UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

Francisco RODRIGUEZ ROMERO, Ricardo BLANCO CHOMAT, Luis GASTON SANCHEZ, and [redacted],

Petitioners,

v.

Scott LADWIG, in his official capacity as Acting Field Office Director, New Orleans Field Office, U.S. Immigration & Customs Enforcement; Todd LYONS, in his official capacity as Director of U.S. Immigration & Customs Enforcement; Kristi NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; Pamela BONDI, in her official capacity as Attorney General, U.S Department of Justice; Kevin JORDAN, in his official capacity as LaSalle Corrections Facility Administrator, Louisiana ICE Processing Center,

Respondents.

Case No. 25-cv-1106

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

1. This case concerns whether Immigrations and Customs Enforcement ("ICE") can—without reason, notice, or any process whatsoever—arbitrarily arrest and indefinitely detain noncitizens whom ICE itself previously released and placed on community supervision. Petitioners are men, ranging from age 43 to 72, who have successfully complied with every condition of their release from immigration detention—some for decades. Yet all were arrested in Summer 2025 and are presently detained at the "Camp 57" immigration detention facility inside the notorious Louisiana State Penitentiary.

2. Each Petitioner in this action was previously released from ICE custody pursuant to an Order of Supervision ("OSUP"), after ICE made an express determination that each Petitioner did not present a danger to the community, did not present a flight risk, and was not likely to be removed in the reasonably foreseeable future. *See* 8 C.F.R. §§ 241.4(e), 241.13(f)–(h). Since being released from ICE custody, Petitioners have lived stable, peaceful, and full lives—marrying, having children, establishing businesses, working, participating in their communities, and, above all, complying with every condition of their OSUP. Critically, every Petitioner faithfully and timely reported to ICE for all of their check-ins, as required by their OSUPs.

3. Once an OSUP has been granted, ICE's own regulations govern when, how, and who can revoke it. *See* 8 C.F.R. §§ 241.4(l), 241.13(i). These regulations provide core due process protections; they guard against arbitrary revocation by low-level officers and require both notice and an opportunity to be heard.

4. Yet, in the summer of 2025, without cause and without following its own binding regulations, the Immigration and Nationality Act, or the U.S. Constitution, ICE arbitrarily rearrested Petitioners either at scheduled OSUP check-ins or at home between check-ins.

5. At the time of their arrests, ICE did not explain its reasons for revoking Petitioners' OSUPs. Nor did ICE officers ask Petitioners any questions. If ICE had asked questions, as required by their own regulations, they would have learned that one Petitioner has Parkinson's and Alzheimer's diseases and is at risk of rapid decompensation if his treatment is altered or interrupted in any way; that another Petitioner is the primary caretaker for his developmentally disabled brother; and that *all* Petitioners have complied with *all* of ICE's OSUP requirements and that ICE's determination that their removal is not reasonably foreseeable has not changed.

6. But more importantly, there were no changed circumstances in any of the Petitioners' lives that could lead ICE to believe that, since their initial releases, they had become dangers to the community or flight risks, warranting redetention. To the contrary, since their initial releases, Petitioners have strengthened their community ties, lengthened their clean records, and established a pattern of continued compliance with their OSUPs.

7. Moreover, at the time of each arrest, ICE did not have specific plans to remove any of the Petitioners in the reasonably foreseeable future. Each Petitioner has a specific, diplomatic barrier to removal, either because they are from a country to which the United States does not regularly deport long-time residents of the United States (e.g., Cuba), they were granted protection from removal to their country of origin (e.g., deferral of removal), and/or they are unlikely to be accepted to a third country due to criminal history, age, or another criterion. ICE did not in any way indicate that it had overcome these barriers to removal when it redetained them.

8. Just as there was no lawful reason to hold Petitioners in detention at the time of their initial releases, there is no lawful reason to hold Petitioners in detention now.

9. Now, Petitioners sit in the Louisiana ICE Processing Center (colloquially referred to as "Camp 57"), on the grounds of the largest maximum-security prison in the country, the Louisiana State Penitentiary ("Angola"). Their detention has no end in sight.

10. Because their liberty was revoked in blatant violation of law, because their ensuing detention serves no lawful purpose, and because there is no substantial likelihood of their removal in the reasonably foreseeable future, Petitioners seek their immediate release.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus authority); 28 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. § 1651 (the All Writs Act); and Article I, Section 9, clause 2 of the Constitution (the Suspension Clause).

12. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (same); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008) (same).

13. Venue properly lies in this district under 28 U.S.C. §§ 1391(b) and (e)(1)(B) because the events giving rise to Petitioners' claims took place here.

PETITIONERS

14. Francisco RODRIGUEZ ROMERO is a 72-year-old Cuban citizen who has lived in the United States for 45 years, since he arrived on May 5, 1980 as part of the Mariel boatlift.[1] Though he has a removal order, American diplomatic relations with Cuba have barred his deportation. Mr. Rodriguez Romero was put on an OSUP in 1997. For the next 28 years, he reported in-person to ICE's office in San Juan, Puerto Rico for his required check-in appointments. He never missed an appointment or otherwise violated any condition of his OSUP. He was arbitrarily arrested without any process at an ICE check-in on August 6, 2025. He is currently detained at Angola's Camp 57.

15. Ricardo BLANCO CHOMAT is a 61-year-old Cuban citizen who has lived in the United States for 52 years, since 1973, when he came on the last Freedom Flight from Cuba.[2]

[1] The Mariel boatlift began in April 1980, after then-Cuban President Fidel Castro announced that Cubans wishing to flee the country for the United States could leave out of the Mariel port in Cuba. Fabiola Santiago, *History of the Cuban revolution marked by tens of thousands fleeing the island for the U.S.*, Miami Herald (Oct. 7, 2021), https://www.miamiherald.com/news/nation-world/world/americas/cuba/article117194848.html.

[2] Between 1965 and 1973, the United States financed "Freedom Flights" from Castro's Cuba to Miami for Cuban citizens with family members in the United States. *See* Jorge Duany, *Cuban Migration: A Postrevolution Exodus*

Though he has a removal order, American diplomatic relations with Cuba have barred his deportation. Mr. Blanco Chomat was placed on an OSUP in 2003. For the next 22 years, Mr. Blanco Chomat reported in-person to ICE's office in Miramar, Florida. He never missed an appointment or otherwise violated any condition of his OSUP. He was arbitrarily arrested without any process at an ICE check-in on June 25, 2025. He is currently detained at Angola's Camp 57.

16. Luis GASTON SANCHEZ is a 66-year-old Cuban citizen who has lived in the United States for 59 years, since he came on a Freedom Flight in 1966. Though he has a removal order, American diplomatic relations with Cuba have barred his deportation. Mr. Gaston Sanchez was placed on an OSUP in 2023. For the next year and a half, Mr. Gaston Sanchez reported in-person to ICE's office in Miramar, Florida. He never missed an appointment or otherwise violated any condition of his OSUP. He was arbitrarily arrested without any process at an ICE check-in on June 25, 2025. He is currently detained at Angola's Camp 57.

17. [redacted]

Ebbs and Flows, MPI (July 6, 2017), https://www.migrationpolicy.org/article/cuban-migration-postrevolution-exodus-ebbs-and-flows.

RESPONDENTS

18. Scott LADWIG is named in his official capacity as Acting Director of the New Orleans Field Office for Immigration and Customs Enforcement within the Department of Homeland Security. He is responsible for the administration of immigration laws and the execution of detention and removal determinations for individuals under the jurisdiction of the New Orleans Field Office. As such, he is the custodian of each Petitioner.

19. Todd LYONS is named in his official capacity as Director of Immigration and Customs Enforcement within the Department of Homeland Security. In that capacity, he is the custodian of each Petitioner.

20. Kristi NOEM is named in her official capacity as the Secretary of the Department of Homeland Security. She is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a). Secretary Noem is legally responsible for the pursuit of noncitizens' detention and removal. As such, she is the custodian of each Petitioner.

21. Pamela BONDI is named in her official capacity as the Attorney General of the Department of Justice. She is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering proceedings in immigration court, including any bond hearings, and is a legal custodian of each Petitioner.

22. Kevin JORDAN is named in his official capacity as the facility administrator of the Louisiana ICE Processing Center. In this capacity, he is the custodian of the Petitioners.

STATUTORY AND REGULATORY FRAMEWORK

23. When a noncitizen has been ordered removed from the United States, the government must generally remove that person within a 90-day period. 8 U.S.C. § 1231(a). After that initial removal period, ICE may only detain noncitizens if they are (1) inadmissible, (2)

removable due to certain enumerated violations, or (3) "ha[ve] been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal." 8 U.S.C. § 1231(a)(6). In *Zadvydas v. Davis*, the Supreme Court read a prohibition on *indefinite* post-removal-period detention into § 1231(a)(6), reasoning that detaining a noncitizen awaiting removal for over six months may raise constitutional concerns. 533 U.S. 678, 699–701 (2001).

24. ICE may also release a noncitizen from detention after the removal period, subject to certain conditions, on an OSUP. 8 U.S.C. § 1231(a)(1)(A).

25. DHS has promulgated two regulations, 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13, that govern when a noncitizen may be released on an OSUP and when that release may be revoked. Section 241.4 provides generally applicable requirements governing the use of OSUPs. Section 241.13 applies specifically when OSUPs are used or revoked because there has been a change in the likelihood of the noncitizen's removal in the reasonably foreseeable future.

26. Release on an OSUP requires a fact-intensive inquiry into the noncitizen's suitability for release and extensive administrative review. 8 C.F.R. § 241.4(e); *see also* 8 C.F.R. § 241.4(i). Once released on an OSUP, a noncitizen must comply with the OSUP's requirements, which can include periodic in-person reporting or obtaining advance approval before traveling outside of a prescribed boundary. 8 C.F.R. §§ 241.4(i); 241.5(a).

27. Regardless of the reason for the noncitizen's release, the government may only revoke an OSUP when a noncitizen violates their "conditions of release," or certain circumstances, such as the likelihood of their removal, have changed. 8 C.F.R. § 241.4(l)(1).[3]

[3] Specifically, an OSUP may be revoked when the ICE Executive Associate Director or the district director determines that: (i) "The purposes of release have been served"; (ii) The noncitizen has violated a condition of release; (iii) "It is appropriate to enforce a removal order or to commence removal proceedings against a" noncitizen; or (iv) The conduct of the noncitizen, "or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(l)(2).

28. 8 C.F.R. § 241.4(l) and § 241.13(i)(3) outline the procedural protections ICE must provide to released noncitizens whom they seek to redetain. These regulations impose four key requirements.

29. First, the **designated officials and findings requirement.** Only certain ICE officials have authority to revoke release. The OSUP revocation regulations clearly explain that only the Executive Associate Commissioner[4] has the authority to revoke an OSUP. 8 C.F.R. § 241.4(l)(2). A lower-ranking ICE official, the "district director," may revoke an OSUP, but only after making findings that revocation is "in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner." *Id.*

30. Second, the **notice requirement**. 8 C.F.R. § 241.4(l)(1) and § 241.13(i)(3) both require that "[u]pon revocation, the [noncitizen] will be notified of the reasons for revocation of his or her release." These reasons must be specific enough to allow the noncitizen an opportunity to meaningfully respond to them.

31. Third, the **interview requirement**. 8 C.F.R. § 241.4(l)(1) and § 241.13(i)(3) both require ICE to provide noncitizens with "an initial informal interview promptly after his or her return to Service custody." The purpose of this interview is "to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.4(l)(1).

32. Fourth, the **finding of likelihood of removal requirement**. When ICE seeks to revoke an OSUP not because of a violation or change in the appropriateness of release, but instead

[4] This title refers to a position under the now-defunct INS. The modern-day equivalent is the Executive Associate Director of ICE. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 160 (W.D.N.Y. 2025) ("[T]he Executive Associate Commissioner [of] INS is equivalent to the Executive Associate Director [of] ICE." (citing 8 C.F.R. § 1.2)); *see also* ICE Leadership, Department of Homeland Security, https://www.ice.gov/leadership (last accessed December 8, 2025) (listing Marcos Charles, John Condon, and Susan Dunbar as the current Executive Associate Directors and Acting Executive Associate Directors of ICE).

to effect removal, the agency must make a specific finding as to the likelihood of removal. ICE can only revoke an OSUP in these circumstances if it can show that "*on account of changed circumstances*" that "there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2) (emphasis added).

33. ICE may revoke a noncitizen's OSUP and take them back into custody only after meeting these requirements.

STATEMENT OF FACTS

A. ICE Revoked Petitioners' Orders of Supervision and Detained Them Without Process.

34. Every Petitioner in this action has been previously ordered removed from the United States and subsequently released from immigration detention. Every Petitioner was previously released on an OSUP after the government made a determination that, *inter alia*, the Petitioner did not present a danger to the community, did not present a flight risk, and/or was not likely to be removed in the reasonably foreseeable future. *See* 8 C.F.R. §§ 241.4(e), 241.13(f)–(h).

35. Every Petitioner has a specific, diplomatic barrier to removal, either because they are from a country to which the United States does not regularly deport longtime residents of the U.S. (*e.g.*, Cuba), have protection precluding removal to their country of origin (*e.g.*, deferral of removal under the Convention Against Torture), and/or are unlikely to be accepted to a third country due to their criminal history, age, or another criterion.

36. Every Petitioner has complied with every condition of their OSUP. Since being released on an OSUP, no Petitioner has been arrested, charged or convicted of a crime. No Petitioner has missed an OSUP check-in appointment or otherwise indicated that they pose a risk of flight. Instead, every Petitioner has established or deepened their ties to the community in the United States.

37. Nevertheless, ICE redetained every Petitioner in the summer of 2025.

38. No Petitioner was provided with any specific reason showing why it was necessary or appropriate to revoke their OSUP now, after all this time, and redetain them.

39. No Petitioner received an informal interview regarding ICE's decision to revoke their OSUP and redetain them, either when they were being redetained or at any point since. Nor was any Petitioner given the opportunity at any point to submit any evidence or information showing that there is no significant likelihood of removal in the reasonably foreseeable future, or that he had not violated the order of supervision.

40. No Petitioner received paperwork from ICE showing that their OSUP had been revoked by the Executive Associate Director or by a district director after making the required findings.

41. No Petitioner received any information from ICE showing that the agency had determined that specific circumstances had changed in their case such that removal was now likely.

42. Every Petitioner has been detained at least four months since their rearrest. Every Petitioner's specific, diplomatic barrier to removal remains in place.

B. ICE Transferred Petitioners to Angola Prison's Camp 57.

43. Every Petitioner is currently detained in Camp 57, located in the Louisiana State Penitentiary, otherwise known as Angola.

44. On September 3, 2025, Governor Jeff Landry announced the opening of a new immigration detention facility on the Angola's grounds. To accomplish this, the State reopened Camp J, an infamous solitary confinement facility that was shut down in 2018 for pervasive safety issues and inhumane conditions.[5]

[5] Rick Rojas, *ICE Opens Immigration Detention Center in Notorious Louisiana Prison*, New York Times (Sept. 3, 2025), https://www.nytimes.com/2025/09/03/us/ice-detention-center-angola-louisiana.html.

45. In a press conference at the opening of the facility, Landry stated that the ICE facility—which he called "Louisiana Lockup," but officially named "Camp 57"—would house the "worst of the worst." When asked by a reporter if these men, in civil detention, would be treated the same as criminal inmates, Landry said "Well, what would you expect? Of those who commit some of the worst of the worst?"[6]

46. At the same press conference, Respondent Noem boasted that Camp 57 was on the grounds of Angola, calling the slave-plantation-turned-prison "legendary" and "notorious,"[7] presumably referring to its reputation as one of the country's worst prisons due to the brutal living and working conditions, abuse by guards, and endemic violence.[8]

47. Finally, Respondent Bondi then stated: "If you commit a crime in this country . . . we are going to prosecute you here and we are going to keep you here for the rest of your life."[9]

48. When it opened on September 3, 2025, Camp 57 held 51 men, including Petitioners. The Department of Homeland Security published a list of these 51 men alongside their photo and alleged convictions, titled "DHS Releases Names of Murders, Pedophiles, Rapists, and Child Predators in Louisiana Lockup."[10] Many of the convictions listed are incorrect.[11]

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[6] WWLTV, *Governor Landry and officials announce plan to hold federal immigration detainees in Angola*, at 23:39 (YouTube, Sept. 3, 2025), https://www.youtube.com/watch?v=lC_Bcxe4YKA.
[7] *Id.* at 7:40
[8] William P. Quigley, *Louisiana Angola Penitentiary: Past Time to Close*, 19 LOY. J. PUB. INT. L. 163 (2018).
[9] *Supra* note 6 at 37:48, 26:59.
[10] Department of Homeland Security, "DHS Releases Names of Names of Murders, Pedophiles, Rapists, and Child Predators in Louisiana Lockup" (Sept. 5, 2025), available at https://www.dhs.gov/news/2025/09/05/dhs-releases-names-murders-pedophiles-rapists-and-child-predators-louisiana-lockup.
[11] *See e.g.*, *infra* ¶¶ 51, 68, 82.

49. Today, ICE detains approximately 200 men in Camp 57, with plans to soon hold more than 400 men.[12] Camp 57 is operated by LaSalle Management, a private, for-profit corporation.

C. Each Petitioner is Unlawfully Detained at Camp 57.

Francisco RODRIGUEZ ROMERO

50. Francisco Rodriguez Romero is a 72-year-old, multiply-disabled Cuban citizen who has lived in the United States for 45 years, since 1980, when he arrived on the Mariel boatlift. He has Parkinson's[13] and Alzheimer's diseases[14], among many other medical conditions. He has multiple mental health conditions, including bipolar disorder with psychosis, and has attempted suicide within the past year. He takes at least ten prescription medications daily. He requires certain assistive devices like an inhaler and an oxygen mask when he sleeps.

51. In 1990, Mr. Rodriguez Romero was convicted of involuntary manslaughter in Puerto Rico. He was sentenced to 10 years, but was released after five years for good behavior, participation in Christian programming, and dedication to academic and other programming. His conviction was expunged on August 6, 2013.

[12] Press Release, Department of Homeland Security, DHS Releases Names of Names of Murders, Pedophiles, Rapists, and Child Predators in Louisiana Lockup (Sept. 5, 2025), available at https://www.dhs.gov/news/2025/09/05/dhs-releases-names-murders-pedophiles-rapists-and-child-predators-louisiana-lockup.

[13] Parkinson's disease is a progressive movement disorder of the nervous system. It causes nerve cells in parts of the brain to weaken, become damaged, and die, leading to symptoms that include problems with movement, tremor, stiffness, and impaired balance. *See* National Institute of Neurological Disorders and Stroke, *Parkinson's Disease*, https://www.ninds.nih.gov/health-information/disorders/parkinsons-disease (last visited Dec. 8, 2025).

[14] Alzheimer's disease is a brain disorder that slowly destroys memory and thinking skills, and eventually, the ability to carry out the simplest tasks. Alzheimer's is currently ranked as the seventh leading cause of death in the United States and is the most common cause of dementia among older adults. *See* National Institute on Aging, *Alzheimer's Disease Fact Sheet*, https://www.nia.nih.gov/health/alzheimers-and-dementia/alzheimers-disease-fact-sheet (last visited Dec. 8, 2025).

52. When Mr. Rodriguez Romero completed his sentence in February 1995, he was transferred directly to INS custody.[15] On May 30, 1995, an immigration judge ordered him removed to Cuba.

53. For over two years, from May 1995 to July 1997, Mr. Rodriguez Romero remained in INS custody while the United States government attempted to remove him. Having made no headway on removing Mr. Rodriguez Romero to Cuba or anywhere else, the INS finally released him after 26 months of detention.

54. In July 1997, Mr. Rodriguez Romero was released from INS custody pursuant to an OSUP. The OSUP required that he attend check-ins at the San Juan INS (later ICE) Field Office and receive advance permission to travel outside of Puerto Rico.

55. For the next 28 years, Mr. Rodriguez Romero faithfully reported to INS/ICE's office in San Juan, Puerto Rico. For several years, he was required to check in every three months. Later, INS required him to check in only every six months or once every year. Mr. Rodriguez Romero also affirmatively sought INS/ICE permission to travel, receiving it on various occasions. He never missed an appointment, violated the conditions of his OSUP, traveled without permission, or moved without notifying INS/ICE.

56. From 1997 to approximately 2017, Mr. Rodriguez Romero worked as a licensed addiction counselor. He maintained a valid employment authorization document and remained gainfully employed, paying taxes every year. He spent these decades supporting people who were struggling with substance abuse to get sober, recover, and find purpose. He often relied on his Christian beliefs in his work as an addiction counselor, because he credits his religion with allowing him to live a truly useful and service-oriented life.

[15] INS, the Immigration and Naturalization Service, was ICE's predecessor.

57. In 2005, Mr. Rodriguez Romero married his wife, a United States citizen. They have been happily married for 20 years. Together, they attend the First Assembly of God Church in Juncos, Puerto Rico, every Sunday.

58. On August 6, 2025, Mr. Rodriguez Romero went to his scheduled ICE check-in appointment. He expected the visit to follow the same procedure as his previous 80 check-in appointments: the officer would sign his paperwork and he would receive the date for his next appointment. However, upon arrival at the ICE office, Mr. Rodriguez Romero was instead brought into a back room, where an immigration officer informed him that his OSUP was revoked.

59. The officer handed Mr. Rodriguez Romero a Notice of Revocation of Release in English, a language he could not read. It was signed by Agnes M. Meléndez, a Supervisory Detention and Deportation Officer. It did not include findings that Mr. Rodriguez Romero's detention was in the national interest nor that circumstances did not permit referral to the Executive Associate Director of ICE. The Notice of Revocation stated, "Your case is under current review by Cuba for the issuance of a travel document." It did not explain whether any changed circumstances indicated that Cuba would issue Mr. Rodriguez Romero such a document now, after refusing to accept him for over two decades. Mr. Rodriguez Romero asked why he was being redetained and the officer did not answer. Mr. Rodriguez Romero asked if he qualified for a bond or an ankle bracelet, or if there was anything he could do. The officer told him that the decision had already been made and shared no further information.

60. For approximately one week, Mr. Rodriguez Romero was detained at the ICE Field Office in San Juan. At no point during that week did any ICE officer speak to Mr. Rodriguez Romero, provide an explanation or reasoning for his redetention after 28 years, or give him an opportunity to explain why—as a 72-year-old with Parkinson's and Alzheimer's—he should not

be detained. Had Mr. Rodriguez Romero been provided with such an interview, he would have offered evidence of his medical needs, his compliance with the OSUP requirements, ICE's previous two-year attempt to deport him to no avail, and the lack of changed circumstances since his OSUP was put in place.

61. Mr. Rodriguez Romero has now been detained for nearly four months, since August 6, 2025. After his week in San Juan, he was transferred to Krome North Service Processing Center in Florida, and, later, to Camp 57.

62. Since being in Camp 57, Mr. Rodriguez Romero has not had an informal interview nor had any other formal conversation with ICE officers regarding his removal. He has only spoken with an ICE officer on two or three occasions. During a recent conversation, the officer notified Mr. Rodriguez Romero that, although the U.S. had previously wanted to remove him to Mexico, Mexico was not accepting men over 60 years old. Later, the officer announced that some men would be deported to Cuba, but when Mr. Rodriguez Romero asked if he was one of those men, the officer stated that Cuba had not accepted Mr. Rodriguez Romero.

63. Mr. Rodriguez Romero has been given no other paperwork, travel documents, or interviews with consulate officials regarding any steps taken to remove him. ICE has not expressed an intention to remove him to any country other than Mexico or Cuba.

64. In addition to his diagnoses of Parkinson's and Alzheimer's, Mr. Rodriguez Romero's medical issues include: hypertension with chronic diastolic heart failure (which renders him at risk of sudden cardiovascular events, such as heart attacks), blood clots (for which he receives long-term anti-coagulation therapy to prevent recurrence, pulmonary embolism, and stroke), cognitive impairment, hyperlipidemia, peripheral vascular disease, chronic obstructive pulmonary disease, gastritis, obstructive sleep apnea, recurrent deep vein thrombosis, and an

essential tremor. At the time of filing, he had not received his Parkinson's medication for several days.

65. Mr. Rodriguez Romero has lost approximately 14 pounds since arriving at Camp 57. An elderly and infirm man, Mr. Rodriguez Romero has no bottom teeth, and Camp 57 has refused to provide him with his dentures. Immediately before being detained, Mr. Rodriguez Romero was fitted for new dentures because his current set was broken, causing him pain and rendering him unable to eat. His family received the new dentures on or about August 7, 2025, the day after Mr. Rodriguez Romero was arbitrarily detained. His family sent the dentures to Camp 57 with a note from the dentist explaining their medical necessity. The facility did recently transport him and several other men in shackles to see an outside dentist, but the dentist did not provide denture care, and thus could not help him. Camp 57 has not provided Mr. Rodriguez Romero with his dentures nor assigned him to a soft food diet. He cannot chew the food served at Camp 57, and is surviving only food he buys from commissary.

66. Mr. Rodriguez Romero also suffers from significant mental health disabilities, including bipolar disorder with psychosis, major depressive disorder, and generalized anxiety disorder. On March 14, 2025, just months before the unlawful revocation of his OSUP, he was hospitalized after he attempted suicide by hanging. Mr. Rodriguez Romero stabilized over the summer through consistent use of three psychiatric prescriptions but remains at risk of rapid decompensation if his treatment is altered or interrupted in any way. He is currently only receiving two of the three psychiatric prescriptions at Camp 57.

Ricardo BLANCO CHOMAT

67. Ricardo Blanco Chomat is a 61-year-old Cuban citizen who has lived in the United States for 52 years, since 1973, when he arrived on the last Freedom Flight from Cuba at age 8.

He is the sole caretaker for his 65-year-old special needs brother, who requires around-the-clock care.

68. In 1998, Mr. Blanco Chomat pled guilty to attempted murder and lesser charges in exchange for a lower sentence after he unwittingly drove two acquaintances to a location where they assaulted someone. He was sentenced to five years, and he completed his full sentence.

69. In September 2001, while he was serving his sentence, an immigration judge ordered Mr. Blanco Chomat removed to Cuba.

70. When Mr. Blanco Chomat finished his sentence in 2003, he was transferred directly to ICE custody. After holding Mr. Blanco Chomat for approximately three months in ICE custody, unable to remove him to Cuba or anywhere else, ICE released him on an OSUP in 2003. The OSUP required that Mr. Blanco Chomat attend check-in appointments at the Miami ICE Field Office in Miramar, Florida.

71. For the next 22 years, Mr. Blanco Chomat faithfully reported to the ICE office in Miramar. According to ICE's instructions, he began reporting for OSUP check-in appointments once a month, then once every six months, then once a year. He never missed an appointment, violated the conditions of his OSUP, or moved without notifying ICE.

72. Mr. Blanco Chomat was the primary caretaker for his brother, who has a range of intellectual and physical disabilities and requires around-the-clock care. Though Mr. Blanco Chomat's brother is 65 years old, his intellectual capacity is that of a five-to-eleven-year-old. He is legally blind and has regular seizures. Since Mr. Blanco Chomat's mother died 14 years ago, Mr. Blanco Chomat served as his brother's primary caretaker, living with him, cooking his meals, cleaning up after him, and providing all manner of care for him.

73. Mr. Blanco Chomat is also close with his ex-wife and daughter, who are both U.S. citizens, often spending time with his daughter and ensuring both she and her mother were safe and well in the house he provided for them. Mr. Blanco Chomat also maintained his valid employment authorization document and remained gainfully employed as a landscaper and mechanic.

74. On June 25, 2025, Mr. Blanco Chomat went to his scheduled ICE check-in appointment. Mr. Blanco Chomat had been to more than 25 check-in appointments without missing a single date, so upon arrival, he gave his standard paperwork to the attendant at the front desk. However, the attendant told him to step outside of the building. Approximately eight other men were already grouped there.

75. An officer eventually escorted Mr. Blanco Chomat to a holding pen inside the ICE office. There, Mr. Blanco Chomat was told that his OSUP was revoked. The officer did not explain why or provide a Notice of Revocation of Release or any other documentation. When Mr. Blanco Chomat asked if he was going to be deported to Cuba, the officer stated, "Cuba is not accepting you, so you will have to wait."

76. As he was being processed through the ICE office in Miramar, Mr. Blanco Chomat received no further information regarding the decision to redetain him after 22 years. At no point did any officer speak further with Mr. Blanco Chomat, provide an explanation or reasoning for the OSUP revocation, or give him an opportunity to explain why—as the sole caretaker for his 65-year-old disabled brother—he should not be detained. Had Mr. Blanco Chomat been provided with such an interview, he would have offered evidence of his brother's medical needs, his decades-long compliance with the OSUP requirements, ICE's previous unsuccessful three-month attempt to deport him, and the lack of changed circumstances since his OSUP was put in place.

77. Mr. Blanco Chomat has been detained for over five months, since June 25, 2025. After being processed in Miramar, he was transferred to South Florida Detention Center ("Alligator Alcatraz"), then to two ICE facilities in Texas. While he was detained in Texas, an ICE officer told Mr. Blanco Chomat that he would be deported to Mexico. Mr. Blanco Chomat was subsequently transferred to Camp 57 at Angola.

78. Since being in Camp 57, Mr. Blanco Chomat has not had an informal interview, 90-day Post-Order Custody review, nor any other conversation with ICE officers regarding his detention. He has only spoken with an ICE officer on two occasions. At one of these meetings, the ICE officer told Mr. Blanco Chomat that the agency sought to deport him to Mexico. At the second occasion, the officer notified Mr. Blanco Chomat that Mexico is not accepting men over 60 years old. The officer informed Mr. Blanco Chomat that ICE was looking for another country to deport him to, but that they likely would not find one. Mr. Blanco Chomat has been given no paperwork, travel documents, or interviews with consulate officials regarding the steps taken to remove him. ICE has not named any specific country other than Mexico as an option for removal.

79. Since Mr. Blanco Chomat was redetained in June 2025, his family has incurred significant expense in finding a caretaker for his brother, who does not understand what is happening or why his sole caretaker suddenly disappeared. Mr. Blanco Chomat's brother frequently asks Mr. Blanco Chomat's family when "Pipo" (his nickname for Mr. Blanco Chomat) is coming home.

Luis GASTON SANCHEZ

80. Luis GASTON SANCHEZ is a 66-year-old Cuban citizen who has lived in the United States for 59 years, since 1966, when he arrived on a Freedom Flight. He has lived in New

Jersey, Kentucky, and Florida, and has worked multiple jobs to support his family, including in construction and as a subcontractor doing technical work for a telephone company.

81. On September 24, 2001, Mr. Gaston Sanchez was ordered removed while in immigration detention. Approximately three to four months later, unable to remove him to Cuba or anywhere else, ICE released him from detention.

82. In May 2005, Mr. Gaston Sanchez was convicted of attempted robbery, attempted felony murder in the second degree, and fleeing law enforcement. He was initially sentenced to 23 years, but only served 19 years and 10 months, due to his good behavior.

83. Mr. Gaston Sanchez was released from state criminal custody in November 2023. Upon his release, he was put on an OSUP. The OSUP instructed him to report to ICE's Miramar Field Office upon release. Mr. Gaston Sanchez promptly reported to the ICE Office in Miramar, Florida. ICE instructed him to return six months later to comply with his OSUP.

84. For the next year and a half, Mr. Gaston Sanchez faithfully reported to the ICE Office in Miramar. He never missed an appointment, violated the conditions of his OSUP, or moved without notifying ICE.

85. During this time, Mr. Gaston Sanchez maintained his valid employment authorization document, remained gainfully employed, and paid taxes. He worked in maintenance at a hotel and spent time with his family, including his brother who was battling terminal cancer.

86. On June 25, 2025, Mr. Gaston Sanchez went to his scheduled ICE check-in appointment. He arrived early, as usual, around 6:00 a.m. After a few hours, Mr. Gaston Sanchez provided ICE officers with his check-in paperwork and continued to wait outside. Later that morning, an ICE officer came outside of the building, called Mr. Gaston Sanchez over, and asked him a number of questions regarding his address and place of work. Sometime thereafter, Mr.

Gaston Sanchez asked the ICE officers if he was being arrested. An ICE officer told him that he was, because he had a deportation order from a long time ago. At that point, ICE officers arrested Mr. Gaston Sanchez. When Mr. Gaston Sanchez asked why he was being arrested, the ICE officers informed him that "President Trump wanted you out of here."

87. When Mr. Gaston Sanchez told the ICE officers that Cuba would not accept him, the ICE officer told him that he would be deported to Mexico. The officer did not say that Mexico had agreed to accept Mr. Gaston Sanchez, nor did he provide any other information about whether the country would issue him a travel document. ICE officers did not provide Mr. Gaston Sanchez with a Notice of Revocation of Release or any other paperwork detailing why he was being arrested.

88. As he was being processed through the ICE office in Miramar, Mr. Gaston Sanchez received no further information concerning the agency's decision to revoke his OSUP. They likewise did not give him an opportunity to explain why he should not be detained. Had Mr. Gaston Sanchez been provided with an interview, he would have provided evidence of his compliance with the OSUP requirements, ICE's previous—indeed, fairly recent—determination that his removal was not reasonably foreseeable, and the lack of changed circumstances since his OSUP was put in place.

89. Since June 25, 2025, Mr. Gaston Sanchez has been detained for over five months. After being processed in Miramar, he was transferred to South Florida Detention Center ("Alligator Alcatraz"); two ICE facilities in Texas; a detention center in Alexandria, Louisiana; and Camp 57.

90. After he was detained, Mr. Gaston Sanchez did not hear anything from ICE for approximately two months. In August, an ICE officer in El Paso, Texas, warned, "you're going to Mexico." Mr. Gaston Sanchez asked when and was not given an answer.

91. After about a month at Camp 57, on September 30, 2025, an ICE officer came to meet with Mr. Gaston Sanchez. The officer provided him with a notice for a "90-day Post-Order Custody review" and then immediately conducted the review in the same meeting. Because he was not provided meaningful advance notice, Mr. Gaston Sanchez was not able to prepare for the custody review nor submit any evidence in support of his release. The ICE officer simply ran through a short list of questions and then said, "you're not going to get released, that's never going to happen."

92. During this same September 30, 2025, meeting, the ICE officer told Mr. Gaston Sanchez that Mexico had not issued him a travel document. The ICE officer said that the government was now also contacting Cuba to see if they would accept Mr. Gaston Sanchez. The officer stated, "If Mexico doesn't take you, or Cuba doesn't take you, maybe Africa will, or El Salvador."

93. Mr. Gaston Sanchez had also inquired in writing several times as to the status of his potential deportation to Mexico. ICE responded in writing to two of his requests. Both responses are dated September 30, 2025—the first response says only "need travel documents," the second one says "unable to obtain travel documents." Mr. Gaston Sanchez received these responses via mail in early October.

94. On November 7, 2025, after waiting in detention for almost five months, Mr. Gaston Sanchez was told he would be deported to Mexico. He was placed in five-point shackles and transported to the Alexandria Staging Facility in Alexandria, Louisiana. Mr. Gaston Sanchez

and the other men that had been transported from Camp 57 were left to sit, shackled, for hours in the van at the Alexandria Staging Facility. When the ICE officers finally returned, Mr. Gaston Sanchez and the other detained individuals were told there had been a mistake and that they would be transferred back to Camp 57. Mr. Gaston Sanchez was returned to Camp 57 later that same day.

95. On November 10, 2025, Mr. Gaston Sanchez was again transferred from Camp 57 to the Alexandria Staging Facility. This time, he was transferred to a detention facility in El Paso, Texas. After spending the night there, ICE transferred Mr. Gaston Sanchez to the Florence Service Processing Center in Florence, Arizona on November 11, 2025. There, Mr. Gaston Sanchez and the men he was transferred with were told that they were going to be deported to Mexico.

96. Mr. Gaston Sanchez was not deported to Mexico. On November 15, 2025, an ICE officer informed undersigned counsel that Mr. Gaston Sanchez would instead be returned to Camp 57 at Angola. When asked why he was not deported to Mexico, the ICE officer informed undersigned counsel that he believed Mexico had refused to accept him because Mr. Gaston Sanchez was over the age of 60. *See* Ex. A, Authenticated Emails from Officer Nicholas Girod.

97. On or about November 18, 2025, Mr. Gaston Sanchez was transferred to the Adams County Correctional Center in Natchez, Mississippi. He did not speak with any ICE officers or receive any information regarding his deportation to Mexico or any other country.

98. On or about November 26, 2025, Mr. Gaston Sanchez was transferred back to Camp 57 at Angola. He has received no further information indicating that his removal is foreseeable, so his detention continues with no end in sight.

99. Mr. Gaston Sanchez suffers from chronic back pain caused by arthritis. His pain is exacerbated in detention because he is not permitted to manage his pain through movement. His

mental health is deteriorating—he has become depressed and anxious due to his indefinite detention.

[redacted]

100. [redacted]

101. [redacted]

102. Upon release, [redacted] was immediately transferred to ICE custody. Beginning in January 2023, he was transferred between detention facilities in Virginia, Georgia, Maryland, and Pennsylvania for several months.

103. On October 20, 2023, an immigration judge granted [redacted][16] [redacted]

104. [redacted] removal order (and grant of CAT protection) became final on September 5, 2024.

[16] CAT protection is available to noncitizens who prove that it is more likely than not that they will be tortured or killed if forced to return to their country of origin. *See* 8 C.F.R. §§ 1208.16(c)(3), 1208.17.

105. After his order became final, [redacted] remained in ICE custody while ICE attempted to effectuate his removal. After 23 months of detention, including nearly three months of post-order detention, having made no headway on removing [redacted] to any third country, ICE finally released him on November 27, 2024.

106. In November 2024, [redacted] was released from ICE custody pursuant to an OSUP. The conditions of his OSUP required, *inter alia*, in-person check-ins.

107. For the next eight months, [redacted] faithfully complied with every condition of the OSUP, including by reporting to the ICE office in [redacted], for his in-person check-in appointment in December 2024. He never missed an appointment, moved without notifying ICE, or otherwise violated any conditions of his OSUP.

108. During this time, [redacted] began to build his life and reestablish himself in [redacted] had multiple jobs [redacted].

109. On July 17, 2025, [redacted] was arrested outside of his home. He arrived home from work to see approximately 10 or more officers outside of his home. [redacted] had not missed a check-in—his next appointment was not scheduled until December 2025. The ICE officers told [redacted] that he had to come with them to the ICE office, and [redacted] complied. Nonetheless, the officers handcuffed [redacted]. [redacted] explained that he had secured CAT protection, waited three months in detention after winning his case, and that ICE had not been able to deport him. The arresting officer responded: "Trump is President now." He did not give [redacted] any further reason for his arrest.

110. As they were processing [redacted] through the ICE office in Baltimore, officers gave [redacted] a "Notice of Revocation of Release." The document was provided in English only, and the officers made no effort to explain its contents to [redacted]. [redacted] has limited English proficiency, [redacted], and ICE did not provide translation or interpretation services. [redacted] was able to read and understand only small portions of the English document. He did not understand why he was being redetained.

111. [redacted] Notice of Revocation states that he was being detained due to "changed circumstances," but did not define these circumstances. It also states that his case was "under current review by [redacted] for the issuance of a travel document." These are the five countries that [redacted] himself named as places to which he would be willing to go before his prior release. Notably, ICE had been unable to deport him to these five countries just eight months earlier. He is not a citizen of any of these countries and does not have reason to believe that they would issue him a travel document or visa. ICE provided no explanation as to why those countries would accept [redacted] at the time of his rearrest if they would not accept him eight months prior. [redacted] Notice of Revocation was signed by an unknown individual "for" [redacted]. It did not include findings that [redacted] detention was in the national interest nor that circumstances did not permit referral to the Executive Associate Director of ICE.

112. At no point did any officer speak further with [redacted], provide any explanation or reasoning for the OSUP revocation, or give him an opportunity to explain why he should not be detained. Though his notice of revocation stated he would receive an informal interview regarding ICE's revocation decision, no such interview occurred. Had [redacted]

been provided with such an interview, he would have provided evidence of his compliance with the OSUP requirements, ICE's previous—indeed, very recent—unsuccessful efforts to deport him to the very countries named in his Notice of Revocation, the lack of changed circumstances since his OSUP was put in place, and his continuing rehabilitation since his arrest eight years prior.

113. [redacted] has now been detained for almost five months, since July 17, 2025. After being processed in [redacted], he was transferred to other facilities in Louisiana, and eventually, to Camp 57.

114. Since his detention at Camp 57, [redacted] has not had an informal interview or 90-day Post-Order Custody Review. ICE has never contacted him to update him on their progress in arranging for his removal. He has repeatedly requested information about any progress made with [redacted].

115. After he had been detained for approximately three months, [redacted] requested a 90-day Post-Order Custody Review by submitting a form. In mid-October 2025, an ICE officer called him for a brief in-person meeting at Camp 57 in response to his request form. In response to his request for a 90-day Post-Order Custody Review, the ICE officer told him, "We have stopped doing those." The officer explained that "Trump changed everything. There's no period of time. Three months, six months, we can hold you forever." In response to his request for information about ICE's progress in attempting to remove him to one of the five countries listed in his Notice of Revocation of Release, the officer told him there was no update and seemed confused when [redacted] listed those five specific countries. [redacted] showed the officer the Notice of Revocation from ICE with the five countries listed, and the officer indicated it was the first time he had seen the document and made a copy.

116. [redacted] has not heard anything from ICE since. He has been given no paperwork, travel documents, or interviews with consulate officials regarding the steps taken to remove him.

117. [redacted] has depression and hypertension. When he arrived at Camp 57, he was not given his required psychiatric or blood pressure medication. As a result, he experienced acute depression and hypertension-related headaches. He is now receiving medication, but his prescriptions are changed regularly by the medical staff at Camp 57 without explanation. [redacted] depression has gotten worse and he still suffers hypertensive headaches. He has been placed on a "heart healthy" diet, but has not been provided halal meals to comply with his religious observance.

LEGAL FRAMEWORK

A. Procedural Due Process and the *Accardi* Doctrine Require Certain Procedures When ICE Revokes Noncitizens' Orders of Supervision.

118. The Fifth Amendment's Due Process Clause protects all persons present in the United States, regardless of immigration status, from arbitrary deprivations of liberty and property. *Zadvydas*, 533 U.S. at 693. Freedom from imprisonment "lies at the heart of the liberty that [the Due Process] Clause protects." *Id.* at 690. The government violates the procedural component of the Due Process Clause when it deprives an individual of their liberty without sufficient procedural protections. *See United States v. Salerno*, 481 U.S. 739, 755 (1987); *Mathews v. Eldridge,* 424 U.S. 319, 332 (1976).

119. Under the *Accardi* doctrine, agencies are bound to follow their own rules that affect the fundamental rights of individuals, even self-imposed policies and processes that limit otherwise discretionary decisions. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954) (holding that Board of Immigration Appeals must follow its own regulations in its exercise of

discretion); *see also Gulf States Mfrs., Inc. v. Nat'l Lab. Rels. Bd.,* 579 F.2d 1298, 1308 (5th Cir. 1978) ("It is well settled that an Executive Agency of the Government is bound by its own regulations, which have the force and effect of law, and the failure of an agency to follow its regulations renders its decision invalid.").

120. The Fifth Circuit has explained that this obligation flows directly from the Due Process Clause. *Gov't of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970) (per curiam) ("It is . . . well established that it is a denial of due process for any government agency to fail to follow its own regulations providing for procedural safeguards to persons involved in adjudicative processes before it."). The government's obligations under this principle are at their highest when the regulations at question are designed to protect individual rights. *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures.").

121. As established *supra*, DHS has promulgated two regulations that protect the individual rights of noncitizens who are redetained after being on OSUPs. 8 C.F.R. § 241.4(l)(1)–(2) and 8 C.F.R. § 241.13(i)(2)–(3).

122. These regulations bear on a person's most fundamental individual right, liberty, which can only be taken away in compliance with procedural due process. *See Santamaria Orellana v. Baker*, No. 25-CV-1788, 2025 WL 2444087, at *6 (D. Md. Aug. 25, 2025) (holding that the OSUP revocation regulations "are intended to provide due process in that they are fairly construed to be part of a procedural framework designed to ensure the fair processing of an action affecting an individual") (internal quotations omitted); *see also Mathews*, 424 U.S. at 333 ("The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'").

123. It is well established in the Fifth Circuit that failure to comply with the procedural requirements in ICE's regulations governing OSUP revocation violates the *Accardi* doctrine and Due Process clause. *See Bonitto v. Bureau of Immigr. & Customs Enf't*, 547 F. Supp. 2d 747, 756 (S.D. Tex. 2008) ("DHS cannot constitutionally continue to detain Bonitto without complying with the procedures laid out in the regulations."); *see, e.g.*, *Villanueva v. Tate*, 25-CV-3364, 2025 WL 2774610, at *2–5 (S.D. Tex. Sept. 26, 2025) (ordering immediate release of noncitizen arrested at OSUP check-in after eight years of compliance because he was not provided with any reason for his arrest nor an interview, and the government represented that the arrest was due to "the current administration's renewed emphasis on removing criminal [noncitizens]").

124. There is a growing consensus among district courts across the country that when ICE revokes an OSUP in violation of its own regulations in 8 C.F.R. § 241.4 and § 241.13, detention is unlawful and **immediate release is appropriate**. *See, e.g.*, *Villanueva*, 2025 WL 2274610, at *12; *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 165 (W.D.N.Y. 2025); *Rombot v. Souza*, 296 F. Supp. 3d 383, 389 (D. Mass. 2017); *Santamaria Orellana*, 2025 WL 2444087, at *6.

B. Substantive Due Process Bars ICE From Revoking Orders of Supervision Absent Changed Circumstances.

125. Civil detention is only constitutional if it serves a "legitimate nonpunitive governmental objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997); *see also Jackson v. Indiana*, 406 U.S. 715, 737 (1972) (to comply with the Due Process Clause, detention must always bear "some reasonable relation to the purpose for which the individual was [detained]"); *Brown v. Taylor*, 911 F.3d 235, 243 (5th Cir. 2018).

126. The only constitutional purposes for immigration detention under 8 U.S.C. § 1231(a) are "'ensuring the appearance of [noncitizens] at future immigration proceedings' and

'preventing danger to the community.'" *Zadvydas*, 533 U.S. at 690. Detaining a noncitizen to effectuate any other goal is without statutory basis and thus arbitrary and unconstitutional. *Jackson*, 406 U.S. at 737; *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992).

127. Given the regulatory framework prescribing when and how an OSUP may be rescinded, *see supra* ¶¶ 23–33, redetention is only justified—and therefore only constitutional—if there has been a change in circumstances that leads the agency to believe that the noncitizen has become a danger or a flight risk in the intervening years, such as a new violent arrest or a failure to attend required check-ins, or that there is now a substantial likelihood of reasonably foreseeable future. *See Phongsavanh v. Williams*, No. 25-CV-00426, 2025 WL 3124032, at *4–6 (S.D. Iowa Nov. 7, 2025) (ordering immediate release when "nothing in the record explains what has changed during the 25 years Phongsavanh was under supervision that would now justify his detention"); *see also* 8 C.F.R. § 241.4(i)(2).

128. When there has been no new violent arrest, failure to attend a required check-in, or other change in circumstances indicating danger or flight risk, ICE may only rely on a reasonably foreseeable removal to justify detention. *See* 8 C.F.R. §§ 241.4(l)(2), (i)(2). But as explained *infra* ¶¶ 132–35, to establish reasonably foreseeable removal as a basis for detention—especially where there are specific, diplomatic barriers to removal—ICE must show individualized evidence as to removability, more than merely "good faith efforts," or "a theoretical possibility of eventually being removed." *Zadvydas*, 533 U.S. at 702; *Balza v. Barr*, No. 20-CV-00866, 2020 WL 6143643, at *5 (W.D. La. Sept. 17, 2020). ICE must also provide individualized evidence of impending removal beyond "conclusory statements that they [are] taking steps to remove [petitioners]" or "unsubstantiated belief" that a travel document will be granted. *Escalante v. Noem*, No. 25-CV-00182, 2025 WL 2206113, at *3–4 (E.D. Tex. Aug. 2, 2025).

129. Changes in government priorities alone do not constitute a change in circumstances. *Villanueva,* 2025 WL 2774610, at *5 ("[W]hile the new administration may have changed how it prioritizes the removals of noncitizens, it may not do so at the expense of fairness and due process"). To release and detain individuals on such whims, and state publicly a desire to keep "the worst of the worst" in a "legendary" plantation-prison "for the rest of their lives," renders ICE detention punitive in nature. *See Foucha*, 504 U.S. at 80 (prohibiting punishment in civil detention context); *Wong Wing v. United States*, 163 U.S. 228, 237–38 (1896).

130. In sum, without a demonstrable change to the noncitizen's danger to society, flight risk, or the foreseeability of their removal, ICE detention is unmoored from its "carefully limited" statutory purpose and therefore unconstitutional. *See Salerno*, 481 U.S. 739 at 755; *Jackson*, 406 U.S. at 737.

C. Substantive Due Process and 8 U.S.C. § 1231(a)(6) Bar ICE from Detaining Noncitizens Indefinitely.

131. The Supreme Court has interpreted § 1231(a)(6) to authorize post-order detention only for "a period reasonably necessary to bring about the [noncitizen]'s removal from the United States." *Zadvydas*, 533 U.S. at 689. Acknowledging that the government may need more than 90 days to effectuate removals in certain instances, the Supreme Court recognized that "six months is the appropriate period" for post-order detention. *Id.* at 680. However, "as the period of prior post-removal confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink." *Id.* at 701.

132. To determine how long a person has been detained, most courts have concluded that the detention period is cumulative. Courts therefore consider a petitioner's previous periods in immigration detention; to do otherwise would allow the federal government to skirt constitutional requirements by continuously releasing and redetaining a noncitizen. *See e.g.*,

Escalante, 2025 WL 2206113, at *3; *Chen v. Holder,* No. 14-cv-2530, 2015 WL 13236635, at *2 (W.D. La. Nov. 20, 2015).

133. While detention is presumptively reasonable for up to six months, *Zadvydas*, 533 U.S. at 701, reasonableness is measured "primarily in terms of the statute's basic purpose, namely, assuring the [noncitizen's] presence at the moment of removal." *Id.* at 699. Once a noncitizen establishes that "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," such as showing that there exists a specific, diplomatic barrier to removal, the government must "furnish evidence sufficient to rebut that showing." *Id.* at 680.

134. Previous unsuccessful attempts—no matter from how long ago—to remove petitioners to third countries support a showing that there is no significant likelihood of removal in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701 (ordering release when the government had failed to deport the petitioner three times to a number of countries); *Jabir v. Ashcroft*, No. 03-2480, 2004 WL 60318, at *2–9 (E.D. La. Jan. 8, 2004) (granting habeas relief to a petitioner after numerous countries refused to repatriate him); *Abel-Muhti v. Ashcroft*, 314 F. Supp. 2d 418, 424–25 (M.D. Pa. 2004) (ordering release of petitioner after refusal of several countries to accept petitioner).

135. At bottom, if ICE "has no idea of when it might reasonably expect [a Petitioner] to be repatriated," then a "Court certainly cannot conclude that [a] removal is likely to occur—or even that it might occur—in the reasonably foreseeable future." *Balza*, 2020 WL 6143643, at *5 (internal quotation marks and citation omitted).

CLAIMS FOR RELIEF

CLAIM I
Unlawful Revocation of Order of Supervision
Violation of Fifth Amendment Right to Procedural Due Process
(*Accardi*)

136. Petitioners reallege and incorporate by reference the paragraphs above.

137. Procedural due process requires that the government follow the regulations it promulgates that limit its power and the scope of its conduct. *Accardi*, 347 U.S. at 268.

138. 8 C.F.R. §§ 241.4(l)(1)–(2) and 241.13(i)(2–3) govern when and how the government may revoke a noncitizen's Order of Supervision. Here, all four Petitioners' OSUPs were revoked (a) by someone other than the Executive Associate Director where there is no reason to believe the case could not be referred to the Executive Associate Director, (b) without any notice provided (until the Petitioner was already in custody, if at all), (c) without any information interview taking place before, during, or shortly after the revocation, and (d) without any specific information regarding the likelihood of reasonably foreseeable removal, contrary to the procedures laid out in ICE's regulations. *See* 8 C.F.R. §§ 241.4(l)(1)–(2), 241.13(i)(2–3)

139. Petitioners were all arrested at times when they were otherwise fully complying with their OSUPs. There were no urgent or extenuating circumstances justifying their arrests without referral to the Executive Associate Director.

140. To the extent Petitioners received a Notice of Revocation of Release at all, such notices were not provided until the Petitioners were already in custody, and contained standardized, boilerplate phrases, rather than personalized reasons for revocation, as the regulations and due process require. *See Sarail A. v. Bondi,* No. 25-CV-2144, 2025 WL 2533673, at *5 (D. Minn. Sept. 3, 2025); *Perez-Escobar v. Moniz,* 792 F. Supp. 3d 224, 225 (D. Mass. July 24, 2025); *M.S.L. v. Bostock*, No. 25-CV-01204, 2025 WL 2430267 at *4 (D. Or. Aug. 21, 2025).

141. Petitioners did not receive any interview regarding the revocation of OSUPs.

142. No Petitioner has received information about removal to their home country. To the extent Petitioners have received any communication about removal to their home or third countries, that information has been extremely vague (*e.g.*, the boilerplate language in the Notice of Revocation of Release) or counter-productive (*e.g.*, that Mexico will not accept noncitizens over the age of 60). No Petitioner has had consular interviews or is aware of any specific travel document or upcoming removal date.

143. Because Petitioners were detained in violation of their procedural due process rights, their ensuing detention is unlawful. *Ceesay*, 781 F. Supp. 3d at 165; *Villanueva*, 2025 WL 2774610, at *11.

144. Immediate release of all Petitioners is therefore appropriate.

CLAIM II
Unlawful Revocation of Order of Supervision
Violation of Fifth Amendment Right to Substantive Due Process

145. Petitioners reallege and incorporate by reference the paragraphs above.

146. Substantive due process requires that detention always bear "some reasonable relation to the purpose for which the individual was committed." *Jackson*, 406 U.S. at 738.

147. The only constitutional purposes for immigration detention under 8 U.S.C. § 1231(a) are "ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community." *Zadvydas*, 533 U.S. at 690 (internal quotation marks and citation omitted).

148. When a noncitizen has been released pursuant to an OSUP, the government must make a determination that, *inter alia*, the noncitizen does not present a danger to the community,

does not present a flight risk, and is not likely to be removed in the reasonably foreseeable future. *See* 8 C.F.R. §§ 241.4(e), 241.13(f)–(h).

149. Therefore, redetention is only consistent with substantive due process if there is a change in circumstances leading the government to believe that the noncitizen now presents a danger, presents a flight risk, or is likely to be removed in the reasonably foreseeable future.

150. Here, all Petitioners were released from immigration detention on an OSUP after the government made a determination that, *inter alia*, the Petitioner did not present a danger to the community, did not present a flight risk, and was not likely to be removed in the reasonably foreseeable future. *See* 8 C.F.R. §§ 241.4(e), 241.13(f)–(h).

151. And, since being released, Petitioners have not been re-arrested, charged, or convicted of any offense; missed any OSUP appointments; or otherwise failed to comply with OSUP requirements. On the contrary, all Petitioners have strengthened their community ties, lengthened their clean records, and established a pattern of continued compliance with their OSUPs.

152. All Petitioners have a specific, diplomatic barrier to removal which remains in place. This is either because they are from a country to which the United States does not regularly deport people (*e.g.*, Cuba), have protection precluding removal to their country of origin (*e.g.*, deferral of removal under the Convention Against Torture), and/or are unlikely to be accepted to a third country due to criminal history or age.

153. Therefore, just as there was no lawful reason to hold Petitioners in detention at the time that they were released, there is no lawful reason to hold Petitioners in detention now.

154. Because Petitioners' detention serves no lawful purpose, it is not constitutional.

155. Immediate release of all Petitioners is therefore appropriate.

CLAIM III
Unlawful Indefinite Detention
Violation of 8 U.S.C. § 1231(a)(6) and Fifth Amendment Right to Substantive Due Process
(*Zadvydas*)

156. Petitioners reallege and incorporate by reference the paragraphs above.

157. *Zadvydas* authorized detention only for "a period reasonably necessary to bring about that [noncitizen]'s removal from the United States." 533 U.S. at 679. Therefore, if a noncitizen can show "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the [g]overnment must furnish evidence sufficient to rebut that showing." *Id.* at 680.

158. Here, all Petitioners have shown there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. All Petitioners have a specific, diplomatic barrier to removal. One Petitioner has CAT protection prohibiting his removal to his home country, [redacted]. The remaining Petitioners are from Cuba, which has limited diplomatic relations with the United States and to which deportations are infrequently effectuated.

159. The government cannot furnish evidence sufficient to rebut this showing. In fact, the government previously determined that removal was not reasonably foreseeable as to all Petitioners—indeed, that is why they were released pursuant to an OSUP. *See* 8 C.F.R. § 241.13. Many Petitioners spent months or years in immigration detention previously while the government sought to remove them, to no avail.

160. Because removal is not reasonably foreseeable, continued detention violates both 8 U.S.C. § 1231(a)(6) and the U.S. Constitution. *See Zadvydas*, 533 U.S. at 699.

161. Immediate release of all Petitioners is therefore appropriate.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully ask this Court to:

(1) Assume jurisdiction over this matter;

(2) Issue an order prohibiting Respondents from transferring them outside of this judicial district during the pendency of these proceedings;

(3) Declare Respondents' detention of Petitioners unlawful;

(4) Issue a writ of habeas corpus ordering that Respondents:

a. Immediately release each Petitioner from custody and reinstate his OSUP with the same conditions in place at the time of his unlawful redetention, and

b. Be enjoined from redetaining Petitioners unless redetention complies with the processes required in 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3), and the Due Process Clause of the Fifth Amendment; and

(5) Grant such further relief as the Court deems just and proper.

Dated: December 11, 2025

/s/ Bridget Pranzatelli
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Attorneys for Petitioners

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioners. I am one of the Petitioners' attorneys. I have discussed with each Petitioner, and/or someone acting on his behalf, the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

/s/ Bridget Pranzatelli
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STATEMENT OF RELATED CASES

Petitioners notify this Court of related cases:

Gaston Sanchez v. U.S. Immigration and Customs Enforcement, et al., No. 3:25-cv-00942
Blanco Chomat v. U.S. Immigration and Customs Enforcement, et al., No. 3:25-cv-00908

Gaston Sanchez and *Blanco Chomat* were initiated by *pro se* habeas petitions filed by two Petitioners in this matter, Luis Gaston Sanchez and Ricardo Blanco Sanchez. Those cases have been voluntarily dismissed pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A).