


**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

| | | |
|---|---|-------------------|
| Yadan Rodriguez Gil |) | |
| |) | |
| Alien Registration Number  |) | |
| |) | |
| Petitioner, |) | Case No. _____ |
| |) | |
| v. |) | |
| |) | JUDGE: |
| MICHAEL MANUEL, Warden, Allen Parish Public |) | |
| Safety Complex; BRIAN ACUNA, Field Office |) | _____ |
| Director, New Orleans Office of U.S. Immigration |) | |
| and Customs Enforcement; KRISTI NOEM, |) | MAGISTRATE JUDGE: |
| Secretary, U.S. Department of Homeland Security; |) | |
| PAM BONDI, Attorney General of the United States, |) | _____ |
| U.S. Department of Justice. |) | |
| |) | |
| Respondents. |) | |

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

This is a petition for a writ of habeas corpus filed on behalf of Yadan Rodriguez Gil seeking relief to remedy his unlawful detention. Respondents are detaining Mr. Rodriguez Gil pending the execution of his final removal order. Mr. Rodriguez Gil has fully cooperated with Respondents in their efforts to remove him. To date, Respondents have been unable or unwilling to remove Mr. Rodriguez Gil and thus, he has been detained for more than eight (8) months. Mr. Rodriguez Gil is not a flight risk or a danger to the community.

Prior to his detention, Petitioner was a Lawful Permanent Resident. Petitioner has one prior conviction for bank fraud, for which he completed his sentence on or about October 2, 2024. Shortly thereafter, on or about January 10, 2025, Mr. Rodriguez Gil was detained by U.S. Immigration and Customs Enforcement (USICE). His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA).

On or about January 10, 2025, Respondent Brian Acuna arrested Mr. Rodriguez Gil and placed him in the custody of the Allen Parish Public Safety Complex. Mr. Rodriguez Gil's detention was for the purpose of removal proceedings for a Lawful Permanent Resident following a conviction. On or about January 30, 2025, Mr. Rodriguez Gil was ordered removed. On or about August 9, 2025, Mr. Rodriguez Gil requested removal to Mexico. The status of this request is unknown.

Mr. Rodriguez Gil does not fall into any exception which permits continued detention. USICE may continue detention of particular removable aliens on account of special circumstances, although there is no significant likelihood that the alien will be removed in the foreseeable future. 8 C.F.R. § 241.14(a). This regulation recognized four categories of aliens whose special circumstances warrant continued detention: (1) aliens with a highly contagious disease that is a threat to public safety; (2) aliens detained on account of serious adverse foreign policy consequences of the release; (3) aliens detained on account of security or terrorism concerns; and (4) aliens determined to pose a special danger to the public. 8 C.F.R. § 241.14(b-f). Under 8 C.F.R. § 241.14(f), the government must prove by clear and convincing evidence that the alien has: (1) previously committed one or more crimes of violence as defined in 8 U.S.C. § 16; (2) that due to a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; and (3) no conditions of release can reasonably be expected to ensure the safety of the public. *Id.*

Here, Mr. Rodriguez Gil does not fall into any of these categories. He has a family, pays taxes, and but for a recent criminal conviction, has no criminal record that would demonstrate any security concern. Further, Mr. Rodriguez Gil was not convicted or even charged with a crime defined under 8 U.S.C. § 16, or any other crime of violence. Nor does he suffer from any

mental health condition or disorder. As such, his continued detention is not justified under any of these exceptions.

Mr. Rodriguez Gil has fully cooperated with Respondents' requests to complete the necessary paperwork to ensure his removal. Mr. Rodriguez Gil submits that his detention is in violation of his constitutional rights. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Rodriguez Gil from their custody.

CUSTODY

1. Mr. Rodriguez Gil is in the physical custody of Respondent Brian Acuna, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent Michael Manuel, Warden of the Allen Parish Public Safety Complex (APPSC) in Oberlin, Louisiana. At the time of the filing of this petition, Petitioner is detained at the APPSC in Oberlin, Louisiana. The APPSC contracts with the DHS to detain aliens such as Petitioner. Mr. Rodriguez Gil is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S.

Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Western District of Louisiana, the judicial district in which Respondents, Brian Acuna and Michael Manuel reside, and where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner Mr. Rodriguez Gil is a national and citizen of Cuba who was accorded lawful permanent resident status on or about May 25, 2015. Petitioner was ordered removed on January 30, 2025, due to his criminal conviction. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien's removal order.

5. Respondent Brian Acuna is the Field Office Director for Detention and Removal, USICE, DHS. Respondent Acuna is a custodial official acting within the boundaries of the judicial district of the United States Court for the Western District of Louisiana, Lafayette Division. Pursuant to Respondent Acuna's orders, Petitioner remains detained.

6. Respondent Michael Manuel is the warden of the Allen Parish Public Safety Complex facility in Oberlin, Louisiana. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Western District of Louisiana, Lafayette Division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Mr. Rodriguez Gil has exhausted his administrative remedies to the extent required by law.

8. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

9. Mr. Rodriguez Gil's only remedy is by way of this judicial action.

STATEMENT OF FACTS

10. Petitioner Mr. Rodriguez Gil is a national and citizen of Cuba who was previously accorded lawful permanent resident status but was ordered removed on January 30, 2025, due to a bank fraud conviction.

11. After being ordered removed, Mr. Rodriguez Gil remains detained.

12. However, Respondents have been unable or unwilling to remove Mr. Rodriguez Gil.

13. Mr. Rodriguez Gil has fully cooperated with Respondents' efforts to effect his removal.

14. Mr. Rodriguez Gil has now been in detention for more than eight (8) months pending his removal. Respondents continue to detain Mr. Rodriguez Gil even though it is now clear that Respondents cannot remove him.

15. Mr. Rodriguez Gil is not a danger to the community or a flight risk. He has no pending criminal cases, and he completed his sentence relating to his bank fraud conviction ten (10) months ago.

16. Prior to his arrest, Mr. Rodriguez Gil was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

17. Respondents' decision to detain Mr. Rodriguez Gil is no longer legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. Rodriguez Gil's request for release.

CLAIMS FOR RELIEF

COUNT ONE

CONSTITUTIONAL CLAIM

18. Petitioner alleges and incorporates by reference paragraphs 1 through 17 above.

19. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO

STATUTORY CLAIM

20. Petitioner alleges and incorporates by reference paragraphs 1 through 19 above.

21. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

22. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

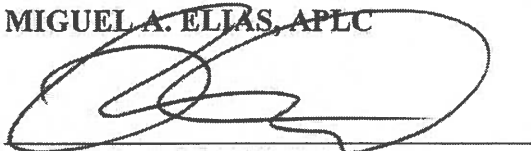
WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release Mr. Rodriguez Gil on his own recognizance or under parole, a low bond, or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees; and,
5. Grant any other relief which this Court deems just and proper.

PLEASE SEE NEXT PAGE FOR SIGNATURE BLOCK

Respectfully submitted,

MIGUEL A. ELIAS, APLC

A handwritten signature in black ink, appearing to read 'Miguel A. Elias', is written over a horizontal line.

MIGUEL A. ELIAS (#25384)

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