

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

BLAISE KEBEUTO TCHANA
Petitioner,

v.

ROSE THOMPSON, Warden, Karnes
Immigration Processing Center,
KRISTI NOEM, Secretary, U.S. Department
of Homeland Security; TODD LYONS,
Acting Director, U.S. Immigration and Customs
Enforcement; MIGUEL VEGARA, Field Office
Director, San Antonio Immigration
and Customs Enforcement; PAM BONDI,
U.S. Attorney General, U.S. Department of Justice,
SIRCE E. OWEN, Acting Director of the
Executive Office of Immigration Review, and
ANNA C. LITTLE, Acting EOIR Chief
Immigration Judge,

Case No. 25-1574
Hon. Judge:

Respondents.

_____ /

**PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner, Blaise Kebeuto Tchana (Tchana), through counsel files this Petition for Writ of Habeas Corpus and respectfully requests that this Court issue a Writ of Habeas Corpus. In support, the Petitioner states:

I. INTRODUCTION

1. The Petitioner, by and through undersigned counsel, hereby files this Petition for a Writ of Habeas Corpus in order to secure his release from unlawful detention.

2. The Respondents detained Tchana on or about October 14, 2025 while his was on his way to his place of employment in Washington, D.C. He has a pending application with U.S. Citizenship and Immigration Services (USCIS) and was here lawfully with a valid work authorization.

3. Upon information and belief, Tchana has not received a decision form USCIS. While he has been detained he was given a Notice to Appear (NTA) charging him as an arriving alien. (Ex. 1 – NTA)

4. Tchana is not challenging the execution of a removal order before this Court. He is challenging his unconstitutional detention under 8 U.S.C. §1225(b).

5. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released promptly.

II. JURISDICTION

6. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction) 28 U.S.C. §2201, 28 U.S.C. §2241 et seq., Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause), 28 U.S.C. § 1343; 28 U.S.C. § 1361; and 5 U.S.C. § 702, and common law.

7. This action arises under the Fourth and Fifth Amendments of the United States Constitution and the Immigration and Nationality Act (INA).

8. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

9. This Court has jurisdiction under the Suspension Clause to review the actions of the executive branch's enforcement of the immigration laws if those actions violate the Constitution by depriving Petitioner of due process or other constitutional rights. Compare Suspension Clause with 8 U.S.C. § 1252(g); see also *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). The Suspension Clause protects the right to the writ of habeas corpus where, as here, no adequate or effective alternative remedy exists. *See Boumediene v. Bush*, 553 U.S. 723 (2008).

III. VENUE

10. Venue lies in the Western District of Texas, the judicial district in which the Karnes County Immigration Processing Center is located and where the Petitioner is being detained by the Respondents.

11. The Petitioner is under the direct control of the Respondents and their agents.

IV. PARTIES

12. Blaise Kebetou Tchana is a citizen of the Cameroon. He is currently detained at the Karnes County Immigration Processing Center in Karnes, Texas.

13. Respondent Rose Thompson is the warden of the Karnes County Immigration Processing Center and is the immediate custodian of the Petitioner. She is being sued in her official capacity.

14. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). She is generally charged with enforcement of the Immigration and Nationality Act and is further authorized to delegate such powers and authority to subordinate employees of the DHS and its various divisions. 8 USC §1103(a). She is being sued in her official capacity.

15. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE) and is responsible for the administration of the detention and removal of aliens in the United States. He is being sued in his official

capacity.

16. Respondent Miguel Vergara is the Director of the San Antonio Field Office of the Immigration and Customs Enforcement (ICE - SA). He is responsible for the detention and removal of aliens within the San Antonio District of which Karnes County is a part. He is being sued in his official capacity.

17. Pam Bondi is the Attorney General of the United States. She is responsible for the enforcement of the immigration laws which include the immigration courts. She is being sued in her official capacity.

18. Sirce E. Owen is the Acting Director of the Executive Office of Immigration Review. (EOIR). His responsibilities include overseeing immigration court proceedings, appellate reviews, and administrative hearings, as well as supervising Immigration Judges and members of the Board of Immigration Appeals. He is being sued in his official capacity.

19. Anna C. Little is the Acting EOIR Chief Immigration Judge. Her responsibilities include managing the nation's immigration courts and supervising all immigration judges. She is being sued in her official capacity.

V. FACTS

20. Tchana entered the U.S. in 2015 with a valid visa. Since that time, he has continuously resided in the U.S. in the greater Washington D.C. area. He is well liked by the community and is an active member of community organizations.

21. The Petitioner has no criminal record anywhere in the world and is a trauma survivor. He takes medications for his condition.

22. The Petitioner filed an application for asylum with U.S. Citizenship and Immigration Services (USCIS) in 2016 which remains pending to this date. His immigration attorney nor the Petitioner have received a decision on the asylum application that is pending with the administrative agency.

23. While this application is pending, he was apprehended by ICE on his way to work and subsequently NTA was erroneously issued. Asylum applications must be adjudicated before USCIS and once adjudicated, USCIS can either grant the application or refer the matter to an immigration judge.

24. He is not subject to mandatory detention. Tchana is not a threat to public safety and is not a flight risk. He is not inadmissible or deportable under 8 U.S.C. § 1226(c)(1) nor is he subject to detention under 1226(c)(1)(E).

25. Through immigration counsel, Tchana filed a request for his release with the Respondent ICE which has jurisdiction over his detention since his application for relief is pending with U.S. Citizenship and Immigration Services. That application has been denied.

26. Through immigration counsel, Tchana filed a motion to terminate immigration court proceedings as the NTA was improvidently issued and upon information and relief, this was also denied.

27. The NTA states that Tchana is an arriving alien. (See Ex. 1) This

designation is incorrect as Tchana was admitted to the U.S. on a visa.

28. In Respondent's DHS rush to detain as many people as possible and deprive them of any due process rights, they have detained Tchana while an application for asylum was pending and misclassified him in immigration court so that the Immigration Judge is unable to consider any bond for him.

29. Without relief from this court, he faces the prospect of months, or even years, in immigration custody.

VI. APPLICABLE LAW

30. An arriving alien is means an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport. 8 C.F.R. §1.2.

31. An immigration judge cannot determine bond for any person considered to be an arriving alien. 8 C.F.R. § 1003.19(h)(2)(i).

32. The Court has broad, equitable authority under the habeas statute, 28 USC 2241, 2243 and the common law, to dispose of Petitioner's case as law and justice require, based on the facts and circumstances of this case, in order to remedy Petitioner's unlawful detention.

33. The Court should exercise this authority to grant Petitioner’s habeas corpus petition and to fashion any and all additional relief, necessary to effectuate Tchana’s expeditious release from unlawful detention. In the absence of such relief, Tchana is suffering and will continue to suffer irreparable harm.

34. The Due Process Clause provides that no person shall “be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. In this case there has been absolutely no due process of law.

VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

35. There is no applicable statute or rule that mandates administrative exhaustion. Whether to require exhaustion is thus within the district court’s “sound judicial discretion.” *Shearson v. Holder*, 725 F.3d 588, 593 (6th Cir. 2013) (citation omitted). *Island Creek Coal Co. v. Bryan*, 937 F.3d 738, 746 (6th Cir. 2009) The Sixth Circuit has not decided whether courts should impose administrative exhaustion in the context of a noncitizen’s habeas petition for unlawful mandatory detention. But even if a court would ordinarily enforce prudential exhaustion, it may still choose to waive such exhaustion. *Lopez-Campos*, 2025 WL 2496379, (E.D. Mich. Aug. 29, 2025) at *4. For example, when the “legal question is fit for resolution and delay means hardship,” a court may choose to decide the issues itself. *Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000) (citation omitted). A court may also excuse exhaustion if the “pursuit of

administrative remedies would be a futile gesture.” *Shearson*, 725 F.3d at 594 (citation omitted).

36. In this case, there are no administrative remedies to exhaust. An immigration judge cannot determine bond for any person considered to be an arriving alien. 8 C.F.R. § 1003.19(h)(2)(i). *In re Oseiwusu*, 032598 usbia, 3344 (BIA Decisions, 1998) (“However, because ICE erroneously classified him as an arriving alien, an Immigration Judge is unable to determine bond.”)

37. Tchana faces substantial hardship if the Court declines to address this issue. The deprivation of liberty, by itself, constitutes a serious hardship. Courts have recognized that exhaustion requirements may be excused when an administrative remedy operates under “an unreasonable or indefinite timeline.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992).

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF VIOLATION OF DUE PROCESS FIFTH AMENDMENT OF THE US CONSTITUTION

38. Petitioners reallege the foregoing paragraphs as if set forth fully herein.

39. The Fifth Amendment of the Constitution guarantees that civil detainees, including all immigrant detainees, may not be subjected to punishment. The federal government also violates substantive due process when it subjects civil detainees to cruel treatment and conditions of confinement that amount to

punishment.

40. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001)

41. The Supreme Court has long made clear that when the government seeks to deprive an individual of a “particularly important individual interest[],” it must bear the burden of justifying this deprivation by clear and convincing evidence. *Addington v. Texas*, 441 U.S. 418, 424 (1979). Tchana was suddenly detained without explanation. He has a significant interest at stake, and a “clear and convincing” evidence standard provides the appropriate level of procedural protection. *Id.* at 423.

42. To comport with substantive due process, civil immigration detention must bear a reasonable relationship with its two regulatory purposes— (1) to ensure the appearance of noncitizens at future hearings and (2) to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-91.

43. The Respondents through their actions believe that they can detain Tchana without affording him due process. His detention has no reasonable relationship to the regulatory purposes of civil detention. He has a pending asylum case before USCIS, and his situation has not changed since that application was

filed with the government. There was no individualized determination as to why he should be detained at this time. His detention is unconstitutional.

**SECOND CLAIM FOR RELIEF
VIOLATION OF FOURTH AMENDMENT**

44. Petitioner realleges the foregoing paragraphs as if set forth fully herein.

45. The Fourth Amendment protection against “unreasonable searches and seizures” is a protection against “arrest without probable cause.” *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968); *U.S. v. Avery*, 128 F.3d 974 (6th Cir. 1997)

46. In this case, the Respondents have detained Tchana without probable cause and in violation of the Fourth Amendment of the U.S. Constitution.

WHEREFORE, the Petitioner prays that this Honorable Court grant the following relief:

- A. Assume jurisdiction over this matter;
- B. Grant the writ of habeas corpus upon the Respondents directing them to release the Petitioner forthwith;

- C. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- D. Order any other further relief this Court deems just and reasonable.

Respectfully submitted:

____s/Caridad Pastor _____
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Dated: November 23, 2025

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Writ of Habeas Corpus was sent by first class mail postage prepaid to all Respondents and to Pam Bondi, the US Attorney General and Justin R Simmons, U.S. Attorney for the Western District of Texas. A copy has also been emailed to Attorney Simmons.

Respectfully submitted:

/s/ Caridad Pastor

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Dated: November 25, 2025

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BLAISE KEBEUTO TCHANA
Petitioner,
v.

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_____ /

DECLARATION OF ALAIN KAMWA

Pursuant to 28 U.S.C. § 1746, I, ALAIN KAMWA, declare that the facts alleged in
the foregoing complaint are true and correct. I can attest to these facts since I am
his immigration attorney and am very familiar with the Petitioner's matter.

Executed on November 24, 2025

By: _____


Alain Kamwa