

PETITION FOR WRIT OF HABEAS CORPUS — EXPANDED

PETITION FOR WRIT OF HABEAS CORPUS — EXPANDED OPTION 3

I. INTRODUCTION

This is a habeas petition challenging the unlawful continued detention of Petitioner Marvin Christopher Stewart, who cannot be removed to Jamaica due to a final grant of withholding of removal under INA §241(b)(3).

FILED
HARRISBURG, PA

NOV 18 2025

PER IBL
DEPUTY CLERK

II. FACTUAL BACKGROUND

1. On July 30, 2025, an Immigration Judge sustained Marvin's removal order.
2. The same Judge GRANTED WITHHOLDING OF REMOVAL to Jamaica.
3. DHS did NOT appeal the grant → withholding is final and binding.
4. Withholding prohibits removal to Jamaica permanently as a matter of law.
5. ICE claims it possesses Jamaican travel documents, but these cannot be used because removal to Jamaica is legally barred.
6. ICE has identified NO alternate country for removal.
7. Marvin has only one minor, non-violent charge.

III. LEGAL FRAMEWORK

A. Withholding under INA §241(b)(3)

Withholding is mandatory protection. It permanently bars DHS from removing Petitioner to Jamaica. Travel documents do NOT override withholding.

B. Zadvydas v. Davis, 533 U.S. 678 (2001)

Detention is permitted ONLY while removal is reasonably foreseeable.
If removal is not foreseeable, ICE MUST release the detainee.

C. Third Circuit binding authority

- Diop v. ICE — Prolonged detention violates due process.
- Chavez-Alvarez v. Warden — Detention must be tied to real possibility of removal.
- Guerrero-Sanchez — If detention continues, a bond hearing is required.

D. ICE has NO statutory authority

ICE cannot detain Marvin under:

- §1231 → because removal is NOT foreseeable.

- §1226(c) → proceedings ended.
- §1226(a) → requires a bond hearing.

IV. ARGUMENT

1. Removal is **NOT** legally possible (withholding protection).
2. Removal is **NOT** practically possible (no alternate country).
3. ICE detention violates due process.
4. ICE's continued detention findings were boilerplate and unsupported.

V. REQUESTED RELIEF

Petitioner requests:

- Immediate release OR
- Supervised release OR
- A Guerrero-Sanchez bond hearing.

Signed:

/s/ Marvin Christopher Stewart

/s/ Deborah A. Hill

3. ENVELOPE LABELING INSTRUCTIONS

Write on each envelope:

"URGENT LEGAL MAIL — HABEAS CORPUS 28 U.S.C. § 2241"

Return Address:

Marvin Christopher Stewart

A# 

Moshannon Valley Processing Center

555 GEO Drive

Philipsburg, PA 16866

4. MAILING METHOD

- Send CLERK OF COURT envelope using USPS CERTIFIED MAIL.
- Optional: Send the other two by regular First-Class Mail or Certified.
- Keep ALL receipts and tracking numbers.

5. RECORD KEEPING

Keep:

- A full copy of everything you mail
- A list of tracking numbers
- The date each envelope was mailed

6. AFTER MAILING

The Court will send:

- A case number
- A judge assignment
- Instructions, if any

This instruction sheet may be included at the back of your packet or kept separately.

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I certify that copies were mailed to:

- Clerk of Court
- U.S. Attorney
- ICE ERO Philadelphia

/s/ Deborah A. Hill *Deborah Hill 11/15/2025*

GLOBAL SIGNATURE ADDENDUM

GLOBAL SIGNATURE ADDENDUM

/s/ Marvin Christopher Stewart

/s/ Deborah A. Hill

COVER LETTER

November 14, 2025

Clerk of Court

U.S. District Court — Middle District of Pennsylvania

Re: Filing — Expanded Habeas Petition (Option 3)

Enclosed:

- Expanded Habeas Petition
- Emergency Motion
- Legal Memorandum
- Petition to Expedite
- Proposed Orders
- Certificate of Service
- Signature Addendum

Exhibits will be filed separately.

/s/ Deborah A. Hill

