

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DAVID BUCKINGHAM

*Petitioner,*

v.

John TSOUKARIS, in his official capacity as Field Office Director of Newark, New Jersey, Immigration and Customs Enforcement; Todd M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; and Pamela BONDI, Attorney General, U.S. Department of Justice, et al.

*Respondents.*

Case No. 25-14601

**AMENDED PETITION FOR  
WRIT OF HABEAS CORPUS**

**AMENDED PETITION FOR WRIT OF HABEAS CORPUS  
AND COMPLAINT**

1. This case concerns the government’s targeted and intentional disregard for statutory regulations and safeguards for the purpose of manipulating removal orders. From the moment the Petitioner arrived in the United States, ICE and CBP have systematically disregarded multiple statutory regulations, such as the right to be advised of charges, the right to be examined by a neutral officer, and meaningful access to counsel. As if these statutory violations weren’t sufficient to skew the results in removal proceedings, the Department of Homeland Security (“DHS”) has not provided an individualized determination as to whether Mr. David Buckingham poses a danger to the community or flight risk that requires continued detention.

2. Petitioner, David Buckingham, is a citizen and national of the United Kingdom and is in the United States as a lawful permanent resident. Respondents are targeting Mr. Buckingham to fulfill deportation quotas in a way that deprives him of his due process rights. While the Petitioner concedes that the Respondents may have great authority at the international border and airports to arrest those who may be inadmissible, the government's authority is not absolute and cannot taint the proceedings by ignoring statutory regulations to manufacture removal orders.

3. On August 6, 2025, Mr. David Buckingham, a lawful permanent resident, was arrested, detained, and charged with inadmissibility pursuant to section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act ("the Act"), in that he was convicted of a "crime involving moral turpitude," or an attempt, or conspiracy to commit such a crime.

4. While Mr. David Buckingham was charged as an "arriving alien" under section 212(a)(2)(A)(i)(I) of the Act, his treatment fits within a broader trend in which this administration has implemented blanket detention, unlawful transfer practices, and ignored statutory regulations.

5. Immigration detention is civil; it is not intended as punishment. The purposes of immigration detention are to ensure that individuals appear for their removal proceedings (and for removal if it is ultimately ordered), and to protect the public from danger that might result from an individual's release. Immigration detention is *not* designed to serve the goal of general deterrence, which is properly the function of the criminal justice system.

6. Prior to January 2025, DHS adhered to these principles. It was DHS policy to conduct individualized assessments for arriving aliens and generally release those who were not a danger or a flight risk. *See* 8 C.F.R. §212.5.

7. However, beginning in January 2025, this administration has vowed to deport 1.5 million people—3,000 a day—and to meet that quota, the government has significantly expanded detention centers, increasing detention capacity from approximately 50,000 to as high as 100,000 beds. As of September 2025, over 61,000 people are currently held in immigration detention facilities, the

highest number in U.S. history. Roughly 30,000 detained individuals would have previously been paroled or released on their own recognizance.

8. At the same time, DHS adopted a blanket No-Release Policy for “arriving aliens,” in order to deter immigrants from coming to the U.S. Under this policy—even though Mr. Buckingham is eligible for relief before the immigration court (which he hasn’t yet been able to present because of his transfer), and even though he is eligible under the immigration laws to be considered for release, recognizance, or other conditions—Respondents are refusing to consider him for release and instead ordering his continued detention. Respondents do so without making any individualized determination as to whether Mr. David Buckingham’s detention is necessary to prevent flight or protect the community.

9. The clear consequence of DHS’s policy is that Mr. Buckingham is being deprived of his liberty. His detention in a prison-like setting exacerbates the trauma Mr. David Buckingham has already experienced, including the loss of his job, the loss of a home purchase, inadequate medical attention, and being separated from his wife and minor children.

10. This No-Release Policy violates the Immigration and Nationality Act, applicable regulations, and the Fifth Amendment to the United States Constitution, which prohibit blanket detentions from being used for general deterrence. It is also arbitrary and capricious.

11. Finally, DHS’s blanket detention policy, coupled with its disregard for statutory regulations, makes its conduct even more egregious and places DHS in violation of the *Accardi* doctrine.

12. The government’s actions here, targeting Mr. Buckingham upon his return to the United States, and his ongoing detention 1,300 miles away from his home, isolated from his wife, his children, community, and legal team, are intended to punish him, using civil detention in a punitive way that violates his due process rights.

### **PARTIES**

\_\_\_\_\_ 13. Petitioner David Buckingham is a lawful permanent resident who lives and resides in New Jersey. When returning from a brief trip abroad with his U.S. citizen daughter on

August 6, 2025, Customs and Border Protection arrested him at Newark International Airport and transferred him into ICE custody at the Elizabeth Contract Detention Facility at 625 Evans Street, Elizabeth, New Jersey, 07201. He has since been transferred to Adams County Detention Center at 20 Hobo Ford Rd., Natchez, Mississippi.

14. Respondent John Tsoukaris is named in his official capacity as the Field Office Director for U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE ERO) Newark Field Office, which covers the State of New Jersey, where, upon information and belief, Petitioner was detained when Petitioner's initial Petition for Writ of Habeas Corpus and Complaint was filed. In this capacity, he is responsible for enforcement of the immigration laws within his jurisdiction, including detention, transfer, and removal decisions. He is a custodian of the Petitioner. Respondent John Tsoukaris' address is 970 Broad Street, 11<sup>th</sup> Floor, Newark, NJ 07102.

15. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in the District of New Jersey; is legally responsible for pursuing any effort to remove the Petitioner; and as such, is a custodian of the Petitioner. His address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.

16. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a); routinely transacts business in the District of New Jersey; is legally responsible for pursuing any effort to detain and remove the Petitioner; and as such is a custodian of the Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

17. Respondent Pamela Bondi is Attorney General of the United States. In her official capacity, she routinely transacts business in the District of New Jersey; is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103; and as such is a custodian of the Petitioner. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530- 0001.

### **JURISDICTION & VENUE**

18. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241; Article 1, § 9 cl. 2 (Suspension Clause) and Article III of the U.S. Constitution; the Administrative Procedure Act, 5 U.S.C. § 701 *et.seq.*; and 28 U.S.C. § 2201 (Declaratory Judgment Act).

19. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201, and this Court has the authority to grant declaratory and injunctive relief. *Id.* §§ 2201, 2202. The Court has additional remedial authority under the All Writs Act, 28 U.S.C. §1651.

20. Venue is proper in the District of New Jersey, under 28 U.S.C. §2241 and 28 U.S.C. §1391, because a substantial part of the events or omissions giving rise to this action occurred and continue to occur at the Newark Field Office in New Jersey within this district. Moreover, according to the government's records at the time of filing, Mr. Buckingham had not yet arrived or was booked into any other jurisdiction. At the time of this petition, the detainee locator listed Mr. Buckingham at the Elizabeth Contract Detention Facility at 625 Evans Street, Elizabeth, New Jersey, 07201.

### **BACKGROUND**

21. Mr. David Buckingham is a lawful permanent resident. On August 6, 2025, he returned from a brief trip abroad with his U.S. citizen eight-year-old daughter at Newark Liberty International Airport. He was stopped by Customs and Border Protection (CBP) at the gate and was escorted to secondary. Mr. David Buckingham was on probation for one count of wire fraud in violation of 18

U.S.C. § 1343. He had requested permission to travel from his probation officer prior to his international trip, which was granted by a supervising U.S. Probation Officer, and signed by a federal judge. Mr. David Buckingham had also reviewed a detainer action letter stating that the conviction did not rise to the level required to initiate removal proceedings.

22. On August 6, 2025, Mr. David Buckingham was made to wait at secondary inspection for approximately 48 hours. He was told that something did not match in his paperwork. He asked if his wife, who was already at the airport to pick him up, could bring him his contact lenses or glasses, but immigration denied that request. They did, however, allow him to speak with her to coordinate the pickup of their daughter.

23. On August 8, 2025, Mr. David Buckingham was interviewed by two desk officers. He was told to sign on an electronic pad and informed it concerned the Notice to Appear (“NTA”).<sup>1</sup> He was then given the Notice to Appear. The officer who served the NTA was not CBP Officer C. Miller, as stated on the certificate of service.

24. The NTA categorizes Mr. David Buckingham as an “arriving alien,” and alleges that the Petitioner is a native and citizen of the United Kingdom, was accorded lawful permanent residence on April 3, 2019, and that on October 4, 2022, he was convicted of wire fraud, in violation of 18 U.S.C. §1343. It also charges him as being inadmissible because he committed a crime involving moral turpitude pursuant to section 212(a)(2)(A)(i)(I) of the Act. The DHS submitted two different NTAs, one unsigned listing ‘date and time to be set,’ and a second signed NTA setting a hearing date on August 25, 2025.

25. According to the Department’s form I-213, Mr. Buckingham is classified as an “arriving alien,” and detained under section 235(b) of the Act. The only authorized release mechanism is parole under section 212(d)(5)(A) of the Act, which must be exercised case-by-case

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<sup>1</sup> There are two different Notices to Appear, both dated August 6, 2025. It’s not clear at what point the NTA gave a date and time for a hearing date at the Elizabeth immigration court.

pursuant to 8 C.F.R. § 212.5 and ICE Directive 11002.1.

26. The Petitioner hired counsel on August 8, 2025, who immediately filed a custody redetermination request with the immigration judge. The custody case was set to be heard at the Elizabeth Immigration Court on August 21, 2025, at 1:30 PM. Petitioner's counsel, Mr. Jayson DiMaria, also filed his Notice of Appearance in the removal proceedings. The removal case was scheduled for a hearing on August 26, 2025, at 9:00 AM.

27. Mr. Buckingham was able to speak to his lawyer on Monday, August 11, 2025.

28. On August 12, 2025, the Petitioner phoned his wife to tell her that he found his name on a list to be transferred. He believed that he would be transferred to Mississippi. He asked her to get in touch with their lawyer, Mr. Jayson DiMaria, to see if anything could be done.

29. Mr. Buckingham's transfer out of New Jersey, while he already had a bond hearing scheduled, interfered with his right to counsel. The day before the scheduled bond hearing, on August 20, 2025, the government filed a Notice to Appear dated August 6, 2025. This NTA was not signed by Mr. Buckingham. Further, the date and time on the NTA were filled out as "to be set." While the bond hearing proceeded off the record, as is customary practice for bond proceedings, Mr. Buckingham was not produced. Counsel was unable to confer with Mr. Buckingham regarding the legally insufficient NTA. Although counsel sought to proceed, the immigration judge declined to proceed without Mr. Buckingham and denied bond. Mr. Buckingham was prevented from fact-finding and making arguments about the legality of the NTA, which could have led to a dismissal in this case.

30. On August 23, 2025, about ten days after the filing of the instant Habeas petition, ICE filed a second Form I-830, Notice to EOIR, indicating that Mr. Buckingham would be released from custody under an Order of Supervision. When Mr. Buckingham's lawyer reached out to Enforcement and Removal Operations, ICE Officer Callaway to inquire about release details, ICE

Officer Callaway wasn't able to explain why that was written or why it was uploaded to the immigration court. It was further communicated that ICE would not be releasing Mr. Buckingham. No further reasoning was given as to why a representation of release under an Order of Supervision was filed with the immigration court, but would not be enforced.

31. Mr. Buckingham's removal case scheduled for August 26, 2025, in the Elizabeth immigration court was cancelled.

***Respondents Adopt Unlawful Policy to Apprehend, Detain, Transfer, and Deport Noncitizens***

32. Shortly after assuming office on January 20, 2025, President Trump signed several executive orders aimed at fulfilling the campaign promise of arresting 3,000 individuals per day: Executive Order 14165, titled "Securing our Border," signed on January 20, 2025, and Executive Order 14159, titled "Protecting the American People Against Invasion" signed on January 20, 2025.

33. Executive Order 14165 states that detention shall be the default for all arriving aliens, expressly revoking prior parole programs and prohibiting categorical release. It terminated "catch-and-release," and directed DHS to categorically deny parole absent exceptional circumstances. By doing so, Executive Order 14165 converted what the INA and its regulations require as a case-by-case determination into a blanket detention mandate.

34. Executive Order 14159 further directed DHS to "maximize detention capacity" and authorized expanded expedited removal across the United States, permitting DHS to detain and deport individuals who cannot prove lawful presence for up to two years after entry. The order required ICE and CBP to expand detention facilities, mobilize resources from the Department of Defense, and increase the use of local law enforcement partnerships under 287(g).

35. Prior to the Trump administration taking office in January 2025, the detention population was about 39,000 daily. As of August 24, 2025, according to Syracuse University Professor Austin Kocher, the detained population is approximately 61,226.

36. The Respondent is eligible for relief from removal pursuant to the Immigration

and Nationality Act (“INA”). By transferring Mr. Buckingham thousands of miles away from his attorney and family, ICE’s actions violate his rights under the Fifth Amendment of the U.S. Constitution, the INA, the Administrative Procedure Act, and its own federal regulations. Accordingly, this Court should prevent ICE from transferring the Petitioner to Mississippi, coordinate his transfer back to New Jersey, and order his immediate release.

37. In addition to dramatically expanding detention overall, DHS has refused to assess parole for arriving lawful permanent residents (LPRs) who are charged as inadmissible under INA § 212. Mr. Buckingham was detained without any individualized determination of whether his detention is warranted based on flight risk or danger to the community.

38. Instead of exercising discretion on a case-by-case basis, as required by INA § 212(d)(5)(A) and 8 C.F.R. § 212.5, ICE categorically denied parole to Mr. Buckingham, without assessing whether he has substantial equities in the United States, including U.S. citizen family members, long-term residence, employment, and community ties. The purpose of this detention is not to serve the legitimate goals of civil immigration detention — preventing flight or protecting the public — but rather to impose maximum harshness as a matter of policy and to reinforce numerical detention quotas announced by the administration.

39. Mr. Buckingham’s detention interferes with his ability to pursue immigration relief. He cannot effectively communicate with his attorney or his consulate.

40. The prison-like conditions Mr. Buckingham endures are deliberately punitive and dehumanizing. Federal oversight bodies and civil rights complaints have documented abuse, coercion, and dangerous conditions at Adams County Detention Center, including credible reports of death,<sup>2</sup> torture, and systemic health violations.<sup>3</sup>

41. At the Oakdale Immigration Court in Louisiana, asylum seekers face some of the

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<sup>2</sup> U.S. Immigration and Customs Enforcement, *Detainee Death Report: BA, Ousmane*, Adams County Detention Center / Winn Correctional Center 1–3 (Feb. 23, 2024), [https://www.ice.gov/doclib/foia/reports/ddr\\_OusmaneBa.pdf](https://www.ice.gov/doclib/foia/reports/ddr_OusmaneBa.pdf)

<sup>3</sup> See Alexandra Watts, *Cameroonian immigrants in Adams County prison say they were tortured by ICE agents*, **Mississippi Today** (Dec. 22, 2020), <https://mississippitoday.org/2020/12/22/cameroonian-immigrants-in-adams-county-prison-say-they-were-tortured-by-ice-agents/>

harshest adjudication outcomes in the country. According to data compiled by the Transactional Records Access Clearinghouse (TRAC) for fiscal years 2019 through 2024, the overall denial rate at Oakdale was 73.7 percent, well above the national average of 57.7 percent. Individual judges at Oakdale consistently denied the vast majority of cases, with denial rates ranging from 71.6 percent to 89.2 percent, with only one judge, Brock E. Taylor, granting relief in more than half of cases. These figures illustrate that the likelihood of prevailing on an asylum claim at Oakdale is significantly lower than in most immigration courts nationwide.

## **ARGUMENT**

### **FIRST CLAIM**

#### **Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution *Unlawful Civil Detention***

42. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

43. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

44. The government’s detention of Mr. Buckingham is wholly unjustified. The government has not demonstrated that Mr. Buckingham, a lawful permanent resident with strong family ties, a caregiver to his U.S. citizen spouse and two children, needs to be confined. *See Zadvydas*, 533 U.S. at 690 (immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Mr. Buckingham cannot be safely released back to his family.

45. Detention must remain regulatory, serving only to ensure appearance at proceedings and to protect the community. *Jennings v. Rodriguez*, 138 S. Ct. 830, 836-37 (2018); *Zadvydas*, 533 U.S.

at 690. Mr. Buckingham’s detention is punitive as it bears no “reasonable relation” to any legitimate government purpose. *Id.* at 690 (finding immigration detention is civil and thus ostensibly “nonpunitive in purpose and effect”). Here, there is every indication that his “detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons.” *Demore v. Kim*, 538 U.S. 510, 532-33 (2003) (Kennedy, J., concurring).

46. The punitive nature of Mr. Buckingham’s detention is compounded by the degrading and harmful conditions in which he is confined at the Adams County Correctional Center. Federal oversight bodies and civil rights complaints have documented abuse, coercion, and dangerous conditions at Adams—including credible reports of torture, and systemic health violations. Petitioner has limited access to counsel and the outside world; he faces delays and restrictions in legal calls and visits that impair preparation of his defense. He was prevented from addressing a jurisdictional issue, a defective Notice to Appear, in which his case may have been dismissed in August at his first scheduled removability hearing. However, due to his transfer, that hearing was canceled. The first time he will be able to see an immigration judge will be on September 9, 2025, about one month after his initial detention. Mr. Buckingham has been unable to receive contact lenses or glasses needed for his vision. He is subjected, with no valid basis, to punitive treatment that coerces many detainees into abandoning their legal claims and accepting deportation.

47. Civil detention may not be lawfully used as a tool of general deterrence or punishment. *Jennings*, 138 S. Ct. at 836-38; *Zadvydas*, 533 U.S. at 690. Respondents’ categorical policy of denying release for deterrence purposes is punitive and violates the Fifth Amendment.

**SECOND CLAIM**  
**Violation of Agency Regulation and the Accardi Doctrine**

48. Mr. Buckingham repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

49. Under the *Accardi* doctrine, agencies must follow their own regulations and binding policies, particularly those designed to safeguard individual rights. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). Failure to do so renders detention arbitrary, capricious, and unlawful.

50. Respondents classified and detained Mr. Buckingham as an arriving alien under 8 U.S.C. § 1225(b).<sup>4</sup> By regulation, his only potential release mechanism is parole under INA § 212(d)(5)(A), implemented through 8 C.F.R. § 212.5. Immigration judges lack jurisdiction over arriving aliens. *See* 8 C.F.R. § 1003.19(h)(2)(i). This regulation requires the Department to conduct individualized parole determinations on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

51. The Department has categorically refused to provide Mr. Buckingham with such an individualized parole review, ignoring his children’s medical issues and his role as a caregiver and provider to his U.S. citizen family. Respondents have imposed a “no-release” policy, denying parole to Mr. Buckingham as a matter of course. This practice violates 8 C.F.R. § 212.5 and the *Accardi* doctrine.

52. The Department has further violated its own regulations by failing to maintain separation of functions. 8 C.F.R. § 287.3(a) requires that an officer who effected an arrest should not ordinarily conduct post-arrest examinations or advisals of rights. Here, by information and belief as stated within the government’s forms, the arresting officer also conducted Petitioner’s rights advisals, undermining regulatory safeguards against coercion and bias.

53. DHS also violated regulations governing the service of charging documents. 8 C.F.R. § 239.1 requires that the Notice to Appear (NTA) be properly served, with an accurate certificate of service reflecting the officer and date of service. Petitioner’s NTA certificate falsely states service

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<sup>4</sup> Mr. Buckingham challenges this determination based on the defective Notice to Appear.

by an officer who did not serve him and on a date that does not reflect actual service. This false certification renders the initiation of proceedings procedurally defective under the *Accardi* doctrine.

54. ICE's custody records are further inconsistent with its present detention posture. Specifically, on August 23, 2025, ICE issued a Form I-830 reflecting an Order of Supervision, acknowledging Petitioner's suitability for release. This form was uploaded to the immigration court on August 24, 2025. Detaining Petitioner after issuing this form contradicts ICE's own custody records and policies, demonstrating arbitrary and capricious action. Even when Mr. Buckingham's counsel called to inquire about release, ICE offered no explanation except to say that Mr. Buckingham would not be released.

55. Taken together, these violations show a pattern of Respondents disregarding binding regulations and policies, including 8 C.F.R. § 212.5, § 287.3, and § 239.1, as well as their own custody determinations, in violation of the *Accardi* doctrine. Petitioner is therefore entitled to habeas relief and an order compelling DHS to comply with its regulations by: (1) providing an individualized parole determination consistent with 8 C.F.R. § 212.5; (2) remedying defects in service of the NTA; and (3) reconciling its inconsistent custody decisions.

### **THIRD CLAIM**

#### ***Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)***

56. Mr. Buckingham repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

57. Under the Administrative Procedure Act, courts must "hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

58. Respondents' detention of Petitioner is arbitrary and capricious because it departs from the statutory and regulatory framework. Civil detention under the immigration laws serves only the

legitimate purposes of ensuring appearance at proceedings and protecting the community from danger. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 836–37 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

**FOURTH CLAIM**  
***Improper Proceedings and Jurisdictional Defect***

59. Mr. Buckingham repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

60. The Department has improperly placed Petitioner in removal proceedings without valid jurisdiction. The Notice to Appear (“NTA”) initiating proceedings is defective, containing false certification of service and failing to comply with 8 C.F.R. § 239.1. The defective NTA deprived the Immigration Court of jurisdiction under binding regulations and precedent.

61. Mr. Buckingham was prevented from challenging this jurisdiction before the Immigration Judge at his scheduled bond hearing. The government transferred Mr. Buckingham to Adams County Correctional Center before this hearing, resulting in the cancellation of his initial proceeding and the loss of an opportunity to raise jurisdictional objections.

62. This deliberate transfer of the body prevented Petitioner from litigating a threshold jurisdictional defect, thereby frustrating judicial review. Courts have recognized that government transfers cannot be used to evade jurisdiction or foreclose habeas review. See *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004).

63. Because Mr. Buckingham is detained under a defective charging document and in proceedings commenced without jurisdiction, his detention is unlawful and violates both the Due Process Clause and the habeas statute, 28 U.S.C. § 2241.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Declare unlawful and set aside Respondents' "no-release" policy as applied to Mr. Buckingham, which denies individualized parole consideration;
3. Declare unlawful and set aside the defective Notice to Appear and related custody determinations;
4. Order Respondents to provide a prompt, individualized parole determination to Mr. Buckingham under INA § 212(d)(5)(A) and 8 C.F.R. § 212.5 within 7 days, with a reasoned written decision discussing and addressing the initial Order of Supervision dated August 23, 2025.
5. Order Respondents to transfer Petitioner back to the jurisdiction of this District pending these proceedings;
6. Enjoin Respondents from transferring Mr. Buckingham outside the jurisdiction of this Court pending resolution of these proceedings;
7. Declare that Mr. Buckingham's detention is unlawful as punitive, arbitrary, and capricious, and not reasonably related to any legitimate government purpose under law;
8. Award reasonable attorneys' fees and costs;
9. Grant such further relief as this Court deems just and proper.

Dated: September 7, 2025

Respectfully submitted,  
*/s/ Veronica Cardenas*  
Veronica Cardenas  
New Jersey Bar ID # 022052010  
Law Office of Cardenas Immigration Law  
2 Arnot St., Ste 6  
Unit 122  
Lodi, NJ 07644  
Email: [veronica.cardenas@cardenasimmigrationlaw.com](mailto:veronica.cardenas@cardenasimmigrationlaw.com)