

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

<p style="text-align: center;"><b>ROSNET PIERRE</b></p> <p>Petitioner,</p> <p style="text-align: center;">v.</p> <p><b>FERETI SEMAIA</b>, in his official capacity as Warden of Adelanto ICE Processing Center;</p> <p><b>THOMAS GILES</b>, in his official capacity as Los Angeles Field Office Director, U.S. Immigration and Customs Enforcement;</p> <p><b>PAM BONDI</b>, in her official capacity as Attorney General of the United States;</p> <p>and <b>KRISTI NOEM</b>, in her official capacity as Secretary of the U.S. Department of Homeland Security,</p> <p style="text-align: center;">Respondents.</p>	<p><b>CASE NO.:</b></p> <p><b>HON.:</b></p>
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**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

NOW COMES Petitioner ROSNET PIERRE, by and through undersigned counsel Wismick Saint-Jean of The Saint-Jean's Law Firm, and respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing and unlawful civil immigration detention by the Department of Homeland Security ("DHS") and its agents. Petitioner is currently detained at the Adelanto ICE Processing Center in Adelanto, California,

under the custody of Respondent FERETI SEMAIA, Warden of the facility. Petitioner received a negative reasonable fear determination under 8 C.F.R. § 208.31, but despite a timely and express request for Immigration Judge review—as required by regulation—no such review was ever provided. Petitioner seeks immediate release from custody, or in the alternative, a constitutionally sufficient opportunity to challenge his detention and removal. His current incarceration—absent judicial review and in the face of imminent deportation—violates the Immigration and Nationality Act, 8 C.F.R. § 208.31, and procedural due process protections guaranteed by the Fifth Amendment, as recognized in *Landon v. Plasencia*, 459 U.S. 21 (1982).

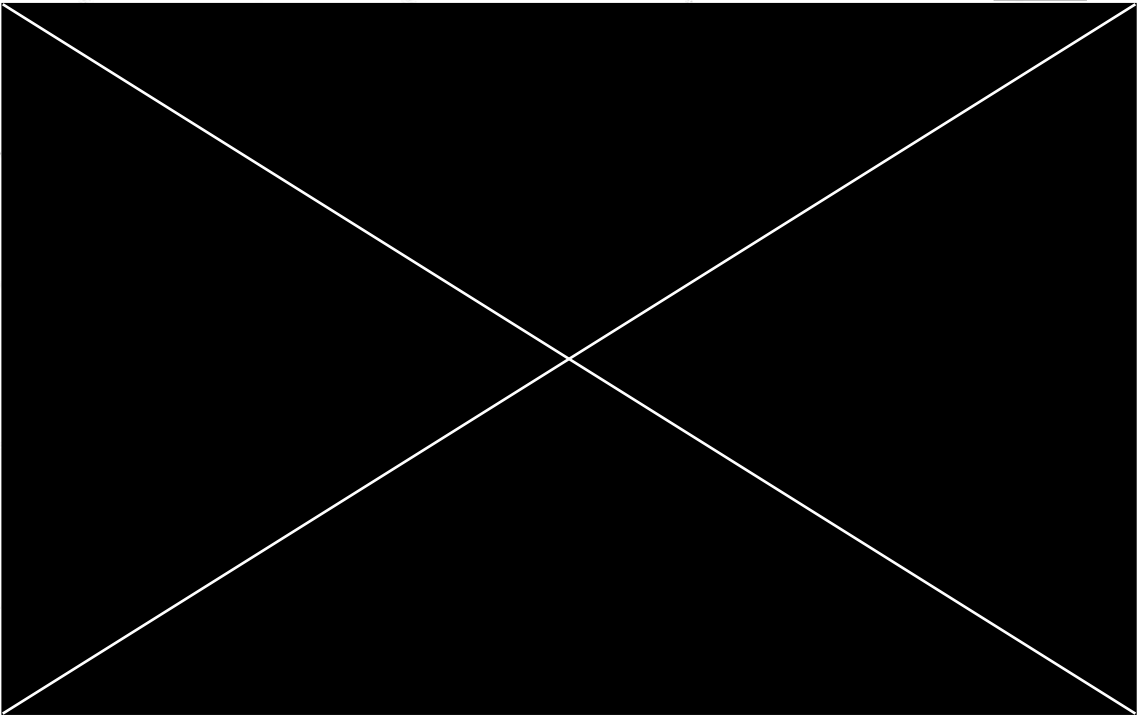
### **JURISDICTION AND VENUE**

1. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and the Suspension Clause of the U.S. Constitution because Petitioner challenges the lawfulness of her ongoing immigration detention.
2. Venue lies in this district and division under 28 U.S.C. § 1391(e) because Petitioner is detained within the Central District of California at the Adelanto ICE Processing Center in San Diego County.
3. Respondent FERETI SEMAIA, as Warden of Adelanto ICE Processing Center, is Petitioner's immediate custodian and has direct physical control over her detention.
4. Respondent THOMAS GILES, as the Los Angeles ICE Field Office Director, oversees enforcement and custody decisions affecting Petitioner within this jurisdiction and is responsible for her ongoing detention.
5. Respondent NATHALIE ASHER, as Acting Executive Associate Director of Enforcement and Removal Operations, exercises authority over the policies and practices that govern Petitioner's continued detention.
6. Respondent ALEJANDRO MAYORKAS, as Secretary of the Department of Homeland Security, has ultimate legal and supervisory authority over the agencies and officers detaining Petitioner, including oversight of ICE and parole-related policies.

### **PARTIES**

7. Petitioner ROSNET PIERRE is a native and citizen of Haiti currently detained at Adelanto Detention Facility in Adelanto, California.
8. Respondent FERETI SEMAIA is the Warden of Adelanto ICE Processing Center and Petitioner's immediate custodian, as he is responsible for overseeing Adelanto ICE Processing Center's administration and management. He is sued in his official capacity.
9. Respondent THOMAS GILES is the Los Angeles Field Director of ICE and has authority over Petitioner's detention. He is a legal custodian of Petitioner. He is sued in his official capacity.
10. Respondent PAM BONDI oversees the immigration court system, which is housed within the Executive Office for Immigration Review (EOIR) and includes all IJs and the Board of Immigration Appeals (BIA). She is sued in his official capacity.
11. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security (DHS) and has ultimate authority over immigration enforcement and detention policy. DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in his official capacity.

### **FACTUAL BACKGROUND**

12. Petitioner Rosnet Pierre is a native and citizen of Haiti, born on August 2, 1977, who is currently detained by Immigration and Customs Enforcement (ICE) at the Adelanto ICE Processing Center in San Bernardino County, California, under the custody of Respondent Fereti Semaia, Warden of that facility.
13. Mr. Pierre entered the United States without inspection on or about August 24, 2021, fleeing instability and violence in Haiti. He has resided continuously in the United States since that time.
14. In July 2025, Mr. Pierre was taken into ICE custody and served with a reinstated order of removal under 8 U.S.C. § 1231(a)(5). After expressing a fear of return, he was referred for a reasonable fear interview under 8 C.F.R. § 208.31.
15. On July 16, 2025, Mr. Pierre appeared for a reasonable fear interview conducted by an asylum officer at the Los Angeles Asylum Office, with the assistance of a certified interpreter in Haitian Creole.
16. During the interview, Mr. Pierre gave detailed testimony about threats to his life 

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21. Despite his consistent and detailed account, the asylum officer found him not credible and issued a negative reasonable fear determination. Mr. Pierre timely requested review by an Immigration Judge pursuant to 8 C.F.R. § 208.31(g)(1), but no such review was ever provided.
22. Mr. Pierre remains detained without any opportunity to present his claim before a neutral decision-maker, and without access to a bond hearing. His continued detention and imminent removal violate both DHS regulations and the Due Process Clause of the Fifth Amendment.
23. Mr. Pierre is prima facie eligible for Temporary Protected Status (TPS) under the current DHS designation for Haiti, having been continuously present in the United States since 2021 and not subject to any statutory bar.

24. Mr. Pierre is also the husband and father of two individuals with pending asylum applications before USCIS. His removal would result in permanent family separation, despite the government's acknowledgment of his family's need for protection.
25. According to a conversation with his assigned ICE officer, Mr. Pierre may be removed at any time, notwithstanding the procedural defects in his case and his statutory eligibility for humanitarian relief.
26. Mr. Pierre has no disqualifying criminal history, poses no threat to public safety, and has complied fully with immigration authorities. His ongoing detention serves no legitimate purpose and deprives him of access to lawful protections under U.S. immigration law.

**COUNT I: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT AND  
IMPLEMENTING REGULATIONS**

27. Petitioner re-alleges and incorporates by reference the allegations in Paragraphs 1 through 26 as though fully set forth herein.
28. The Immigration and Nationality Act ("INA"), as implemented by Department of Homeland Security regulations at 8 C.F.R. § 208.31(g)(1), expressly provides that when an individual subject to a reinstated removal order receives a negative reasonable fear determination, and requests review, that individual must be afforded review of the determination by an Immigration Judge.
29. Petitioner Rosnet Pierre was referred for a reasonable fear interview after expressing fear of return to Haiti while subject to a reinstated order of removal under 8 U.S.C. § 1231(a)(5).
30. On July 16, 2025, the asylum officer issued a negative reasonable fear determination following Mr. Pierre's interview. Mr. Pierre timely requested review by an Immigration Judge, as explicitly authorized under 8 C.F.R. § 208.31(g)(1).
31. Despite this lawful request, DHS and its agents failed to provide Petitioner with the mandatory review before an Immigration Judge. Mr. Pierre has not been afforded any opportunity to present his protection claim before a neutral adjudicator.
32. This failure constitutes a violation of the INA and its implementing regulations. DHS's refusal to comply with the plain requirements of 8 C.F.R. § 208.31 is unlawful and renders Petitioner's continued detention and imminent removal procedurally defective.
33. Absent intervention by this Court, Mr. Pierre faces imminent removal in violation of the governing statutory and regulatory framework.
34. Petitioner is entitled to relief under 28 U.S.C. § 2241, as he is in custody in violation of the laws of the United States.

**COUNT II: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT**

35. Petitioner re-alleges and incorporates by reference the allegations in Paragraphs 1 through 34 as though fully set forth herein.
36. 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." This protection extends to all persons physically present in the United States, including noncitizens subject to immigration proceedings. See *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
37. Procedural due process requires that individuals facing removal be provided with a meaningful opportunity to be heard before a neutral decision-maker. The denial of such an opportunity constitutes a deprivation of liberty without due process of law.
38. Petitioner Rosnet Pierre has been detained since July 2025 under color of immigration authority. Although he requested review of a negative reasonable fear determination—as

expressly permitted by 8 C.F.R. § 208.31(g)(1)—he was never afforded the opportunity to appear before an Immigration Judge.



39. This denial of access to the Immigration Court deprived Petitioner of a critical statutory and regulatory safeguard designed to ensure fair adjudication of protection claims prior to removal. The denial was not the result of waiver, abandonment, or error on the part of the Petitioner, but instead arose from the government's failure to discharge its legal obligation.
40. Additionally, Petitioner's detention without a bond hearing, individualized custody determination, or meaningful judicial review raises serious due process concerns, as immigration detention must be reasonable in relation to its purpose and accompanied by adequate procedural safeguards. See *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
41. Petitioner's imminent removal, absent the process guaranteed by both regulation and the Constitution, would result in an arbitrary deprivation of liberty and potentially life-threatening harm, contrary to fundamental due process principles.
42. Petitioner is therefore in custody in violation of the Constitution and is entitled to relief under 28 U.S.C. § 2241.

### **COUNT III: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (APA)**

43. Petitioner re-alleges and incorporates by reference the allegations in Paragraphs 1 through 42 as though fully set forth herein.
44. The Administrative Procedure Act (APA) provides that a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review. See 5 U.S.C. § 702.
45. The APA further authorizes reviewing courts to "hold unlawful and set aside agency action... found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A), (D).
46. DHS regulations codified at 8 C.F.R. § 208.31(g)(1) provide that an individual who receives a negative reasonable fear determination shall be afforded an opportunity to have that determination reviewed by an Immigration Judge if a request is made. The regulation imposes a nondiscretionary duty on DHS to facilitate that review.
47. Petitioner Rosnet Pierre timely requested an Immigration Judge review following the issuance of a negative reasonable fear determination on July 16, 2025. Despite this request, DHS failed to comply with the governing regulation and did not provide any such review.
48. DHS's refusal to afford Petitioner Immigration Judge review, despite a valid request and a facially plausible fear claim, constitutes an unlawful withholding of agency action under 5 U.S.C. § 706(1), and also an action taken "without observance of procedure required by law" under § 706(2)(D).
49. The agency's inaction is also arbitrary and capricious in violation of 5 U.S.C. § 706(2)(A), as DHS has provided no explanation for its failure to follow a mandatory procedural safeguard.
50. The denial of Immigration Judge review has deprived Petitioner of a statutory and regulatory opportunity to contest his removal and pursue protection under U.S. and international law.
51. Petitioner is therefore entitled to habeas relief under 28 U.S.C. § 2241, as he is being detained and subjected to removal in violation of the APA and the laws of the United States.



**COUNT IV: VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF THE FIFTH AMENDMENT**

52. Petitioner re-alleges and incorporates by reference the allegations in Paragraphs 1 through 51 as though fully set forth herein.
53. The United States is bound by statutory and treaty-based non-refoulement obligations, including those codified in 8 U.S.C. § 1231(b)(3) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), as implemented at 8 C.F.R. §§ 208.16–208.18.
54. Under these provisions, the government may not remove a noncitizen to a country where it is more likely than not that the individual would face persecution on account of a protected ground or would be subjected to torture.
55. Mr. Pierre has provided credible and specific evidence that he faces death threats,   
the government of Haiti has repeatedly failed to protect him despite multiple police reports.
56. 
57. By denying Mr. Pierre the opportunity to present these claims to an Immigration Judge, DHS has deprived him of his only meaningful opportunity to apply for protection under withholding of removal and CAT, in violation of U.S. statutory law and binding international obligations.
58. Removal under these circumstances would constitute refoulement, in violation of 8 U.S.C. § 1231(b)(3) and the United States' treaty commitments.
59. Mr. Pierre's removal without a hearing on these claims is unlawful, and he is entitled to habeas relief under 28 U.S.C. § 2241, as he is in custody and subject to deportation in violation of U.S. and international law.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner ROSNET PIERRE respectfully requests that this Honorable Court grant the following relief:

- A. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
- B. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from immigration detention, with or without conditions of supervision;
- C. In the alternative, order Respondents to provide Petitioner with a constitutionally adequate bond hearing before a neutral Immigration Judge with the authority to grant release, at which the government bears the burden to justify continued detention by clear and convincing evidence;
- D. Declare that Respondents' failure to provide Petitioner with Immigration Judge review of his negative reasonable fear determination, as required by 8 C.F.R. § 208.31(a)(1), violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, and the Administrative Procedure Act;
- E. Enjoin Respondents from executing Petitioner's removal until he is afforded full and fair adjudication of his withholding of removal and Convention Against Torture (CAT) claims before an Immigration Judge;

F. Award such other and further relief as the Court deems just and proper.

Respectfully Submitted,  
/s/ Wismick Saint-Jean

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08/06/2025

## CERTIFICATE OF SERVICE

Undersigned counsel of record for Petitioner, ROSNET PIERRE, hereby certifies to this Court that a true and accurate copy of this Petition and all Exhibits were served upon counsel for all parties through this Court's ECF System, on th 10th of August, 2025, since the U.S. Attorney for the Southern District of California represents all government parties, and is a registered filer with this Court's ECF System.

August 10, 2025

/s/ Wismick Saint-Jean  
Wismick Saint-Jean Esq.  
Attorney for Petitioner