

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**Kayode Elusoji**  
Petitioner,  
v.

**Pam Bondi,**

**Attorney General of the United States;**

**Case Number: 1:25-cv-13318**

**Kristi Noem,**

**Secretary of the Department of Homeland Security;**

**Todd M. Lyons,**

**Acting Director of U.S. Immigration and Customs Enforcement;**

**Russell Hott, ICE Field Office Director, Chicago;**

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS**

## INTRODUCTION

Petitioner Kayode Elusoji respectfully petitions this Honorable Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241, seeking immediate release from unlawful detention by U.S. Immigration and Customs Enforcement (“ICE”). Mr. Elusoji is being detained without a warrant and without lawful basis despite his lawful entry into the United States, his pending immigrant visa process through an EB-3 petition, and his long-term residence and family ties within this District.

Venue is proper in the Northern District of Illinois because Mr. Elusoji was apprehended and is currently detained within this District, and the constitutional and statutory violations giving rise to this petition occurred here.

## JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and 5 U.S.C. § 702 (Administrative Procedure Act).
2. Venue is proper under 28 U.S.C. § 1391(e) because the events giving rise to this Petition occurred in the Northern District of Illinois, and Petitioner is currently detained within this District.

## PARTIES

- Petitioner: Kayode Elusoji, a citizen of Nigeria, lawfully entered the United States on a B-2 tourist visa in 2017.
- Respondents: The above-named federal officers and agencies responsible for his arrest, detention, and potential transfer, in both their official and individual capacities.

## FACTUAL BACKGROUND

1. Mr. Elusoji entered the United States lawfully from Nigeria in 2017 on a B-2 visa.
2. While in the United States, he applied for asylum with USCIS, which remained pending for several years.
3. His wife is the principal applicant in an EB-3 immigrant visa petition based on her employment as a registered nurse. Mr. Elusoji is a derivative beneficiary of that same petition.
4. In October 2025, as their EB-3 petition neared completion, Mr. Elusoji and his wife withdrew their asylum application to proceed with the immigrant visa process.
5. Despite this, on October 30, 2025, ICE agents arrested Mr. Elusoji at or near his residence without a judicial warrant, without probable cause, and without any new immigration violation.
6. Mr. Elusoji has no criminal history, has always maintained lawful presence or pending applications with USCIS, and poses no flight risk or danger.

7. He resides with his wife and children, all of whom are in the United States; one daughter, Eniola Bankefa, is a lawful permanent resident.
8. ICE has indicated plans to transfer Mr. Elusoji out of state, despite his long residence in Illinois, his family's location here, and the fact that venue and jurisdiction properly lie in this District.
9. His detention and threatened transfer violate the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1226, and applicable regulations requiring lawful arrest authority.

## CLAIMS FOR RELIEF

### Count I – Violation of the Fifth Amendment (Due Process)

ICE's warrantless arrest and continued detention of Mr. Elusoji deprive him of liberty without due process of law. There is no valid removal order, criminal basis, or pending charge to justify his confinement.

### Count II – Violation of the Immigration and Nationality Act

Under 8 U.S.C. § 1357(a)(2) and relevant ICE policy, agents may arrest an individual without a warrant only when the person is likely to escape before a warrant can be obtained and when the agent has reason to believe the person is unlawfully present. Neither condition applies here.

### Count III – Arbitrary and Unlawful Detention

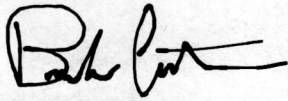
Given Mr. Elusoji's strong family ties, lack of criminal record, and pending immigrant petition, continued detention serves no legitimate governmental interest and constitutes arbitrary detention under U.S. and international law principles.

## REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus directing Respondents to release Mr. Kayode Elusoji immediately from ICE custody;
2. Enjoin Respondents from transferring him outside the Northern District of Illinois pending this Court's review;
3. Declare that his arrest and detention were unlawful; and
4. Grant any further relief this Court deems just and proper.

Respectfully submitted,



Brandon Carter  
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GPLLC

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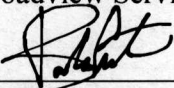
Bcarter@globalperiphery.com

Dated: October 30, 2025

### **CERTIFICATE OF SERVICE**

I, Brandon Carter, hereby certify that on this 29th day of October 2025, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus to be served via electronic filing through the CM/ECF system upon the defendants

I further certify that a copy was mailed to Kayode Elusoji, A# 209-369-917, detained at the Broadview Service Processing Center, 1930 Beach Street, Broadview, Illinois 60155.



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Brandon Carter  
Counsel for Petitioner