

FILED
HARRISBURG, PA

DEC 16 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

[Signature]
DEPUTY CLERK

KEMAR ROGELO WHITE,
Petitioner


v.

Case No: 1:25-CV-02431
(Supplied by the Clerk of Court)

CRAIG LOWE,
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Kemar Rogelo WHITE
(b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: Pike County Correctional Facility
 - (b) Address: 175 Pike County Boulevard, Lords Valley, Hawley PA.
 - (c) Your Identification number: OCA# 
3. Are you currently being held on orders by:

'Federal authorities 'State authorities 'Other - explain

Immigration and Custom Enforcement (ICE).
4. Are you currently;

'A pretrial detainee (waiting for trial on criminal charges)

'Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime if you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: N/A
 - (b) Docket number of criminal case: N/A
 - (c) Date of sentencing: N/A

'Being held on an immigration charge 'Other


(explain):

Decision or Action You Are Challenging

5. What are you challenging in this petition:

'Immigration detention.

6. Provide more information of the decision or action you are challenging: (a) Name and location of the agency or court: Deportation/Removal order issued by the Cleveland, Ohio Immigration Court.

(b) Docket number, case number, or opinion number: 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Mandatory detention authorized under section 1226 (c) of the INA.

(d) Date of the decision or action: February 13, 2023.

Your Earlier Challenges of the Decision or Action


7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy? Yes.

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Board of Immigration Appeals (BIA).

(2) Date of filing: March 13, 2023.

(3) Docket number, case number, or opinion number: 

(4) Result: dismissed

(5) Date of result: June 20, 2023

(6) Issued raised: Eligibility for cancellation of removal as a Lawful Permanent Resident. White challenged the IJ's finding of removal under Convention Against Torture (CAT) after concluding that he did not carry my burden of proof on the merit. Moreover, Petitioner Challenged the IJ's finding of removability as to the aggravated felony charge under section 237 (a)(2) (A)(iii) of the INA, 8 U.S.C. § 1227(a)(2)(A)(iii) after the IJ determine that White conviction under Va. Code § 18.2-53.1 qualify as an aggravated crime under section 101(a)(43)(F) of the INA, 8 U.S.C. 1101(a)(43)(F) under the Supreme

Court case law Sessions v. Dimaya, 138 S. Ct. 1204 (2018)... The Virginia Statute under which White was charged as an aggravated felon by ICE is broader than the federal definition and therefore unconstitutional.

(b) If you answered "No" explain why you did not appeal: N/A

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court? Yes.

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Fourth Circuit Court of Appeals.
- (2) Date of filing: June 2023
- (3) Docket number, case number, or opinion number: 23-1703
- (4) Result: Pending
- (5) Date of result: N/A
- (6) Issues raised: Eligibility for cancellation of removal as a Lawful Permanent Resident, White challenged the IJ's finding of removal under Convention Against Torture (CAT) after concluding that he did not carry my burden of proof on the merit. Moreover, Petitioner Challenged the BIA's finding of removability as to the aggravated felony charge under section 237 (a)(2) (A)(iii) of the INA, 8 U.S.C. § 1227(a)(2)(A)(iii) after the BIA determine that White's conviction under Va. Code § 18.2-53.1 qualify as an aggravated crime under section 101(a)(43)(F) of the INA, 8 U.S.C. 1101(a)(43)(F) under the Supreme Court case law Sessions v. Dimaya, 138 S. Ct. 1204 (2018)... The Virginia Statute under which White was charge as an aggravated felon by ICE is broader than the federal definition and therefore unconstitutional.

(b) If you answered "No," explain why you did not file a second appeal: N/A

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court? No

(a) If "Yes," Provide:

- (1) Name of the authority, agency, or court: N/A
- (2) Date of filing: N/A
- (3) Docket number, case number, or opinion number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issue raised: N/A

(b) If you answered "No," explain why you did not file a third appeal: No action has been taken on the second appeal which is currently pending before the Fourth Circuit Court of Appeals.

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed? No.

If "Yes," answer the following:

- (a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence? No.

If "Yes," provide:

- (1) Name of court: N/A
- (2) Case number: N/A
- (3) Date of filing: N/A
- (4) Result: N/A
- (5) Date of Result: N/A
- (6) Issues raised: N/A

- (b) Have you ever filed a motion in a United States Court of Appeals Under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive section 2255 motion to challenge this conviction or sentence? No.

If "Yes," provide:

- (1) Name of court: N/A
- (2) Case number: N/A
- (3) Date of filing: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issue raised: N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. Appeal of immigration proceedings


Does this case concern immigration proceedings? Yes.

If "Yes," provide:

- (a) Date you were taken into immigration custody: June 24, 2022.
- (b) Date of the removal or reinstatement order: February 13, 2023.
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes.

If "Yes," Provide:

- (1) Date of filing: March 13, 2023
- (2) Case number: 
- (3) Result: Dismiss
- (4) Date of result: June 20, 2023
- (5) Issues raised: Eligibility for cancellation of removal as a Lawful Permanent Resident, White challenged the IJ's finding of removal under Convention Against Torture (CAT) after concluding that he did not carry his burden of proof on the merit. Moreover, Petitioner Challenged the IJ's finding of removability as to the aggravated felony charge under section 237 (a)(2) (A)(iii) of the INA, 8 U.S.C. § 1227(a)(2)(A)(iii) after the IJ determine that White conviction under Va. Code § 18.2-53.1 qualify as an aggravated crime under section 101(a)(43)(F) of the INA, 8 U.S.C. 1101(a)(43)(F) under the Supreme Court case law Sessions v. Dimaya,138 S. Ct. 1204 (2018)... The Virginia Statute under which White was charge as an aggravated felon by ICE is broader than the federal definition and therefore unconstitutional.

(6) Did you appeal the decision to the United States Court of Appeals? Yes.

If "Yes," provide:

- (1) Name of court: United States Court of Appeals for The Fourth Circuit.
- (2) Date of filing: June, 2023
- (3) Case number: 23-1703
- (4) Result: Pending
- (5) Date of result: N/A
- (6) Issues raised: Eligibility for cancellation of removal as a Lawful Permanent Resident, White challenged the IJ's finding of removal under Convention Against Torture (CAT) after concluding that White did not carry his burden of proof on the merit. Moreover, Petitioner Challenged the BIA's finding of removability as to the aggravated felony charge under section 237 (a)(2) (A)(iii) of the INA, 8 U.S.C. § 1227(a)(2)(A)(iii) after the IJ determine that White conviction under Va. Code § 18.2-53.1 qualify as an aggravated crime under section 101(a)(43)(F) of the INA, 8 U.S.C. 1101(a)(43)(F) under the Supreme Court case Sessions v. Dimaya,138 S. Ct. 1204 (2018)... The Virginia Statute under which White was charge as an aggravated felon by ICE is broader than the federal definition and therefore unconstitutional.

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition? Yes.

If "Yes," provide: N/A

- (a) Kind of petition, motion, or application: Writ of Habeas Corpus
- (b) Name of the authority, agency, or court: UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.
- (c) Date of filing: June 23, 2023.
- (d) Docket number, case number, or opinion number: 1:23-CV-1045
- (e) Result: Granted
- (f) Date of result: September 12, 2024.
- (g) Issues raised: Petitioner challenged his continued detention without a bond hearing in under the fifth amendment of the United States constitution, pending the proceedings in his removal from the United States.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, law, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: The duration of White's detention has become prolonged and therefore unreasonable, which is in direct violation of the Fifth Amendment rights of the United States Constitution.

(a) Supporting facts (*Be brief. Do not cite cases or law.*): Mr. White has been detained by (ICE) since June 24, 2022, approximately three-years-and-six-months to this day, while in the process of prosecuting his removal order without any proper or neutral custody review. Moreover, White previously had a writ of habeas corpus granted in this Court over one-year ago which ordered ICE to convene an individualized bond hearing before an immigration judge (IJ). Such bond hearing was subsequently denied on grounds that were rather generalized, therefore contradicts an individualize finding of Mr. White being a current threat to the community or a flight risk.

(b) Did you present Ground One in all appeals that were available to you?
'No.

GROUND TWO: The Petitioner is being housed with criminal offenders, those who are currently going through criminal proceedings and thus, he has been subject to the exact punitive confinement all the same.

(a) Supporting facts (*Be brief. Do not cite cases or law.*)
Mr. White's detention is one of "civil label" but yet he has been held in a prison like condition for approximately 42-months. Furthermore, he has been made subject to 24-hour lockdowns

while being housed with the county inmates, though White has already served his time and paid his debt to society for the crimes for which he had been convicted.

- (b) Did you present Ground Two in all appeals that were available to you?
'No.

GROUND THREE: White has been exercising his rights with good faith in challenging his removal order, with no hindrance of his fault.

- (a) Supporting facts (*Be brief. Do not cite cases or law.*):

The Petitioner has been and, yet still litigating his case against the order of removal as a Lawful Permanent Resident who is pursuing is case with good faith without delays or untimeliness.

- (b) Did you present Ground Three in all appeals that were available to you?
'No

GROUND FOUR: White's prolong detention has exceeded the reasonable time frame with no foreseeable end in sight, thus, White's detention is likely to continue for many more months.

- (a) Supporting facts (*Be brief. Do not cite cases or law.*): The United States Court of Appeals for The Fourth Circuit granted Petitioner's motion for stay of removal on December 13, 2023 and further, placed his case "petition for review" in abeyance pending a decision in another matter.

- (b) Did you present Ground Four in all appeals that were available to you?
'No

14. If there are grounds that you did not present in all appeals that were available to you, explain why you did not: After White's prior habeas corpus was granted and this Court ordered ICE to convene an individualized bond hearing before an IJ which was subsequently denied on insufficient grounds, White submitted his motion to this Court to enforce judgement order writ of habeas corpus. Thus, White failed to exhaust his appeal to the Board of Immigration Appeals (BIA).

15. State exactly what you want the court to do: Petitioner respectfully request for this Court to grant the petition and order ICE to convene an individualized bond hearing before an immigration judge with its directives. In alternative, order that White be immediately release, subject to conditions allowed by law.

Declaration Under Penalty of Perjury

If you are incarcerated, on what day did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/8/25

Kemar R. White
Signature of Petitioner