

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

JEAN DUPONT,

Petitioner,

v.

HAMILTON MESERVE, et al.,

Respondents.

No. 2:25-cv-00593-JAW

**PETITIONER’S SUBMISSION REGARDING APPROPRIATE HABEAS REMEDY**

As requested by the Court at the December 23, 2025 oral argument, the Petitioner respectfully submits this filing regarding the appropriate remedy in this matter.

Regarding Count I, Petitioner’s claim under 8 U.S.C. § 1231(a) as interpreted by *Zadvydas v. Davis*, 533 U.S. 578 (2001), Petitioner has established “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” and the government has failed to rebut that showing by demonstrating that there *is* a significant likelihood of removal in the reasonably foreseeable future. *Id.* at 701. Accordingly, the Court should issue declaratory relief providing that Petitioner’s removal is no longer reasonably foreseeable and his continued detention is thus no longer authorized by 8 U.S.C. § 1231(a), *id.* at 699, and order the Respondents to release Respondent from detention within 24 hours under appropriate terms of supervision pursuant to 8 U.S.C. § 1231(a)(3),<sup>1</sup> as reflected in paragraphs 2 and 3 of the attached Proposed Order.

<sup>1</sup> On Friday, December 26, 2025, Petitioner requested Respondents’ position on what terms of supervision should apply if the Court orders Petitioner’s release from detention. Petitioner renewed the request this morning, Tuesday, December 30, 2025. Respondents responded through counsel at 1:50 p.m., stating that they “make no requests for standard conditions,” and declining to provide a position regarding what terms of supervision, if any, should apply.

Regarding Count II, Petitioner's claim under the Due Process Clause, the Court should enjoin the Respondents from re-detaining Petitioner without pre-detention notice and an opportunity to be heard before an Immigration Judge regarding whether, on account of changed circumstances, there is a significant likelihood of removal in the reasonably foreseeable future, as reflected in paragraph 4 of the attached Proposed Order. *See also* Dkt. 20, Petitioner's Am. Traverse at 2, 22–23. This relief matches the remedy provided in recent weeks by other federal district courts assessing *Zadvydass* claims. *See Vo v. Bondi*, 2:25-cv-02244-DGE-GJL, 2025 WL 3653722, at \*6 (W.D. Wash. Dec. 17, 2025); *N.D.N. v. Bondi*, No. 1:25-cv-01587-DAD-CKD, 2025 WL 3251102, at \*8 (E.D. Cal. Nov. 21, 2025); *see also Chhoeun v. Marin*, 442 F. Supp. 3d 1233, 1244–51 (C.D. Cal. 2020) (ordering Government to provide members of a class of noncitizens with final removal orders at least 14 days' notice before any re-detention, under the Due Process Clause). It also matches the general principle that “[i]n our society, liberty is the norm, and detention without [a hearing] is the carefully limited exception.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (cleaned up). Finally, it is further warranted because: (1) the private interest at issue here, “the interest in being free from physical detention by the government,” is “the most elemental of liberty interests,” *id.*; (2) the risk of an erroneous deprivation of Petitioner's liberty interest is high where the Respondents have already violated 8 U.S.C. § 1231(a) once in this case by continuing to detain him despite the lack of any progress toward removal, *see Matthews v. Eldridge*, 424 U.S. 319, 335 (1976), and (3) the Government interest also weighs in favor of this relief, because Respondents have failed to show why a brief period of pre-detention notice would hamper any legitimate function of the government, and because re-detaining the Petitioner without lawful authority runs *against* the public interest, *see Hernandez-Lara v. Lyons*, 10 F.4th 19, 33 (1st

Cir. 2021) (holding that unlawful detention of noncitizens “imposes substantial societal costs”).  
*See also Moraes v. Joyce*, 2:25-cv-00583-JAW, 2025 WL 3459583, at \*5 (D. Me. Dec. 2, 2025).

In the event that the Court grants the proposed relief, Petitioner further moves for the Court to permit him to voluntarily withdraw Count III of his Petition without prejudice, under Rules 1(b) and 12 of the Rules Governing Section 2254 Cases and Fed. R. Civ. 15.

Respectfully submitted this 30th day of December, 2025.

Petitioner,

By and through his Counsel,

/s/ Max I. Brooks

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, I electronically filed the foregoing document, Petitioner's Submission Regarding Appropriate Habeas Remedy, via the Court's CM/ECF system.

Signed this 30th day of December, 2025,

/s/ Max Isak Brooks  
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