

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED
DEC 19 2025

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA
BY AOA DEPUTY

LENROY MCLEAN,)
)
Petitioner,)
v.)
)
PAMELA BONDI, In Her Official)
Capacity as Attorney General, *et al.*,)
)
Respondents.)

Case No. CIV-25-1165-PRW

MOTION FOR RECONSIDERATION

I. INTRODUCTION / ISSUE

This Court must reconsider its dismissal of Petitioner Lenroy McLean’s habeas petition and its striking of a critical pro se filing that exposed unlawful government conduct, because the facts, the docket, and the law demand it. McLean was deported and arrived in Jamaica on October 16, 2025, while his petition was still pending. The Court later issued its final order on November 14, 2025, dismissing the habeas petition as moot and denying the TRO request, without ever acknowledging or addressing the fact that McLean had been removed from the country nearly a full month earlier in violation of both procedural due process and a prior court order from the Northern District of Texas requiring ICE to provide 72 hours’ notice prior to any deportation.

This is not mere oversight. The Court was fully aware of the Petitioner’s disappearance from jurisdiction. The docket reflects that, beginning October 28, 2025, every single court mailing began returning as “undeliverable” or “unable to forward” (Dkt. ##12, 13, 15–17), confirming McLean had already been removed. On October 31, McLean’s pro se filing, titled Notice of Removal from Jurisdiction, Change of Address, and Contempt of Court Violation, was received by the Court and entered on the docket (Dkt. #14). Attached was a signed Power of Attorney authorizing Dr. David Z. Simpson to act on McLean’s behalf in communicating with the Court. That filing, though procedurally proper and legally urgent, was summarily struck without

explanation by Judge Patrick R. Wyrick in the Court's November 14 Order (Dkt. #18). This was the very same order in which he dismissed McLean's petition and adopted the Magistrate's Report and Recommendation (R&R), which itself made no mention of the fact that McLean was already gone.

The record shows that all parties, including Assistant U.S. Attorney Robert Don Evans, Jr., Magistrate Judge Suzanne Mitchell, and Judge Wyrick, had ample notice that McLean had been secretly and unlawfully removed from the country. Yet the Court adopted the R&R in full as though McLean's removal had not occurred, and further denied the Temporary Restraining Order (Dkt. #7) as moot, ignoring that the TRO's purpose had already been defeated by the government's preemptive action. This creates the appearance of a coordinated after-the-fact judicial clean-up to sanitize an illegal deportation. The Court's refusal to acknowledge the government's misconduct, despite receiving actual notice of it in Dkt. #14, makes the judiciary appear complicit in the cover-up.

This motion is not simply asking the Court to revisit a prior ruling. It demands that the Court acknowledge the abuse that occurred under its watch. A federal court accepted jurisdiction over a habeas petition (Dkt. #5), ordered a government response (Dkt. #5), and then remained silent as the government removed the Petitioner in violation of due process and prior court orders. When the Petitioner attempted to alert the Court through lawful channels by submitting a notice of removal, change of address, and contempt violation, it was not only ignored but struck from the record. At a minimum, this Court's conduct constitutes judicial impropriety and abuse of discretion. At worst, it signals direct judicial participation in a federal agency's unlawful and unconstitutional act.

II. DECLARATIVE FACTS

See Declarative Facts attached.

III. ARGUMENTS

Argument 1: Federal Rule of Civil Procedure 59(e)

I. Reconsideration is warranted under Rule 59(e) to correct clear error and prevent manifest injustice.

This Court's judgment must be revisited because it relied on an incomplete and fundamentally misleading record, created in part through violations of the Court's own order prohibiting removal. The Court was led to believe that Mr. McLean had simply failed to object to the magistrate judge's recommendation. In truth, he was physically removed from the country by ICE during the objection period, in direct violation of the Court's January 8, 2024 Order. He did not "fail" to object; he was forcibly prevented from doing so.

This is the kind of manifest injustice and clear error that Rule 59(e) was designed to remedy. A party should not be penalized for missing a deadline where the government affirmatively violated a court order to create that outcome. Moreover, the Court appears to have accepted as fact that removal was proper and lawful, when in fact it was plainly executed in violation of this Court's own jurisdictional bar.

II. Reconsideration is independently warranted under Rule 60(b)(1), (3), and (6) due to mistake, misconduct, and extraordinary circumstances.

The government's conduct, removing Mr. McLean during the objection window despite the Court's January 8th Order, constitutes both a mistake under Rule 60(b)(1) and misconduct under Rule 60(b)(3). That misconduct tainted the judicial process and deprived Mr. McLean of the opportunity to be heard. In cases where a party is prevented from presenting its case because of an opponent's wrongdoing, relief under Rule 60(b) is routinely granted. See *Rozier v. Ford Motor Co.*, 573 F.2d 1332 (5th Cir. 1978).

Further, this case meets the "extraordinary circumstances" standard under Rule 60(b)(6), as it involves the government acting in open defiance of a court's authority, resulting in the unlawful removal of a vulnerable litigant and the subsequent entry of judgment based on that removal. Relief is not just appropriate; it is necessary to preserve the integrity of the judicial process.

III. The Court has inherent authority to enforce its own orders and must act to correct the violation of its January 8th Order.

The January 8, 2024 Order unequivocally stated that “Mr. McLean shall not be removed from the United States until the Court has ruled on the government’s motion.” This Order remained in effect at the time Mr. McLean was deported on February 6, 2024. The government’s removal of Mr. McLean during this period was not merely an error. It was a violation of this Court’s authority. The Court must take steps to undo the consequences of that violation and prevent itself from being used as a tool for laundering executive misconduct.

Courts have both the power and the obligation to vacate judgments procured through fraud, misrepresentation, or direct defiance of court orders. *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991). Failure to correct the record would endorse the government’s unlawful conduct and invite future abuse of court orders by executive agencies.

IV. The judgment entered in this case was not validly obtained and cannot stand.

The March 18, 2024 dismissal order rested on the absence of objections by Mr. McLean. That absence was not voluntary. It was manufactured by a government agency that disobeyed the Court’s directive. As such, the judgment is infected with constitutional and procedural error.

Due process requires that litigants receive notice and an opportunity to be heard before a court issues dispositive rulings. Mr. McLean received neither. At a minimum, this Court should vacate the judgment and permit full briefing on the merits, including objections, now that Mr. McLean has returned to the United States and is able to reassert his rights.

Argument 2: Rule 60(b) Relief for Judicial and Government Misconduct

Relief is warranted under Rule 60(b)(1), (3), and (6) due to government misconduct and judicial error that jointly produced an unjust dismissal.

Mr. McLean’s petition was dismissed not because the legal claims lacked merit, but because the government created circumstances that silenced the petitioner, and the Court then accepted those circumstances without scrutiny. That sequence involves multiple grounds for relief under Rule 60(b).

First, **Rule 60(b)(1)** supports reconsideration based on mistake. The Court mistakenly accepted the absence of an objection as a voluntary waiver rather than a consequence of physical

deportation in defiance of the Court's order. The Court also mistakenly struck the Power of Attorney filing, mischaracterizing it as unauthorized representation rather than a lawful method of transmission for a pro se litigant forcibly removed from U.S. jurisdiction. These errors prevented the Court from fully assessing the record and the petitioner's position.

Second, **Rule 60(b)(3)** permits relief where misconduct or misrepresentation by the opposing party taints the proceeding. The government here deliberately violated the Court's seventy-two-hour removal notice requirement (Docket #5), then misrepresented the resulting absence of objection as procedural abandonment. This is not just sharp practice; it is misconduct. The government's failure to notify the Court and its intentional removal of the petitioner during the critical objection window sabotaged the integrity of the process.

Third, **Rule 60(b)(6)** provides relief in cases of extraordinary injustice. Mr. McLean was silenced by force, removed from the country despite an active court order, and denied any opportunity to litigate his constitutional claims. His filings were either suppressed or rejected on technicalities. The Court's judgment rests on a record built by violations, both executive and judicial. This is precisely the kind of circumstance that Rule 60(b)(6) was designed to remedy.

Finally, relief under **Rule 60(b)** is not discretionary in the face of judicially-condoned violations of a court's own order. The Court has not only the authority but the obligation to correct a judgment rendered in violation of its own process and to restore faith in the fairness of its proceedings.

Argument 3: Violation of Due Process and Liberal Construction Obligations Owed to Pro Se Litigants

The Court's handling of my Power of Attorney filing violates bedrock principles requiring liberal construction of pro se filings and adherence to due process. The filing was not a surreptitious attempt to substitute counsel. It was an emergency notice made possible only through the aid of someone authorized to transmit documents on my behalf. To treat it otherwise, and to strike the notice on that mistaken basis, elevates form over substance and deprives a pro se litigant of meaningful access to the court.

The obligation to liberally construe pro se filings is not optional. It is a constitutional requirement flowing from due process, designed to ensure that unrepresented individuals are not unfairly denied their day in court due to procedural misunderstandings. Where a filing plainly conveys urgency and factual basis, especially in a context involving potential violations of court orders and due process rights, the judiciary is obligated to assess the substance, not dismiss it on strained procedural grounds.

The Court's response, striking the Power of Attorney filing as unauthorized representation, fails this standard. The filing did not purport to act as legal counsel. It transmitted facts and an emergency declaration, clearly authored by me, to ensure the Court was alerted to my removal and the government's apparent violation of the Court's seventy-two-hour notice order. That filing was not only proper, it was also necessary.

Even if the Court had legitimate procedural concerns about the manner of transmission, those concerns did not justify ignoring the substance. At a minimum, the Court was obligated to seek clarification or notify me of any defects before taking dispositive action. Instead, the Court dismissed the entire petition, thereby sealing off all review of the removal and extinguishing my claims based on an avoidable procedural misinterpretation.

Relief under Rule 60(b)(6) is warranted because the dismissal was the product of fundamental procedural unfairness. A petitioner was forcibly removed, tried to alert the Court through lawful means, and was ignored and silenced. This Court has both the authority and the duty to revisit such a proceeding to preserve the appearance and the reality of justice.

Argument 4: Fraud, Misrepresentation, or Misconduct by the Government and the Court

Relief under Rule 60(b)(3) is warranted where a party's ability to fairly present their claims was thwarted by misconduct or fraud. Here, the record shows that the U.S. government and, by extension, the Court engaged in deceptive conduct that rendered this proceeding fundamentally unfair.

In fact, during his confirmation process, Judge Wyrick was explicitly questioned about how he would respond if government officials were found to have violated clear rules. He affirmed that judicial integrity required accountability and fairness regardless of the parties involved. Yet in

this very case, when faced with documentary evidence that ICE violated federal rules, and when Petitioner's motion cited those same documented violations as grounds for relief, Judge Wyrick dismissed the argument in a single sentence without addressing any of the violations raised. This conduct appears to directly contradict the judge's own confirmation statements and raises serious concerns about judicial bias and the selective enforcement of procedural standards.

If the petitioner was not in federal custody, the Court claimed it lacked jurisdiction. If he was, then the Court had jurisdiction and knowingly failed to act on that basis. Either way, one of these statements is false. That falsehood impacted a critical jurisdictional determination and likely influenced the outcome.

Additionally, the government acted improperly when it removed the petitioner from federal custody while his habeas corpus petition was still pending, a move prohibited under longstanding federal practice without prior court approval. Worse still, the government failed to provide the 72-hour notice required by this Court's order, and when the petitioner attempted to notify the Court of that violation, the communication was struck on procedural grounds. In effect, the government committed a substantive violation, and the Court retaliated against the petitioner for trying to expose it.

This kind of strategic silencing and procedural deflection constitutes misconduct under Rule 60(b)(3). The petitioner was prevented from fairly presenting his claims, not just by the government's actions, but by the Court's refusal to address or acknowledge those actions.

When misconduct intersects with deception, especially on matters of jurisdiction and custody, the Court has both the authority and the moral obligation to revisit its judgment. The integrity of the judicial process depends on it.

Argument 5: Relief Warranted Under Rule 60(b)(6)

In the present case, the court's own conduct, including its refusal to address a documented Fifth Amendment violation, its silence on the unlawful arrest and kidnapping by ICE, and its continued citation to uncorrected falsehoods and misstatements, constitutes precisely the type of judicial failure that Rule 60(b)(6) was designed to remedy. It is not merely the government's

actions that are problematic, but the court's apparent willingness to adopt, ignore, or facilitate those actions without scrutiny, correction, or transparency.

The result has been a record that misleads the public, obscures the constitutional violations at play, and harms the Petitioner by creating a procedurally and factually distorted legal framework around his case. This is not a typical error that can be addressed on appeal; it is a breakdown in the fair administration of justice at the district court level, which this court has the power and duty to correct.

Relief under Rule 60(b)(6) is warranted here not because of a simple mistake, but because a grave injustice has occurred, one that threatens the legitimacy of the proceedings and undermines the public's confidence in the judicial system. This court must use its inherent authority and discretion to correct the record, acknowledge the constitutional harm, and restore the integrity of the process.

Argument 6: Violation of Due Process Under the Fifth Amendment

In this case, the United States government, through its agents, knowingly violated the Petitioner's constitutional right to due process when it deported him in the middle of active habeas litigation, in direct contravention of a standing court order (Docket #5) requiring at least seventy-two hours' advance notice before removal. Petitioner Lenroy McLean was not only denied the ability to respond to filings and object to the Report and Recommendation, but was physically silenced, transferred repeatedly without access to mail, and ultimately deported without any legal proceeding under the Immigration and Nationality Act.

The Court failed to enforce its own jurisdictional bar, failed to acknowledge the implications of Mr. McLean's sudden disappearance from custody, and failed to afford the Petitioner any meaningful opportunity to respond to the Court's findings. These omissions collectively deprived Mr. McLean of his due process rights under the Fifth Amendment. When government agents create the very conditions that prevent a litigant from asserting or preserving his rights, those conditions are not incidental; they are constitutionally offensive. And when the Court then treats that silencing as abandonment, the injury is doubled.

This due process violation is not mitigated by the fact that Mr. McLean filed through a third party. His Power of Attorney was a lawful mechanism, clearly intended to preserve communication while he was outside U.S. jurisdiction, and should have triggered a heightened duty by the Court to assess whether its own orders had been violated. Instead, the Court chose to strike the filing, ignore the deportation, and enter judgment in a manner that suggests willful blindness at best and complicity at worst. Due process cannot tolerate such outcomes. This Court must reconsider its judgment to ensure that constitutional safeguards are upheld, even when it is the judiciary's own procedures that have failed.

Argument 7: Right of Access to the Courts & Interference With Legal Mail

The government violated Mr. McLean's constitutional right of access to the courts when it repeatedly obstructed his ability to communicate with the Court and pursue his habeas petition. This obstruction was not accidental, incidental, or benign. It was the direct result of the government's own actions, taken in defiance of a Court order and executed in a manner that ensured Mr. McLean could not participate in his litigation during the most critical phase of his case.

First, Mr. McLean's outgoing and incoming legal mail was effectively shut down the moment ICE began transferring him through multiple detention centers. The docket reflects that all Court mail sent to him beginning on October 28, 2025, was returned as "undeliverable, unable to forward." This occurred precisely because ICE and DHS had removed him from the facility without notice, without processing, and without access to his legal property or means to receive correspondence. These returns were not routine. They were the result of ICE's sudden and unlawful transfers, which directly severed Mr. McLean from the Court and from his own case.

Second, while in transit between October 13 and October 16, 2025, Mr. McLean was held in intake cells for days at a time without showers, without phone access, without writing materials, and without the ability to send or receive mail. He slept on concrete floors, was kept unprocessed in multiple jurisdictions, and was never provided access to a law library or legal resources. These conditions made it physically impossible for him to prepare, file, or send objections to the Report and Recommendation issued on October 23, 2025.

Third, when Mr. McLean attempted to cure the communication barrier by appointing a third-party sender and receiver of mail through a Power of Attorney, which he was forced to do because he had been deported, the Court struck the filing. This decision eliminated the only remaining lawful avenue through which Mr. McLean could communicate with the Court. Striking a pro se litigant's emergency notice while ignoring the reason he needed it, illegal removal, magnified the constitutional injury. The Court's action transformed the government's interference into a complete barrier, leaving Mr. McLean entirely voiceless.

Fourth, the Court later dismissed the petition as "moot" because Mr. McLean did not object to the Report and Recommendation. But the absence of objections was not a procedural choice or neglect. It was the product of government-created obstruction. The government caused the "silence," then the Court relied on that silence as the basis for dismissal.

Finally, the right of access to the courts is violated when a litigant is denied a meaningful chance to be heard. Mr. McLean was denied that chance twice. First, by the government's unlawful deportation and transfer, and then by the Court's decision to disregard the only mechanism he had to communicate after being removed from the jurisdiction.

These combined actions, executive obstruction and judicial disregard, deprived Mr. McLean of the most fundamental right any litigant has: the right to participate in his own case. Such a violation is precisely the type of constitutional harm that requires reopening the judgment under Rules 59(e), 60(b)(1), 60(b)(3), and especially 60(b)(6), where the integrity of the judicial process has been compromised.

Argument 8: Lack of Subject-Matter Jurisdiction (Fed. R. Civ. P. 12(h)(3))

The district court lacked subject-matter jurisdiction to issue a final ruling against Mr. McLean after he was deported. By the time the Court adopted the Report and Recommendation and entered final judgment, there was no longer a live case or controversy under Article III. Mr. McLean had been physically removed from the United States, outside the custody of the United States government, and had no access to the court's proceedings. His removal was not voluntary, and he was unable to participate in his case or confer with counsel or his authorized representative.

The Court failed to assess whether it retained jurisdiction after Mr. McLean's removal. It did not inquire into the status of his custody, the legality of his deportation, or the implications of striking his filing submitted through a valid Power of Attorney. By proceeding to rule without clarifying these matters, the Court assumed jurisdiction it no longer had.

Furthermore, the very remedy Mr. McLean sought, a habeas petition challenging the lawfulness of his detention, became moot when he was no longer in custody. The Court had a duty to evaluate whether it could still offer any form of effective relief. Its failure to do so renders its judgment void for lack of jurisdiction. Under Rule 12(h)(3), the Court must dismiss any case where subject-matter jurisdiction is absent, regardless of the stage of litigation. This case falls squarely within that requirement. Reconsideration is warranted.

Argument 9: Improper Substitution of Parties (Fed. R. Civ. P. 25(a))

The Court erred in striking Mr. McLean's filing submitted by his legally authorized representative under a valid Power of Attorney, and then proceeding to judgment without proper substitution. Rule 25(a) does not explicitly cover Power of Attorney scenarios, but the principles underlying the rule make clear that when a party becomes unavailable due to removal, deportation, or incapacity, the Court must address how that absence affects representation. The Court had no legal basis to strip Mr. McLean of representation simply because he was no longer in physical custody or available to sign filings. Doing so without ordering proper substitution or acknowledging the representative's legal authority undermines the integrity of the proceeding.

Mr. McLean was effectively rendered unreachable by the government's own actions; he was removed from the country without notice, during the pendency of his case. His Power of Attorney was executed prior to that removal and was submitted alongside filings clearly articulating the authority and purpose of the representation. The Court never found the Power of Attorney invalid, nor did it invite or entertain a motion for substitution. It simply disregarded Mr. McLean's representative and struck the filings, even though no factual basis existed to do so.

This violates both the letter and spirit of Rule 25. The Court had a duty to determine the correct party or representative to stand in McLean's place. Instead, it created a legal vacuum, silencing the party entirely. The result is a judgment rendered without meaningful participation from the

affected party. This is a procedural and constitutional defect warranting reconsideration or reversal.

Argument 10: Abuse of Discretion by the Court (Fed. R. Civ. P. 60(b)(6))

This Court abused its discretion under Rule 60(b)(6) by entering final judgment against Lenroy McLean without accounting for the extraordinary circumstances surrounding his removal from the United States during active litigation. Despite a standing order requiring notice before removal, the government deported Mr. McLean without informing the Court, effectively silencing him and interfering with the litigation process. When his representative filed a Power of Attorney and sought to continue the case on his behalf, the Court disregarded it entirely, struck the filing, and proceeded to rule against Mr. McLean without considering the implications of his forced absence.

This is not a routine procedural error; it is a complete breakdown of the judicial process. Mr. McLean was denied a meaningful opportunity to respond, object, or appear, and the government's actions directly undermined the fairness of the proceedings. The Court's refusal to address these violations and its choice to finalize judgment while turning a blind eye to government misconduct constitute an abuse of discretion.

Mr. McLean's removal was not a matter of speculation; it was documented in filings, and the Court had the authority to enforce its own order or investigate the breach. Instead, the Court acted as though no such order existed and allowed the government's procedural manipulation to go unchecked. Such behavior renders the judgment fundamentally unjust and justifies relief under Rule 60(b)(6). The Court must reconsider its ruling in order to preserve the integrity of the legal process and prevent future abuse.

Argument 11: Void Judgment for Violation of Due Process (Fed. R. Civ. P. 60(b)(4))

The judgment against Mr. McLean is void under Rule 60(b)(4) because it was obtained in violation of his constitutional right to due process. The record shows that Mr. McLean was deported from the United States during the pendency of his federal case, in direct violation of the standing court order requiring government notice before any removal. That removal extinguished

his ability to appear, respond, or participate in proceedings, which made the entry of judgment against him a due process violation.

Furthermore, when his representative submitted filings on his behalf, including a valid Power of Attorney and a timely request to vacate judgment, the Court summarily struck those filings without offering any notice or allowing Mr. McLean's representative to be heard. The Court then proceeded to finalize the judgment, despite the clear procedural irregularities and the deprivation of McLean's right to be present and to speak.

Due process demands more than formalism; it demands that the court ensure all parties have a fair chance to be heard before judgment is imposed. That did not occur here. Mr. McLean's removal from the country was effectuated in secret, while litigation was active, and without any judicial inquiry. His efforts to participate through an authorized representative were rejected without explanation or hearing. These facts support the conclusion that the judgment is void and must be set aside.

Argument 12: Relief from Judgment for "Any Other Reason" Justifying Relief (Fed. R. Civ. P. 60(b)(6))

Extraordinary circumstances justify relief under Rule 60(b)(6) in Mr. McLean's case. This was not a typical deportation or civil litigation matter. The government removed Mr. McLean from the United States in the middle of active litigation, while an automatic stay was in effect, and while a pending motion could have changed the trajectory of the case. The record confirms that his removal was carried out contrary to the express instructions of the Court's own prior orders and contrary to the terms of the law. That action effectively stripped him of the ability to defend himself in the federal forum.

Further, when Mr. McLean's representative attempted to intervene using a valid Power of Attorney, the Court refused to acknowledge or consider the submission, denying McLean any access to justice. That refusal, coupled with the fact that the judgment was entered in his absence and under procedural confusion, represents an extraordinary failure of the justice system.

Moreover, the harm suffered by Mr. McLean is not just procedural; it is lasting. The judgment issued under these circumstances could expose him to permanent consequences, including

reputational damage, future immigration bars, and other legal disadvantages, all while he was deliberately removed and silenced.

This is the very type of extreme injustice that Rule 60(b)(6) was designed to remedy. Relief should be granted.

Argument 13: Fraud on the Court (Chambers v. NASCO, Inc., 501 U.S. 32 (1991))

In Mr. McLean's case, the record suggests that federal actors engaged in precisely such an unconscionable scheme. The government's decision to deport Mr. McLean, despite a standing court order (Dkt. #5) barring removal without notice, was not a bureaucratic oversight. It was a calculated act carried out after multiple motions had been filed, while a habeas petition was pending, and with full awareness that removal would terminate Mr. McLean's ability to respond, object, or participate meaningfully in his case.

This calculated removal was followed by a pattern of concealment. The government did not notify the Court that it had removed Mr. McLean in violation of the protective order. It did not move to vacate the order, seek clarification, or disclose its actions. Instead, it allowed the Court to proceed toward judgment without the benefit of Mr. McLean's voice, knowingly rendering the case moot by engineering the Petitioner's silence and absence. When the Petitioner's Power of Attorney attempted to file a timely objection on his behalf, the Court struck the filing without investigating the reasons for Mr. McLean's sudden disappearance from U.S. custody or why the Court's own order had been ignored.

The fraudulent nature of the government's conduct is further illuminated by the timing and the cover-up. Officials transferred Mr. McLean between multiple facilities without legal access, obstructed his communications, and prevented any legal notice from reaching him before the deportation was finalized. These acts were not merely negligent; they were part of a deliberate strategy to frustrate judicial review.

This scheme amounted to fraud on the court. It violated the foundational requirement that courts adjudicate matters based on the full participation of the parties, and not based on the manipulations of one side acting in bad faith. The government's conduct undermined the Court's ability to issue a fair ruling, and the Court's failure to enforce its own protective order

compounded the injury. The resulting judgment must be vacated. Courts have both the authority and the duty to correct such miscarriages of justice when the judicial process has been corrupted from within.

Argument 14: Abuse of Discretion (Fed. R. Civ. P. 60(b)(6))

In Mr. McLean's case, the Court abused its discretion by denying relief without engaging with the extraordinary and unprecedented circumstances before it. The Petitioner had been forcibly removed from the country in direct violation of a standing court order that required advance notice before deportation. Rather than investigate or respond to this clear breach of its own authority, the Court elected to dismiss Mr. McLean's habeas corpus petition and strike a Rule 60(b) motion filed through a valid Power of Attorney, without considering the implications of these procedural shortcuts on Mr. McLean's constitutional rights and liberty interest.

This case does not involve a mere procedural defect or strategic error; it involves a miscarriage of justice arising from executive defiance of judicial authority. The Court's refusal to assess or remedy that defiance, combined with its disregard for filings made in good faith on Mr. McLean's behalf, constitutes precisely the type of "extraordinary circumstance" Rule 60(b)(6) was designed to address.

Moreover, the Court failed to articulate any reasoned basis for striking the Power of Attorney filing, failed to examine the factual implications of the government's noncompliance with its deportation notice order, and failed to acknowledge that its ruling allowed an unlawful removal to nullify a pending habeas claim. In doing so, the Court abandoned its duty to provide meaningful judicial oversight. These omissions, taken together, represent a clear abuse of discretion and demand reconsideration under Rule 60(b)(6).

Argument 15: Misapplication of Mootness Doctrine (U.S. Const. Art. III, § 2; see also United States v. Juvenile Male, 564 U.S. 932 (2011))

The Court erred in prematurely declaring Mr. McLean's case moot following his deportation, especially given that his deportation occurred in *direct violation* of a standing court order

requiring prior notice. This violation not only tainted the government's conduct but also foreclosed Mr. McLean's ability to participate in or exhaust judicial review of his habeas claim.

The core issue presented in Mr. McLean's habeas petition, whether his prolonged detention and removal were lawful, is not rendered moot simply because he was removed. The consequences of that removal remain active and detrimental. Mr. McLean's record now reflects a removal that he was unable to challenge, and he has suffered lasting collateral consequences such as an inability to return to the U.S., reputational harm, separation from family and legal resources, and denial of further post-conviction relief avenues. These are not speculative harms; they are real, present, and directly traceable to the government's defiance of the Court's prior order.

The government should not be allowed to defeat judicial review by executing a removal that violates a court-ordered stay and then arguing that the matter is moot. Such circular logic would encourage further abuse by allowing government actors to extinguish valid legal claims through deliberate evasion of judicial oversight.

For these reasons, Mr. McLean's case remained justiciable at the time of its dismissal, and the application of the mootness doctrine constituted reversible error.

Argument 16: Abuse of Discretion (Fed. R. Civ. P. 59(e) and 60(b))

The Court's handling of Mr. McLean's post-judgment filings constitutes an abuse of discretion. Despite the extraordinary circumstances outlined in those motions, including the violation of a standing court order, denial of access to respond to the Report and Recommendation, and Mr. McLean's physical removal from the United States, the Court summarily struck the filing submitted through his lawfully designated Power of Attorney. It then proceeded to deny any further relief without meaningfully engaging with the serious constitutional and procedural claims presented.

This mechanical denial reflects a failure to evaluate the merits of Mr. McLean's arguments under Rule 59(e) and 60(b), particularly those concerning jurisdiction and due process. The Court disregarded clear evidence of governmental misconduct and failed to inquire into whether its own jurisdiction had been undermined by the government's actions. It also ignored the

implications of Mr. McLean's removal, both legally and practically, on his ability to respond to the judgment.

By failing to assess whether Mr. McLean's deportation constituted excusable neglect, extraordinary circumstances, or a reason justifying relief under the rules, the Court neglected to exercise its discretion in a manner consistent with the standards outlined in *Pioneer* and other controlling precedents. Its refusal to reopen the case or even hold a hearing under these facts was not merely incorrect; it was a legal failure that exacerbated the deprivation of Mr. McLean's rights.

Argument 17: Equal Protection Violation

Argument:

The Equal Protection Clause prohibits the federal government from selectively targeting or treating similarly situated individuals differently without a rational basis. In Lenroy McLean's case, the decision to pursue involuntary civil commitment was not rooted in any objective mental health criteria but in retaliation, fabricated assessments, and discriminatory profiling. Despite being the defender in the altercation and surrounded by similarly situated individuals, McLean was singled out by prison officials and psychologists for extreme punitive and civil actions. Others who acted similarly, or worse, were not targeted. The government's decision to prosecute and psychiatrically label only McLean, absent legitimate justification, violated his constitutional right to equal protection under the law.

Argument 18: Selective Enforcement or Targeting

Selective enforcement violates due process and equal protection when the government punishes a person based on improper motives, such as race, speech, or status. McLean was deliberately targeted for civil commitment proceedings and psychiatric labeling, not based on a neutral assessment of his behavior, but because he exercised his rights, refused to accept unjust punishment, and because of how he was perceived. This targeted enforcement, in contrast to the treatment of similarly situated individuals, constitutes unconstitutional retaliation and abuse of

discretion, especially given that the BOP and prosecutors continued their pursuit even after their own evidence and experts contradicted their claims.

Argument 19: Judicial Bias or Appearance of Partiality:

McLean has a right to a fair tribunal under the Due Process Clause. That right is violated not only by actual judicial bias but also by the appearance of partiality. In this case, the judge failed to address material falsehoods in the record, inconsistencies between sworn statements and video footage, and improper conduct by government actors, while allowing unconstitutional civil commitment efforts to proceed. This inaction, combined with a one-sided acceptance of the government's narrative, gives the appearance of judicial bias and undermines the legitimacy of the court's role as a neutral arbiter. The judge's failure to scrutinize the prosecution's misconduct and mental health misrepresentations violated McLean's right to a fair hearing.

Argument 20: Impermissible Deportation Interfering with Jurisdiction

The federal government may not deliberately undermine a litigant's access to the courts by removing or attempting to deport them while litigation is pending. Such action obstructs judicial review and constitutes a violation of due process. In McLean's case, officials initiated deportation efforts while this civil action was active, despite no formal ICE proceedings, no A-number, and no legal basis for removal. These efforts were not routine but strategic, an attempt to silence McLean, end his case, and evade liability. Any effort to deport him before a final resolution of this matter would strip the court of jurisdiction and violate fundamental constitutional protections.

Argument 21: Improper Denial of Power of Attorney Rights

Lenroy McLean executed a power of attorney designating David Z. Simpson as his legal advocate during a period when McLean was physically incarcerated, mentally distressed, and lacked meaningful access to counsel. The power of attorney was notarized, filed, and submitted to the court, and Simpson made clear in all communications that he was not acting as licensed counsel but rather as an agent operating under McLean's expressed legal authority. Despite this, the court outright refused to recognize Simpson's filings, including the emergency motion to

complicity, have allowed a man's life and liberty to be bargained away through improper shortcuts. A foreign national with lawful rights to be present in the United States was treated as disposable, a pawn in a bureaucratic tug-of-war, rather than as a human being entitled to the full protections of the law.

This Court now has a moral and legal obligation to step back, examine the totality of the government's actions, and restore integrity to the judicial process by reopening this matter. Any other response will not only harm Mr. McLean but will further damage the credibility of the courts and the promise of equal justice under the law.

IV. CONCLUSION AND REQUEST FOR RELIEF

This Court now stands at a critical juncture. The record reflects a cascade of procedural, jurisdictional, and constitutional failures, failures that were not merely incidental but orchestrated through omissions, deception, and executive overreach. These failures were initially obscured by misleading government conduct, lapses in legal process, and a persistent denial of the most basic safeguards the Constitution demands for all litigants, citizens, and non-citizens alike.

Lenroy McLean has not asked this Court to relitigate his underlying conviction. He has not sought sympathy, nor a shortcut to redemption. What he has sought, through lawful channels and consistent filing, is a fair adjudication of his habeas claims. In response, the government weaponized ICE to retaliate and silence him, using unlawful deportation as a tool to preempt this Court's jurisdiction, disrupt judicial review, and permanently obstruct Mr. McLean's access to justice.

By orchestrating Mr. McLean's removal during pending habeas litigation, without notice, jurisdiction, or lawful basis, the government did not simply violate procedural norms; it undermined the authority of this Court and struck at the very foundation of constitutional governance. Such misconduct cannot be ignored. To do so would be to condone a dangerous precedent: one in which administrative agencies act unilaterally to evade judicial scrutiny, silence petitioners, and erase the record of their wrongdoing through physical removal.

The record now includes un rebutted facts and procedural violations showing that:

- Mr. McLean's deportation occurred during the pendency of active habeas review, in direct violation of this Court's jurisdiction and authority.
- Government actors, including the AUSA and ICE, failed to notify the Court of this removal, in violation of ethical duties and due process protections.
- Petitioner's constitutional rights, specifically his right to counsel, to be heard, and to access the courts, were fundamentally violated;
- Fraud was committed upon this Court through omission, misrepresentation, and manipulation of jurisdictional facts.
- The integrity and fairness of the proceeding have been irreparably tainted unless corrective action is taken.

This Court therefore possesses not only the authority, but the duty to correct the record, sanction misconduct, and prevent the recurrence of such violations. The relief sought is not merely procedural; it is a declaration that in the United States of America, no agency is above judicial oversight and no individual is beneath constitutional protection.

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. **Vacate its prior dismissal order and reopen the habeas corpus proceeding pursuant to Rule 59(e) of the Federal Rules of Civil Procedure;**
Permit re-briefing or supplemental filing based on newly available facts and procedural misconduct;
2. **Acknowledge continued jurisdiction over the habeas matter despite the government's bad-faith removal of the Petitioner.**
3. **On the Notice of Fraud on the Court:**
 - a. **Formally acknowledge the fraud committed upon this Court, and ensure the record reflects the government's misconduct in future judicial and administrative contexts.**
4. **Additional and Equitable Relief:**
 - a. **Issue any further orders, findings, or equitable remedies the Court deems just and necessary to:**
 - Restore the integrity of these proceedings.

- Prevent future removal of litigants in active federal litigation.
- Reaffirm the supremacy of judicial authority over extrajudicial actions by executive agencies.

Respectfully submitted,

12/11/25

Signed: 

Lenroy McLean

By and through Dr. David Z. Simpson, P.O.A.

Signed: 

Dr. David Z. Simpson

Power of Attorney for Petitioner