

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

BLAIR CRAWFORD)
)
 Petitioner,)
)
 v.)
)
 Superintendent, Strafford County)
 Department of Corrections)
)
 Immigration and Customs)
 Enforcement, Enforcement and Removal)
 Operations, Boston Field Office;)
)
 U.S. Immigration and Customs)
 Enforcement;)
)
 U.S. Department of Homeland Security;)
)
 U.S. Attorney General)
)
 Respondent.)

Case No. 25-cv-383

**AMENDED
PETITION FOR WRIT OF
HABEAS CORPUS – 28 U.S.C. § 2241**

**ORAL ARGUMENT
REQUESTED**

INTRODUCTION

1. Blair Allson Crawford (“Mr. Crawford” or “Petitioner”) is a Canadian citizen and Lawful Permanent Resident (LPR) of the United States. On December 27, 2019, Immigration and Customs Enforcement (ICE) initiated removal proceedings against Mr. Crawford by way of a Notice to Appear (NTA). Mr. Crawford has been free on bond as set by an Immigration Judge on January 23, 2020, while removal proceedings remain pending. An Individual Hearing on his application for Cancellation of Removal had been scheduled on December 10, 2025, before the

Executive Office for Immigration Review (EOIR) in Boston, Massachusetts.* In recent years, Mr. Crawford has crossed the United States-Canada frequently and without incident, as he has commuted back-and-forth to care for and support his 92-year-old mother. On or about Wednesday, September 24, 2025, though, Mr. Crawford was stopped, questioned, and detained by Customs and Border Protection officers in Houlton, Maine. He is now in ICE custody, being held at the Strafford County House of Corrections in Dover, New Hampshire. Mr. Crawford's detention violates his due process rights and violates administrative precedent. *See, e.g., Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA 1981)("[W]here a previous bond determination has been made by an [IJ], no change should be made by a District Director absent a change of circumstance" under 8 U.S.C. § 1226(b)).

2. Petitioner Crawford was originally released from immigration custody in early 2020. Despite the delays in reaching the merits of his case, he has appeared for all scheduled hearings, even while he was receiving treatment for throat cancer. He is married to Wendy Boucher Crawford, an orthopedic surgeon at the Calais Community Hospital in Calais, Maine. Mr. Crawford earns a living through real estate investments.

3. The basis underlying the government's initiation of removal proceedings stems from Mr. Crawford's separation from his first wife, Elise Perrault. He was convicted of violating no-contact orders during their separation and divorce in 2019. Together, Mr. Crawford and his first wife have two sons, A [REDACTED] and A [REDACTED]. Mr. Crawford has contested his removal and has

* As of September 30, 2025, however, EOIR's online case status showed that "no future hearings" are scheduled, presumably as his case is transferred to the EOIR's "detained docket". Today – October 2, 2025 – the same system shows that Mr. Crawford is scheduled for a Master Calendar hearing on October 16, 2025 before Immigration Judge Yul-mi Cho, who presides exclusively over the detained docket in Chelmsford, Massachusetts.

been looking forward to allowing an immigration judge to weigh the equities of his situation at his individual hearing in December 2025.

JURISDICTION

4. This action arises under the Constitution of the United States 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. § 2241 (*habeas corpus*), and 28 U.S.C. § 1331 (federal question).

6. This Court may grant relief under the *habeas corpus* statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper in this District because the Respondents are agencies of the United States. Additionally, Petitioner is currently detained at the Strafford County Department of Corrections in Dover, New Hampshire, which lies within this judicial district. 28 U.S.C. § 2241.

8. “[A] district court entertaining a petition for habeas corpus has inherent power to release the petitioner pending determination of the merits.” *Gomes v. U.S. Dep’t of Homeland Sec.*, 460 F. Supp. 3d 132, 144 (D.N.H. 2020) (quoting *Woodcock v. Donnelly*, 470 F.2d 93, 94 (1st Cir. 1972)).

REQUIREMENTS OF 28 U.S.C. § 2243

9. Under 28 U.S.C. § 2243, a District Court must grant the petition for writ of *habeas corpus* or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. If an order to show cause is issued, the Court must then require

respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

10. The federal *habeas* statute has a longstanding role in protecting individuals from unlawful detention at the hands of an overreaching government. The “Great Writ” has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

11. Petitioner is a Canadian citizen Lawful Permanent Resident of the United States who is presently detained at the Strafford County Department of Corrections in Dover, New Hampshire. He is in custody of lead Respondent and under the direct control of additional agency Respondents and their agents.

12. The Strafford County Department of Corrections has physical custody over Petitioner because it contracts with ICE to house immigration detainees, including Petitioner.

13. A *habeas* petitioner must file their petition in the district in which they are confined and must name as a respondent the petitioner’s immediate custodian. *See, e.g., Rumsfeld v. Padilla*, 542 U.S. 426, 442-47 (2004). At the time of filing this amended petition, Petitioner remains detained in Dover, New Hampshire. The Strafford County Department of Corrections Superintendent is thus his immediate custodian.

14. The Boston Field Office of U.S. Immigration and Customs Enforcement. is a legal custodian of Petitioner and has authority to release him.

15. United States Immigration and Customs Enforcement is the agency which oversees all detention of noncitizens held in ICE custody and is another of petitioner's legal custodians imbued the authority to release him.

16. The Secretary of the U.S. Department of Homeland Security is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the DHS sub-agency responsible for Petitioner's detention and custody, making ICE another of Petitioner's legal custodians.

17. The Attorney General of the United States has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals, making it yet another legal custodian of Petitioner.

STATEMENT OF FACTS

18. Petitioner Blair Allison Crawford is a 64-year-old native and citizen of Canada who has been a Lawful Permanent Resident (LPR) of the United States since February 25, 2015. All told, Mr. Crawford has lived in the United States for nearly 17 years. He was first admitted as a J-2 visa holder (dependent upon his then-wife's J-1 status as a professor/scholar). His status was later changed to H-4 (also based on his then-wife's employment). In 2015, he became a Lawful Permanent Resident following an approved I-140 petition filed by his ex-wife's employer.

19. Mr. Crawford is the father two United States Citizen sons, A [REDACTED] born in Boston, Massachusetts – and A [REDACTED], born in Charleston, South Carolina. Despite his separation and divorce from their mother, Mr. Crawford has remained an involved and supportive father to his boys.

20. On Wednesday, September 24, 2025, while returning to the United States via the Canada-Maine border, Mr. Crawford was informed by a Customs and Border Protection officer that there was a problem with the validity of his driving privileges in South Carolina (where he owns a home), of which he had been previously unaware (especially since he has driven across the border frequently in recent years without prior incident). Mr. Crawford was detained at a CBP facility in Houlton, Maine, where he slept on a concrete slab for two nights, before being moved to the Strafford County Department of Corrections in Dover, New Hampshire.

21. According to the EOIR case status portal, Mr. Crawford's Individual Hearing before the EOIR in Boston – previously scheduled for December 10, 2025 – was cancelled and a detained docket hearing scheduled on October 16, 2025.

22. Mr. Crawford has been free since posting immigration bond in early 2020, as his removal case has been scheduled, de-scheduled, re-scheduled, et al due to the pandemic, ceaseless administrative vicissitudes, and chronic case backlogs. The Government did not appeal his bond determination nor his release in 2020, and – at least as far as undersigned counsel is aware – had no notice of its intent to detain him prior to his being taken into custody on September 24, 2025.

23. As noted above, Mr. Crawford is 64 years old and has been treated for throat cancer over the past couple of years. His next appointment in Boston is scheduled in January 2026.

LEGAL AUTHORITY

COUNT ONE: Violation of 8 U.S.C. § 1226

24. The allegations in the above paragraphs are realleged and incorporated herein.

25. Given his status as a Lawful Permanent Resident of the United States, Petitioner's immigration custody status is incontrovertibly controlled by 8 U.S.C. § 1226(a).

26. In *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA 1981), the Board of Immigration Appeals explicitly recognized that “[W]here a previous bond determination has been made by an immigration judge, no change should be made by a District Director absent a change of circumstance”. Therefore, when the Government revokes an immigration respondent's release on bond, it should do so based on the individual's “own conduct and circumstances,” and not “for no reason other than the fact that [government officials] encountered him by chance.” dos Santos v. Noem, No. 1:25-CV-12052-JEK, 2025 WL 2370988, at *9 (D. Mass. Aug. 14, 2025).

27. As the U.S. District Court for Vermont recently observed:

Detention incident to removal proceedings “has two regulatory goals: ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community.” *Zadvydas*, 533 U.S. at 690[]; *see also Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006) (when determining whether to release a noncitizen from detention, an Immigration Judge considers whether the individual “is a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk”). Thus, such detention can never be punitive, either by design or effect. *Zadvydas*, 533 U.S. at 690[]; *see also Fong Yue Ting v. United States*, 149 U.S. 698, 730[]; *Ozturk*, 779 F.Supp.3d at 493 (“So long as detention is motivated by those goals, and not a desire for punishment, the Court is generally required to defer to the political branches on the administration of the immigration system.”).

Mahdawi v. Trump, 781 F. Supp. 3d 214, 231–32 (D. Vt. 2025)

28. Consequently, Respondents' agents' indiscriminate and insupportable decision to detain Petitioner Crawford absent notice violates 8 U.S.C. § 1226 and the agencies' own administrative precedent.

COUNT TWO: Violation of Fifth Amendment Right to Substantive Due Process

29. The allegations in the above paragraphs are realleged and incorporated herein.

30. The Due Process Clause of the Fifth Amendment protects the right of “any person” from “be[ing] deprived of life, liberty, or property, without due process of law.” The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The *Zadvydas* Court found that civil incarceration is only acceptable “in certain special and narrow non-punitive circumstances, where a special justification . . . outweighs the individual’s constitutionally protected interest.” 533 U.S. 678, 690 (2001). The Court further held that noncitizens in deportation/removal proceedings are entitled to due process protection. *Id.*, 533 U.S. at 690 (“A statute permitting indefinite detention of an alien would raise a serious constitutional problem. The Fifth Amendment’s Due Process Clause forbids the Government to ‘depriv[e]’ any “person . . . of . . . liberty . . . without due process of law.””).

31. In *Hernandez-Lara v. Lyons*, the First Circuit Court of Appeals reaffirmed the United States Supreme Court’s civil detention jurisprudence in its due process analysis to conclude similarly that due process rights apply to noncitizens. 10 F.4th 19, 36-38 (1st Cir. 2021). In shifting the burden of proof in immigration bond/detention to the Government, the *Hernandez-Lara* court concluded that “in order to continue detaining [Respondent/Appellant/Habeas Petitioner] under section 1226(a), due process requires the government to either (1) prove by clear and convincing evidence that she poses a danger to the community or (2) prove by a preponderance of the evidence that she poses a flight risk.” *Id.* at 41.

32. A due process violation analysis consists of assessing three factors: (i) the private interest at stake, (ii) the risk of an erroneous deprivation and the value of additional procedures sought, and (iii) the government's interest, including the burdens associated with the additional procedures sought. *Mathews v. Eldridge*, 424 U.S. 319, 335, (1976); *see also, Hernandez-Lara, supra*, 10 F.4th 19, 27-31.

33. The private interest at stake is the conditional liberty of a sexagenarian real estate investor with a 92-year-old mother in Canada whose health is failing (and to whom he attends despite his own battle with throat cancer). As a Lawful Permanent Resident, Mr. Crawford retains the right to live here legally unless and until a final order removing from the United States issues. This factor strongly favors Mr. Crawford's immediate release.

34. The second *Mathews* factor, *supra* – “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards” – also weighs heavily in Petitioner's favor. Mr. Crawford's facially unjustified and randomly occurring detention while returning to the United States as a permanent resident through a legal port-of-entry has occurred in the context of thousands of government actions stemming from a similarly questionable legal basis. Both in this Court and dozens of others around the country, such detention has been declared unlawful and Petitioners ordered released. Against that backdrop, Mr. Crawford's current detention certainly constitutes an “erroneous deprivation” of his fundamental liberty interest.

35. The last *Mathews* factor “ultimately entails an assessment of the ‘public interest.’” *Hernandez-Lara*, 10 F.4th at 32. Here, the Government can point to no legitimate public interest to be vindicated by Mr. Crawford's arbitrary and illogical re-detention. Even conceding the

validity of an issue relating to his U.S. driving privileges, Blair Crawford poses no danger to the community and zero risk of flight.

36. Consequently, Petitioner's detention also violates the Due Process Clause of the Fifth Amendment.

PRAYERS FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days
- (3) Declare that Petitioner's detention and arrest violate 8 U.S.C. § 1226, and/or the Fifth Amendment's Due Process Clause
- (4) Issue a Writ of *Habeas Corpus* ordering Respondents to release petitioner immediately, while in the interim preventing his transfer outside of this District
- (5) In the alternative, exercise its inherent authority by scheduling a bail hearing before this Court forthwith
- (5) Permanently enjoin Respondents and their agents from re-arresting Petitioner unless and until a hearing, with adequate notice, is held in Immigration Court to determine whether his bond should be revoked or otherwise amended
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief as this Court deems just and proper.

Respectfully (re-)submitted by Petitioner,

BLAIR ALLISON CRAWFORD

Through his attorney,

Dated: October 9, 2025

/s/Ronald L. Abramson

Ronald L. Abramson (NH Bar No. 9936)

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner Blair Allison Crawford, and I submit this verification on his behalf.

I hereby verify that the factual statements made in the foregoing Petition for Writ of *Habeas Corpus* are true and correct to the best of my knowledge.

Dated this 9th day of October 2025.

/s/ Ronald L. Abramson

Ronald L. Abramson

CERTIFICATE OF SERVICE

I, Ronald L. Abramson, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants, with an immediate courtesy copy being sent via email to Assistant United States Attorney Raphael Katz, Acting Chief of the NH Office's Civil Division.

Dated: October 9, 2025

/s/ Ronald L. Abramson

Ronald L. Abramson