

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

PROSPERE CHERICHEL,)
)
Petitioner,)
)
v.)
)
TODD M. LYONS, Acting Director, U.S.)
Immigration and Customs)
Enforcement;)
TERRANCE DICKERSON, Warden,)
Stewart Detention Center; and)
GEORGE STERLING, Atlanta Field)
Office Director, U.S. Immigration)
and Customs Enforcement,)
)
Respondents.)
_____)

C.A.F.N. _____
Agency # 078 407 920

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §
2241**

Petitioner Prosperé Cherichel, through undersigned counsel, files this Petition for Writ of Habeas Corpus to remedy his unlawful detention by enjoining Respondents from continuing to detain him and to release him from custody, and to stay his removal. As good cause, Petitioner states the following:

1. Petitioner Prosperé Cherichel is a Haitian national who holds Temporary Protected Status (TPS) under 8 U.S.C. § 1254a. Based on the plain text of 8 U.S.C. § 1254a(d)(4), his detention is unlawful. The statute provides that “[an] alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4) (emphasis added). This protection remains available even if the TPS recipient has a final removal order or lacks other immigration status, because the government “shall not remove the

alien from the United States during the period in which such [TPS] status is in effect.” 8 U.S.C. § 1254a(a)(1)(A); *see also* 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”); 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens).

2. Despite this unambiguous statutory command, Petitioner has now been detained by U.S. Immigration and Customs Enforcement (ICE) for 41 days.
3. Petitioner challenges his detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.
4. Petitioner respectfully requests that this Court grant him a Writ of Habeas Corpus and order Respondents to release him from custody. Petitioner seeks habeas relief under 28 U.S.C. § 2241, which is the proper vehicle for challenging civil immigration detention. *See Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas.”) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

CUSTODY

5. Petitioner is in Respondents’ physical custody. Petitioner is detained at Stewart Detention Center, an immigration detention facility, in Lumpkin, Georgia. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

6. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. §§ 1331, 2241; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.

7. Congress has preserved judicial review of challenges to detention. *See Jennings v. Rodriguez*, 138 U.S. 830, 841 (2018).

VENUE

8. Venue in the Middle District of Georgia is appropriate under 28 U.S.C. §§ 1391, 2242 because at least one Respondent is in this District, Petitioner is detained in this District, Petitioners' immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("[T]he proper respondent to a habeas petition is 'the person who has custody over the petitioner'") (citing 28 U.S.C. § 2242) (cleaned up).

PARTIES

9. Petitioner Prosperé Cherichel is currently detained by Respondents at Stewart Detention Facility. He has been in ICE custody as of or around May 23, 2025, when he was detained by officers waiting for him outside of his house.
10. Respondent Todd M. Lyons is the Acting Director of ICE. He is Petitioner's legal custodian and is named in his official capacity.
11. Respondent Terrance Dickerson is the Warden of Stewart Detention Center, where Petitioner is currently detained. He is Petitioner's legal custodian and is named in his official capacity.
12. Respondent George Sterling is the Field Office Director of the Atlanta Field Office of ICE, which holds administrative jurisdiction over Petitioner's immigration case. He is Petitioner's legal custodian and is named in his official capacity.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

13. Neither the INA nor the applicable federal habeas corpus statute requires administrative exhaustion for immigration detention-based claims. *Compare* 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only prior to challenging a removal order in circuit court), *with* 28 U.S.C. § 2241 (including no requirement for administrative exhaustion); *see also* *Santiago-Lugo v. Warden*, 785 F.3d 467, 474-75 (11th Cir. 2015) (“It is no longer the law of this circuit that exhaustion of administrative remedies is a jurisdictional requirement in a § 2241 proceeding.”).

FACTS AND PROCEDURAL HISTORY

I. PETITIONER WAS DETAINED DESPITE HAVING TEMPORARY PROTECTIVE STATUS FROM HAITI.

14. Petitioner is a 51-year-old native and citizen of Haiti.
15. He first entered the United States in or around 2000 through Miami, Florida. The Department of Homeland Security (DHS) subsequently placed Petitioner in removal proceedings with the filing of a Notice to Appear with the Immigration Court.
16. Petitioner, through previous counsel, sought relief from removal by filing a Form I-589, Application for Asylum, Withholding of Removal, and Relief under the Convention Against Torture.
17. On March 28, 2002, the Immigration Judge denied his application and ordered him removed. Petitioner appealed the decision to the Board of Immigration Appeals (BIA), but, on October 10, 2003, his appeal was dismissed due to previous counsel’s failure to file a timely brief.
18. Upon information and belief, Petitioner applied for Temporary Protected Status (TPS) in or around 2010. Upon information and belief, USCIS approved his most recent TPS

renewal in or around 2021. Petitioner filed a timely renewal of his TPS status with USCIS on March 23, 2023, as required by 88 Fed. Reg. 5022. This renewal remains pending with USCIS. Despite the pending TPS renewal, Petitioner still maintains TPS status.¹

19. Although the history and current procedural status of TPS for Haiti is complicated, *see infra* Section II, all that matters for the purposes of this habeas petition is that TPS for Haiti remains in effect, and that Petitioner continues to hold TPS status.
20. ICE officers took Petitioner into custody near his home, located in Smyrna, Georgia, on or around May 23, 2025. Upon information and belief, ICE officers were waiting for Petitioner as he returned from the bank.
21. On June 11, 2025, Petitioner's counsel emailed ICE Enforcement and Removal Operations (ERO) to speak with Petitioner's deportation officer, but to date, counsel has not received a response. Counsel also called the Atlanta ICE ERO Office and the Stewart ICE ERO Office multiple times between June 5, 2025 and June 17, 2025, but neither office answered the phone.
22. Counsel also emailed Atlanta and Stewart ICE ERO Offices that Petitioner cannot be lawfully detained due to his valid TPS status and cited the TPS statute.
23. To date, Counsel has not received a response from either ICE ERO Office.

¹ 89 Fed. Reg. 54484 ("Individuals who have an Application for Temporary Protected Status (Form I-821) for Haiti or Application for Employment Authorization (Form I-765) that was still pending as of July 1, 2024, do not need to file either application again. If USCIS approves an individual's pending Form I-821, USCIS will grant the individual TPS through February 3, 2026. Similarly, if USCIS approves a pending TPS-related Form I-765, USCIS will issue the individual a new EAD that will be valid through the same date.")

II. TEMPORARY PROTECTIVE STATUS FOR HAITI REMAINS IN EFFECT

24. Haitians living in the United States first received temporary protection from removal on January 21, 2010, following a 7.0 magnitude earthquake that devastated Haiti and its infrastructure and impacted over three million people in Haiti. 75 Fed. Reg. 3476.
25. DHS extended Haiti's TPS designation every 18 months for eight years, as "extraordinary and temporary conditions in Haiti resulting from the devastating effects of the January 2010 earthquake that prevent Haitians from returning to their country in safety." 77 Fed. Reg. 59943. On January 18, 2018, DHS Secretary announced the termination of Haiti's TPS designation, effective July 22, 2019. 83 Fed. Reg. 2648. This termination was challenged in federal court and resulted in injunctions preventing DHS from terminating the program until further court orders.
26. On August 3, 2021, DHS designated Haiti for TPS due to the country's inability to "grappl[e] with a deteriorating political crisis, violence, and a staggering increase in human rights abuses." 86 Fed. Reg. 41863. On January 26, 2023, DHS extended and redesigned Haiti TPS from February 4, 2023 to August 3, 2024 due to "economic, security, political, and health crises." 88 Fed. Reg. 5022.
27. On July 1, 2024, the DHS Secretary again extended and redesignated Haiti for TPS from August 4, 2024 to February 3, 2026. 89 Fed. Reg. 54484. In support of that extension and redesignation, the DHS Secretary found that "Haiti continues to experience simultaneous economic, security, political, and health crises. Haitian gangs are the primary source of violence and instability in Haiti and pose an increasing threat as they continue to escalate and expand their influence and geographic presence over large portions of metropolitan Port-au-Prince, Haiti's capital, as well as to several of Haiti's ten departments (regional

administrative divisions). Since early March 2024, the gangs have also attacked the capital's primary airport and major port terminals, and blocked roads to access the city. An ongoing political impasse has left Haiti without a functioning democratically elected national government and hindered Haiti's ability to respond to the gang-driven violence. The political situation has continued to worsen since the July 2021 assassination of President Jovenel Moise. At the same time, Haiti struggles through a humanitarian crisis, with many citizens having limited access to safety, healthcare, food, water, and economic opportunity. These circumstances continue to make return to Haiti dangerous for Haitian nationals living in the United States.” *Id.* at 54487.

28. After the 2024 election, the government reversed course on TPS for Haiti. On February 24, 2025, the new DHS Secretary purported to “vacate” the June 2024 extension and redesignation of TPS for Haiti. 90 Fed. Reg. 10511. DHS further published the notice in the Federal Register, detailing how the new DHS Secretary had reduced the designation period from 18 months to 12 months, setting the expiration date from February 3, 2026 to August 3, 2025.
29. On March 3, 2025, Haitian-Americans United Inc. and several other organizations and individual Haitian TPS holders sued the federal government, alleging that the vacatur is contrary to the TPS statute in violation of the Administrative Procedure Act (APA) and unlawful under the Fifth Amendment. *See Haitian American United, Inc. v. Trump*, No. 1:25-cv-10498 (D. Mass). The plaintiffs’ stay was moot because the plaintiffs had received their requested relief in a different case: *National TPS Alliance v. Noem*, No. 3:25-cv-01766 (N.D. Cal.). This case remains pending.

30. On March 14, 2025, Haitian Evangelical Clergy Association and nine individual Haitian TPS holders sued the federal government, alleging that the vacatur is unlawful as it violates the APA, the Due Process Clause, and the Equal Protection Clause. *Haitian Evangelical Clergy v. Trump*, No. 1:25-cv-01464 (E.D.N.Y. 2025). On July 1, 2025 – the same day that DHS Secretary announced the termination of Haiti’s TPS designation, effective September 2, 2025 via 90 Fed. Reg. 28760 – the federal judge held that the DHS Secretary had unlawfully terminated Haiti’s TPS designation by ignoring the TPS statute, which includes barring termination until a previous extension expires. Thus, the federal judge granted the plaintiff’s partial summary judgment and postponement of agency action.
31. Notably, the first Trump administration also attempted to strip several hundred thousand people of their TPS status. That attempt ultimately proved unsuccessful, as everyone who held TPS in 2017 remained eligible for it by the end of the first Trump administration. *See generally Ramos v. Nielsen*, 709 F. Supp. 3d 871 (N.D. Cal. 2023) (explaining procedural history).

LEGAL FRAMEWORK

32. The Court need analyze only one statutory provision to resolve this habeas petition. The TPS statute unambiguously provides that “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4) (emphasis added). It is hard to imagine a clearer statutory mandate proscribing detention.²

² “Attorney General” in Section 1254a now refer to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. § 1103; 6 U.S.C. § 557.

33. The Court need not delve further to understand other aspects of Petitioner’s immigration status, because TPS protection remains valid even if the TPS holder has a final removal order or lacks other immigration status. 8 U.S.C. § 1254a(a)(1)(A) (the government “shall not remove the alien from the United States during the period in which such [TPS] status is in effect.”); 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”); *see also* 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens). For that reason alone, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).
34. Should the Court nonetheless choose to address constitutional questions, it should also find that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment. “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 v. Davis*, 533 U.S. 678, 690 (2001).
35. Petitioner’s detention violates the Fifth Amendment’s protection for liberty, for at least three related reasons. First, immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Whereas, here, the government has no authority to deport Petitioner, detention is not reasonably related to its purpose.
36. Second, because Petitioner is not “deportable” insofar as the TPS statute bars his deportation, the Due Process Clause requires that any deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507

U.S. 292, 301–02 (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”); *Demore*, 538 U.S. at 528 (applying less rigorous standard for “deportable aliens”). Petitioner’s ongoing imprisonment cannot satisfy that rigorous standard.

37. Third, at a bare minimum, “the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention.” *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001) (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual’s detention, their detention also violates the Due Process Clause.
38. It is irrelevant for purposes of this case that Petitioner’s TPS status may expire in several weeks if the government successfully defends in court its unprecedented attempt to vacate the June 2024 TPS Extension for Haiti. The TPS statute’s unambiguous command applies so long as a TPS holder’s status remains in effect. It contains no exception for people whose TPS status may soon expire. As litigation has commenced to challenge the government’s attempt to end TPS for Haiti, it would not be appropriate for this Court (or any other) to speculate on the likely outcome of that litigation. Rather, it should decide this petition on the state of affairs as it currently exists, under which Petitioner remains a TPS holder, and has now been illegally imprisoned for 41 days.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (8 U.S.C. § 1254a)

39. Petitioner realleges and incorporate by reference each and every allegation contained above.

40. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.
41. Section 1254a(d)(4) states “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” (emphasis added). There is no exception to this rule provided in the statute.
42. Thus, Petitioners’ detention violates Section 1254a, 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

43. Petitioner realleges and incorporates by reference each and every allegation contained above.
44. 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. *See generally Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).
45. Petitioners’ detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning Petitioner; and because it lacks any statutory authorization.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Assume jurisdiction over this matter;

2. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
3. Declare that Petitioner's detention violates the Immigration and Nationality Act, and specifically 8 U.S.C. § 1254a;
4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
6. Enjoin Petitioners from further detaining Petitioner so long as TPS for Haiti remains in effect and he continues to hold TPS status;
7. Retain jurisdiction over this case to ensure compliance with all of this Court's orders;
8. Award attorney's fees and costs as permitted under the Equal Access to Justice Act and on any other basis justified under law; and
9. Grant any and all further relief that is necessary or appropriate.

Respectfully submitted this 3rd day of July, 2025.

/s/ Bethany Virginia Biswas

Bethany Virginia Biswas

Georgia Bar No. 478064

Attorney for Petitioner

ANTONINI AND COHEN IMMIGRATION LAW GROUP

2751 Buford Highway NE, Suite 500

Atlanta, GA 30324

Telephone (404) 523-8141

Fax (678) 435-8843

Email: biswas@antoniniandcohen.com

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I, Bethany V. Biswas, have discussed with Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's TPS status, are true and correct to the best of my knowledge.

/s/ Bethany V. Biswas

Date: July 3, 2025

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Prosperie Cherichel

(b) County of Residence of First Listed Plaintiff Stewart County, GA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Bethany V. Biswas, Antonini and Cohen Immigration Law
Group 2751 Buford Hwy NE, Suite 500, Atlanta, GA
30324 (404) 523-8141: biswas@antoniniandcohen.com

DEFENDANTS

Todd M. Lyons, Acting Director, U.S. Immigration and
Customs Enforcement (see addendum)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY/RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAXES/OUTSTANDING ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2254

Brief description of cause:
Illegal detainment of Plaintiff with Temporary Protective Status.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

07/03/2025
FOR OFFICE USE ONLY



RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAJ. JUDGE

Addendum to JS 44 Civil Cover Sheet

Prosper Cherichel v. Todd M. Lyons, et al.

Additional Defendants

Dickerson, Terrance – Warden, Stewart Detention Center; and

Sterling, George – Atlanta Field Office Director, U.S. Immigration and Customs Enforcement.

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

Cherichel

Plaintiff(s)

V.

Lyons, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* **Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement
U.S. Immigration & Customs Enforcement
Office of the Principal Legal Advisor
500 12th Street SW
Mail Stop 5900
Washington DC 20536**

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Bethany V. Biswas
Antonini and Cohen Immigration Law Group
2751 Buford Highway NE, Suite 500
Atlanta, GA 30324

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Todd M. Lyons
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other *(specify)*: USPS Certified Mail with Return Receipt

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Bethany V. Biswas, Attorney
Printed name and title

Antonini and Cohen Immigration Law Group
2751 Buford Highway NE, Suite 500
Atlanta, GA 30324
Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Terrance Dickerson
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other *(specify)*: USPS Certified Mail with Return Receipt

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Bethany V. Biswas, Attorney

Printed name and title

Antonini and Cohen Immigration Law Group
2751 Buford Highway NE, Suite 500
Atlanta, GA 30324

Server's address

Additional information regarding attempted service, etc:

Middle District of Georgia

Plaintiff(s)

v.

Lyons, et al.

Defendant(s)

Civil Action No.

To: *(Defendant's name and address)* George Sterling, Atlanta Field Office Director, U.S. Immigration and Customs Enforcement
Atlanta Field Office
180 Ted Turner Dr. SW
Suite 522
Atlanta, GA 30303

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Bethany V. Biswas
Antonini and Cohen Immigration Law Group
2751 Buford Highway NE, Suite 500
Atlanta, GA 30324

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* George Sterling
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other *(specify)*: USPS Certified Mail with Return Receipt

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Bethany V. Biswas, Attorney

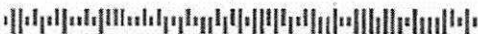
Printed name and title

Antonini and Cohen Immigration Law Group
2751 Buford Highway NE, Suite 500
Atlanta, GA 30324

Server's address

Additional information regarding attempted service, etc:

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE Receipt		NOTICE DATE March 27, 2023
CASE TYPE I-821, Application for Temporary Protected Status		USCIS ALIEN NUMBER [REDACTED]
RECEIPT NUMBER [REDACTED]	RECEIVED DATE March 23, 2023	PAGE 1 of 1
		DATE OF BIRTH [REDACTED]
PROSPERE CHERICHEL [REDACTED] SMYRNA, GA 30082		PAYMENT INFORMATION: Application/Petition Fee: \$0.00 Biometrics Fee: \$85.00 Total Amount Received: \$85.00 Total Balance Due: \$0.00
4 00000854		
		
NAME AND MAILING ADDRESS		
We have received your form and are currently processing the above case. If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed. If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment. If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at uscis.gov/contactcenter to connect with a live USCIS representative in English or Spanish.		
USCIS Office Address: USCIS California Service Center P.O. Box 30111 Laguna Niguel, CA 92607-0111		USCIS Contact Center Number: (800)375-5283 



U.S. Citizenship
and Immigration
Services

[MENU](#)

Case Status Online

Case Is Being Actively Reviewed By USCIS

As of April 29, 2024, we are actively reviewing your Form I-821, Application for Temporary Protected Status, Receipt Number . Our records show nothing is outstanding at this time. We will let you know if we need anything from you. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

Enter Another Receipt Number 

EAC1234567890

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[Change of Address](#)