



29 Please note that this document has been prepared hurriedly, under dynamic  
30 temporal constraints and inconsiderately, to say the least, restrictive conditions. It  
31 is movant's intention, if permitted, to fully brief this matter, providing attached  
32 exhibits and other supportive documents, records, affidavits, declarations and other  
33 written or oral statements, and relevant materials.

34 As an initial matter (where exact details are later provided, herein), what movant  
35 seeks is a preliminary injunction and/or an emergency (*temporary*) restraining  
36 order to prevent the ICE from physically relocating movant from CCCF in  
37 McElhattan, PA, in the Third District and the Third Circuit to a location outside of  
38 these geographic and judicial regions; if accurately told by ICE officer Anton  
39 (*Deportation Officer assigned to movant's case in CCCF*), to Indiana, in the Sixth  
40 District/Circuit (*to the best of movant's knowledge*). Movant, as will be shown  
41 below, and most certainly evident in movant's anticipated brief to the Court  
42 concerning this matter, is ultimately more likely than not to succeed on the merits  
43 due to the legal, medical and hardship factors put forth for the Court to discern and  
44 grant movant's requests, as a result; these factors are also those that are affected by  
45 any physical transfer of movant to another facility outside of the present  
46 geographical region and judicial domain. Should movant be transferred, in the  
47 absence of preliminary and/or emergency relief, he will suffer irreparable harm due  
48 to the loss of pro bono legal representation in immigration removal proceedings,

49 as well as in district and appellate (Petition for Review and other matters) courts  
50 due to the Legal Services of New Jersey's residential and geographical eligibility  
51 requirements. Movant has completed the intake process, and attorney Michelle  
52 Fonseca, Esq., is expected to become movant's attorney on record by early  
53 December. Movant has also learned, anecdotally, though the information is  
54 credibly sourced from individuals who have been housed in this Indiana facility, as  
55 well as via news reports that, the Indiana facility, as told by ICE officer Anton, in  
56 which movant would be relocated is not sufficiently equipped and/or organized for  
57 detainees engaged in self representation, or for detainees assisting in their own  
58 defense while engaged in removal proceedings and/or other legal actions. It is not  
59 hard to imagine, especially when these matters (discussed herein and elsewhere)  
60 are considered in their totality, the extent of harm that would be done to movant's  
61 efforts; and where at least some critical portion of this harm is irreparable in  
62 nature.

63 Movant will also suffer in terms of the disturbance of sensitive medical care he  
64 now receives do to a potentially terminal illness. The matter of movant's further  
65 separation from his family, and his wider system of support, adds another layer of  
66 harm brought upon movant by the DHS/ICE efforts against him.

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1 <sup>1</sup>*Affiliated with Seton Hall University's Detention and Deportation Defense*

2 *Initiative.*

67 Movant seeks this/these Order(s) for a preliminary injunction, and/or an emergency  
68 restraining order so as to continue the status quo, which is to sustain movant's  
69 current location. ICE has informed movant that the proposed relocation is not due  
70 to bed space issues or any administrative or agency purpose; other than, that is,  
71 movant's complaints regarding the abusive conditions of his confinement  
72 (examples of such conditions are provided, infra; upon the Court's instructions;  
73 movant will provide additional details and exhibited records). Therefore, there is  
74 no damage to DHS/ICE if the Court issues the Order(s) requested by movant for  
75 preliminary injunctive relief and/or an emergency restraining order.

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85 First, please note that the underlying harm that will be brought upon movant as a  
86 result of relocation is related, amongst other matters, to legal and medical factors,  
87 as well as concerning geographical proximity of movant's family and systems of  
88 support.

89 Movant has been pro se during immigration removal proceedings since being  
90 apprehended by ICE in New Jersey on July 22, 2024. As such movant has been  
91 severely handicapped in his efforts to represent himself. However, movant has  
92 finally, after sixteen months of searching and disappointments, located an attorney  
93 from the Legal Services of New Jersey, affiliated with Seton Hall University's  
94 Detention and Deportation Defense Initiative, that will provide him with pro bono  
95 representation in immigration court; the intake process has been completed and  
96 Michelle Fonseca, Esq. is expected to become movant's attorney on record with  
97 immigration court and/or the BIA, and with the Third Circuit Appellate Court, as  
98 movant has just received word of the denial of his appeal to the BIA from an  
99 Elizabeth, NJ immigration court judge's April 22, 2025 denial of his application  
100 for asylum and protection under the United Nations Convention Against Torture  
101 and Other Cruel, Inhuman, Degrading Treatment or Punishment ("CAT"),  
102 pursuant to 8 C.F.R. §§ [1]208.16 to [1]208.18.

104 However, to be eligible for this pro bono assistance of counsel in immigration  
105 removal and bond/custody redetermination proceedings (including in the BIA,  
106 Third District Court, and Third Circuit Appellate Court), and to receive assistance  
107 with movant's soon-to-be submitted U-Nonimmigrant Status application for relief  
108 from removal for aliens who have been the victim of a "qualifying" crime and  
109 provided assistance to law enforcement, movant must have recently physically  
110 resided in New Jersey, and is currently physically detained in the Third District  
111 and/or Third Circuit.

112 If movant is physically relocated to another facility, especially outside the  
113 geographic territory of the Third District and the Third Circuit, this will cause a  
114 degree of harm to movant that is irreparable in terms of the competency of his legal  
115 representation, and in terms of his very life, since what's at risk is movant's  
116 survival if he is not successful in terms of relief from deportation.

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118 Secondly, movant is in the middle of an oncology determination that has been  
119 ongoing for the past six months, a required amount of time for hematologists to  
120 make a proper diagnosis as to several forms of blood and bone related cancers.

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122 This process arose because movant's white blood cell count was "disturbingly  
123 low" and "trending downward" according to facility medical staff and outside  
124 hematologists. During movant's first outside-facility oncology and hematology  
125 appointment in August (2025), doctors informed movant that the matter with his  
126 low trending white blood cell count was concerning, and could be related to some  
127 type of viral infection (hepatitis, HIV, etc.) or cancer(s) of the bone and/or blood;  
128 and also informed movant that his white blood cell count was near crisis levels,  
129 and that he is susceptible to infection because of his lower capacity to fight off  
130 viruses. Blood tests were ordered to determine viral causes, and that has now been  
131 ruled out. Even though movant's white blood cell count showed marginal  
132 improvement by the time of movant's most recent hematology appointment in late  
133 October (2025), the doctor was not able to assess whether the white blood cell  
134 count would again decrease, and more importantly, the doctor was still not able to  
135 rule out cancer. Movant is scheduled for another appointment in February (2026).  
136 With this all being the case, movant's care is more responsibly and effectively  
137 handled by those who initiated his care, diagnostic protocols and treatments, and  
138 this assertion is one espoused by movant's oncologist and hematologist. It would  
139 be unwise, unless medically necessary, to uproot movant, and disturb his care at  
140 such a critical and delicate time.

142 Please be aware that ICE has already approached movant, roughly three months  
143 ago, and inquired if he wanted to be relocated due to abusive conditions of the  
144 facility in which movant has been detained, and due to movant's consistent internal  
145 and external reporting of these conditions; but movant informed ICE that he did  
146 not want to be relocated. ICE claims that relocation is not required, but is instead  
147 due to movant's reporting of abusive conditions. As such, this proposed relocation  
148 is a punishment, just as movant has been making complaints regarding the  
149 facility's punitive responses to his reporting of abusive conditions perpetrated  
150 against him by staff in the facility. Being forced to relocate away from legal  
151 assistance, medical treatments and family support system is unfair, dangerous and  
152 perpetuates the abusive conditions movant has complained about. The resolution to  
153 these problems cannot be to further punish movant, terminate his legal  
154 representation and separate him from family relations and support.

155 The problem is ICE's pending relocation of movant. The requested cure for this  
156 problem is to restrain ICE from relocating movant until a fair and impartial judicial  
157 hearing can take place, producing a determination thus.

158 The purpose for this action is to enjoin the Department of Homeland Security  
159 ("DHS") and/or the Immigration and Customs Enforcement ("ICE") from  
160 physically transferring movant from the facility in which he's currently detained,  
161 to a facility located elsewhere,

162 particularly a facility located outside the Third District or Appellate Circuit, to  
163 another district/circuit that is utterly disconnected from all the relevant  
164 occurrences, including, but not limited to alleged violations of the law,  
165 arrest/apprehension, attorney related matters, pretrial matters, matters associated  
166 with plea negotiations and cooperation agreement activities, federal court  
167 proceedings, sentencing, immigration court proceedings, appellate court  
168 proceedings and all other legal matters, whether immigration, civil actions,  
169 otherwise, such as past, current and anticipated habeas actions pursuant to 28  
170 U.S.C. §§ 2241 and 2255; as well as the associated criminal matter that is the basis  
171 for collateral immigration consequences, and other adverse aftermath. Also  
172 important to consider, here is the fact that movant's family and support system are  
173 all geographically located within the Third District/Circuit; and if it is accurate that  
174 DHS/ICE plans to relocate movant to the Sixth District/Circuit, in a DHS/ICE  
175 facility in Indiana, then this place is completely foreign to movant, his family, and  
176 other, wider system of support, and in terms of applicable case laws and such  
177 critical associated matters, outside of the area of movant's legal studies and  
178 knowledge acquired over the last eighteen months, which, as a pro se individual  
179 fighting removal from the country, and navigating other administrative,  
180 immigration and criminal legal matters widely, and pointedly,

181 as appropriate and required, a change in laws applicable to immigration and  
182 custody (re)determination/bond and other matters, is likely to be disastrous to  
183 movant's legal efforts to clear his name, be reunited with his family, and preserve  
184 his life, since death is the likely outcome should movant be forced to return to  
185 Jamaica, as a function of being deported.

186 Movant is a Lawful Permanent Resident ("*LPR*"), and is currently detained by the  
187 DHS/ICE in CCCF in McElhattan, Pennsylvania. Movant was apprehended by ICE  
188 in Newark, NJ, as he left the federal probation office on July 22, 2024.

189 After movant was apprehended by ICE he was taken to ICE's temporary holding  
190 facility in Elizabeth, NJ, and after about two days he was transferred to Pike  
191 County Correctional Facility ("*PCCF*") in Lords Valley, PA. Movant was then  
192 transferred to CCCF on/about February 24, 2025. The reason movant was relocated  
193 by ICE, at that time, was due to an incident where movant was sexually harassed,  
194 suffering unwanted sexual advances by a corrections officer; and because movant  
195 was assaulted by an inmate when it was discovered that movant is bisexual, and  
196 then where at least one corrections officer played a role in the continued,  
197 unyielding mental and emotional homophobic attacks; and finally, where, on  
198 December 16, 2024, movant's shoulder was dislocated by a corrections officer; a  
199 Sgt, McKennon, while movant's arms/wrists and legs/ankles were shackled.  
200 Movant made numerous complaints and requests for help, internally;

201 within the facility, and then externally, to the ICE Office Field Director in  
202 Philadelphia, PA, to the Civil Rights and Civil Liberties (“CRCL”) division within  
203 DHS, to the ICE Ombudsman, to the Office of the Inspector General (“OIG”) of  
204 DHS, and to several other individuals, organizations and government  
205 offices/agencies.

206 Once movant was transferred to his current location, where he remains in  
207 DHS/ICE custody, in CCCF, in McElhattan, PA, movant was forced to make  
208 repeated requests and complaints to gain access to his legal materials, research  
209 papers, copies of statutes and important precedent cases, copies of past motions  
210 and motions that were currently being composed, two USB “thumb” drives  
211 containing all of movant’s legal documents and the complete history of legal  
212 matters relating to movant’s cases; word processing equipment to access his USB  
213 drives and compose motions and other urgent writings were also not made  
214 available to movant, even after weeks of requests. These issues caused movant to  
215 be unable to complete a brief, per the Board of Immigration Appeals’ (“BIA”) *BIA*  
216 briefing schedule, for custody redetermination; and when movant did complete and  
217 send his brief, it was eventually, though quickly dismissed by the BIA as  
218 “untimely”, back in March of this year (2025); and movant’s explanations to the  
219 BIA, concerning movant’s recent transfer to a new location and difficulties with  
220 access to critical law library time, facilities and instruments were ineffective,

221 as movant and many others in similar situations are warned to expect in copious  
222 notices pre-engagement with the BIA.

223 Making matters worse: before movant had access to his USB drives, he had no  
224 choice but to use the same, single computer made available to all other detainees  
225 and inmates, where everyone's work was composed and saved, accessible to all  
226 using the computer. In connection with composing and save his legal work and  
227 other writings connected to his application for asylum and protection under the  
228 United Nations Convention Against Torture and Other Cruel, Inhuman, Degrading  
229 Treatment or Punishment ("CAT"), pursuant to 8 C.F.R. §§ [1]208.16 to  
230 [1]208.18, some information about movant's sexuality were composed and saved.  
231 However, this information was later discovered by an/other inmate(s), resulting in  
232 threats and harassment by other detainees and inmates, to the extent that movant  
233 was forced to relocate to another unit within the facility, as unilaterally determined  
234 by high-ranking facility corrections staff. There was then an incident where  
235 movant reported to the facility that he and at least one other individual, an older  
236 man, were drugged by another inmate, as a sick joke. However, after there was no  
237 action taken by the facility, movant kept reporting the incident until the facility had  
238 to take notice, and where, though movant suffered the anger of the deputy warden  
239 in the form of being cursed out and loudly reprimanded, the facility finally  
240 adjusted some procedures to mitigate diversion of medication in the facility;

241 this was only done after movant was also sanctioned to disciplinary measures and  
242 place in the modified housing unit (the "SHU").

243 There has also been a problem with derogatory and abusive language used against  
244 movant by staff: a correctional officer on October 2, 2025 and then on October 5,  
245 2025 called movant a "nigger" and a "kike". Again, when movant reported the  
246 matter, disciplinary sanctions were leveled against him. This, instead of being  
247 properly remedied by facility staff, seems now to be the matter that has brought  
248 about this pending ICE transfer to, of all places, Indiana.

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**PRAYER FOR RELIEF**

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WHEREFORE, I respectfully pray that this Court:

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1. Restrain DHS/ICE from relocating movant until this matter can be fully  
254 briefed and argued, orally, if permissible by the Court.

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2. Movant proposes, here a potential alternative to transferring movant to  
256 Indiana, which is possibly transferring movant to an area where he has  
257 family and support: Massachusetts or California. If DHS/ICE is willing,  
258 moyant would be more receptive, conditionally, to such a move.

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260 Movant has previously made written and oral overtures in this regard, and  
261 await a response.

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265 I affirm under penalty of perjury, that I am the movant/petitioner, I have read  
266 this motion/petition or had it read to me, and the information in this petition is  
267 true and correct.

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269 Respectfully Submitted,

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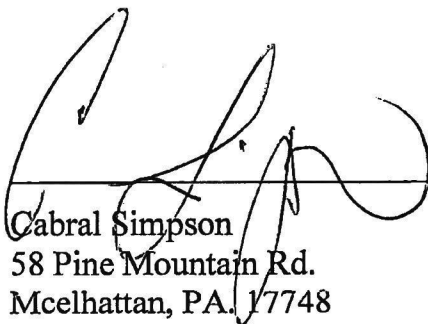
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Cabral Simpson  
58 Pine Mountain Rd.  
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, November 21, 2025  
Date

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