

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

**RALPH BRONSON FILS-AIME**

**Petitioner,**

**v.**

**E.L. TATUM, JR.**, Warden of the  
Federal Correctional Institute, Berlin;  
**PATRICIA H. HYDE**, Acting Field Office  
Director of the Immigration and Customs  
Enforcement, Enforcement and Removal  
Operations, Boston Field Office; **TODD  
LYONS**, Acting Director, U.S. Immigration  
and Customs Enforcement; **KRISTI NOEM**,  
Secretary of U.S. Department of Homeland  
Security; **PAMELA BONDI**, U.S. Attorney  
General;

**Respondents.**

**Case Number:**

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

**INTRODUCTION**

Petitioner Ralph Bronson Fils-Aime is a noncitizen from Haiti who has been detained by Respondents under 8 U.S.C. § 1231(a) since approximately April 2025 and under 8 U.S.C. § 1225(b) from August 22, 2024 to approximately April 2025. *Pro se* Petitioner prevailed in statutory withholding of removal under 8 U.S.C. § 1231(b)(3) with respect to Haiti before the Immigration Judge (IJ) on April 22, 2025. Exhibit 1 (EOIR Docket Status). Respondents elected not to appeal the IJ's order granting the relief. *See id.* Further, at the time of the hearing, the only designated country of removal was Haiti. Nevertheless, Respondents informed Petitioner on July 31, 2025, that he would be removed to Mexico. Exhibit 4 (Administrative Motion to Reopen) at

12 ¶3 (“On July 31, 2025, while still detained at FCI Berlin, I was informed of DHS’s intent to deport me to Mexico.”).

On August 1, 2025, Petitioner filed an emergency petition for review before the Court of Appeals for the First Circuit with the argument that Respondents’ notice of removal to Mexico constitutes a new final removal order under 8 U.S.C. § 1252. Exhibit 5 (Emergency Petition for Review). On the same day, Petitioner filed an emergency motion to stay his removal from the United States. Exhibit 6 (Emergency Motion to Stay Removal). Pursuant to Local Rule 18.0 of the First Circuit, the First Circuit issued a 10-business-day stay of removal from the United States. Exhibit 7 (10 Business-Day Stay of Removal Order). Petitioner also filed an emergency administrative motion to reopen and an administrative stay of removal with the IJ. Exhibit 4 (Administrative Motion to Reopen); Exhibit 1.

Under the law, immigration detention must “bear[] [a] reasonable relation to the purpose for which the individual [was] committed.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715 (1972)). As this Court previously explained, noncitizens “who have been detained” under 8 U.S.C. § 1231(a)(6) while challenging their removal from the United States “retain the right to challenge their detention on constitutional grounds even though their proceedings are ongoing.” *G.P. v. Garland*, 2024 DNH 001, 2024 U.S. Dist. LEXIS 14841, at \*13 (D.N.H. Jan. 29, 2024), *affirmed on other grounds in G.P. v. Garland*, 130 F.4th 898 (1st Cir. 2024).

Indeed, this is more so for a person like Petitioner who already prevailed in statutory withholding of removal. *See, e.g., A.L. v. Oddo*, 761 F. Supp. 3d 822, 824-26 (W.D. Pa. Jan. 6, 2025) (ordering a bond hearing for a person who already prevailed in statutory withholding of removal and was detained for 10 months). *See also Carvajal-Munoz v. INS*, 743 F.2d 562, 569

(7th Cir. 1984) (holding, with respect to the mandatory obligations under the withholding of removal statute, that “[W]hether or not due process protections apply to an application for a discretionary grant of asylum . . . some due process protection surrounds the determination of whether an alien has sufficiently shown that return to a particular country will jeopardize his life or freedom so as to invoke the mandatory prohibition against his return to that country.”); *INS v. Doherty*, 502 U.S. 314, 332 (1992) (Scalia, J. concurring in part and dissenting in part) (“Because of the mandatory nature of withholding-of-deportation provision, the Attorney General’s power to deny withholding claims differs significantly from his broader authority to administer discretionary forms of relief such as asylum.”).

Petitioner has been detained, first, under 8 U.S.C. § 1225(b), and, subsequently, under 8 U.S.C. § 1231, for a total of almost one year while challenging his removal to Haiti and Mexico, respectively. “[W]hen a court considers a due process claim, [the court] may tailor relief to the specific problem that gives rise to the due process violation.” *G.P.*, 2024 DNH 001, 2024 U.S. Dist. LEXIS 14841, at \*13. This includes a bond hearing before a neutral decisionmaker, such as an IJ. *See id.* (citing *Galdamez v. Mayorkas*, 2023 U.S. Dist. LEXIS 19718 (S.D.N.Y. Feb. 6, 2023)); *Rivera-Medrano v. Wolf*, 2020 DNH 055, 2020 U.S. Dist. LEXIS 59609, at \*10-11 (D.N.H. Apr. 4, 2020) (“The remedy for a prolonged detention [under 8 U.S.C. § 1231(a)] is a bond hearing before an immigration judge at which the government bears the burden of proving by clear and convincing evidence that the alien should not be released on bond.”), *vacated by Rivera-Medrano v. Mayorkas*, No. 20-1573, 2023 U.S. App. LEXIS 15551 (1st Cir. June 14, 2023).

To be sure, this Court can and should consider the length of both detentions under 8 U.S.C. § 1225(b) and 8 U.S.C. § 1231(a) for the prolonged detention due process analysis. *See*

*Bourguignon v. MacDonald*, 667 F. Supp. 2d 175, 176 (D. Mass. 2009) (“simple fairness, if not basic humanity, dictates that a court should take into consideration the entire period in which a person has lost his liberty—during what is essentially an integrated process—without parsing what statutory provision he may have been held under”); *Hussein v. SCDOC*, 1:18-cv-921-JL, Docket Number 17 (Oral Decision), at pg. 75 (D.N.H. Nov. 6, 2018) (“The Court’s view is that there’s a good faith argument that the length of detention here under [8 U.S.C. §] 1226 is much shorter and not constitutionally problematic since the August conversion from 1231 detention to 1226 detention, but I think the – I think my view is that for due process purposes, that really does elevate form over substance and the Court rules that it’s about a nine-month period of detention.”) (attached as Exhibit 9).

This Court should grant the habeas petition and order Respondents to provide a bond hearing before an IJ at which Respondents must justify Petitioner’s detention under clear and convincing evidence for both dangerousness and flight risk prongs.

Petitioner further alleges as follows:

#### **PARTIES**

1. Petitioner Ralph Bronson Fils-Aime is a noncitizen from Haiti who resides in Massachusetts and is currently detained by Respondents at Federal Correctional Institution (FCI) Berlin in Berlin, New Hampshire. Exhibit 8 (ICE Online Detainee Locator).

2. Respondent E.L. Tatum, Jr. is the warden of FCI Berlin, and he is being sued in his official capacity as the warden. He is Petitioner’s immediate custodian.

3. Respondent Patricia Hyde is the Acting Boston Field Office Director, U.S. Immigration and Customs Enforcement, and she is being sued in her official capacity. She is Petitioner’s legal custodian.

4. Respondent Todd Lyons is the Acting Director, U.S. Immigration and Customs Enforcement, and he is being sued in his official capacity. He is Petitioner's legal custodian.

5. Respondent Kristi Noem is the Secretary of U.S. Department of Homeland Security, and she is being sued in her official capacity. She is Petitioner's legal custodian.

6. Respondent Pamel J. Bondi is the United States Attorney General, and she is being sued in her official capacity. She is also Petitioner's legal custodian.

### **JURISDICTION AND VENUE**

7. The Court has jurisdiction under 28 U.S.C. § 1331, 2241 (habeas corpus) and Article I, Section 9, Clause 2 of the U.S. Constitution ("Suspension Clause").

8. Venue is proper in the District of New Hampshire because Petitioner is currently detained at FCI Berlin in Berlin, New Hampshire, which is in the territorial jurisdiction of this Court. 28 U.S.C. § 1391; *Vasquez v. Reno*, 233 F. 3d 688, 696 (1st Cir. 2000).

### **FACTS**

9. Petitioner is a 32-year-old asylum seeker from Haiti. Exhibit 10 (Affidavit of Petitioner attached to the April 3, 2025 parole request).<sup>1</sup>

10. Petitioner has a U.S. citizen daughter and partner with whom he resided in Massachusetts until immigration detention. Exhibit 10.


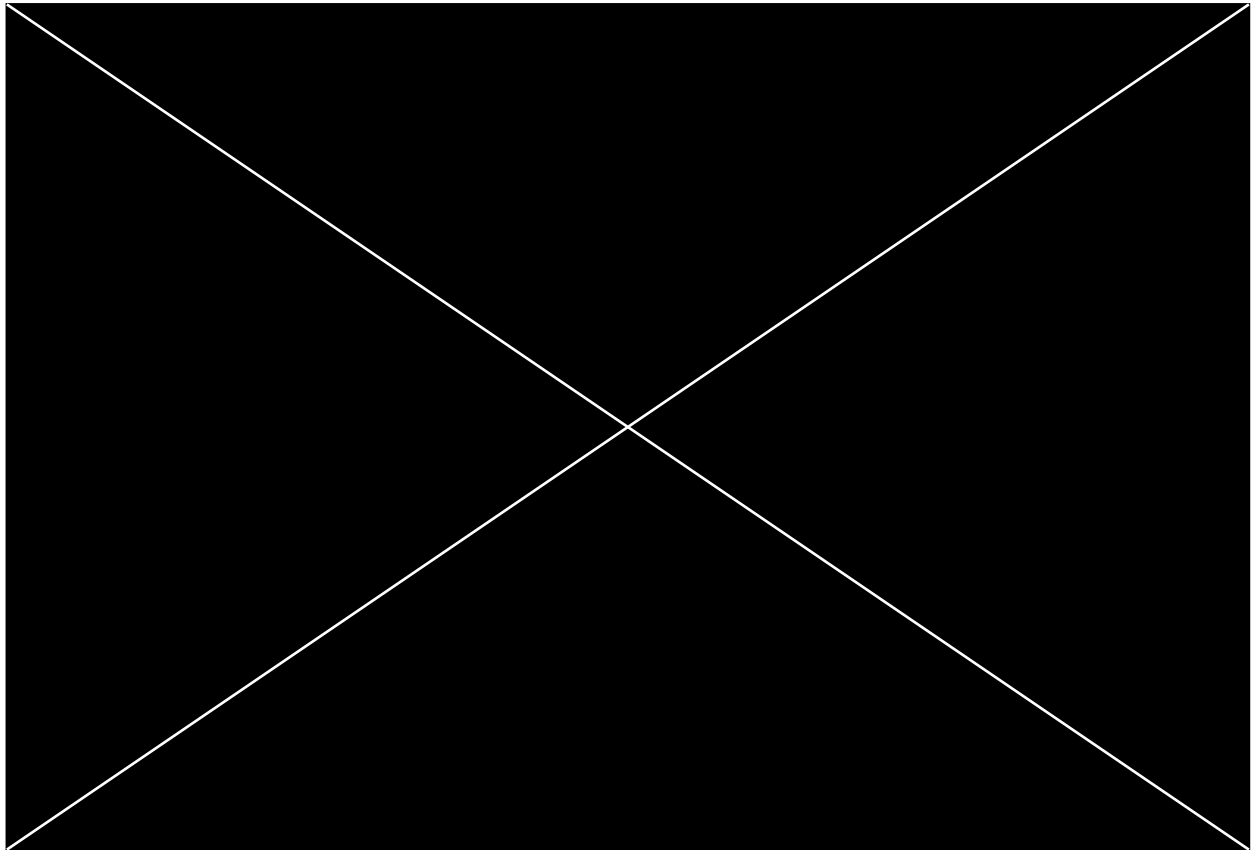
11. Petitioner left Haiti in 2018 because 

 Exhibit 10 at ¶¶9-16; Exhibit 3 (Form I-589).



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<sup>1</sup> This affidavit is also included in Exhibit 2 (April 3, 2025 Parole Request Package).



15. While Petitioner tried to stay in Chile (where he met his current partner), Chile was not a safe place for them. Therefore, Petitioner and his partner decided to go to the United States. During his travel to the United States, Petitioner “suffered kidnapping and death threats” in Mexico. Exhibit 4 at 12 ¶4.

16. In 2022, Petitioner and his partner crossed the United States southern border and were detained. Petitioner was detained for a few days and released, while his partner remained detained for a few months.

17. When Petitioner’s partner was released from detention, Petitioner and his partner lived together in Massachusetts with the assistance of his mother.

18. Petitioner has a large family in Massachusetts, including his mother, brothers, and their families.

19. Petitioner also has a U.S. citizen daughter with his partner, who was born in 2023.

20. Petitioner has one traffic and one criminal record.

21. For the traffic record, Petitioner has pending charges in Concord District Court in Massachusetts for uninsured motor vehicle, negligent operation of motor vehicle, number plate violation to conceal ID, and unlicensed operation of a motor vehicle.

22. For the criminal record, Petitioner had a criminal charge (but now dismissed) in Fitchburg District Court in Massachusetts for assault and battery on a family/household member. These charges arise from a verbal disagreement between Petitioner and his partner. Petitioner sought assistance at a police station to de-escalate the argument. However, because of miscommunication based on the language barrier, the police believed that Petitioner was physically violent when he was not. Petitioner was arrested and released on a low bail. On February 7, 2025, the charges against Petitioner were dismissed. Exhibit 2 at 18-19 (Prosecutor's Motion to Dismiss in part because "[t]he police officer who investigated this case would not be able to offer any material evidence to successfully prosecute this complaint"). Petitioner's partner did not want to pursue charges and stated to prosecutors that she is not afraid of Petitioner. *Id.* at 18.

23. On or about August 22, 2024, Respondents detained Petitioner and placed him in removal proceedings.

24. With limited assistance from the Harvard Immigration and Refugee Clinical Program of Harvard Law School (HIRC), *pro se* Petitioner pursued his asylum, statutory withholding of removal, and protection under the Convention Against Torture (CAT).

25. The only designated country of removal was Haiti.

26. On April 3, 2025, Petitioner, represented by HIRC for parole request purposes, submitted a release request. Exhibit 2. Based on information and belief, Respondents denied this parole request.

27. On April 22, 2025, the IJ at the Chelmsford Immigration Court (MA) granted his statutory withholding of removal with respect to Haiti. Exhibit 1.

28. Respondents did not appeal the IJ's decision to the BIA. Exhibit 1. Therefore, the IJ's decision likely became final on April 22, 2025.<sup>2</sup> See 8 C.F.R. § 1241.1(b) ("An order of removal made by the immigration judge at the conclusion of proceedings under section 240 of the Act shall become final: (b) [u]pon waiver of appeal by [Petitioner]"); 8 U.S.C. § 1231(a)(1)(B)(i) ("The removal period begins on the latest of the following: (i) [t]he date the order of removal becomes administratively final.").

29. While Petitioner remained in detention at FCI Berlin, Respondents informed Petitioner on July 31, 2025, that Respondents were removing Petitioner to Mexico. See *Johnson v. Guzman Chavez*, 594 U.S. 523, 536 (2021) (third country removal is permissible for withholding of removal grantees); Exhibit 4 at 12 ¶3 ("On July 31, 2025, while still detained at FCI Berlin, I was informed of DHS's intent to deport me to Mexico.").

30. Based on information and belief, Respondents showed a document, presumably a notice of removal to Mexico, to Petitioner, but Petitioner refused to sign the document.

31. On August 1, 2025, after securing additional counsel, Petitioner filed a petition for review with the First Circuit under 8 U.S.C. § 1252 with an argument that the notice of removal to Mexico constitutes a new final removal order. Exhibit 5.

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<sup>2</sup> Based on information and belief, Petitioner waived the appeal of the IJ's decision granting his statutory withholding of removal. Petitioner further notes that, unlike asylum, granting statutory withholding of removal requires a removal order. See *Matter of I-S- & C-S-*, 24 I. & N. Dec. 432, 434 (B.I.A. 2008).

32. Petitioner also filed an emergency motion to stay removal with the First Circuit. Exhibit 6. On the same day, the First Circuit issued an automatic 10-business-day stay of removal pursuant to Local Rule 18.0 of the First Circuit while reviewing the stay motion. Exhibit 7.

33. On the same day, Petitioner also filed an emergency administrative motion to reopen and an administrative stay of removal with the IJ at the Chelmsford Immigration Court. Exhibit 4.

34. As of the filing of this habeas petition, all motions before the First Circuit and the IJ remain pending.

### **CLAIMS FOR RELIEF**

#### **COUNT 1**

#### **U.S. CONSTITUTION - FIFTH AMENDMENT**

35. The foregoing allegations are realleged and incorporated herein.

36. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that “[n]o person shall . . . be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend V.

37. Petitioner’s continued detention without a bond hearing before a neutral decisionmaker violates the Due Process Clause of the Constitution. *See, e.g., G.P. v. Garland*, 2024 DNH 001, 2024 U.S. Dist. LEXIS 14841, at \*13 (D.N.H. Jan. 29, 2024); *Galdamez v. Mayorkas*, 2023 U.S. Dist. LEXIS 19718 (S.D.N.Y. Feb. 6, 2023); *Rivera-Medrano v. Wolf*, 2020 DNH 055, 2020 U.S. Dist. LEXIS 59609, at \*10-11 (D.N.H. Apr. 4, 2020). *See also A.L. v. Oddo*, 761 F. Supp. 3d 822, 826 (W.D. Pa. Jan. 6, 2025) (10 months of detention); *Leke v. Hott*, 521 F. Supp. 3d 597, 605 (E.D. Va. 2021) (24 months of detention); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 774 (S.D. Cal. 2020) (27 months of detention); *id.* at 771 n.2 (collecting cases from 9 months to 18 months); *Lett v. Decker*, 346 F. Supp. 3d 379, 387 (S.D.N.Y. 2018) (10 months of detention);

*Kouadio v. Decker*, 352 F. Supp. 3d 235, 236 (S.D.N.Y. 2018); *Didier Kofe Mbalivoto v. Holt*, 527 F. Supp. 3d 838, 850 (E.D. Va. 2020) (22 months of detention).<sup>3</sup>

**PRAYER FOR RELIEF**

Petitioner asks that this Court grant the following relief:

- (1). Assume jurisdiction over this matter;
- (2). Issue a Writ of Habeas Corpus ordering Respondents to provide a bond hearing before an Immigration Judge at which Respondents bear the burden to prove that Petitioner is a danger to the community and a risk of flight under clear and convincing evidence; and
- (3). Order any further relief this Court deems just and proper.

Respectfully submitted this 3rd day of August 2025.

Ralph Bronson Fils-Aime,

By and through his Counsel,

/s/ SangYeob Kim

Gilles R. Bissonnette (NH Bar: 265393)

SangYeob Kim (NH Bar: 266657)

Chelsea Eddy (NH Bar: 276248)

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<sup>3</sup> Petitioner's legal position and arguments do not change even if the IJ grants Petitioner's administrative motion to reopen and thereby would shift Petitioner's detention from 8 U.S.C. § 1231(a) to 8 U.S.C. § 1225(b).