



2. Petitioner's continued detention violates 8 U.S.C. § 1231(a)(6) and violates his substantive due process rights under the Fifth Amendment. Mr. FAH has now been detained ten months since he was granted deferral of removal in an administratively final decision. To date, although the DHS purports to be attempting to find third countries that will accept him, Petitioner has not received notice of removal to any such countries. Mr. FAH's detention cannot continue when DHS is barred from removing him to Myanmar and Thailand, and there is no foreseeable possibility that he will be removed to another country.
3. Petitioner's continued detention also violates procedural due process. Having never designated any other country, the DHS cannot remove Mr. FAH to some other country without properly giving him notice and an opportunity to be heard regarding removal to that country. Even assuming the DHS would be allowed by statute to remove him to a third country, and that it could find a country willing to accept him, the DHS would be obliged to give him a hearing before removal. The mere possibility of removal after hypothetical future additional proceedings cannot justify continued detention now.
4. Because Petitioner's removal is not reasonably foreseeable, and because the DHS would need to provide meaningful notice and an opportunity to be heard before deporting Petitioner to a third country, his continued detention is unlawful. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus. Alternatively, this Court should schedule a hearing at the earliest practicable opportunity to hear argument and, if necessary, receive evidence on Mr. FAH's Petition.

#### **JURISDICTION AND VENUE**

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
7. 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. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
8. Venue is proper because Petitioner is detained at the Louisiana State Penitentiary in Angola, Louisiana, which is within the jurisdiction of this District.

#### **REQUIREMENTS OF 28 U.S.C. § 2243**

9. The 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. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must 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. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. 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 Sai FAH entered the United States as a child refugee in 2010 and subsequently adjusted his status to lawful permanent resident. Mr. FAH was placed in removal proceedings before the Chicago Immigration Court after he became deportable on

criminal grounds. The IJ granted his application for deferral of removal under the Convention Against Torture, prohibiting his removal to both Myanmar and Thailand, the two countries designated for removal. Mr. FAH is currently detained at the Louisiana State Penitentiary in Angola, Louisiana in the custody, and under the direct control, of Respondents and their agents.

12. Respondent Darrel VANNOY is the Warden of the Louisiana State Penitentiary, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent VANNOY is a legal custodian of the Petitioner.
13. Respondent Stanley CROCKETT is sued in his official capacity as the Director of the New Orleans Field Office of U.S. Immigration and Customs Enforcement. Respondent CROCKETT is a legal custodian Mr. FAH and has authority to release him.
14. Respondent Kristi NOEM is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent NOEM is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement ("ICE"), the component agency responsible for Petitioner's detention. Respondent NOEM is a legal custodian of the Petitioner.
15. Respondent Pamela BONDI is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent BONDI is a legal custodian of the Petitioner.

**FACTS AND PROCEDURAL HISTORY**

16. Petitioner, Mr. FAH, is a 26-year-old Stateless individual of Karen Muslim descent. His family fled ethnic and religious persecution in Myanmar. Mr. FAH was born in a refugee camp in Mae La, Thailand after his family fled ethnic and religious persecution in Myanmar. Mr. FAH was not given legal status in Thailand, and Myanmar law does not consider Muslims as citizens of their nation under their 1982 citizenship law.
17. In 2010, Mr. FAH was designated a child refugee by the United States government. On December 8, 2010, Mr. FAH entered the United States as a child refugee, thereafter he became a Lawful Permanent Resident. Mr. FAH is married and is the father to a U.S. citizen one-year-old son.
18. Mr. FAH was detained by ICE and placed in removal proceedings under INA § 240 on October 1, 2024. *See Exhibit*
19. **A**, *Notice to Appear*. He was subject to mandatory immigration detention under INA § 236(c) due to his criminal convictions. Mr. FAH was represented by undersigned counsel in his removal proceedings. Throughout the pendency of his court proceedings, Mr. FAH was detained at Clay County Jail in Brazil, Indiana.
20. On December 31, 2024, IJ Espinoza granted Mr. FAH Deferral of Removal to Myanmar and Thailand under the Convention Against Torture. *See Exhibit B, Immigration Judge Order*. IJ Espinoza terminated Mr. FAH's lawful permanent resident status and deferred his removal to both Myanmar and Thailand after finding that it was more likely than not that he would be tortured and/or killed if he returns to either country because he is Karen and Muslim. The DHS accepted IJ Espinoza's decision after it did not appeal her grant of deferral of removal.

21. Shortly after the January 2025 presidential inauguration, Mr. FAH was transferred from Clay County Jail in Indiana to Winn Correctional Center in Louisiana. He remained at Winn Correctional until Labor Day weekend, at which time he was transferred to the Louisiana State Penitentiary in Angola, Louisiana.
22. After inquiry on behalf of Mr. FAH, undersigned counsel received an email response on June 25, 2025 that ICE has made requests for removal to El Salvador, Guatemala, Cambodia and Malaysia for Mr. FAH. *See Exhibit C.* However, no official notice has been given to him nor counsel of any third-country removals, and no further response has been received from the ICE New Orleans Field Office as to their custody determination review. No immigration officer has asked Petitioner to participate in submitting any application for travel documents to another country, further demonstrating that ICE has failed to secure a third country for removal.
23. On September 4, 2025, shortly after Mr. FAH's transfer to the Angola facility, undersigned counsel spoke with ICE Officer Christopher Campbell. Officer Campbell relayed to counsel that no third country was in his file and no travel document had been issued to date.
24. Also on September 4, 2025, news broke that ICE had decided to use former Camp J in the Angola facility, described as the "Dungeon" and known for its history and inmate labor, to house ICE detainees. Defendant NOEM was quoted as saying, "This is a facility that is notorious ... Angola prison is legendary. But that's a message that these individuals that are going to be here — that are illegal criminals — need to understand."<sup>1</sup>

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<sup>1</sup> Alex Cox, *A notorious wing of Angola prison is now a detention center for ICE*, WWNO – New Orleans Public Radio (Sept. 4, 2025), <https://www.wwno.org/immigration/2025-09-04/a-notorious-wing-of-angola-prison-is-now-a-detention-center-for-ice>

25. Mr. Fah entered the United States as a refugee in 2010. His sole convictions are for alteration of a firearm's identification marks, a low-level felony in Indiana, and three misdemeanors: possession of marijuana, possession of drug paraphernalia, and invasion of privacy.
26. Mr. FAH has now been in continuous ICE custody for over a year since October of 2024.

### **LEGAL FRAMEWORK**

#### **Legal Protections Under the Convention Against Torture**

27. In removal proceedings, the noncitizen is entitled to select a country of removal. 8 U.S.C. § 1231(b)(2)(A); *see also* 8 C.F.R. § 1240.10(f) (“[T]he immigration judge shall notify the respondent that if he or she is finally ordered removed, the country of removal will in the first instance be the country designated by the respondent . . .”). The IJ will designate the country where the person “is a subject, national, or citizen,” if either the noncitizen does not select a country or as an alternative in the event the noncitizen’s designated country does not accept the individual. 8 U.S.C. § 1231(b)(2)(D). The IJ also may designate alternative countries, as specifically set out by 8 U.S.C. § 1231(b)(2)(E).
28. An IJ must provide sufficient notice and opportunity to apply for protection from a designated country of removal. 8 C.F.R. § 1240.10(f) (providing that the “immigration judge shall notify the respondent” of designated countries of removal); 8 C.F.R. § 1240.11(c)(1)(i) (providing that the IJ shall “[a]dvice the [noncitizen] that he or she may apply for asylum in the United States or withholding of removal to [the designated countries of removal]”).
29. Individuals in removal proceedings who fear returning to their country of origin but are ineligible for asylum and withholding of removal are still entitled to receive protection

under the Convention Against Torture (CAT) in the form of withholding or deferral of removal, upon demonstrating a likelihood of torture if removed to the designated country of removal. *See* 8 U.S.C. § 1231; 8 C.F.R. § 1208.17(a); 28 C.F.R. § 200.1. CAT protection is mandatory. *Id.* With respect to any individual granted deferral of removal under CAT, the IJ “shall also inform the [noncitizen] that removal has been deferred only to the country in which it has been determined that the [noncitizen] is likely to be tortured, and that the [noncitizen] may be removed at any time to another country where he or she is not likely to be tortured.” 8 C.F.R. § 1208.17(b)(2).

30. Although individuals granted CAT protection may be removed to a third country, the regulations provide that they may not be removed to a country where they are likely to be tortured: “The immigration judge shall also inform the [noncitizen] that removal has been deferred only to the country in which it has been determined that the [noncitizen] is likely to be tortured, and that the [noncitizen] may be removed at any time to another country where he or she is not likely to be tortured.” 8 C.F.R. § 1208.17(b)(2).

31. Pursuant to § 1231(b)(3)(A), courts repeatedly have held that individuals cannot be removed to a country that was not properly designated by an IJ if they have a fear of persecution or torture in that country. *See Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999); *Kossov v. INS*, 132 F.3d 405, 408-09 (7th Cir. 1998); *El Himri v. Ashcroft*, 378 F.3d 932, 938 (9th Cir. 2004); *cf. Protsenko v. U.S. Att’y Gen.*, 149 F. App’x 947, 953 (11th Cir. 2005) (per curiam) (permitting designation of third country where individuals received “ample notice and an opportunity to be heard”).

**Substantive Due Process Limits to Detention.**

32. The detention of individuals who have been granted protection under the Convention Against Torture is governed by 8 U.S.C. § 1231. 8 C.F.R. 1208.17(c). Under § 1231, individuals with final removal orders are subject to mandatory detention only during a 90-day removal period. 8 U.S.C. § 1231(a)(2). A noncitizen who is not removed within that period “shall be subject to supervision under regulations prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3).
33. While § 1231(a)(6) permits detention beyond the removal period in certain situations, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Zadvydas*, 533 U.S. at 699.
34. The Supreme Court has held, in the context of post-removal immigration detention, that if the “detention’s goal is no longer practically attainable,” detention becomes unreasonable and violates the detained person’s Fifth Amendment right to due process. *Zadvydas*, 533 U.S. at 690. “[I]f removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699-700. The Supreme Court affirmed the *Zadvydas* holding in *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021).
35. Six months is the presumptively reasonable period during which ICE may detain non-citizens to effectuate their removal. *Id.* at 701. After six months of detention, if “the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, DHS must respond with evidence sufficient to rebut that showing” or else a Constitutional violation occurs. *Id.* Moreover, “an inversely proportional relationship is at play: the longer a[] [noncitizen] is detained, the

less he must put forward to obtain relief.” *Alexander v. Att’y Gen. U.S.*, 495 F. App’x 274, 276-77 (3d Cir. 2012).

36. As stated above, Mr. FAH has never received any documents relating to third-country removal, and as recently as September 4, 2025, an ICE officer informed Mr. FAH’s undersigned counsel that no third country for removal has been secured, and no travel documents have been issued for Mr. FAH. Thus, Mr. FAH cannot demonstrate there is no significant likelihood of removal in the reasonably foreseeable future. Additionally, because noncitizens must have a meaningful opportunity to challenge removal to a third country where they fear torture, locating a third country does not make removal reasonably foreseeable.
37. Additionally, even assuming DHS can remove a noncitizen to a third country at some unknown date in the future, their continued detention is not reasonably related to its stated purpose when alternative conditions of release could mitigate flight risk. *Bell v. Wolfish*, 441 U.S. 520, 536-39 (1979) (observing that pretrial detention not reasonably related to a legitimate government purpose would constitute punishment in violation of Due Process).
38. DHS regularly utilizes orders of supervision when releasing individuals from its custody when a final order of removal is in place. An order of supervision operates like terms of probation, with the ability to impose “conditions of supervision” on individuals. *See* 8 C.F.R. § 214.15(a). For example, noncitizens released on such orders regularly are prohibited from leaving the state in which they reside without advance permission from an ICE officer. *Id.*(a)(4). They may also be required to report to an ICE officer in person or by telephone on a periodic basis. *See Fernandez Aguirre v. Barr*, No. 19-CV-7048 (VEC), 2019 WL 4511933, at \*5 (S.D.N.Y. Sept. 18, 2019) (listing alternatives to detention, “such

as home detention, electronic monitoring, and so forth”); *Mathon v. Searls*, 623 F. Supp. 3d 203, 218 (W.D.N.Y. 2022) (“[T]he form used by ICE to list the terms of supervision (Form I-220B) includes a section for ‘other specified conditions’, which implies that ICE has flexibility in imposing release terms.”).

39. Such conditions of release would be sufficient to ensure Petitioner’s presence in the event that removal to a third country becomes possible.
40. Instead, ICE is choosing to detain Mr. FAH at a notorious facility known for violence and unpaid labor. Indeed, ICE’s public statements indicate that the purpose of detention at this facility is punitive and to convince other non-citizens to self-deport.

**Procedural Due Process Limits to Detention.**

41. Meaningful notice and opportunity to present a fear-based claim prior to deportation to a country where a person fears persecution or torture are fundamental due process protections under the Fifth Amendment. *See Andriasian*, 180 F.3d at 1041; *Protsenko*, 149 F. App’x at 953; *Kossov*, 132 F.3d at 408; *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019). Similarly, a “last minute” IJ designation of a country during removal proceedings that affords no meaningful opportunity to apply for protection “violate[s] a basic tenet of constitutional due process.” *Andriasian*, 180 F.3d at 1041.
42. The Due Process Clause and the INA require the Government to give a noncitizen notice and a hearing where the immigrant can present evidence on his or his behalf in defense of removal. *See* U.S. Const., Amend. V; 8 U.S.C. § 1229a(b)(4) (an immigrant in removal proceedings “shall have a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien’s own behalf, and to cross-examine witnesses presented

by the Government”); *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985); *Mathews v. Eldridge*, 424 U.S. 319, 332–33 (1976).

43. Multiple courts have held—including in the context of purported removals to third countries—that “affirming a deportation order without a fair hearing concerning that deportation violates due process.” *Kuhai v. INS*, 199 F.3d 909, 913 (7th Cir. 1999) (holding that the noncitizen must be given the opportunity to brief removal to a third country when there was no indication during removal proceedings that she could be removed there); *Su Hwa She v. Holder*, 629 F.3d 958, 965 (9th Cir. 2010) (“It follows that a failure to provide notice and, upon request, stay removal or reopen the case for adjudication of [the noncitizen’s] applications as to Burma would constitute a due process violation *if* Burma becomes the proposed country of removal.”); *Romero v. Evans*, 280 F. Supp. 3d 835, 847 n.24 (E.D. Va. 2017) (“DHS could not immediately remove petitioner to a third country, as DHS would first need to give petitioner notice and the opportunity to raise any reasonable fear claims.”).
44. A fair hearing provides a noncitizen “an adequate opportunity to defend themselves against that deportation,” including seeking protection from removal to that alternate country. *Kossov v. INS*, 132 F.3d 405, 408 (7th Cir. 1998).
45. However, a detained noncitizen may not seek protection from any theoretical third country until the Government has affirmatively designated that country for removal. *See Hwa She*, 629 F.3d at 965 (“Under the plain wording of 8 C.F.R. § 1208.16, an applicant is not entitled to adjudication of an application for withholding of removal to a country that nobody is trying to send them to.”); *Yakubov v. Att’y Gen.*, 586 F. App’x 86, 87 (3d Cir.

2013) (“Yakubov’s claim for deferral [to Russia] will not become ripe unless and until the Government’s efforts to remove him to Israel prove unsuccessful.”).

46. DHS’s current procedures allowing a noncitizen to be removed to a third country without such process are inapposite, as these procedures do not comport with due process. A July 9, 2025 memorandum from Acting Director of Immigration & Customs Enforcement (“ICE”) Todd Lyons to ICE employees states that ICE may remove noncitizens with removal orders to third countries without meaningful notice or a meaningful opportunity to respond, so long as that third country has provided diplomatic assurances that the individual will not be tortured there. *See Exhibit D, Third Country Removals Following the Supreme Court’s Order in Department of Homeland Security v. D.V.D., No. 24A1153 (Jun 23, 2025), issued July 9, 2025.* Under this memorandum, ICE officers need not explain to the noncitizen that they can express a fear of return to the third country or challenge removal to that country in any way. *Id.* Moreover, ICE may deport a noncitizen in as few as six hours following the notice of third country removal. To the extent that DHS relies on this memorandum to argue that removal to a third country will be imminent, it is relying on a practice that violates Petitioner’s due process rights.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

#### **Violation of the Immigration and Nationality Act: 8 U.S.C. § 1231(a)(6) Does Not Authorize Prolonged Detention Beyond a Reasonable Period**

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

48. Petitioner’s continued detention by Respondents is unlawful and violates 8 U.S.C.

§ 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. Petitioner’s 90-day statutory removal period and six-month presumptively reasonable period for continued

removal efforts have both expired. Mr. FAH has been detained for over eight months after his removal order became final, and there is no indication that his removal to a third country is significantly likely to occur in the reasonably foreseeable future, particularly since the DHS has not provided Petitioner with a notice of third country removal or permitted him the opportunity to claim a fear of return to any such third country. Mr. FAH has cooperated with ICE in all respects, but ICE has failed to demonstrate that it has any ability to arrange for his removal within a constitutionally meaningful time frame.

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

49. The allegations in the above paragraphs are realleged and incorporated herein.
50. Petitioner has a liberty interest under the Fifth Amendment Due Process Clause in not being detained for an indeterminate length of time by the Attorney General.
51. Deprivation of a fundamental liberty interest can only be justified if narrowly tailored to serve a compelling governmental interest. *Flores v. Reno*, 507 U.S. 292, 302 (1993).
52. The Supreme Court in *Zadvydas* found that the government interests at stake were not compelling. The Court considered two interests asserted by the government: ensuring the noncitizen's appearance at future proceedings, and preventing danger to the community. The first interest was held to be "weak or nonexistent" when an individual cannot be deported in the foreseeable future. *Zadvydas*, 533 U.S. at 690.
53. The second interest, preventative detention, could only be upheld where "limited to especially dangerous individuals and subject to strong procedural protections." *Id.* at 690-91. The DHS has not alleged that Mr. FAH falls within this category.
54. Thus, as the Supreme Court held in *Zadvydas*, neither interest is compelling here.

55. Because there is no likelihood that Respondents can effectuate deportation in this case within the reasonably foreseeable future, the continued detention of Mr. FAH no longer falls within the grant of authority to the Attorney General to continue to hold him in detention.
56. Since the prolonged immigration detention of Mr. FAH is not authorized by statute, he is now being held unlawfully by Respondents.
57. Petitioner seeks recourse via a writ of habeas corpus, ordering Respondents to produce some reason for his continued detention. *Zadvydas* at 701, 121 S.Ct. at 2505 (“once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, DHS must respond with evidence sufficient to rebut that showing.”).

**COUNT THREE**  
**Violation of Fifth Amendment Right to Procedural Due Process**

58. Petitioner repeats and incorporates by reference the allegations in the preceding paragraphs as fully set forth herein.
59. The DHS—having failed before now to designate any country other than Burma (and Thailand, for Mr. Fah) for removal—cannot remove Mr. Fah to some other country without providing procedural protections.
60. The Due Process Clause and the INA require the Government to give a noncitizen notice and a hearing where the noncitizen can present evidence on his or her behalf. *See* U.S. Const., Amend. V; 8 U.S.C. § 1229a(b)(4) (an immigrant in removal proceedings “shall have a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien’s own behalf, and to cross-examine witnesses presented by the Government”); *Mathews*, 424 U.S. at 332–33; *see also Kuhai*, 199 F.3d at 913.

61. ICE has detained Mr. FAH since October 1, 2024, more than 12 months, including 300 days after his removal order, and grant of deferral of removal to both Myanmar and Thailand.
62. The Government cannot, consistent with procedural due process, deport Petitioner to any third country without telling him where he will be removed and giving him at least an opportunity to file a protection-based claim. *See Kossov*, 132 F.3d at 408 (a fair hearing provides a noncitizen “an adequate opportunity to defend themselves against that deportation,” including seeking protection from the alternate country). Thus, ICE’s current procedures as outlined in its July 9, 2025 memorandum, *see supra* ¶ 46, violate Petitioner’s right to procedural due process.
63. As stated above, Mr. FAH has never received any documents relating to third-country removal. After inquiry on behalf of Mr. FAH on June 25, 2025, ICE informed undersigned counsel that ICE had made requests for removal to El Salvador, Guatemala, Cambodia and Malaysia for Mr. FAH. However, no official notice has ever been given to him nor counsel of any third-country removals, and no further response has been received from the ICE New Orleans Field Office as to their custody determination review.
64. Petitioner has expressed fear of torture and persecution in the countries proposed by ICE in an email to undersigned counsel, based on his ethnic and religious identity. Thus, any possible third-country removal should at minimum trigger additional immigration court hearings, new removal proceedings, and multiple additional months of detention.
65. Considering the slim likelihood of removal to a third country, DHS’s failure to designate any third country in removal proceedings, and the statutory regime created by Congress, procedural due process is offended by Petitioner’s ongoing detention.

66. Where the sole permissible purpose of detention is to effectuate removal, and where Petitioner has already been granted CAT protection from removal to the only countries designated for removal by DHS, and where DHS cannot indicate any plausible alternative country for removal, the likelihood of erroneous deprivation of liberty is at its peak.
67. Further, DHS regularly employs conditions of release by utilizing Orders of Supervision. *See* 8 C.F.R. § 214.15(a). Because DHS could continue investigating potential third country removal, and because DHS would have ongoing access to Mr. FAH, as necessary, his release from custody would impose no harm to the Government.
68. By contrast, Mr. FAH's ongoing detention of liberty in immigration detention imposes an ongoing and very heavy cost of psychological trauma.
69. The balance of these factors tips strongly in Mr. FAH's favor, such that the Government's continued detention violates his procedural due process rights.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully request 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 days.
- (3) Declare that Petitioner's detention and attempts to remove him to a third country violate the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231a(a)(6), and 8 C.F.R. § 1208.17(a).
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Cruz Rodriguez  
CRUZ RODRIGUEZ  
IL Bar No.  
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Date: October 27, 2025

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

I represent Petitioner, Sai Fah, and 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 27<sup>th</sup> of October of 2025.

/s/ Cruz Rodriguez  
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