

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

CARLOS ALBERTO RODELO ECHAVEZ

(A )

Petitioner

v.

TODD M. LYONS, in his official capacity as
Acting Director, U.S. Immigration and
Customs Enforcement; STANLEY
CROCKETT, in his official capacity as Field
Director of the ICE New Orleans Field
Office; WARDEN, JACKSON PARISH
CORRECTIONAL CENTER, in their official
capacity,

Respondents

Case No. 3:25-CV-01282

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

INTRODUCTION

1. Petitioner Carlos Alberto Rodelo Echavez (“Mr. Rodelo”) is a native and citizen of Colombia. On February 4, 2025, an immigration judge (IJ) issued an order of removal and granted Mr. Rodelo withholding of removal to Colombia under the Convention Against Torture (CAT).
2. The Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) did not act on the removal order for six months. Exactly six months later ICE detained Mr. Rodelo in Silver Spring, Maryland. With no warning that he would be detained, no indication that his CAT protection had been rescinded, or any indication that a third country of removal had been identified, he was promptly detained and transferred to Jackson Parish Correctional Center in Jonesboro, Louisiana where he remains in ICE custody.

3. Mr. Rodelo brings this petition for a writ of habeas corpus as there is no significant likelihood of his removal in the reasonably foreseeable future, rendering his continued detention a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment. He asks this Court to order his release under an appropriate Order of Supervision (OSUP).

JURISDICTION AND VENUE

4. This action arises under the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
5. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal questions), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. §§ 2201-02 (declaratory relief).
6. Venue is proper because Mr. Rodelo's immediate custodian at Jackson Parish Correctional Center is located in this District and a "substantial part of the events or omissions giving rise to the claim" occurred in this District. 28 U.S.C. § 1391(e)(1).

PARTIES

7. Petitioner Carlos Alberto Rodelo Echavez is a native and citizen of Colombia. As of the filing of this Petition, ICE is detaining him at Jackson Parish Correctional Center in Jonesboro, Louisiana.
8. Respondent Todd M. Lyons is the Acting Director of ICE, responsible for ICE's detention and removal operations and all its other functions. He is sued in his official capacity.
9. Respondent Stanley Crockett, Field Office Director of the ICE New Orleans Field Office and is responsible for ICE's operations in Louisiana where Mr. Rodelo is held. He is sued in his official capacity.

10. Warden, Jackson Parish Correctional Center, is the immediate custodian of Mr. Rodelo. The Warden is sued in his/her official capacity.

EXHAUSTION

11. The decision to detain Mr. Rodelo is subject to challenge through a petition for a writ of habeas corpus, and he need not exhaust any administrative remedies which might be available to him before seeking this Court's review as Congress has not specifically mandated it. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) ("Where Congress specifically mandates, exhaustion is required. But where Congress has not clearly required exhaustion, sound judicial discretion governs.").
12. Moreover, because detaining Mr. Rodelo without a significant likelihood of removal in the reasonably foreseeable future violates his right to due process, administrative exhaustion is excused. *See Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when . . . a plaintiff has raised a 'substantial constitutional question.'").

LEGAL BACKGROUND

Post-Order Detention

15. ICE's authority to detain noncitizens subject to final orders of removal derives from 8 U.S.C. § 1231. Under § 1231, noncitizens subject to final orders of removal shall be detained for a 90-day period starting from the latest of the following: (i) the date the order of removal becomes administratively final; (ii) if the removal order is judicially reviewed and the court stays removal, the date of the court's final order; or (iii) the date the noncitizen is released from non-immigration detention. 8 U.S.C. § 1231(a)-(b).

16. The statute authorizes, but does not require, detention beyond the removal period for noncitizens who are inadmissible under 8 U.S.C. § 1182, subject to removal under 8 U.S.C. § 1227(a)(1)(C), (a)(2) or (a)(4), or are determined to be a risk to the community or unlikely to comply with their removal orders. 8 U.S.C. § 1231(a)(6).
17. Recognizing that interpreting 8 U.S.C. § 1231(a)(6) to authorize potentially indefinite detention raised serious constitutional concerns, the Supreme Court has interpreted 8 U.S.C. § 1231(a)(6) to contain an implicit temporal limitation, restricting the Government's post-removal-period detention authority to "a period reasonably necessary to bring about the [noncitizen's] removal from the United States." *See Zadvydas v. Davis*, 533 U.S. 678, 689-90 (2001).
18. The Court held that detention during the six months following the entry of a final order of removal is presumptively reasonable. *Id.* at 701. "After this 6-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing" to justify detention. *Id.*
19. If ICE opts to release a noncitizen with a final order of removal, their release shall be subject to an OSUP, including a requirement to "appear before an immigration officer periodically for identification." 8 U.S.C. § 1231(a)(3), (6).

Protection Under the U.N. Convention Against Torture

20. Noncitizens are entitled to protection under the U.N. Convention Against Torture (CAT) if they establish "that it is more likely than not that [they] would be tortured if removed to the proposed country of removal." 8 C.F.R. § 208.16(c).

21. If eligible for protection under CAT, the noncitizen shall be granted withholding of removal unless they are subject to the mandatory bars to withholding enumerated at 8 U.S.C. § 1231(b)(3)(B). 8 C.F.R. § 208.16(d). These bars apply to individuals who have participated in the persecution of others, have been convicted of particularly serious crimes, or pose a danger to the national security of the United States. *Id.*; 8 U.S.C. § 1231(b)(3). If the noncitizen is eligible for CAT protection but subject to one of these bars, he or she is granted *deferral* of removal under CAT. *See* 8 C.F.R. § 208.17.
22. If a noncitizen establishes eligibility for withholding of removal, it is a mandatory remedy. *See INS v. Aguirre-Aguirre*, 526 U.S. 415, 420 (1999).
23. An immigration judge or the Board of Immigration Appeals may reopen a case to terminate withholding of removal sua sponte or on a written motion from DHS. 8 C.F.R. § 208.24(f); 8 C.F.R. § 1003.2; 8 C.F.R. § 1003.23.
24. To terminate withholding of removal in a reopened proceeding, DHS must establish by a preponderance of the evidence that the noncitizen: (1) is no longer entitled to withholding of removal because their life or freedom would no longer be threatened owing to a fundamental change of circumstances relating to the original claim; (2) a showing of fraud in the application such that the noncitizen was not eligible for withholding at the time it was granted; or (3) committed any act that would have been grounds for denial of withholding under section 8 U.S.C. § 1231(b)(3)(B).

STATEMENT OF RELEVANT FACTS

25. Mr. Rodelo is a native and citizen of Colombia. On February 4, 2025, an immigration judge granted him withholding of removal to Colombia under CAT.

26. On August 4, 2025, ICE arrested Mr. Rodelo in Silver Spring, Maryland and promptly detained him. Yet Mr. Rodelo's CAT protection has not been rescinded, no third country of removal has been identified, nor is there any indication that any Order of Supervision has been violated or rescinded.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1231(a)

27. Mr. Rodelo realleges and incorporates by reference the paragraphs above.
28. Mr. Rodelo's 90-day removal period began on February 4, 2025, when he was ordered removed and subject to Protection under the Convention Against Torture.
29. The 90-day removal period ended on May 5, 2025. Thus, Mr. Rodelo is no longer subject to mandatory detention and may only be detained under 8 U.S.C. § 1231(a)(6).
30. Further, the six-month period when detention would be deemed presumptively reasonable under *Zadvydas* lapsed on August 4, 2025.
31. It was not until that point—after the presumption of reasonable detention expired—that ICE chose to detain Mr. Rodelo. Yet, ICE has provide no reason what circumstances have changed such that detention at this point is necessary.
32. Mr. Rodelo has been granted withholding of removal to Colombia under the U.N Convention Against Torture. ICE has not filed a written motion or made any effort to terminate Mr. Rodelo's withholding of removal order. Nor have they identified a third country to which Mr. Rodelo can be removed.
33. Indeed, Respondents recently conceded at an evidentiary hearing in the District of Maryland that they do not even attempt to identify a third country of removal before they take a noncitizen into their custody. *See* Tr. of Evidentiary Hearing, *Abrego Garcia v. Noem*, No. 8:25-

cv-951-PX, at 26:14-27:1; 30:18-31:21 (D. Md. July 10, 2025) (concession by ICE Enforcement and Removal Operations Interim Assistant Director Thomas Giles that ICE does not begin working to identify a third country “until the individual is in ICE custody”) (Attached as Exhibit A).

34. Respondents’ detention of Mr. Rodelo exceeds ICE’s authority under 8 U.S.C. § 1231(a)(6) because there is no significant likelihood of Mr. Rodelo’s removal in the reasonably foreseeable future.

COUNT TWO
Violation of Substantive Due Process

35. Mr. Rodelo realleges and incorporates by reference the paragraphs above.
36. All individuals within the United States, including noncitizens, are entitled to due process. *Zadvydas*, 533 U.S. at 693.
37. As a person living in the United States, Mr. Rodelo is entitled to due process of law. U.S. Const. amend. V; *see generally Zadvydas*, 533 U.S. 678.
38. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690; *Reno v. Flores*, 507 U.S. 292, 306 (1993) (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.”).
39. Civil detention that is punitive violates due process. *Maniar v. Warden Pine Prairie Corr. Ctr.*, No. 6:18-CV-00544, 2018 U.S. Dist. LEXIS 250323, at *14 (W.D. La. July 11, 2018) (citing *United States v. Hare*, 873 F.2d 796, 800 (5th Cir. 1989)) Civil detention becomes constitutionally impermissible punishment if “it is not reasonably related to a legitimate nonpunitive governmental objective” such that “an intent to punish may be inferred.” *Id.* (quoting *Martin v. Gentile*, 849 F.2d 863, 870 (4th Cir. 1988)); *see also Bell v. Wolfish*, 441

U.S. 520 (1979); *Zadvydas*, 533 U.S. at 690 (holding that civil detention violates due process except in “narrow, non-punitive circumstances where a special justification, such as harm-threatening mental illness outweighs the individual’s constitutionally protected interest in avoiding physical restraint.”) (cleaned up).

40. *Zadvydas* recognized two interests potentially served by civil immigration detention—ensuring the appearance of noncitizens at future immigration proceedings and preventing danger to the community. 533 U.S. at 690.
41. Mr. Rodelo’s detention serves neither interest. The Government’s interest in preventing flight is “weak or nonexistent where removal seems a remote possibility.” *Id.* Mr. Rodelo may not be removed to Colombia as he has been granted withholding of removal under CAT, and Respondents have not taken any steps to reopen that order. Nor have Respondents identified any potential third country to which he may be removed. Further, there is no indication that Mr. Rodelo has failed to comply with the terms of any OSUP issued by ICE.
42. Mr. Rodelo’s detention is not necessary to protect the community, and Respondents have not claimed that it is. Even if they had, Respondents cannot justify his detention on those grounds absent “strong procedural protections.” *Id.* at 690-91. Yet, Mr. Rodelo was provided no notice that he would be detained, no notice that an OSUP had been rescinded or violated, and no opportunity to dispute any claims that allowing him to remain free pending the identification of a third country willing to accept him for removal would endanger the community.
43. Because ICE’s civil detention of Mr. Rodelo serves no legitimate purpose, it amounts to punishment in violation of the Fifth Amendment.

COUNT THREE
Violation of Procedural Due Process
(Notice and Opportunity to Challenge Third Country Removal)

61. Mr. Rodelo realleges and incorporates by reference the paragraphs above.
62. Upon information and belief, Respondents have detained Mr. Rodelo to attempt to find an unspecified third country that will accept him for removal. DHS has not identified any country or countries to which it will seek to remove him.
63. This failure to provide notice violates his constitutional right to procedural due process by depriving him of the opportunity to seek protection from such a removal. *See D.V.D. v. U.S. Dep't of Homeland Sec.*, No. 25-cv-10676, 2025 U.S. Dist. LEXIS 59422, at *5 (D. Mass. Mar. 29, 2025) (holding that “[d]ue process requires that an individual be given notice of where they are being taken and a meaningful opportunity to show that, if taken there, they will likely be subject to persecution, torture or death”); *Jama v. Immigr. & Customs Enft.*, 543 U.S. 335, 348, 125 S. Ct. 694, 160 L. Ed. 2d 708 (2005) (explaining that individuals who “face persecution or other mistreatment in the country designated” as their place of removal “have a number of available remedies,” by statute, regulation, and under international law, to “ensur[e] their humane treatment”); *Andriasian v. I.N.S.*, 180 F.3d 1033, 1041 (9th Cir. 1999) (finding that “last minute designation” of removal country during formal proceedings “violated a basic tenet of constitutional due process: that individuals whose rights are being determined are entitled to notice of the issues to be adjudicated, so that they will have the opportunity to prepare and present relevant arguments and evidence”). Indeed, counsel for the Government conceded as much just five months ago before the Supreme Court. *See* Tr. of Oral Argument at 33, *Bondi v. Riley*, No. 23-1270 (S. Ct. Mar. 24, 2025) (Assistant to the Solicitor General: “We would have

to give the person notice of the third country and give them the opportunity to raise a reasonable fear of torture or persecution in that third country.”) (Attached as Exhibit B).

64. Ultimately, Mr. Rodelo cannot be removed to a third country until Respondents provide him notice of any third country to which he may be removed and an opportunity to seek protection from such removal. He therefore requests this Court issue an order barring his removal to any third country without sufficient notice and a meaningful opportunity to challenge that removal under the Fifth Amendment.

PRAYER FOR RELIEF

Based on the foregoing, Mr. Rodelo requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue an emergency order staying Mr. Rodelo’s transfer outside the District and his removal from the United States;
- (3) Declare that Mr. Rodelo’s continued immigration detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
- (4) Issue a writ of habeas corpus ordering Respondents to release Mr. Rodelo immediately subject to the conditions of his Order of Supervision;
- (5) Alternatively, issue a writ of habeas corpus requiring Respondents to provide Mr. Rodelo notice and an opportunity to seek protection from removal to a third country; and

(6) Grant any further relief this Court deems just and proper.

Dated: September 3, 2025

Respectfully submitted,

/s/Sara A. Johnson

SARA A. JOHNSON

Law Office of Sara A. Johnson

700 Camp St.

New Orleans, LA 70130

(504) 330-4333

sara@sarajohnsonlaw.com

Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on 9/3/2025, I presented the foregoing Petition for Writ of Habeas Corpus to the Clerk of Court for filing and uploading to the CM/ECF system, and I hereby certify that I have sent this filing to the Government Respondents at the following address:

Acting United States Attorney
Western District of Louisiana
U.S. Attorney's Office
300 Fannin Street, Suite 3201
Shreveport, LA 71101

/s/Sara A. Johnson
SARA A. JOHNSON
La. Bar No. 31207
Sara A. Johnson, Attorney at Law, LLC
700 Camp St.
New Orleans, LA 70130
(504) 528-9500
sara@sarajohnsonlaw.com