

ON BEHALF OF RESPONDENT: Clarissa Guajardo, 4101 Greenbriar Dr., Suite 317, Houston,
Texas 77098, (713) 426-5100

DETAINED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON, TEXAS

United States Courts
Southern District of Texas
FILED

AUG 06 2025

Nathan Ochsner, Clerk of Court

IN THE MATTER OF:

CISS, GORGUI

IN REMOVAL PROCEEDINGS

FILE NOS: A-Number: 

Before: N/At

Next hearing date: N/A

MOTION TO FILE A WRIT OF HABEAS CORPUS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON, TEXAS

RESPONDENT:

CISS, GORGUI

A-Number:

WRIT OF HABEAS CORPUS

~~MOTION TO FILE A WRIT OF HABEAS CORPUS~~

Dear Clerk of the Court:

Please find enclosed for filing the following documents on behalf of Petitioner, Gorgui Ciss:

1. Petition for Writ of Habeas Corpus under 28 U.S.C. § [2254 / 2241];
2. Certificate of Service
3. Pictures that serve as exhibits for his case.
4. I am filing these documents in person and would appreciate it if you could file-stamp the accompanying courtesy copy for my records.

Thank you for your attention to this matter.

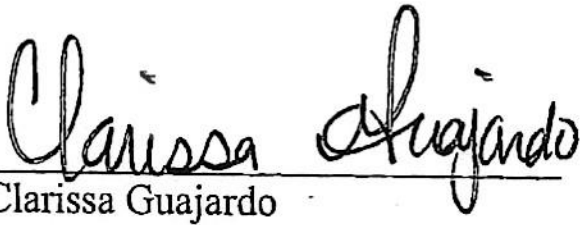
Respectfully Submitted,

Clarissa Rajando

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CERTIFICATE OF SERVICE

I, Clarissa Guajardo, hereby certify that on this 6th day of August, 2025, I served a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254** [or § 2241, if applicable], along with any attachments or exhibits.


Clarissa Guajardo

Gorgui Ciss Writ of Habeas Corpus

Writ of Habeas Corpus on Behalf of Gorgui Ciss

I, Clarissa Guajardo, am an attorney duly licensed to practice law in Texas, and I hereby submit this Petition for a Writ of Habeas Corpus on behalf of Gorgui Ciss (hereafter "Petitioner"). Mr. Ciss was being held at the Joe Corley ICE detention facility in Conroe, Montgomery County, Texas.

INTRODUCTION

Petitioner, Gorgui Ciss is a Senegalese national who was born in Dakar, Senegal, on  1997.

From the ages of 12 to 24, Mr. Ciss was a captive resident of the deeply conservative Muslim school, Dara Elhadji Malick Sey in Tivaouane. Due to his homosexuality, he was severely punished, including countless beatings, as punishment for this perceived sin. Homosexuals in Senegal are severely punished, often jailed and tortured and ostracized from employment opportunities.

In 2021, Mr. Ciss escaped the Dara and fled to Dakar, which offered no respite from the constant abuse due to his apparent femininity. In an attempt to mask his homosexuality, Mr. Ciss married a woman in 2021 and had a child with her in 2022.

Petitioner has exhausted all of his administrative remedies.

JURISDICTION

This petition is filed in the United States District Court for the Western District of Texas, San Antonio Division, which has jurisdiction to issue a Writ of Habeas Corpus on behalf of Gorgui Ciss under international human rights law and relevant national legal frameworks that recognize the protection of individual freedoms and the redress of wrongful detention.

INTERNATIONAL JURISDICTION CONSIDERATION

The Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) provide broad jurisdictional bases for addressing human rights violations, including unlawful detention based on religious beliefs. As Senegal is a signatory to the ICCPR, these documents reinforce the standing for legal intervention in cases of religious persecution and arbitrary detention.

Article 9 of the ICCPR states that "everyone has the right to liberty and security of person," and "no one shall be subjected to arbitrary arrest or detention."

Article 18 of the ICCPR guarantees "freedom of thought, conscience, and religion."

Under the Immigration and Nationality Act (INA), specifically Section 235(b), credible fear interviews are a critical step for asylum seekers who express a fear of persecution if returned to their home country.

The procedure for these interviews, including the requirement for a transcript, is outlined in regulations and policy guidance implemented by the U.S. Citizenship and Immigration Services (USCIS) and the Executive Office for Immigration Review (EOIR).

1. 8 CFR § 208.30: This section of the Code of Federal Regulations mandates the credible fear process, which includes conducting an interview by an asylum officer. The regulation implies that a record of the proceedings, such as a transcript or detailed notes, must be kept as part of the case record.

2. Agency Policy: USCIS policy manuals and guidance often specify that a written summary or a transcript of the credible fear interview should be included in the case file, especially when the case is referred to an immigration judge for further review. This ensures that the asylum seeker's statements and claims are properly documented and reviewed.

GROUND FOR RELIEF

Violation of International Human Rights: Mr. Ciss's detention contravenes several international human rights norms, including freedom of religion, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Iran and the United States are both signatories.

Due Process Violations: The detention of Mr. Ciss violates due process principles, as he was denied a fair trial.

RELEVANT CASE LAW

Cuban American Bar Ass'n v. Christopher, 43 F.3d 1412 (11th Cir. 1995): Considered issues of jurisdiction related to international human rights law involving foreign nationals.

The Alien Tort Statute, 28 U.S.C. § 1350, allows for the filing of lawsuits in U.S. federal courts for certain violations of international law.

The Religious Freedom Restoration Act (RFRA), aimed at preventing laws that substantially burden a person's free exercise of their religion, although primarily applicable within the U.S., underscores U.S. policy supporting religious freedoms.

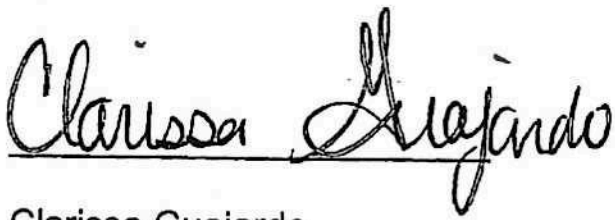
As recently as April 10, 2025, in *Noem v. Kilmar Armando Abrego Garcia, et al.*, the Supreme Court issued its ruling on the government's request. In a unanimous decision authored by Chief Justice John Roberts, the Court affirmed the lawlessness of Mr. Abrego Garcia's removal to a Salvadoran prison, observing that even "[t]he United States acknowledges that Abrego Garcia was subject to a withholding order forbidding his removal to El Salvador, and that the removal to El Salvador was therefore illegal."

PRAYER FOR RELIEF

Wherefore, as the Petitioner has exhausted all of his administrative remedies, we respectfully request that this Honorable Court, the United States District Court for the Western District of Texas, San Antonio Division:

1. Issue a writ of habeas corpus to release Gorgui Ciss from unlawful detention.
2. Grant any other relief that the Court deems just and proper.

Respectfully Submitted,



Clarissa Guajardo

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Attorney for Gorgui Ciss A



EXHIBITS

PETITIONER'S EXHIBIT NO. 1

Petitioner's pictures from abuse and torture he suffered

CERTIFICATE OF SERVICE

I, Clarissa Guajardo, hereby certify that on this 6th day of August, 2025, I served a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254** [or § 2241, if applicable], along with any attachments or exhibits.

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