

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

PATRICK STARZENSKI

PETITIONER

A 

v.

CIVIL ACTION NO. 5:25-cv-00063-DCB-BWR

WARDEN A.W. LEE

RESPONDENT

RESPONSE IN OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY
DISPOSITION AND FOR ORDER TO RELEASE

Respondent Warden A.W. Lee, by and through the Acting United States Attorney for the Southern District of Mississippi, and the undersigned Assistant United States Attorney, notifies the Court that he finds no factual or legal basis necessitating a response to the arguments made by Petitioner Patrick Starzenski in his Motion for Summary Disposition and for Order to Release regarding the extension of time Respondent received to answer or otherwise respond to the petition for writ of habeas corpus 28 U.S.C. § 2241. *See* Dkt. No. 22, at 1-2.

Starzenski's remaining arguments essentially repeat the arguments raised in his § 2241 petition. *See* Dkt. No. 22, at 2-3. Respondent will fully address these arguments in his Response to the petition, currently due December 1, 2025. Respondent briefly notes, however, that as a Visa Waiver Program ("VWP") entrant, Starzenski waived his right to

assert any non-asylum objection to his removal. *See* 8 U.S.C. § 1187(b); *see also* Dkt. No. 1, at 3, 5. Under 8 C.F.R. § 1208.2(c)(1)(iv), immigration judges have exclusive jurisdiction over asylum applications filed by aliens who have been admitted pursuant to the Visa Waiver Program. *See* 8 C.F.R. § 1208.2(c)(1)(iv). Further, 8 U.S.C. § 1231(a)(2)(A) provides that “[d]uring the removal period, the Attorney General *shall* detain the alien.” 8 U.S.C. § 1231(a)(2)(A) (emphasis added). The “removal period” is the ninety days beginning when an alien is “ordered removed,” and the removal order becomes “administratively final.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 534 (2021). Here, Starzenski’s order of removal became final on October 17, 2025, when the immigration judge entered an Order denying Starzenski’s requests for asylum, withholding of removal under Immigration and Nationality Act § 241(b)(3), withholding of removal under the Convention Against Torture, deferral of removal under the Convention Against Torture. *See* Ex. A, *Immigration Judge Order dated Oct. 17, 2025*; *Shehu v. Att’y Gen. of U.S.*, 482 F.3d 652, 656 (3d Cir. 2007) (“We hold that a denial of a VWP applicant’s petition for asylum, withholding of removal, and relief under the CAT constitutes “a final order of removal” within the meaning of the statute, as the alien is entitled to no further process before deportation.”). Thus, Starzenski is currently subject to mandatory detention. *See also* *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (recognizing the six-month period following the removal period as “presumptively reasonable”).

Accordingly, Starzenski's Motion for Summary Disposition and for Order to Release [22] should be denied.

Respectfully submitted,

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Dated: November 24, 2025

CERTIFICATE OF SERVICE

I, Jessica Bourne Williams, Assistant U.S. Attorney, hereby certify that, on this day, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I further certify that, on this day, I caused a true copy of the foregoing document to be mailed *via* United States Postal Service, postage prepaid, to the *pro se* petitioner at the following address:

Pro Se Petitioner
Patrick Starzenski

Adams County Correctional Center
20 Hobo Folk Road
Natchez, MS 39120

November 24, 2025

/s/ Jessica Bourne Williams
JESSICA BOURNE WILLIAMS
Assistant United States Attorney