

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

RODNEY F. TAYLOR)	Case No. 4:25-cv-00286
Petitioner,)	
)	PETITION FOR WRIT
v.)	OF HABEAS CORPUS
)	
JASON STREEVAL, in his official capacity)	
as Warden of Stewart Detention Center, and)	
TODD LYONS, in his official capacity as Acting)	
Director of Immigration and Customs Enforcement)	
and GEORGE STERLING, Field Office Director)	
ICE Atlanta Field Office, and KRISTI NOEM)	
Secretary of Homeland Security,)	
)	
Respondents.)	
_____)	

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE

Petitioner hereby replies to Respondents' response to his petition for a writ of habeas corpus ("Petition").

Respondents argue that Petitioner's Petition should be denied because this court lacks jurisdiction to review a Final Administrative Removal Order ("FARO"), however, Petitioner challenges his detention and the fact that he was denied bond and not the FARO itself.

While the Petitioner concedes that this court lacks jurisdiction to review the FARO decision itself, it is appropriate for it to consider the separate question of detention, and specifically, whether due process requires a review of the propriety of his continued and prolonged detention since January 15, 2025.

Respondents found that Petitioner was subject to mandatory detention because of his conviction, despite a pardon specifically noting that it “unconditionally fully pardons said individual”. (ECF 5-4, Pardon).

Respondent DHS determined for itself that the lack of restoration of firearms rights in this case renders the pardon ineffective for immigration purposes. The Petitioner contends that this is incorrect.

For a pardon to be effective in the immigration context, it must be “full and unconditional” in nature, meaning “it must obliterate any future legal consequences flowing from the underlying adjudication of guilt and must not be dependent upon the fulfillment of any condition.” *See Matter of Tajer*, 15 I&N Dec. 125, 126 (BIA 1974).

In immigration proceedings, Respondents cited to an 11th circuit decision, *Castillo v. US Att’y Gen.*, 756 F.3d 1268 (11th Cir.2014) for precedent favorable to their position that the Respondent did not receive a full and unconditional pardon. In that case the 11th Circuit held that:

“under the plain meaning of 8 U.S.C. 1227(a)(2)(A)(vi), a pardon is only “full” when it restores the totality of rights abrogated by the underlying conviction. Here, Castillo’s pardon did not reinstate his Second Amendment right to keep and bear arms, a privilege he lost under Georgia law as a result of his conviction. Thus, Castillo did not receive a “full” pardon, and 8 U.S.C. §1227(a)(2)(A)(vi) does not apply.”

Id. At 1268

At first blush, *Castillo* is compelling precedent in favor of the Respondents’ position, however there is very important distinction between *Castillo* and the instant case. Mr. Castillo was a lawful permanent resident seeking to terminate the removal

proceedings lodged against him due to a pardon of the underlying conviction. Due to his lawful permanent resident status, Mr. Castillo enjoyed certain rights that he lost due to his conviction, including the right to bear firearms.

Conversely, Petitioner is an out of status foreign national who overstayed a nonimmigrant visa beginning in the early 1980s. At no point during his forty-four years of presence in the United States has he enjoyed the rights to receive, possess, or transport firearms in commerce. Unlike Mr. Castillo, Petitioner is an undocumented person, is completely prohibited from enjoying these rights under the 2nd Amendment and would in fact be guilty of committing a criminal violation of federal law were he to receive, possess, or transport firearms. 18 USC -922(g)(5)(A), which became law as part of the Gun Control Act of 1968, states that:

It shall be unlawful for any person [to possess a firearm] ...
(5) who, being an alien-
(A) is illegally or unlawfully in the United States;
or
(B) except as provided in subsection (y)(2)3, has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)))

Ccstillo v. U.S. Att'y Gen appears to be the only existing case precedent to directly tackle the question of firearms rights restoration in relation to the pardon provisions of 8 USC §1227(a)(2)(A)(vi). *Tetteh v. Garland* 995 F.3d 361 4th Cir. 2021 also addressed a pardon for a lawful permanent resident where the Georgia pardon provisions were in play, however it was denied on other grounds and the record indicates Mr. Tetteh's firearms rights were never lost by dent of his conviction.

Due to his lack of lawful status in the United States, Petitioner falls under the

prohibitions at § 922(g)(5). This criminal statute has been subject to legal challenge under the 2nd Amendment based on undocumented immigrants asserting that the constitutional rights to bear arms extends to everyone in the United States, but to no avail. In *United States v. Jimenez-Shilon* 34 F.4th 1042 (11th Cir. 2022) the 11th Circuit grappled with this question and joined seven other circuits in holding that 18 USC 922(g)(5)(A) is not a violation of the 2nd Amendment. That case relied on a close reading of the history and context of the passage of the 2nd amendment and the Supreme Court's decision, *District of Columbia v. Heller*, in which the Supreme Court held "that the Second Amendment confer[s] an individual"-as opposed to a collective-"right to keep and bear arms." 554 U.S. 570, 595 (2008); see also *McDonald v. City of Chicago*, 561 U.S. 742, 767-68 (2010). In *Jimenez-Shilon*, the 11th Circuit reasoned that the history of the 2nd Amendment was based on a codification of a what the *Heller* Court called a "pre-existing right," 554 U.S. at 592, 601 - the right "to keep and bear Arms" -and that right's particular history demonstrates that it extended (and thus extends) to some categories of individuals, but not to others, as this is not a collective right. *Jimenez-Shilon's* dip through history attempts to distill the reason for this right - supported by historical evidence dating back to eighteenth century England and through this nation's subsequent founding - to find that the Second amendment was based in an interest in extending the right to firearms on/y to citizens and/ or members of society "who demonstrate national fealty and membership in the body politic." *Id* at 13

In so holding, the 11th Circuit became the eighth circuit to have confronted

this issue, all of which have concluded that 922(g)(5)(A) does not violate the 2nd Amendment. See *United States v. Perez*; 6 F.4th 448 at 456 (majority op) (2nd Cir. 2021)); *id.* at 463 (Menashi, J., concurring); *United States v. Torres*, 911 F.3d 1253, 1264 (9th Cir. 2019); *United States v. Meza-Rodriguez*, 798 F.3d 664 at 673 (7th Cir. 2015); *United States v. Carpio-Leon*, 701 F.3d 974, 982 (4th Cir. 2012); *United States v. Huitron-Guizar*, 678 F.3d 1164 at 1168-70 (10th Cir. 2012); *United States v. Flores*, 663 F.3d 1022, 1023 (8th Cir. 2011) (per curiam); *United States v. Portillo-Munoz*, 643 F.3d 437,442 (5th Cir. 2011).

Based on the long-standing precedent regarding the lack of 2nd Amendment rights for undocumented foreign nationals, it is safe to conclude that Petitioner never possessed a right to receive, possess, or transport firearms and therefore he did not lose and was not deprived of that right as a result of his conviction. Because he did not have that right to begin with, his pardon is full and unconditional and does restore the full array of rights he possessed prior to his conviction. Also, unlike Mr. Castillo, who did have the option of seeking to restore his second amendment rights via an additional application process with the GA Board of Pardons and Paroles, Petitioner would not be able to benefit from a restoration of firearms rights because it remains plainly illegal for him to possess firearms.

Petitioner's pardon was full and unconditional and restored all rights, with the exception of any right to bear a firearm, which he, as an undocumented person, lacked to begin with and he had no additional rights to be restored by way of the pardon. Therefore, Petitioner has a full and unconditional pardon as contemplated in 8 U.S.C.

Section 1227(a)(2)(A)(v)).

Petitioner stands by his due process argument in his opening Petition and renews his request that he be released pending the acquisition by Respondents of appropriate travel documents. To date, they have produced nothing to show there is a significant likelihood of removal in the reasonably foreseeable future beyond on conclusory statement that “Liberia is open for international travel, and the Liberian consulate is currently issuing travel documents to facilitate removals of Liberian nationals” (ECF 5-1, Knowles Declaration at ¶17.

Respectfully submitted this 31st day of October, 2025.

/s/ Helen L Parsonage

Helen L. Parsonage, Esq.
GA Bar No. 435330
Elliot Morgan Parsonage PLLC
328 N Spring Street
Winston-Salem, NC 27101
Telephone: (336) 724 2828
hparsonage@emplawfirm.com
Attorney for Petitioner

CERTIFICATE OF COMPLIANCE

I hereby certify that the document to which this certificate is attached has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1 for documents prepared by computer.

/s/ Helen L Parsonage

Helen L. Parsonage, Esq.
GA Bar No. 435330
Elliot Morgan Parsonage PLLC
328 N Spring Street
Winston-Salem, NC 27101
Telephone: (336) 724 2828
hparsonage@emplawfirm.com
Attorney for Plaintiff