

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

RECEIVED


UNITED STATES DISTRICT COURT
for the
Western District of Louisiana

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

OCT 03 2025

Matar Gueye

DANIEL J. McCOY, CLERK

BY: 

Petitioner

v.

Case No. 1:25-cv-01274-DDD-JPM SEC P
(Supplied by Clerk of Court)


Warden Winn Correctional Center et al

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Matar Gueye
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Winn Correctional Center
(b) Address: 560 Gum spring Road
Winfield LA 71483
(c) Your identification number: A# 
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
Immigration and Customs Enforcement (ICE)
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): I am being held even though a judge has granted me withholding of removal. ICE detained me when I responsibly reported for my check-in. They should not detain or attempt to deport me, as the judge has already ordered withholding of removal in my case.

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): I am being held even though a judge has granted me withholding of removal. ICE detained me when I responsibly reported for my check-in. They should not detain or attempt to deport me, as the judge has already ordered withholding of removal in my case, on December 6, 2024.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

(b) Docket number, case number, or opinion number: A-Number ~~XXXXXXXXXX~~ Docket Date: 1/9/2024

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Judge Landis declined bond citing lack of jurisdiction.

Date: Aug 14, 2025 AT 09:00 A.M. AT: <https://eoir.webex.com/meet/IJ.Landis>

1900 EAST WHATLEY ROAD OAKDALE, LA 71463

(d) Date of the decision or action: August 14th 2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

The remedy under 28 U.S.C. § 2255 is inadequate or ineffective in my case because I am not challenging a federal criminal conviction or sentence. My custody arises from immigration detention by ICE, even though an Immigration Judge has granted me protection under the Convention Against Torture (CAT) and ordered withholding of removal. Section 2255 applies only to prisoners seeking to vacate, set aside, or correct a federal sentence. It provides no remedy for unlawful immigration detention. Accordingly, § 2255 is inadequate and ineffective to address my claims, and habeas corpus relief under 28 U.S.C. § 2241 is the appropriate vehicle to challenge the legality of my continued detention.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 07/08/2025
- (b) Date of the removal or reinstatement order: 12/06/2024 (Withholding of removal)
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: _____
 - (2) Case number: _____
 - (3) Result: _____
 - (4) Date of result: _____
 - (5) Issues raised: _____
- _____
- _____
- _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
 - (2) Date of filing: _____
 - (3) Case number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____
- _____
- _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
 - (b) Name of the authority, agency, or court: _____
- _____
- (c) Date of filing: _____
 - (d) Docket number, case number, or opinion number: _____
 - (e) Result: _____
 - (f) Date of result: _____
 - (g) Issues raised: _____
- _____
- _____
- _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Indefinite Detention is
Unconstitutional

(a) Supporting facts (Be brief. Do not cite cases or law.):

I was granted withholding of removal under CAT on December 6, 2024. ICE has continued to detain me even though I cannot be removed to Senegal. Since July 8, 2025, I have been held without any bond hearing. Because removal is not possible, my continued detention serves no legitimate purpose and violates the Due Process Clause of the Fifth Amendment.

(b) Did you present Ground One in all appeals that were available to you? N/A

Yes No

GROUND TWO: Detention Without a Bond Hearing Violates Due

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have been detained since July 8, 2025, without ever being afforded a bond hearing before a neutral decisionmaker. I was taken into custody while complying with an ICE check-in. Prolonged detention without a hearing denies me due process and is unconstitutional.

(b) Did you present Ground Two in all appeals that were available to you? N/A

Yes No

GROUND THREE: Lack of Significant Likelihood of Removal in the Reasonably Foreseeable
Future

(a) Supporting facts (Be brief. Do not cite cases or law.):

Because I have CAT protection, I cannot be deported to Senegal. ICE has not identified any other country willing to accept me. There is no significant likelihood of removal in the reasonably foreseeable future, so my detention is unlawful.

(b) Did you present Ground Three in all appeals that were available to you? N/A

Yes No

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GROUND FOUR: My Detention is Punitive and Unnecessary Given My Strong Equities

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have no serious criminal record, complied with ICE supervision, and have strong community and family support. Letters from community members (Exhibit F) confirm my character and contributions. Detention is not necessary to ensure appearance or public safety, and continued confinement violates the Constitution and laws of the United States.

(b) Did you present Ground Four in all appeals that were available to you? N/A

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: N/A

Request for Relief

15. State exactly what you want the court to do:

1. Order his immediate release from custody under reasonable conditions of supervision, in light of his grant of withholding of removal under the Convention Against Torture, the impossibility of removal to Senegal, and the unconstitutionality of indefinite detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001);

OR, IN THE ALTERNATIVE

2. Order the government to provide Petitioner with a bond hearing before an Immigration Judge within 30 days, at which the government must bear the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is necessary to prevent flight or danger to the community.

Petitioner further requests that this Court grant such other and further relief as justice may require.

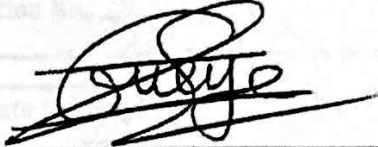
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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.


Date: 09/30/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

Mr. Gueye, (A#  Petitioner,	Civil Action No.: _____
v. Warden, Wynn Correctional Center; Merrick B. Garland, Attorney General; Alejandro Mayorkas, Secretary of Homeland Security; U.S. Immigration and Customs Enforcement, Respondents.	Judge: _____ Magistrate Judge: _____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner Mr. Gueye respectfully submits this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Mr. Gueye is a native of Senegal who has been granted withholding of removal under the Convention Against Torture (CAT), yet remains detained by U.S. Immigration and Customs Enforcement (ICE) at Wynn Correctional Center in Louisiana. Despite his lawful protection from removal, ICE has continued to hold him indefinitely, even though he poses no danger and has strong ties to his community.

This continued detention violates the Due Process Clause of the Fifth Amendment and the controlling principles set forth in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Because removal to Senegal is not possible, the government lacks lawful authority to detain Mr. Gueye indefinitely. He seeks immediate release, or at minimum, a bond hearing where the government must justify his detention.

III. Circuit Courts Have Recognized the Need for Bond Hearings

In *Johnson v. Arteaga-Martinez*, 143 S. Ct. 1479 (2023), the Supreme Court acknowledged that prolonged detention under INA § 241(a)(2) is an extraordinary circumstance. Circuit courts, including the Third and Second Circuits, have required bond hearings after six months of detention. See, e.g., *Volasco Lopez v. Iwinski*, 737 F.3d 442 (3d Cir. 2023). Mr. Gueye's prolonged detention without a hearing violates such precedents.

IV. Mr. Gueye's Strong Equities Support Release

Mr. Gueye has deep ties to his community. He volunteered with *Les Amis*, a non-profit, assisting in the soil and contributing significantly to local charitable work. He has no serious criminal history, and he complied with ICE's supervision until he was detained during a routine ICE check-in. These equities demonstrate that he is neither a flight risk nor a danger to the community.

ARGUMENT

I. Indefinite Detention is Unconstitutional Under *Zadvydas v. Davis*

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that noncitizens who cannot be removed may not be detained indefinitely. Detention is presumptively reasonable for up to six months, but after that, the government must show a significant likelihood of removal in the reasonably foreseeable future. Here, because Mr. Gueye has been granted withholding of removal under CAT, removal to Senegal is legally barred. Thus, his continued detention serves no legitimate purpose and is unconstitutional.

II. Withholding of Removal Under CAT Bars Deportation to Senegal

Mr. Gueye has been granted protection under the Convention Against Torture. This means that U.S. law prohibits returning him to Senegal because he has a well-founded fear of persecution or torture there. The government cannot lawfully deport him, and thus cannot justify indefinite detention on the basis of removal.

III. Circuit Courts Have Recognized the Need for Bond Hearings

In *Johnson v. Arteaga-Martinez*, 142 S. Ct. 1827 (2022), the Supreme Court acknowledged that prolonged detention under INA § 241(a)(6) raises serious constitutional concerns. Circuit courts, including the Third and Second Circuits, have required bond hearings after six months of detention. See, e.g., *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020). Mr. Gueye's prolonged detention without a hearing violates these principles.

IV. Mr. Gueye's Strong Equities Support Release

Mr. Gueye has deep ties to his community. He volunteered with the Hanifeeya non-profit, assisting Imam Sall and contributing significantly to local charitable work. He has no serious criminal history, and he complied with ICE's supervision until he was detained during a routine ICE check-in. These equities demonstrate that he is neither a flight risk nor a danger to the community.

RELIEF REQUESTED

For the reasons set forth above, Petitioner respectfully asks this Court to grant his writ of habeas corpus under 28 U.S.C. § 2241.

Specifically, Petitioner requests that the Court:

1. Order his immediate release from custody under reasonable conditions of supervision, in light of his grant of withholding of removal under the Convention Against Torture, the impossibility of removal to Senegal, and the unconstitutionality of indefinite detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001);

OR, IN THE ALTERNATIVE

2. Order the government to provide Petitioner with a bond hearing before an Immigration Judge within 30 days, at which the government must bear the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is necessary to prevent flight or danger to the community.

Petitioner further requests that this Court grant such other and further relief as justice may require.

TABLE OF EXHIBITS

Exhibit	Description	Source
Exhibit A	Immigration Judge's Decision Granting Withholding of Removal under CAT	Immigration Court
Exhibit B	ICE Custody Records and Detention History	ICE / DHS
Exhibit C	Affidavit of Mr. Gueye (personal declaration)	Petitioner
Exhibit D	Letter of Support from Imam Sall, Hanifeeya Non-Profit	Community Leader
Exhibit E	Country Conditions Report on Senegal (U.S. Dept. of State, Human Rights Reports)	U.S. Department of State
Exhibit F	Additional Letters of Support from Family, Community, and Employers	Family & Community