

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

FRICO JEAN (A [REDACTED]),

Petitioner,

v.

BRYAN PATTERSON, Warden, Pine Prairie  
ICE Processing Center, MELISSA HARPER,  
Field Office Director, New Orleans Field Office  
U.S. Immigration & Customs Enforcement;  
TODD M. LYONS Acting Director, U.S.  
Immigration & Customs Enforcement; and  
KRISTI NOEM, Secretary, Department of  
Homeland Security.

Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS CORPUS**

The Petitioner, FRICO JEAN, by and through his own and proper person and through his attorney, ERIN C. COBB, of the LAW OFFICES OF KRIEZELEMAN BURTON & ASSOCIATES, LLC, petitions this Honorable Court to issue a Writ of Habeas Corpus to review his unlawful detention while he has valid Temporary Protected Status, and order his immediate release due to concerns regarding the care of his young United States Citizen daughter, age six.

**Introduction**

1. Petitioner is presently being detained by U.S. Immigration and Customs Enforcement ("ICE") at the Pine Prairie ICE Processing Center in Pine Prairie, Louisiana.
2. The Pine Prairie ICE Processing Center is run by the GEO Group, a group that ICE subcontracts to run detention facilities around the country.

3. Petitioner is a native and citizen of Haiti. He has one United States citizen child, of whom he has primary residential custody.
4. Petitioner is in Temporary Protected Status from Haiti at least until September 2, 2025, (and possibly February 3, 2026). *See* Exhibit 5.
5. The U.S. Code expressly prohibits the detention of a noncitizen in Temporary Protected Status. 8 U.S.C. § 1254a(d)(4).
6. Likewise, the U.S. Code expressly prohibits removal of a noncitizen in Temporary Protected Status. 8 U.S.C. § 244(a)(A); *see also* 89 Fed. Reg. 54484, 54486 (July 1, 2024).
7. The Respondent's detention and attempted removal of Petitioner is contrary to law.
8. Respondent asks this Court to find the detention unlawful and order the release of Petitioner.

#### **Jurisdiction**

9. The action arises under the Constitution of the United States, the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1101 *et seq.*, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 *et seq.*
10. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241, and Article I, section 9, clause 2 of the United States Constitution (the "Suspension Clause"), as Petitioner is presently subject to immediate detention and custody under color of authority of the United States government, and said custody is in violation of the Constitution, law or treaties of the United States.
11. This action is brought to compel the Respondents, officers of the United States, to accord Petitioner the due process of law to which he is entitled under the Fifth and Fourteenth Amendments of the United States Constitution.

12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgments Act, 28 U.S.C. § 2201 *et seq.*, 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1361 (mandamus), and the All Writs Act, 28 U.S.C. § 1651.

#### **Venue**

13. Venue lies in this Court because Petitioner is presently detained by Respondents at Pine Prairie ICE Processing Center – which is located in Pine Prairie, Louisiana, within the Western District of Louisiana. 28 U.S.C. § 1391(b), (e)(1). *See* Exhibit 1.

#### **Parties**

14. Petitioner FRICO JEAN is a native and citizen of Haiti. Petitioner is presently detained at Pine Prairie ICE Processing Center located in Pine Prairie, Louisiana.
15. Respondent BRYAN PATTERSON, Warden, Pine Prairie ICE Processing Center is being sued in his official capacity only. In his capacity as Warden of the Pine Prairie ICE Processing Center, where Petitioner is presently being detained, he is Petitioner's immediate custodian.
16. Respondent MELISSA HARPER is being sued in her official capacity only. As the Field Office Director of U.S. Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO") for the New Orleans Field Office overseeing the Pine Prairie ICE Processing Center, where Petitioner is presently being detained. She is charged with the detention and removal of aliens which fall under the jurisdiction of the New Orleans Field Office.

17. Respondent TODD LYONS is being sued in his official capacity only, as Acting Director, U.S. Immigration & Customs Enforcement. In this capacity he is responsible for overseeing all Field Offices and Detention Facilities, including the New Orleans Field Office and the Pine Prairie ICE Processing Center.

18. Respondent KRISTI NOEM is being sued in her official capacity only, as Secretary of Homeland Security. In this capacity, she is ultimate responsible for the actions of ICE. She is the legal custodian of all people detained in immigration detention facilities.

**Custody**

19. Petitioner FRICO JEAN is being unlawfully detained by ICE, and he is unjustly separated from his young U.S. citizen daughter.

20. ICE cannot detain or remove Petitioner until the expiration of his Temporary Protected Status and any temporary treatment benefits. 8 U.S.C. §§ 1254a(d)(4), (a)(1)(A); 8 C.F.R. § 244.10(e), (f).

21. Any attempt by ICE to remove him would be a violation of the law. *See* 8 U.S.C. 1254a(A); 8 C.F.R. § 244.10(e), (f); *see also* 89 Fed. Reg. 54484, 54486 (July 1, 2024).

**Requirements of 28 U.S.C. § 2243**

22. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

23. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the



most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

### **Factual and Procedural Background**

24. Petitioner FRICO JEAN is a native and citizen of Haiti. He has one U.S. citizen child, age 6, born in October, 2018.

25. At the time Petitioner was taken into custody, Petitioner lived in Chicago with his daughter, and Petitioner was her primary caretaker.

26. Petitioner’s daughter is currently staying with friends and family while Petitioner is detained.

27. Petitioner has been in ICE custody since June 18, 2025, after ICE arrested him in his place of work.

28. Petitioner has a final removal order from an Immigration Judge, issued on October 30, 2018, which Petitioner timely appealed.

29. Petitioner timely appealed the Immigration Judge’s decision to the Board of Immigration

Appeals (“the Board”) and on March 10, 2021, the Board dismissed Petitioner’s appeal.

30. On March 24, 2022, Petitioner was arrested for first degree misdemeanor under a sole charge or “1. Solicit Procure for Prostitution 1<sup>st</sup> Violation.” However, on June 2, 2022, the Assistant State Attorney determined the case was not suitable for prosecution and recommended Petitioner to be released. See Exhibit 2.

31. On January 26, 2023, the United States Citizenship and Immigration Services (“USCIS”) published on the Federal Register its “Extension and Redesignation of Haiti for Temporary Protected Status.” *See* 88 Fed. Reg. 5022 (Jan. 26, 2023).
32. Temporary Protected Status establishes a temporary safe haven in the U.S. for nationals of a foreign state (or if stateless if person habitually resided in the foreign state) if the Attorney General, after consultation with appropriate government agencies, determines with respect to that foreign state that: (1) there is an ongoing armed conflict within the state (or a part of the state) posing a serious threat to the personal safety of the country’s nationals if returned there (8 U.S.C. § 1254a(b)(1)(A)); *or* (2) there has been an earthquake, flood, drought, epidemic, or other environmental disaster resulting in a substantial but temporary disruption of living conditions in the area affected; the foreign state is unable temporarily to handle the return of its nationals and the foreign state has affirmatively requested designation, 8 U.S.C. § 1254a(b)(1)(B); *or* (3) there exist extraordinary and temporary conditions in the foreign state preventing its nationals from returning safely, unless the Attorney General determines that it is contrary to national interest to allow those noncitizens to remain temporarily. 8 U.S.C. § 1254a(b)(1)(C).
33. An individual under Temporary Protected Status shall not be deported during their TPS period. 8 U.S.C. § 1254a(a)(1)(A).
34. An individual under Temporary Protected Status shall not be detained on the basis of his or her status. 8 U.S.C. § 1254a(d)(4).
35. On March 28, 2023, USCIS granted Petitioner Temporary Protected Status, through the approval of Form I-821, Application for Temporary Protected Status, valid from March 28, 2023, to August 3, 2024. *See* Exhibit 3.

36. On July 1, 2024, the Secretary of Homeland Security extended and redesignated Haiti for Temporary Protected Status, providing those already holding such status to apply to renew their status within 60 days of August 4, 2024. The extended designation would last for 18 months, until February 3, 2026. 89 Fed Reg. 54484 (July 1, 2024).
37. Petitioner timely submitted his re-registration, and on August 11, 2024, USCIS issued a Notice of Receipt of Petitioner's re-registration of his Temporary Protected Status. *See* Exhibit 4; 8 C.F.R. § 244.17.
38. With each USCIS's extension and redesignation, the Department of Homeland Security ("DHS") "automatically extends the validity of certain EADs previously issued under the TPS designation of Haiti through September 2, 2025." 90 Fed. Reg. 28764 (Jul. 1, 2025)
39. Petitioner's Temporary Protected Status expired on August 3, 2024, and has been extended with each USCIS's extension and redesignation thereafter, due to his timely re-registration. *See id.*; 8 C.F.R. § 244.17.
40. On June 27, 2025, DHS changed course and announced the termination of Temporary Protected Status for Haitian Nationals, with designation and all related benefits terminating on September 2, 2025. *See* Exhibit 5.
41. On July 1, 2025, the Honorable United States District Judge Brian M. Cogan, at the Eastern District of New York, blocked DHS's premature termination of Temporary Protected Status for Haitians finding it was unlawful, thus moving the expiration date from September 2, 2025 to its original date of February 3, 2026. *See* Exhibit 6; *Haitian Evangelical Clergy Assoc. v. Trump et al*, 25-cv-1464, Dkt 63 (ND N.Y. July 1, 2025).
42. Petitioner has no pending arrest or conviction record and is not a threat to society. He has been stopped only for civil traffic infractions.

43. Since August 2023, Petitioner has worked lawfully under his Employment Authorization Document granted under his Temporary Protected Status, as a Machine Operator for Weldbend Corporation, an industry leader in carbon steel weld fittings.
44. Petitioner does not fall under any ground under 8 U.S.C. § 1226(c)(1) for mandatory detention.
45. Because Petitioner has valid Temporary Protected Status that does not expire until at least February 2, 2026 (or September 2025 at the earliest), he is protected from detention and deportation.
46. Petitioner was taken into custody by ICE, on or about June 18, 2025, from his place of work in Chicago, Illinois.
47. Petitioner was forced to be separated from his young six-year-old daughter in violation of the law.
48. In light of the circumstances bearing down on Petitioner, he respectfully asks this Court to issue a temporary restraining order directing Petitioner's release in order for him to be reunited with his young six-year-old daughter.

#### **Cause of Action**

##### ***Violation of the Fifth Amendment Right to Due Process***

49. All of the foregoing allegations are repeated and incorporated as though fully set forth herein.
50. Respondents are presently detaining Petitioner in violation of their own policies and of the due process clause of the Fifth Amendment of the United States Constitution.
51. There has been no indication from ICE that Petitioner's removal will occur in the reasonably foreseeable future. In fact, ICE is prohibited from removing Petitioner under



the law. Yet, petitioner has been in ICE custody for close to a month, he has no right to be heard before an Immigration Judge before his case is closed, and his status as a Temporary Protected Status holder is still valid. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“freedom from imprisonment . . . lies at the heart of the liberty that [the Due Process] Clause protects.”).

52. In the “special and narrow nonpunitive circumstances” of immigration detention, due process requires “a special justification . . . [that] outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* To comport with due process, detention must bear a reasonable relationship to its two regulatory purposes - to ensure the appearance of noncitizens at future hearings and to prevent danger to the community pending the completion of removal. *See id.* The prolonged unjustified continued detention of Petitioner is arbitrary and violates due process.
53. The conditions of confinement are also relevant to the due process inquiry, because they directly impact on the individual interest in being free from detention. The due process clause protects immigrant detainees from cruel and unusual punishment to an even greater extent than the Eighth Amendment protects people who have been convicted of crimes. *See Ziglar v. Abbasi*, 137 S. Ct. 1843, 1877 (2017) (Thomas, J., concurring) (noting that the Due Process Clause governs the conditions of detention for immigrant and pre-trial detainees). Due process requires that governments who deprive people of their liberty, and thus their ability to care for themselves, must provide them with medical care and ensure their safety. *DeShaney v. Winnebago C’ty Dep’t of Social Servs.*, 489 U.S. 189, 199 (1989).

54. The Supreme Court has found that the Eighth Amendment protects against future harm to inmates, as “it would be odd to deny an injunction to inmates who plainly proved an unsafe, life-threatening condition in their prison on the ground that nothing yet had happened to them.” *Helling v. McKinney*, 509 U.S. 25, 33 (1993). The Eighth Amendment requires that “inmates be furnished with the basic human needs, one of which is ‘reasonable safety,’” and that the risk of contracting a communicable disease may constitute such an “unsafe, life-threatening condition” that threatens “reasonable safety.” *Id.* (quoting *DeShaney*, 489 U.S. at 200).

55. These Constitutional protections also apply in the context of immigration detention because immigrant detainees, even those with prior criminal convictions, are civil detainees held pursuant to civil immigration laws. *Zadvydas*, 533 U.S. at 690. Because detained immigrants are civil detainees, they are entitled to rights derived from the Fifth Amendment, and the due process protections derived from Fifth Amendment’s due process protections do not allow punishment at all. *Bell v. Wolfish*, 441 U.S. 520, 535 n.16 (1979) (“Due process requires that a pretrial detainee not be punished.”).

56. A condition of confinement for a civil immigration detainee violates the Constitution “if it imposes some harm to the detainee that significantly exceeds or is independent of the inherent discomforts of confinement and is not reasonably related to a legitimate governmental objective or is excessive in relation to the legitimate governmental objective.” *Unknown Parties v. Johnson*, No. CV-15-00250-TUC-DCB, 2016 WL 8188563, at \*5 (D. Ariz. Nov. 18, 2016), *aff’d sub nom. Doe v. Kelly*, 878 F.3d 710 (9th Cir. 2017).

Grant any further relief this Court deems just and proper.

*Violation of 8 U.S.C. §1254a and implementing regulations*

57. Petitioner is protected from detention and removal as a holder of Temporary Protected Status from Haiti, at least until September 2, 2025, (and possibly February 3, 2026). *See* Exhibit 4; 8 U.S.C. §§ 1254a(d)(4)9, (a)(1)(A).
58. In violation of the law, Respondents continue to detain Petitioner. There is no evidence that Respondents are not in violation of the law and regulations that direct ICE not to detain or remove an individual, like Petitioner, who has registered for Temporary Protected Status.
59. There are no legal justifications for continuing the detention of Petitioner who is a low-risk, non-violent immigrant detainee who is suffering from being separated from his six-year-old child, and the only method to properly protect Petitioner is through release from custody.

WHEREFORE, Petitioner respectfully request that this Honorable Court:

- A. Assume jurisdiction over this action;
- B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- C. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. section 1154a, and 8 U.S.C. section 244.1 *et seq.*
- D. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- E. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- F. Grant any further relief this Court deems just and proper.

EXHIBIT LIST

Dated: July 8, 2025

Respectfully Submitted,

Exhibit 1 ICE Locator showing Petitioner is currently detained at Port of Entry in Louisiana. /s/ Erin C. Cobb

Exhibit 2 Florida's Assistant State Attorney is not suitable for prosecution.  
Exhibit 3 Form I-821, Application for Temporary Protected Status (Mar. 25, 2023).  
Exhibit 4 USCIS Receipt Notice of Petitioner's Protected Status Renewal (Aug. 11, 2024).  
Erin C. Cobb, Esq.  
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Exhibit 5 DHS Press Release, "DHS Terminates Haiti TPS, Encourages Haitians to Obtain Lawful Status," (June 27, 2025).

Exhibit 6 Order from the Honorable United States District Judge Brian M. Cogan, of the Eastern District of New York, blocking DHS's Abrupt Termination of TPS for Haitians.



### EXHIBIT LIST

- Exhibit 1 ICE Locator showing Petitioner is currently detained at Pine Prairie in Louisiana.
- Exhibit 2 Florida's Assistant State Attorney declaring case is not suitable for prosecution.
- Exhibit 3 Form I-821, Application for Temporary Protected Status – Approval Notice (Mar. 29, 2023).
- Exhibit 4 USCIS Receipt Notice of Petitioner's Temporary Protected Status Renewal (Aug. 11, 2024).
- Exhibit 5 DHS Press Release, "DHS Terminates Haiti TPS, Encourages Haitians to Obtain Lawful Status," (June 27, 2025).
- Exhibit 6 Order from the Honorable United States District Judge Brian M. Cogan, of the Eastern District of New York, blocking DHS's Abrupt Termination of TPS for Haitians.

**CERTIFICATE OF SERVICE**

I, ERIN C. COBB, Esq., attorney for Plaintiff, do certify that on July 8, 2025, I presented the foregoing PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF for filing and uploading to the CM/ECF system which will send notification of such filing to the following: BRYAN PATTERSON, Warden, Pine Prairie ICE Processing Center, MELISSA HARPER, Field Office Director, New Orleans Field Office, TODD M. LYONS, Acting Director, U.S. Immigration & Customs Enforcement, and KRISTI NOEM, Secretary of Homeland Security. I hereby certify that I have mailed by United States Postal Service this filing to the following non-CM/ECF participants:

BRYAN PATTERSON,  
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/s/ Erin C. Cobb  
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