UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Ronick LADOUCEUR ([redacted]),	
Petitioner,	Case No. 25-1278
v.	
Stephen KURZDORFER, in his official capacity as Field Office Director, Buffalo Field Office, U.S. Immigration and Customs Enforcement;	
Joseph E. FREDEN, in his official capacity as Deputy Field Office Director, Buffalo Federal Detention Facility, U.S. Immigration and Customs Enforcement;	
Kristi NOEM, in her official capacity as United States Secretary of Homeland Security; and	
Pamela BONDI, in her official capacity as United States Attorney General,	
Respondents.	

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Petitioner, Ronick Ladouceur ("Petitioner" or "Mr. Ladouceur"), by his undersigned counsel, respectfully petitions this Honorable Court to order Respondents/Defendants to release him from his unlawful confinement in the Buffalo Federal Detention Facility, where he is currently confined. Petitioner also seeks an order compelling Respondents to refrain from revoking his Temporary Protected Status ("TPS") based on a notice, sent to his home address while he was detained, that asks him to explain the reasons behind a trip outside the United States that he never actually took. In support of this Petition, Petitioner alleges as follows:

JURISDICTION

2. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 and Art. 1, § 9, Cl. 2 of the United States Constitution (the "Suspension Clause"), as Petitioner is subject to immediate detention and custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws or treaties of the United States.
3. This Court may also exercise jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) which provides, "(t)he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Jurisdiction is proper under 28 U.S.C. § 1331 because this action arises pursuant to the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*, and the regulations implemented pursuant thereto (Title 8 of the Code of Federal Regulations ("C.F.R.")), as well as the Administrative Procedures Act ("APA"), 5 U.S.C. § 701 *et seq.*
4. This Court may grant relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
5. To the extent that any portion of 8 U.S.C. § 1252 would preclude the exercise of jurisdiction under the above statutory provisions, it would be unconstitutional as applied to Petitioner, because it would violate the Suspension Clause and Petitioner's right under the Fifth Amendment to the U.S. Constitution not to be deprived of liberty without due process of law.

VENUE

6. Venue is proper in this District because, at the time this petition and complaint is being filed, Petitioner is detained in the Buffalo Federal Detention Facility, located at 4250 Federal Drive, Batavia, NY 14020, within this District, and because Respondent

Kurzdorfer, in his official capacity as director of the Buffalo Federal Detention Facility, is located within this District.

PARTIES

7. Petitioner, Ronick Ladouceur, is a native and citizen of Haiti. He is confined in the Buffalo Federal Detention Facility, located at 4250 Federal Drive, Batavia, NY 14020.
8. Respondent Stephen Kurzdorfer is, on information and belief, the Acting Field Office Director of the Buffalo Field Office of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations ("ICE ERO"_. He is in charge of the immigration custody of Petitioner and is arguably the immediate custodian of Petitioner.
9. Respondent Joseph E. Freden is, on information and brief, the Deputy Field Office Director for ICE ERO who is in charge of the Buffalo Federal Detention Facility, located at 4250 Federal Drive, Batavia, NY 14020, and in effect serves as the warden of that facility. He is the immediate custodian of Petitioner if Respondent Kurzdorfer is not the immediate custodian of Petitioner.
10. Respondent Kristi Noem is the United States Secretary of Homeland Security. She is responsible for the administration of the Department of Homeland Security ("DHS") and the implementation and enforcement of the immigration laws of the United States. In that capacity, she oversees Immigration and Customs Enforcement ("ICE") and its component Enforcement and Removal Operations ("ERO") and is the indirect custodian of Petitioner. She also oversees U.S. Citizenship and Immigration Services ("USCIS"), the component of DHS that is responsible for the adjudication of requests for benefits such as Temporary Protected Status, outside of the context of removal proceedings.

11. Respondent Pamela Bondi is the United States Attorney General. She is responsible for the administration of the Department of Justice ("DOJ") and its component the Executive Office for Immigration Review ("EOIR").

FACTUAL AND PROCEDURAL BACKGROUND

12. Mr. Ladouceur came to the United States in September of 2021 via the U.S.-Mexico border. Following an initial brief detention by U.S. immigration authorities of approximately two weeks or less in length, he was paroled into the United States on September 28, 2021. A copy of his Interim Notice Authorizing Parole is annexed as **Exhibit A**.

13. Subsequent to his arrival in the United States, Mr. Ladouceur was granted Temporary Protected Status ("TPS"). TPS is a form of protection granted under 8 U.S.C. § 1254a to people whose home countries are designated because they suffer from "ongoing armed conflict" or "environmental disaster" or other "extraordinary and temporary conditions". 8 U.S.C. § 1254a(b)(1)(A)-(C).

14. One benefit of being granted TPS, according to the statute, is that "An alien provided temporary protected status under this section shall not be detained by the Attorney General on the basis of the alien's immigration status in the United States." 8 U.S.C. § 1254a(d)(4).

15. By statute, "The Attorney General shall withdraw temporary protected status granted to an alien under this section if. . . . except as provided in paragraph (4) and permitted in subsection (f)(3), the alien has not remained continuously physically present in the United States from the date the alien first was granted temporary protected status under this section," 8 U.S.C. § 1254a(c)(3). The first referenced exception provides that "an

alien shall not be considered to have failed to maintain continuous physical presence in the United States by virtue of brief, casual, and innocent absences from the United States, without regard to whether such absences were authorized by the Attorney General." 8 U.S.C. § 1254a(c)(4). The second referenced exception provides that "During a period in which an alien is granted temporary protected status under this section . . . the alien may travel abroad with the prior consent of the Attorney General". 8 U.S.C. § 1254a(f)(3).

16. On information and belief, on or about July of 2024, Mr. Ladouceur applied to renew his then-existing TPS.

17. On or about October 24 or 25, 2025, Mr. Ladouceur traveled to northern New York State with his wife and their U.S. citizen infant child, from the family's home in Utica, NY. On information and belief, they did so with the intention of crossing the border into Canada.

18. On information and belief, Mr. Ladouceur and his family did not cross the border into Canada on or about October 24 or 25 of 2025. Rather, while in northern New York State on October 24 or 25 of 2025, Mr. Ladouceur and his wife voluntarily decided not to pursue their plan of crossing into Canada, and abandoned that plan.

19. On information and belief, while waiting near a road in Burke, NY, for a car to pick them up to begin their travel back to their home in Utica, NY, Mr. Ladouceur and his wife and their infant child were detained by officers of the Border Patrol, a component of U.S. Customs and Border Protection (CBP), which is in turn a component of DHS.

20. Mr. Ladoceur and his wife are not fluent in English. Their best language is Kreyol, otherwise known as Haitian Creole. Their infant child is not yet fluent in any language.

21. On information and belief, the Border Patrol officers who detained Mr. Ladouceur and his wife and child did not offer the assistance of a Kreyol / Haitian Creole translator, but spoke to the family only in English.

22. On information and belief, one or more of the Border Patrol officers asked whether the family had entered the United States from Canada. Mr. Ladouceur attempted to communicate to the Border Patrol officers that they had not entered the United States from Canada.

23. The Border Patrol officers detained Mr. Ladouceur based on the allegation that he had recently entered the United States from Canada.

24. On October 29, 2025, Acting/Patrol Agent in Charge Adam M. Matott issued a Notice to Appear against Mr. Ladouceur, alleging in part that he had "arrived in the United States at or near BURKE, NY, on or about October 24, 2025." A copy of the Notice to Appear is annexed as **Exhibit B**. It orders Mr. Ladouceur to appear for removal proceedings before an Immigration Judge at 4250 Federal Drive, Batavia, NY 14020, that is, within the Buffalo Federal Detention Center. The Notice to Appear was later amended by a Form I-261 filed in Mr. Ladouceur's removal proceedings, a copy of which is annexed as **Exhibit C**, which added a charge of removability under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i).

25. Also on October 29, 2025, Border Patrol Agent Nicholas E. Farrell signed a Form I-213 later offered in evidence in Mr. Ladouceur's removal proceedings, a copy of which is annexed as **Exhibit D**. This Form I-213 asserts of Mr. Ladouceur, his wife, and seemingly their infant child, that "Upon questioning the subjects admitted to crossing into the United States illegally." **Exhibit D** at 3.

26. Mr. Ladouceur remains in removal proceedings before an Immigration Judge. His initial master calendar hearing was held on November 26, 2025, and his next master calendar hearing has been scheduled for December 11, 2025. Copies of hearing notices for these hearings are annexed as **Exhibit E** and **Exhibit F** respectively.
27. On information and belief, Mr. Ladouceur has been detained by DHS continuously since October 24 or 25, 2025.
28. On October 31, 2025, U.S. Citizenship and Immigration Services ("USCIS"), a component of DHS, issued a Notice of Intent to Withdraw/Revoke Mr. Ladouceur's TPS (the "NOIW/R"). A copy of the NOIW/R is annexed as **Exhibit G**.
29. The NOIW/R was sent by mail to [redacted] which was Mr. Ladouceur's address prior to being detained.
30. The NOIW/R provided a deadline of November 14, 2025, for a response. **Exhibit G** at p. 2 of NOIW/R (page 3 of PDF if "Exhibit G" page is included in pagination).
31. On information and belief, neither the NOIW/R nor a copy of it came into the possession of Mr. Ladouceur prior to (or on) the deadline for responding to the NOIW/R.
32. Neither the NOIW/R nor a copy of it came into the possession of Mr. Ladouceur's undersigned counsel prior to (or on) the deadline for responding to the NOIW/R. The attached clear copy of the NOIW/R was obtained by the undersigned on November 22, 2025, and a blurrier copy of it was obtained by the undersigned on November 21, 2025.
33. At the time that the NOIW/R was sent to Mr. Ladouceur at his home address, Mr. Ladouceur was no longer at that address but rather was detained by DHS, a fact of which at least some portion of DHS was aware, and of which all relevant components of DHS ought to have been aware.

34. The NOIW/R stated that Mr. Ladouceur "must submit evidence that you obtained advance parole prior to your departure from the United States, after your TPS was granted and/or that the departure was "brief, casual and innocent" in accordance with the definition of that term in 8 CFR 244.1." **Exhibit G** at p. 2 of NOIW/R. The NOIW/R additionally asked Mr. Ladouceur "submit a statement explaining the purpose and duration of your absence from the United States." *Id.*
35. The NOIW/R did not indicate that Mr. Ladouceur could submit a statement explaining that he had not departed from the United States after his TPS was granted, or that he could submit other evidence of the lack of such a departure.
36. The NOIW/R necessarily implies that Mr. Ladouceur must currently have had TPS at the time it was issued, because otherwise there would be nothing to withdraw or revoke.
37. In continuing to detain Mr. Ladouceur, DHS must logically either be (1) ignoring his TPS, in violation of law, or (2) purporting to have revoked his TPS based on the NOIW/R sent to his home address, while he was detained, which did not offer him the option to rebut the allegation that he had departed.
38. Even if Mr. Ladouceur's TPS had been revoked, he would be entitled to appeal that revocation.
39. By regulation, "Temporary Protected Status benefits will be extended during the pendency of an appeal." 8 C.F.R. § 244.14(b)(3). That includes the immunity from detention under 8 U.S.C. § 1254a(d)(4).
40. This Petition and Complaint is filed to seek relief from Mr. Ladouceur's unlawful detention by DHS, and from any purported revocation or withdrawal of his TPS in connection with the NOIW/R.

41. Petitioner respectfully requests that the Court use its authority under 28 U.S.C. § 2243 to order the Respondents to file a return within three days, unless they can show good cause for additional time. *See* 28 U.S.C. § 2243 (Order to show cause why a petition for a writ of habeas corpus should not be granted should be "returned within three days unless for good cause additional time, not exceeding twenty days, is allowed").

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(8 U.S.C. § 1254a(d)(4) – Detention Despite Temporary Protected Status)

42. Petitioner restates and re-alleges the allegations contained in paragraphs 1 through 41 as though fully set forth herein.

43. Petitioner was detained by DHS, and is detained by DHS, "on the basis of [his] immigration status in the United States." 8 U.S.C. § 1254a(d)(4).

44. "An alien provided temporary protected status under this section shall not be detained by the Attorney General on the basis of [his] immigration status in the United States." 8 U.S.C. § 1254a(d)(4).

45. In initially detaining Petitioner despite the fact that he had TPS, subordinates of Respondent Noem violated 8 U.S.C. § 1254a(d)(4).

46. In continuing to detain Petitioner despite the fact that he has TPS, Respondents continue to violate 8 U.S.C. § 1254a(d)(4).

47. Even if Respondents contend that Petitioner's TPS has been withdrawn or revoked, he at the very least is entitled to appeal any purported revocation or withdrawal of his TPS, and to have his TPS benefits extended during the pendency of any appeal pursuant to 8 C.F.R. § 244.14(b)(3). He would thus still be entitled not to be detained.

SECOND CLAIM FOR RELIEF

(5 U.S.C. § 706(2)(A) – Administrative Procedure Act)

48. Petitioner restates and re-alleges the allegations contained in paragraphs 1 through 40 as though fully set forth herein.

49. A court reviewing agency action shall "hold unlawful and set aside agency action, findings, and conclusions found to be—(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

50. If Respondents contend that Mr. Ladouceur lacks Temporary Protected Status, so as to be lawfully subject to detention despite 8 U.S.C. § 1254a(d)(4), this would imply that Mr. Ladouceur's Temporary Protected Status was withdrawn or revoked pursuant to the NOIW/R dated October 31, 2025.

51. Given the service of the NOIW/R only to an address at which DHS was aware Mr. Ladouceur did not then reside, and not to Mr. Ladouceur in detention, and given the lack of opportunity provided by the NOIW/R to contest the assertion that Mr. Ladouceur had departed from the United States since being granted TPS, revocation or withdrawal of Mr. Ladouceur's TPS would be arbitrary, capricious, an abuse of discretion, and not in accordance with law.

THIRD CLAIM FOR RELIEF

(8 C.F.R. § 103.2(b)(16)(i) and *Waldron v. INS*)

52. Petitioner restates and re-alleges the allegations contained in paragraphs 1 through 40 as though fully set forth herein.

53. According to DHS regulations that govern USCIS, "[i]f the decision will be adverse to the applicant or petitioner and is based on derogatory information considered by the

Service and of which the applicant or petitioner is unaware, he/she shall be advised of this fact and offered an opportunity to rebut the information and present information in his/her own behalf before the decision is rendered," 8 C.F.R. § 103.2(b)(16)(i).

54. By not providing Mr. Ladouceur with a proper opportunity to rebut the derogatory information that he had purportedly left the United States after being granted TPS, DHS violated 8 C.F.R. § 103.2(b)(16)(i).

55. An alien prejudiced by agency violation of its own regulations is entitled to relief, as is an alien in whose case an agency violated a regulation implicating fundamental statutory or constitutional rights. *See Waldron v. INS*, 17 F.3d 511, 518 (2d Cir. 1993).

56. Mr. Ladouceur was prejudiced by DHS's violation of 8 C.F.R. § 103.2(b)(16)(i).

57. The fundamental constitutional right to due process of law is implicated by 8 C.F.R. § 103.2(b)(16)(i).

FOURTH CLAIM FOR RELIEF

(Deprivation of Liberty Without Due Process of Law – Fifth Amendment)

58. Petitioner restates and re-alleges the allegations contained in paragraphs 1 through 41 as though fully set forth herein.

59. The Fifth Amendment to the Constitution of the United States provides that "no person shall . . . be deprived of life, liberty, or property, without due process of law."

60. Given the direct connection between any withdrawal or revocation of TPS held by a detained individual or an individual whom DHS is contemplating detaining, and the statutory legitimacy or illegitimacy of that detention, notice and a hearing should be required before TPS can be revoked under such circumstances.

61. Petitioner's continued detention based on the NOIW/R and any related purported revocation of his TPS, or in the face of his continued TPS if DHS accepts that he continues to have TPS, constitutes deprivation of liberty without due process of law in violation of the Fifth Amendment.

PRAYER FOR RELIEF

62. **WHEREFORE, Petitioner, Ronick Ladouceur, respectfully prays that the Court:**

(a) Order that Respondents release Petitioner from custody, and not re-detain him until and unless his Temporary Protected Status expires or is lawfully revoked following proper notice, an opportunity to respond, and an opportunity to take an administrative appeal;

(b) Vacate and set aside any decision revoking Petitioner's Temporary Protected Status due to his failure to respond timely to the Notice of Intent to Withdraw/Revoke his Temporary Protected Status that was dated October 31, 2025, and sent to Petitioner's home address;

(c) Declare that Respondents may not revoke Petitioner's Temporary Protected Status due to his failure to respond timely to the Notice of Intent to Withdraw/Revoke his Temporary Protected Status dated October 31, 2025, and sent to his home address, and enjoin Respondents from doing so;

(d) Declare that Respondents may not revoke Petitioner's Temporary Protected Status without a hearing, and enjoin Respondents from doing so;

(e) Order that Petitioner be provided with a reasonable time to respond to the Notice of Intent to Withdraw/Revoke his Temporary Protected Status prior to any action to revoke his Temporary Protected Status, after being allowed to examine the DHS evidence of his purported departure from the United States, and that Petitioner be provided with an opportunity to refute the allegation of that purported departure from the United States;

(f) Grant such other and further relief at law and in equity as justice may require; and

(g) Grant attorney's fees and costs of Court to Petitioner under the Equal Access to Justice Act.

Respectfully submitted,

/s/ David A. Isaacson
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VERIFICATION

David A. Isaacson, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows: I represent the Petitioner in these habeas corpus proceedings. The Petitioner, Ronick Ladouceur, is being held in detention, on information and belief at the Buffalo Federal Detention Facility in Batavia, NY, at the time of filing this Petition. Therefore, he has not been able to appear in my office to sign this Verification. I have discussed this matter with the Petitioner. I verify that the information contained in the Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, which is being submitted to the Court contemporaneously herewith, is true and correct to the best of my knowledge and belief.

David A. Isaacson
Attorney for Petitioner

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Counsel for Petitioner Ronick Ladouceur

Dated: November 27, 2025

(g) Grant attorney's fees and costs of Court to Petitioner under the Equal Access to Justice Act.

Respectfully submitted,

/s/ David A. Isaacson
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