

FILED JUL 23 25 AM 8:10
MDGA-CCL

UNITED STATES DISTRICT COURT
for the

Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

Respondent

(name of warden or authorized person having custody of petitioner)

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

Personal Information

1. (a) Your full name: Nerzier, Evenson
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Stewart Detention Center
(b) Address: 146 CCA Road, Po Box 248
Lumpkin, GA 31815
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Federal agency (ICE), Atlanta Field office, 180 Ted Turner Dr SW, Atlanta, GA 30303
(b) Docket number, case number, or opinion number: _____
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I am challenging my current detention because I have been here for awhile and I'm currently suffering from Depress
(d) Date of the decision or action: 08/27/2024

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Immigration Court, Stewart detention Center
(2) Date of filing: 03/12/2025
(3) Docket number, case number, or opinion number: _____
(4) Result: The Bond request was denied
(5) Date of result: 04/03/2025
(6) Issues raised: My Bond request was denied due to an aggravated felony upon my criminal record. However, I pleaded multiple times: not guilty. I am being innocent until proven guilty by any judge.

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal:

I do not have any attorney, so I do not want to make mistakes. I was advised that even by appealing, they would not release me

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

I do not know how to appeal further and await for some advices.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes

☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 08/27/2024
- (b) Date of the removal or reinstatement order: 05/28/2025
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: The Immigration laws state that I should not be detained longer than a reasonable period of 6 months.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have cooperated with ICE officers for the removal to Haiti despite I may be harmed by returning to this country.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: I am not either a danger to the community or a flight risk and I did not cross the border illegally to enter the United States.

(a) Supporting facts (Be brief. Do not cite cases or law.):

There are not reasons to consider me a criminal, and by fighting my case out of detention, I wouldn't pose any problem to the community.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: I pleaded not guilty for the aggravated felony and I should qualify for a bond because members of my family depend on me financially.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have not committed any crime or felony and I plead not guilty for it. They did not prove, before a judge that I did commit a felony.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

I would like to be released because I'm suffering a lot, deprived of ~~my~~ Freedom and it is quite hard. I am feeling hopeless and desperate and have a lot of suicidal thoughts.

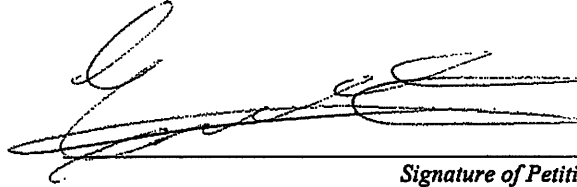
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

07/24/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

Part B
Question 1
Part A:

Evenson Merzier

A [REDACTED]

I, Evenson Merzier born in Gunaives, Haiti in [REDACTED] Born to Lina Gachette my mother and Crozel Merzier my father. When I was about seven years of age in April 1990 in my birth

[REDACTED]

Haiti, she was my father's sister, however violence kept escalating so my mother decided to move to Dominican Republic for a better future in 1994.

In Dominican Republic after graduating high school from San Maria Alta Gracia, I worked as painter for new and old construction. While in Dominican Republic I had three beautiful children, J [REDACTED] born in [REDACTED] J [REDACTED] was born in [REDACTED] and H [REDACTED] in [REDACTED]. Unfortunately work and everything else was getting very difficult for me since I'm not a resident or citizen to Dominican Republic, I'm unable to get either because Haiti and Dominican Republic are at conflict. I had to make the hard decision to move from there in hopes to find a new place that would accept me.

I moved to Chile in July 28, 2017 applying for a visa as soon as I got there. The process took some time so I didn't receive it until March of 2018 for a year ^{obtained}expiring on March 2019. I worked odd jobs while I waited for the Visa, once I had ^{obtained}it I worked in Inbastibles in Chile. In 2019, I applied for a residency for 5 years, unfortunately COVID hurt my chances of getting one and was given a visa for another year. In February of 2022 I worked at the airport in Santiago, Chile until October 2022. Unfortunately I was unable to get another visa nor a Chile residency, so again I had to make the decision to ^{leave}the Chile, without proper documents its extremely hard to obtain a decent job or housing.

I left Chile in April 5, 2023 ^{to}headed to the United States. I traveled a long ways for a long time, two and a half months. I traveled ^{to}thru Peru, Columbia, Panama, Ecuador, Honduras, Guatemala and finally Mexico. It took seven countries to make it to Carixico, California boarder in July 11, 2023, since that day I have been in the Untied States.

THE APPLICATION IS INCOMPLETE

Applications that do not provide a specific, sufficient, and substantive answer to every question on the Form I-589 should be deemed incomplete. *Matter of C-A-R-R-*, 29 I&N Dec. 13, 16 (BIA 2025) (“A ‘response to each of the questions,’ for purposes of both the regulation and the form’s instructions, means each question requires a specific, responsive answer.”).¹ In *C-A-R-R-*, the Board recognized that for a Form I-589 application to be considered complete, it must contain an answer to each of the questions, a signature, and accompanying materials required by 8 C.F.R. § 1208.3(a). *Id.* at 15 (citing 8 C.F.R. § 1208.3(c)(3)). In addition to the regulations, the Board noted that the Form I-589’s instructions require a response to each of the questions asked as incorporated by 8 C.F.R. § 1208.3(a)(1). *Id.* at 15–16 (citing Instructions for Application for Asylum and Withholding of Removal (Form I-589), at 9 (Mar. 1, 2023) (“Form I-589 Instructions”)).

Here, the I-589 is incomplete. The I-589 that the respondent filed on June 3, 2024 contains no answers to Part B, Questions 1A, 1B, 4, or Part C, Questions 2B. A couple of the answers say to see a written statement for details but no statement has been filed. The respondent’s second I-589, filed on January 6, 2025, is largely the same, with no answers to Part B, Questions 1A, 1B, or Part C Question 4. This is significant because these areas are where the major details of the claim should be found. The respondent has not provided a statement or anything else to supplement the Form I-589 to otherwise provide these details.

Because the Form I-589 is incomplete for the above reasons, the Immigration Judge should deem it waived and abandoned.

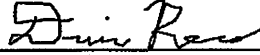
¹ “A specific, responsive answer does not necessarily require that every space on the Form I-589 be used. Blank spaces are permissible if their use is not necessary to completely and substantively answer the question.” *C-A-R-R-*, 29 I&N Dec. at 16 n.2.

Even if the Immigration Judge does not deem the application waived or abandoned and subsequently grants the respondent time to cure the deficiencies, the Immigration Judge should still reject the Form I-589 as incomplete. Accordingly, the incomplete application is untimely. By rejecting the application as incomplete, the Form I-589 does not retain its present filing date. Therefore, it falls outside the one-year filing deadline. *See* 8 C.F.R. §§ 208.3(c)(3), 1208.3(c)(3) (2020) (requiring completed applications); *see also* 8 C.F.R. § 1001.1(dd) (“A filing that is rejected by the Board or the Immigration Court as an improper filing will not be deemed filed on the date it was submitted or received.”); Memorandum from James R. McHenry III, Director, Executive Office for Immigration Review (EOIR), to All of EOIR, re: Asylum Processing, at 3 n.5 (Dec. 4, 2020), *available at* <https://www.justice.gov/eoir/page/file/1343191/download>² (requiring only a completed application to be filed). The only recognized exceptions are if the applicant can prove changed circumstances or extraordinary circumstances, none of which include an exception for incomplete filings. INA § 208(a)(2)(D); 8 C.F.R. § 1208.4(a)(4), (5). Thus, a ruling that the applications were incomplete necessitates a finding that they did not secure a timely filing date either.

Therefore, DHS respectfully requests that the Immigration Judge find that the application is incomplete, and deem it waived or abandoned, or otherwise reject the application. If the application is deemed waived or abandoned, DHS respectfully requests that the Court order the respondent removed.

² Reinstated by Memorandum from Sirce E. Owen, Acting Director, EOIR, to All of EOIR, re: Cancellation of Director’s Memorandum 22-05 and Reinstatement of Policy Memoranda 19-05, 21-06, and 21-13 (Feb. 3, 2025), *available at* <https://www.justice.gov/eoir/media/1388056/dl?inline>.

Respectfully submitted on this 12th day of May, 2025.



Devin Rees
Assistant Chief Counsel
Ryan Matsuno
Chief Counsel
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security



The Department of Homeland Security (DHS) respectfully moves the Court to pretermitt the respondent's Form I-589, Application for Asylum and for Withholding of Removal, because the application is incomplete and fails to answer many of the questions in the application.

The Board of Immigration Appeals (Board) has long recognized the ability of Immigration Judges to pretermitt applications for relief or protection from removal when the respondent is statutorily ineligible for the relief or protection sought without the need for a full evidentiary hearing. *See Matter of J-G-P-*, 27 I&N Dec. 642, 643 (BIA 2019) (affirming the Immigration Judge's pretermission of the respondent's application for cancellation of removal under section 240A(b) of the Immigration and Nationality Act (INA) after finding that the respondent's conviction precluded him from establishing eligibility for relief); *Matter of Gonzalez*, 19 I&N Dec. 682, 685 (BIA 1988) (retaining the general practice of pretermission when a respondent is ineligible for relief), *modified on other grounds by Matter of C-*, 20 I&N Dec. 529 (BIA 1992); *see also Matter of D-*, 20 I&N Dec. 915, 917 (BIA 1994) (concluding that the Immigration Judge correctly pretermitted the respondent's asylum application because the respondent was ineligible due to his aggravated felony conviction); *but see Gonzalez*, 19 I&N Dec. at 685 (disfavoring pretermission without a hearing when an issue cannot categorically be decided on the papers).

DHS may seek pretermission by filing a motion with the Court. The Executive Office for Immigration Review (EOIR) Policy Manual provides for "other types of motions as appropriate to the facts and law of each particular case, provided that the motion is timely, is properly filed, is clearly captioned, and complies with the general motion requirements." EOIR Policy Manual, Part II, Chapter 5.10(w).

Evenson Merzier

A# 

PROOF OF SERVICE

On May 12, 2025, I, Devin Rees, Assistant Chief Counsel, served a copy of this Department of Homeland Security Motion to Pretermiit and any attached pages to Evenson Merzier

- ☐ by first-class mail, postage pre-paid, to [address of party served].
- ☐ by first-class mail, postage pre-paid to [address of party served], by placing into my office's receptacle designated for official "out-going" first class mail.
- ☐ by personally delivering a true copy thereof to the person set forth above.
- ☐ by electronic service, with prior consent, at the following e-mail address: [email address of party served].
- ☒ placing a copy of the same in an envelope addressed to the respondent to be delivered via intrafacility mail.
- ☐ by electronic service through the EOIR Courts and Appeals System (ECAS), as both parties are participating in ECAS. ECAS will automatically send service notifications to both parties that a new document has been filed. Therefore, no separate service was completed.



Devin Rees
Assistant Chief Counsel



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
STEWART IMMIGRATION COURT

6/10/2026A

Respondent Name:

MERZIER, EVENSON

To:

MERZIER, EVENSON
ERO/ STEWART. GA SUB OFFICE
146 CCA ROAD
PO BOX 248
LUMPKIN, GA 31815

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

05/28/2025

ORDER OF THE IMMIGRATION JUDGE

- ☒ This is a summary of the oral decision entered on 05/28/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☒ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- ☐ Asylum was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Withholding of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. See INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

- ☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

- ☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- ☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

- ☐ the presumptive civil monetary penalty amount of \$3,000.00 USD
- ☐ \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

IV. Removal

- ☒ Respondent was ordered removed to Haiti.
- ☐ In the alternative, Respondent was ordered removed to
- ☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

- ☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.
- ☐ Respondent's status was rescinded under INA § 246.
- ☒ Other:

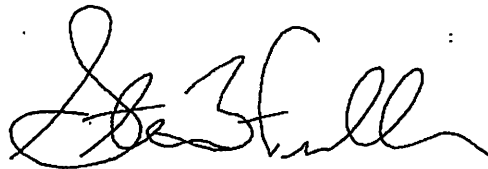
The Court granted the Department's Motion to Pretermitt on 28 May 2025.
IAW Matter of C-A-R-R, 29 I&N Dec. 13 (BIA 2025), "an Immigration Judge is not required to consider an Application for Asylum and for Withholding of Removal (Form I-589) on the merits if it is incomplete, and incomplete

applications may be considered waived or abandoned, particularly where an opportunity to cure has been offered."

The Respondent provided the court with two I-589 applications on 3 June 2024 and 6 January 2025. Both of the applications were blank.

On 7 January 2025, during a mater calendar hearing, the court noticed the blank applications and specifically instructed the Respondent to fill out, in detail, a third copy of the I-589 that was provided to him in court. The court told the Respondent to give specific reasons for his fear of return to Haiti. The case was reset to allow the Respondent an opportunity to submit a completed application. The Respondent has failed to provide the court with a completed I-589 at any of the subsequent hearings.

On 28 May 2025, the Respondent appeared in court for a scheduled individual merits hearing. The court again asked about the blank I-589. The Respondent stated he relied on a friend to fill them out and he trusted that person to his detriment. The court went off the record to listen to the DAR. the court confirmed that on 7 January 2025, the Respondent was made aware of the two blank applications and that he was required to complete the I-589 in detail.



Immigration Judge: FULLER, STEVEN 05/28/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 06/27/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Noncitizen | [M] Noncitizen c/o custodial officer | [] Noncitizen's atty/rep. | [M] DHS

Respondent Name : MERZIER, EVENSON | A-Number :



Riders:

Date: 05/29/2025 By: Green, Tyeshia, Court Staff

Evenson Merzier

A: 

Stewart Detention Center
146 CCA Road , Po Box 248
Lumpkin ,GA 31815

US courts Middle District of Georgia
Office of the Clerk
Po Box 124
Columbus , GA 31902

Date of this notice : 07/23/2025

Subject : Legal Request

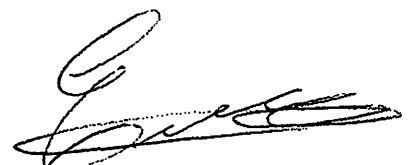
Your Honor ,

I have been detained in the Stewart detention center for awhile and I do not have any information regarding some of the issues : I have good reasons to think that I may qualify for a relief to be released from custody because I am confined inside this place since August 27th 2024 despite the laws state that any alien should not be detained longer than a reasonable period of 6 months . The immigration Judge : Honorable Steven Fuller has denied my bond request on May 28th 2025 , saying that I got an aggravated felony . I do not understand why this aggravated felony has been mentioned because as I claimed multiple times : I pleaded not guilty for it

I have left Haiti because I was not safe within this country . However the immigration Judge said that a relief for asylum cannot be granted because the I-589 form which I submitted was incomplete . I filed and sent this document with no help and I may have done some mistakes but I am certain that my life will be endangered if I return to my country because there are too many gangs armed with rifles and machines-guns and the government is unable to fight them . However I would not stay any longer inside the facility because I have already spent 11 months inside this place and witnessed a lot of violence . It is quite hard to be confined as much time inside this place .

I am willing to file and send to the court in Columbus , a petition for a writ of Habeas corpus because neither the Judge nor the officers from Homeland Security , want to release me from custody and this situation is getting increasingly emotionally painful each day . I am not a danger to the community , much less a flight risk ,

Respectfully .



Elverson 1149 801

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Stewart Detention Center

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US Courts Middle District of Georgia

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