- C. Declare Petitioner's prolonged detention to be unlawful and unconstitutional;
- D. Order the immediate release of Petitioner;
- E. In the alternative, if the Court does not parole the Petitioner, order Respondents to cease Petitioner's detention and remove him to South Africa;
- F. Enjoin Respondents from transferring Petitioner outside of this judicial district pending litigation of this matter or his removal proceedings;
- G. Award Petitioner reasonable costs and attorneys' fees; and
- H. Grant any other relief that this Court deems just and proper.

Dated: June 18, 2025

/s/ Kate Gibson Kumar

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Verification by Vincent Thabiso Jobo Pursuant to 28 U.S.C. Section 2242

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: June 18, 2025

Signature: _____

V. Jobo