

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MAMADOU JOBE,
Petitioner,

VERSUS

BRIAN ACUNA, Field Office Director of
Enforcement and Removal Operations, New
Orleans Field Office, Immigration and Customs
Enforcement; KRISTI NOEM, Secretary of U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; KEVIN D.
RUSHING, Warden of Jackson Parish
Correctional Center,
Respondents.

CIVIL ACTION NO.

JUDGE

MAGISTRATE

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

NOW INTO COURT, through undersigned counsel, comes Petitioner, **Mamadou Jobe** (hereinafter “**Petitioner**” or “**Mr. Jobe**”), who files this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 and Complaint for Injunctive and Declaratory Relief against Respondents.

PRELIMINARY STATEMENT

1. Mr. Jobe is in physical custody of Respondents at the Jackson Parish Correctional Center in Jonesboro, Louisiana since March 17, 2025, pending removal to Senegal.
2. Mr. Jobe’s continued post-removal order detention past 180 days violates the Immigration and Nationality Act (“**INA**”), 8 U.S.C. § 1101 *et seq.* and its regulations, the Administrative Procedures Act (“**APA**”), and the U.S. Constitution’s Due Process Clause.

3. Unless habeas relief or immediate injunctive relief is granted, Mr. Jobe will remain in detention with no end in sight.

4. Petitioner now brings this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241; the All Writs Act, 28 U.S.C. § 1651; and Article I, Section 9, Clause 2 of the United States Constitution (Suspension Clause).

5. Pursuant to this Court's inherent powers in habeas proceedings, Petitioner respectfully requests this Court to order his release from custody.

6. Mr. Jobe is a native and citizen of Senegal. He lawfully entered the United States in December 1989 on a student visa through JFK Airport in New York City, New York.

7. The Department of Homeland Security ("DHS") served Mr. Jobe with a Notice to Appear ("NTA") on March 25, 2008.

8. On November 10, 2011, the Immigration Judge ("IJ") ordered Petitioner's removal to Senegal. Petitioner appealed the removal to the Board of Immigration Appeals ("BIA").

9. The BIA dismissed Petitioner's appeal, rendering the removal order final on March 20, 2014. Mr. Jobe was released on an order of supervision on February 29, 2016.

10. On December 14, 2017, Immigration and Customs Enforcement ("ICE") detained Mr. Jobe during a scheduled supervisory visit at the ICE New Orleans Field Office in order to effectuate a removal to Senegal.

11. On September 21, 2018, after 281 days in detention, Mr. Jobe filed a Petition for Writ of Habeas Corpus in the Western District Court of Louisiana.

12. On August 7, 2019, Mr. Jobe was finally released after 601 days in detention, more than three times the presumptively reasonable six (6) month period.

13. On March 17, 2025, Mr. Jobe was once again detained during a supervisory visit at the ICE New Orleans Field Office and has remained in detention ever since.

14. On or about August 11, 2025, a Post-Order Custody Review (“**POCR**”) was conducted by ICE. The testimony of the Senegalese Consulate proved that the government of Senegal would not be issuing Mr. Jobe a travel document and that he should be released. Mr. Jobe remained in detention.

15. Mr. Jobe’s detention is unlawful under Zadvydas v. Davis, 533 U.S. 678 (2001) because he has been in custody for more than six (6) months and there is no significant likelihood of removal in the reasonably foreseeable future.

16. Without this Court’s intervention, Mr. Jobe faces the prospect of months, or even years, in immigration custody, separated from his family and community with no possibility of relief, having already required previous habeas relief for his release.

17. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released.

JURISDICTION

18. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause); the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 701.

19. This Court has authority to grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

20. Petitioner’s current detention constitutes a “severe restraint on Petitioner’s individual liberty,” such that Petitioner is “in custody in violation, of the laws of the United States.” Hensley v. Municipal Court, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241.

21. The federal district courts have jurisdiction under 28 U.S.C. § 2241(d) to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of the conduct of Immigration and Customs Enforcement. See e.g., Demore v. Kim, 538 U.S. 510, 516-517 (2003); Zadvydas v. Davis, 533 U.S. 678, 687 (2001).

VENUE

22. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Jackson Parish Correctional Center in Jonesboro, Jackson Parish, Louisiana.

23. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Louisiana.

24. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, venue lies in the United States District Court for the Western District of Louisiana because Petitioner is detained at Jackson Parish Correctional Center located within this District. See 410 U.S. 484, 493-500 (1973).

PARTIES

25. Petitioner **Mamadou Jobe** is a native and citizen of Senegal who has been in immigration detention since March 17, 2025. Petitioner has resided continuously in the United States since December 1989.

26. Respondent **Brian Acuna** is the Acting Director of the New Orleans Field Office of U.S. Immigration and Customs Enforcement (“**Director Acuna**”), Enforcement and Removal Operations. As such, Director Acuna is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. Director Acuna is named in his official capacity.

27. Respondent **Kristi Noem** is the Secretary of the Department of Homeland Security (“**Secretary Noem**”). She is responsible for the administration and enforcement of the immigration

laws of the United States and oversees ICE, which is responsible for Petitioner's detention. Secretary Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

28. Respondent **Department of Homeland Security ("DHS")** is the federal agency responsible for implementing and enforcing the immigration laws of the United States, including the detention and removal of noncitizens. DHS has the legal authority to detain or release Petitioner due to the authority conferred by the Attorney General of the United States.

29. Respondent **Pamela Bondi** is the Attorney General of the United States ("**AG Bondi**"). She is responsible for the enforcement of federal immigration law and detention policies as exercised by the Executive Office for Immigration Review whose chief function is to conduct removal proceedings in the immigration court system. AG Bondi is sued in her official capacity.

30. Respondent **Executive Office for Immigration Review ("EOIR")** is a federal sub-agency of the Department of Justice ("**DOJ**"), responsible for the administration and enforcement of the immigration laws of the United States in removal proceedings.

31. Respondent **Kevin D. Rushing** is the Warden of the Jackson Correctional Center ("**Warden Rushing**") is charged with the overall administration of the Jackson Correctional Center where Petitioner is being detained. ICE uses the correctional facility to detain immigrants in their custody. He has immediate physical custody of Petitioner. Warden Rushing is sued in his official capacity.

REQUIREMENTS OF 28 U.S.C. § 2243

32. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

33. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” Fay v. Noia, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” Yong v. I.N.S., 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

34. A Petition for a Writ of Habeas corpus may be brought by anyone “in *custody* in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).

35. The Constitution states, “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it.” *See* U.S. Const. art. I, § 9 cl. 2. Habeas corpus thus is a bedrock Constitutional right that our Founding Fathers considered to be important at the creation of our Republic. Presently, its contours are set forth in the habeas corpus statutes, which grant federal courts jurisdiction to review the legality of a detention, and, if warranted, to order release of a petitioner. *See* 28 U.S.C. §§ 2241-2243.

36. The writ is the “fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.” Harris v. Nelson, 394 U.S. 286, 291 (1969). “The scope and flexibility of the writ - its capacity to reach all manner of illegal detention - its ability to cut through barriers of form and procedural mazes -have always been emphasized and zealously guarded by courts and lawmakers.” *Id.* Hence, “the very nature of the writ demands that it be administered with the initiative and *flexibility* essential to insure the miscarriages of justice within its reach are surfaced and corrected.” *Id.* (emphasis added).

37. Because of the vital role the writ plays in our democracy, and since the petitioner is often in custody, “usually handicapped in developing the evidence needed to support in

necessary detail the facts alleged in [a] petition,” the Supreme Court has repeatedly recognized that “a habeas corpus proceeding must *not* be allowed to flounder in a ‘procedural morass’” Price v. Johnston, 334 U.S. 266, 269 (1948). Indeed, “[T]here is no higher duty of a court, under our constitutional system, than the careful processing and adjudication of petitions for writs of habeas corpus, for it is in such proceedings that a person in custody charges that error, neglect, or evil purpose has resulted in his unlawful confinement and that he is deprived of his freedom contrary to law.” Harris, 394 U.S. at 291-292.

EXHAUSTION OF REMEDIES

38. There is no statutory exhaustion requirement in 28 U.S.C. § 2241. No exhaustion requirement applies to the constitutional claims raised in this Petition, because no administrative agency exists to entertain Petitioner’s constitutional challenges. See Howell v. INS, 72 F.3d 288,291 (2d Cir. 1995); Arango-Aradondo v. INS, 13 F.3d 610, 614 (2d Cir. 1994).

39. No exhaustion is necessary if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be futile gesture, irreparable injury will result, or the administrative proceedings would be void.” Laing v. Ashcroft, 370 F.3d 994, 1000 (9th Cir. 2004) (quoting S.E.C. v. G.C. George Sec., Inc., 637 F.2d 685, 688 (9th Cir 1981).

40. While no exhaustion requirement applies to this Petition, it is important to note that Petitioner has exhausted all administrative avenues to secure his release from detention or have his removal effectuated to his native country of Senegal.

41. ICE conducted a POCHR but refused to release Petitioner who remains in detention without removal to his native country of Senegal. As such, Petitioner has exhausted all remedies available to him.

LEGAL FRAMEWORK

42. The INA prescribes three basic forms of detention for most noncitizens in removal proceedings.

43. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

44. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

45. Third, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

46. This case concerns the detention provisions of 8 U.S.C. § 1231(a)–(b).

47. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to review the legality of post-final order immigration detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).

48. Immigration detention following a final order of removal is governed by 8 U.S.C. § 1231. Subsection (a)(1)(A) establishes a “removal period” of 90 days, during which the government must effectuate removal.

49. The “Fifth Amendment entitles aliens to due process in deportation proceedings...” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

50. “Freedom of 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 v. Davis, 533 U.S. 678, 690 (2001); *see also Id.* at 718 (Kennedy, J., dissenting) (“Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.”).

51. Due process therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for its conduct infringing on protected interests “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (internal quotation marks omitted).

52. **In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: (1) to mitigate the risks of danger to the community; and (2) to prevent flight. Demore, 538 U.S. at 528.**

53. Other than as punishment for a crime, due process permits the government to take away liberty only “in certain special and narrow non-punitive circumstances where a special justification outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” Zadvydas, 533 U.S. at 690 (internal quotations omitted). Such special justification exists only where a restraint on liberty bears a “reasonable relation” to permissible purposes. Jackson v. Indiana, 406 U.S. 715, 738 (1972); *see also* Foucha v. Louisiana, 504 U.S. 71, 79 (1992); Zadvydas, 533 U.S. at 690.

54. In the immigration context, those purposes are “ensuring the appearance of aliens at future immigration proceedings and preventing danger to the community.” Zadvydas, 533 U.S. at 690 (quotations omitted).

55. Those substantive limitations on detention are closely intertwined with procedural due process protections. Foucha, 504 U.S. 78-80. Noncitizens have a right to adequate procedures to determine whether their detention in fact serves the purposes of ensuring their appearance or protecting the community. *Id.* at 79; Zadvydas, 533 U.S. 692; Casas-Castrillon v. Dep't of Homeland Sec., 535 F.3d 942, 949 (9th Cir. 2008).

56. Where laws and regulations fail to provide such procedures, the habeas court must assess whether the noncitizen's immigration detention is reasonably related to the purposes of ensuring her appearance or protecting the community. Zadvydas, 533 U.S. at 699.

57. In Zadvydas, the United States Supreme Court found that INA § 241(a)(6), when “read in light of the Constitution’s demands, limits an alien’s post-removal period detention to a period reasonably necessary to bring about that alien’s removal from the United States. It does not permit indefinite detention.” Zadvydas, 533 U.S. at 689.

58. Six (6) months is a presumptively reasonable period of detention for immigration detainees following a final order of removal. *Id.* at 699. After this six-month period, once the alien 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. *Id.* at 701. “And for detention to remain reasonable, as the period for prior post removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.* at 701.

59. If ICE is unable to deport an individual within 90 days after a final order of removal, ICE must conduct custody review procedures in line with Zadvydas to consider whether that individual can be removed in the “reasonably foreseeable future.” 68 C.F.R. § 241.4(k). *See also* Memo, Hutchinson, Undersecretary DHS (Mar. 30, 2004), “Guidance on ICE Implementation of

Policy and Practice Changes Recommended by the Department of Justice Inspector General,” reprinted in 81 No. 16 Interpreter Releases 513, 528-532 (Apr. 19, 2004).

60. According to Zadvydas, detainees who cannot be removed in the reasonably foreseeable future **must** be released from detention.

61. If an individual is not released after the 90-day custody review, he or she will be detained for [at least] another 90 days, as ICE is allowed up to six months to try to deport the individual. Near the end of the 180-day custody period, ICE is required to do another custody review to determine whether to release the detainee.

62. **The Post-Order Custody Review (POCR) is governed by the regulations under 8 C.F.R. § 241.13. If detention continues beyond 180 days, ICE must assess whether there is a significant likelihood of removal in the foreseeable future. If ICE cannot demonstrate this likelihood, the individual is generally entitled to be released under certain conditions, unless they are a flight risk or danger to the community.**

STATEMENT OF FACTS

63. Mr. Jobe has resided in the United States since December 1989 and lives in Gretna, Louisiana with his wife and minor autistic stepson.

64. On March 17, 2025, Mr. Jobe was detained during a regular supervisory visit at the ICE New Orleans Field Office. Petitioner is currently in ICE custody at the Jackson Parish Correctional Center.

65. On November 10, 2011, the Immigration Judge (“IJ”) ordered the removal of Petitioner from the United States to Senegal. The order became final on March 20, 2014, upon BIA’s dismissal of Petitioner’s appeal.

66. After the BIA's decision, Petitioner was released on an Order of Supervision on February 29, 2016.

67. On December 14, 2017, ICE once again detained Petitioner during a scheduled supervisory visit with the intent to effectuate his removal to Senegal.

68. On September 21, 2018, after 9 months in detention without removal, Petitioner filed a petition for writ of habeas corpus in the Western District Court of Louisiana.

69. After being deprived of liberty for a total of 20 months, Petitioner was finally released on August 7, 2019, under another order of supervision.

70. Despite having nearly 2 years to secure travel documents from Senegal, ICE was unable to effectuate Petitioner's removal.

71. On October 6, 2019, Respondent married his wife, Kishon Jobe.

72. On December 23, 2019, Respondent's wife filed a Form I-130, Petition for Alien Relative, on behalf of Respondent with U.S. Citizenship and Immigration Services ("USCIS").

73. On February 17, 2024, USCIS approved the Form I-130, confirming the bona fides of the marriage and establishing Respondent's eligibility for adjustment of status.

74. Mr. Jobe has continuously resided in the United States for nearly 36 years and in the Greater New Orleans area since 2012 with his U.S. citizen wife and stepson. Mr. Jobe is the sole father figure of his stepson who suffers from autism. Mr. Jobe is the beneficiary of an approved I-130 petition and has immigration relief available to him.

75. Mr. Jobe is a master electrician and small business owner. He is the primary financial provider for his family who is suffering emotionally and financially during his detention.

76. Mr. Jobe fully complied with the conditions of his supervised release in 2016 following his final order of removal and again in 2019 following his secure of habeas relief after spending 20 months in detention.

77. Moreover, Mr. Jobe has demonstrated good moral character, a record of compliance with conditions of his release and has not had a criminal conviction in over 25 years. He is 58 years old and is fully rehabilitated. Petitioner is neither a flight risk nor a danger to the community.

78. On or about August 11, 2025, ICE conducted a POCR. During the interview, the Senegalese government confirmed that it would not be issuing Mr. Jobe a travel document. Senegal's longstanding non-cooperation and/or ICE's inability to obtain travel documents for Mr. Jobe confirm that removal is not reasonably foreseeable.

79. Notwithstanding the above, ICE decided to deny release on appropriate conditions and prolong Petitioner's detention at the Jackson Parish Correctional Center.

80. Without this Court's intervention, Mr. Jobe faces the prospect of months, or even years, in immigration custody, separated from his family and community with no possibility of relief, having already relied on previous petition for a writ of habeas corpus to obtain relief.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of the Immigration and Nationality Act ("INA")

81. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

82. The INA sets clear regulations on detention following a final removal order. The Attorney General must remove a noncitizen **within 90 days** of the date the removal order becomes administratively final. See 8 U.S.C. § 1231(a)(1)(A).

83. Pursuant to 8 C.F.R. § 241.4, ICE must conduct a timely custody review after the expiration of the 90-day removal period to determine whether release is appropriate.

84. Additionally, 8 C.F.R. § 241.13 mandates release under appropriate conditions when there is no significant likelihood that removal will occur in the reasonably foreseeable future, despite ICE's efforts to effect removal.

85. In Zadvydas v. Davis, the Supreme Court held that post-order immigration detention under 8 U.S.C. § 1231 is presumptively reasonable for six months. 533 U.S. 678 (2001). After that period, if removal is not reasonably foreseeable, continued detention is no longer authorized. *Id.* The Court in Clark v. Martinez, confirmed that this same six-month limitation applies to all categories of noncitizens facing removal. 543 U.S. 371 (2005).

86. More than six (6) months have elapsed since his detention surpassing the reasonable detention period under Zadvydas; Yet, ICE has not been able to effect Petitioner's removal to Senegal despite having years of opportunity to obtain travel documents.

87. Mr. Jobe was given a POCR 5 months post-detention on or about August 11, 2025, wherein the Senegalese government confirmed that it would not be issuing a travel document to him. Nevertheless, Mr. Jobe remains in custody and has not been released despite the unlikelihood of his removal within the foreseeable future.

88. The INA does not authorize detention in perpetuity, especially where Respondents have not provided any support to suggest that there is a significant likelihood that they will be able to effectuate removal in the reasonably foreseeable future.

89. Further, Respondents have not demonstrated that Mr. Jobe would pose a danger to the public or a risk of flight to support their refusal to release him under appropriate conditions. Mr. Jobe has been released two separate times under orders of supervision. In fact, Mr. Jobe's two

prior ICE detentions occurred during regular supervisory visits. Nonetheless, Mr. Jobe dutifully reported for ICE check-ins. Mr. Jobe has established a record of compliance with his conditions of release.

90. All the evidence indicates that Mr. Jobe would comply with future orders of supervision. There is no basis under the INA to justify his continued detention. Consequently, Respondents' continued detention of Mr. Jobe violates the INA, controlling Supreme Court precedent and implementing regulations.

SECOND CLAIM FOR RELIEF
Violation of Due Process Clause of the Fifth Amendment of the U.S. Constitution

91. Petitioner repeats, re-alleges, and incorporates by reference the allegations of fact in the preceding paragraphs as if fully set forth herein.

92. The Due Process Clause of the Fifth Amendment provides that no person shall be "deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V.

93. While Congress has broad authority over immigration, it is well established that noncitizens, even if removable, are protected by the Due Process Clause of the Fifth Amendment. Zadvydas v. Davis, 533 U.S. 678, 690 (2001); Demore v. Kim, 538 U.S. 510, 523 (2003).

94. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." Zadvydas, 533 U.S. at 690. Petitioner has a fundamental interest in liberty and being free from official restraint.

95. Respondents' detention of Petitioner for over 180 days causes Mr. Jobe significant pain and suffering and substantial prejudice in violation of the Due Process Clause of the Fifth Amendment of the U.S. Constitution.

96. As a proximate result of Respondents' unconstitutional detention and statutory violations, Petitioner is suffering and will continue to a significant deprivation of their liberty without due process of law as well as physical, emotional, and psychological harm.

97. Petitioner has no adequate or complete remedy at law to address the wrongs described herein. Accordingly, the injunctive and declaratory relief sought by Petitioner is necessary to prevent continued and future injury.

THIRD CLAIM FOR RELIEF
Violation of the Fourteenth Amendment of the U.S. Constitution

98. Petitioner repeats, re-alleges, and incorporates by reference the allegations of fact in the preceding paragraphs as if fully set forth herein.

99. No State shall "deprive any person of life, liberty or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV.

100. Respondents' actions of continuing to hold Petitioner in detention past the 180-day limit despite not being able to illustrate a significant likelihood of removal in the foreseeable future, that he is a flight risk, or that he is a danger to the community unreasonably deprives Petitioner of his liberty in violation of the Fourteenth Amendment.

101. As a proximate result of Respondents' unconstitutional behavior and detention policies, practices, acts, and omissions, Petitioner is suffering and will continue to suffer an unreasonable deprivation of his liberty without any legal recourse.

102. Respondents' unlawful actions have caused and continue to cause Mr. Jobe significant prejudice by depriving him of his liberty and exercise of his statutory and constitutional due process rights.

103. Petitioner has no adequate or complete remedy at law to address the wrongs described herein. The injunctive and declaratory relief sought by Petitioner is necessary to prevent continued and future irreparable injury.

FOURTH CLAIM OF RELIEF
Violation of Administrative Procedure Act—5 U.S.C. §706(2)

104. Petitioner repeats, re-alleges, and incorporates by reference the allegations of fact in the preceding paragraphs as if fully set forth herein.

105. The Administrative Procedures Act (“APA”) provides for judicial review of “final agency action for which there is no other adequate remedy in a court.” 5 U.S.C. § 704.

106. Section 706 of the APA states, in relevant part, that:

107. “To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

- (1) compel agency action unlawfully withheld or unreasonably delayed; and
- (2) hold unlawful and set aside agency action, findings, and conclusions found to be—
 - (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - (B) contrary to constitutional right, power, privilege, or immunity;
 - (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right...
 - (E) unsupported by substantial evidence...or
 - (F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. 5 U.S.C. § 706(1)—(2).

108. A court reviewing agency action must assess “whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment.”

Judulang v. Holder, 565 U.S. 42, 43 (2011). The reviewing court must “examin[e] the reasons for agency decisions, or the absence of such reasons.” *Id.* at 53.

109. The U.S. Supreme Court has held that an agency rule is arbitrary and capricious if the agency has [1] relied on factors which Congress has not intended it to consider, [2] entirely failed to consider an important aspect of the problem, [3] offered an explanation for its decision that runs counter to the evidence before the agency, or [4] is so implausible that it could not be ascribed to a difference in view or the product of agency expertise. See Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983).

110. Respondents have failed to consider and/or completely disregarded Senegal’s longstanding refusal to issue travel documents and continue to assert that removal is possible, which ignores clear and un rebutted evidence to the contrary.

111. Further, Respondents have failed to consider Petitioner’s equities such as his family and community ties, available immigration relief, no criminal convictions in over 25 years, and history of compliance with conditions of previous supervised releases in 2016 and 2019. Respondent’s failure to weigh these facts render its decision arbitrary and capricious and/or otherwise not in accordance with law.

112. Moreover, Petitioner’s re-detention after his release following habeas proceedings despite no change in removability prospects demonstrates a complete disregard of Petitioner’s constitutional rights and prior judicial determinations violating 5 U.S.C. §706(2)(A)—(F).

113. Petitioner has been detained since March 17, 2025, over 180 days. Petitioner’s native country of Senegal has repeatedly failed to issue a travel document despite repeated attempts by ICE. In fact, during the last PO CR, the Senegalese government made it clear that it would not be issuing a travel documents which constitutes the exact type of scenario where there is “no

significant likelihood of removal in the reasonably foreseeable future” which makes continued detention unlawful.

114. Under § 706(2)(A) and (C), agency action that exceeds statutory authority must be set aside. Section 1231 authorizes detention only until removal is reasonably foreseeable. Beyond six months, without a likelihood of removal, detention exceeds statutory limits.

115. Applying the judicial review standards under the APA, Respondent’s insistence on detention past the removal period indefinitely is unlawful, violates the INA, the U.S. Constitution and the U.S. Supreme Court’s rulings.

116. Thus, Respondent’s actions are “arbitrary, capricious” and “an abuse of discretion”, “not in accordance with law”, “contrary to constitutional right”, “in excess of statutory jurisdiction, authority or limitations, or short of statutory right” and “unwarranted by the facts.” As such, habeas relief is warranted, the writ should be granted, and Petitioner should be immediately released under appropriate conditions.

PRAYER FOR RELIEF

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

- A. Assume jurisdiction over this matter;
- B. Order Petitioner’s immediate release from custody;
- C. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from ICE custody;
- D. In the alternative, order that Petitioner be released under appropriate conditions of supervision pursuant to 8 U.S.C. § 1231(a)(3);

- E. Issue a declaration that Respondents' detention policies, practices, acts, and omissions described herein as applied to Petitioner are unlawful and exceed Respondents' constitutional and statutory authority in violation of 5 U.S.C. §§ 706(2)(A)—(D);
- F. Issue a declaration that Respondents' detention policies, practices, acts, and omissions described herein are unlawful and violate Petitioner's rights under the Fourth Amendment to the United States Constitution;
- G. Issue a declaration that Respondents' detention policies, practices, acts, and omissions described herein are unlawful and violate Petitioner's rights under the Due Process Clause of the Fifth Amendment to the United States Constitution and Zadvydas v. Davis;
- H. Permanently enjoin Respondents, their subordinates, agents, employees, and all others acting in concert with them from subjecting Petitioner to these statutory violations and unconstitutional detention policies, practices, acts and omissions described herein, and issue injunctive relief sufficient to rectify those statutory and constitutional violations;
- I. Award compensatory and punitive damages to Petitioner for Respondent's violations of constitutional law, which caused Petitioner to suffer and continue to suffer physical and emotional harm, in an amount that is fair, just and reasonable;
- J. Award Petitioner attorney fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- K. Grant such other and further relief that this Court deems just and proper.

Dated: September 19, 2025.

Respectfully submitted,

INTERIANO, LLC

A handwritten signature in black ink, appearing to read 'J. Interiano', with a large, stylized initial 'J' and a long, sweeping horizontal stroke at the end.

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