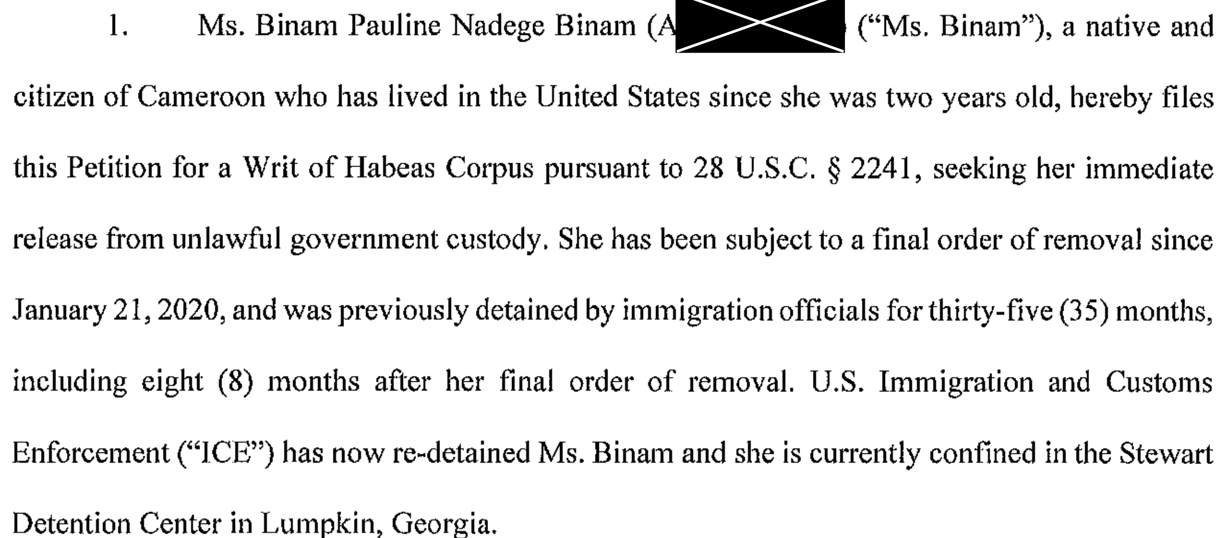
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Pauline Nadege BINAM, *Petitioner*, v. JASON STREEVAL, Warden, Stewart Detention Center; LADEON FRANCIS, Field Office Director, Atlanta Field Office, U.S. Immigration and Customs Enforcement; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, Attorney General of the United States, *in their official capacities*, *Respondents*.	Case No.: 4:25-cv-00515-CDL-AGH **AMENDED PETITION AND COMPLAINT FOR WRIT OF HABEAS CORPUS**

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

INTRODUCTION



1. Ms. Binam Pauline Nadege Binam (A (“Ms. Binam”), a native and citizen of Cameroon who has lived in the United States since she was two years old, hereby files this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking her immediate release from unlawful government custody. She has been subject to a final order of removal since January 21, 2020, and was previously detained by immigration officials for thirty-five (35) months, including eight (8) months after her final order of removal. U.S. Immigration and Customs Enforcement (“ICE”) has now re-detained Ms. Binam and she is currently confined in the Stewart Detention Center in Lumpkin, Georgia.

2. Ms. Binam was previously released from ICE detention on an order of supervision ("OSUP") in September 2020, after experiencing conscience-shocking medical abuse at the Irwin County Detention Center (ICDC), including the nonconsensual and unnecessary removal of part of her fallopian tube. Ms. Binam was one of the first detainees to speak out about widespread nonconsensual, invasive, and unnecessary medical procedures suffered by many women at ICDC. Her story was covered by international media and several members of Congress intervened on her behalf.

3. For over five years following her release, Ms. Binam fully complied with the terms of her supervised release, including attending all scheduled in-person check-ins with ICE.

4. Additionally, during this time Ms. Binam has served as caretaker for her U.S. citizen teen daughter, and, more recently, her lawful permanent resident parents, one of whom has significant health issues.

5. Ms. Binam has a pending U visa petition, filed on January 7, 2026, based on a certification from the Baltimore County District Attorney's office confirming that she was the victim of a serious crime and was helpful to law enforcement in the prosecution of that crime, receipt number [redacted] U visas provide a pathway to permanent status and allow for a waiver of relevant inadmissibility grounds. Additionally, Ms. Binam is the beneficiary of an approved family visa petition filed by her U.S. citizen sister with a priority date of July 31, 2019, receipt number [redacted]

6. Ms. Binam was arrested on a nonviolent misdemeanor charge in York County, South Carolina on October 14, 2025. Upon information and belief, because of an ICE hold (also referred to as an ICE detainer), she was not permitted to post bail. On December 19, 2025, Ms. Binam pleaded guilty to the offense of Public Disorderly Conduct, a 30-day misdemeanor in South

Carolina, and was sentenced to time served. *See* S.C. Code § 16-17-530. Because of the ICE hold, she was not released on her own recognizance following this disposition.

7. On or about December 22, 2025, Respondents transferred Ms. Binam to ICE custody at Stewart Detention Center in Lumpkin, GA, without following required agency procedures for revoking her order of supervision. Upon information and belief, Respondents did not assess any risk of danger or flight that would warrant Ms. Binam's re-detention. Upon information and belief, Respondents did not take steps to determine whether Ms. Binam would be removable to Cameroon in the foreseeable future, even though: (1) Ms. Binam's prior period of ICE detention surpassed the presumptively reasonable 6-month period set forth in *Zadvydas v. Davis*, 533 U.S. 678 (2001), (2) Ms. Binam had been in constructive custody pursuant to an OSUP for five years, and (3) Respondents issued an ICE hold on Ms. Binam on or about Oct. 14, 2025.

8. In failing to provide Ms. Binam with (1) proper notice of revocation of her order of supervision or (2) an informal post-deprivation interview, ICE flagrantly disregarded and violated its own binding policies and regulations. Respondents' continued detention of Ms. Binam violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and Nationality Act and implementing regulations, the Administrative Procedure Act, and the *Accardi* doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions. So long as Ms. Binam's removal is not reasonably foreseeable, ICE further violates the constitutional principles set forth in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

9. These Due Process violations are exacerbated by the egregious medical abuse that was perpetrated upon Ms. Binam when last in Respondents' custody and the fact that Ms. Binam has viable pathways to status through U.S. citizen family members and the U visa process.

10. Ms. Binam brings this habeas corpus action for injunctive and declaratory relief, asking the Court to order Respondents to immediately release her.

JURISDICTION AND VENUE

11. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and Art. I, § 9, cl. 2 of the United States Constitution (Suspension Clause), as Ms. Binam is presently in custody under or by color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States.

12. The federal courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). The United States Supreme Court upheld the federal courts' jurisdiction to review such claims in *Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018).[1]

13. Venue is proper in the United States District Court for the Middle District of Georgia, Columbus Division, pursuant to 28 U.S.C. §§ 1391(e)(1) and 2241(d), and Local Rule 3.4, because (1) at least one Respondent is in this District and Division, (2) Ms. Binam is currently detained within this District and Division, and (3) Ms. Binam's immediate physical custodian is in this District and Division.

PARTIES

14. Ms. Binam is currently detained at the Stewart Detention Center. Prior to Ms. Binam's transfer to Stewart on or about December 22, 2025, she was subject to an ICE detainer in

[1] 8 U.S.C. § 1252(g) and § 1252(b)(9) do not bar this Court's jurisdiction to review pure challenges to detention. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482-87 (1999); *see also Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 688-702 (2001); *Alvarez v. U.S. Immigrations and Customs Enforcement*, 818 F.3d 1194, 1205 (11th Cir. 2016).

York County, South Carolina, which was initially lodged on or about Oct. 14, 2025. Prior to that, Ms. Binam resided in Lancaster, South Carolina.

15. Respondent Jason Streeval is sued in his official capacity as Warden of Stewart Detention Center, where Ms. Binam is currently detained, as a legal custodian of Ms. Binam.

16. Respondent LaDeon Francis is sued in his official capacity as the Field Office Director of ICE's Atlanta Field Office, which enforces immigration and customs laws within this District, where Ms. Binam is detained.

17. Respondent Todd Lyons is sued in his official capacity as the Acting Director of ICE, a component of the Department of Homeland Security ("DHS"). As a result, Respondent Todd Lyons is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 and is a legal custodian of Ms. Binam.

18. Respondent Kristi Noem is sued in her official capacity as the Secretary of DHS. In this capacity, she directs DHS and ICE. As a result, Respondent Kristi Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 and is a legal custodian of Ms. Binam.

19. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103, oversees the Executive Office of Immigration Review ("EOIR"), and is a legal custodian of Ms. Binam.

STATEMENT OF FACTS

Arrival to the United States and Family Information

20. Ms. Binam is a 36-year-old woman who was born in Douala, Cameroon.

21. Ms. Binam's parents brought her to the United States in September of 1992, at the age of two, on a tourist visa. Ms. Binam has resided continuously in the United States since then. Growing up, Ms. Binam believed she was lawfully present in the United States and did not learn otherwise until she was around 18 years old.

22. Ms. Binam is the mother and caretaker of a seventeen-year-old United States citizen daughter, S.B.[2]

23. Ms. Binam is also a caretaker to her aging parents, Jeannette and Gabriel Binam, who are lawful permanent residents. Ms. Binam, who has significant training and experience in home health care, moved to Lancaster, South Carolina with her daughter to live with her parents and take care of her ailing father.

24. Ms. Binam has a pending U visa petition, filed on January 7, 2026, based on a certification from the Baltimore County District Attorney's office that she was the victim of a serious crime and was helpful to law enforcement in the investigation of the crime. Additionally, Ms. Binam has an approved F-4 family preference visa petition through her U.S. citizen sister with a priority date of July 31, 2019.

25. In less than four years, upon the twenty-first birthday of her daughter S.B., Ms. Binam would be eligible to apply for lawful permanent residence as the immediate relative of a U.S. citizen.

Ms. Binam's Immigration Proceedings and Prior Detention

26. Ms. Binam was first placed into removal proceedings in 2014 after being arrested for a misdemeanor in North Carolina. Ms. Binam was released from detention on her own recognizance on August 6, 2014.

[2] The name of Ms. Binam's minor daughter has been reduced to initials pursuant to Federal Rule of Civil Procedure § 5.2(a).

27. A few years later Ms. Binam was again detained by immigration authorities and transferred to the Irwin County Detention Center ("ICDC") on October 10, 2017, where she was held without bond.

28. While she was detained at ICDC, an Immigration Judge denied Ms. Binam's applications for cancellation of removal, withholding of removal, and protection under Convention Against Torture, and ordered Ms. Binam removed to Cameroon on June 12, 2019.

29. Ms. Binam timely appealed to the Board of Immigration Appeals (BIA). The BIA dismissed her appeal on January 21, 2020, resulting in a final order of removal.

30. While detained at ICDC, Ms. Binam, along with many other women, was the victim of nonconsensual, medically unnecessary, and invasive gynecological procedures at the hands of a doctor contracted by ICE. As part of his abuse, the government's contracted doctor removed part of Ms. Binam's fallopian tube, unnecessarily and without consent, and informed her she would no longer be able to naturally conceive a child. Ms. Binam bravely spoke out about the widespread, shocking medical abuse at ICDC, which resulted in alleged retaliation by ICE and ICDC staff.

31. Ms. Binam was transferred to Montgomery Processing Center in Conroe, Texas on or about February 24, 2020.

32. On or about September 16, 2020, ICE attempted to deport Ms. Binam to Cameroon. Upon information and belief, and according to contemporaneous reporting, ICE presented Ms. Binam with a temporary travel document issued by minister Dr. Charles Greene of Houston, who was allegedly an honorary consul.[3] Upon information and belief, the document was rejected by both the airline and the Cameroonian Embassy. An Embassy representative later stated that "the

[3] Molly O'Toole and Andrea Castillo, "'Betrayed' Black asylum seekers say Trump administration is ramping up deportations by force and fraud," The Los Angeles Times, Nov. 27, 2020, https://www.latimes.com/politics/story/2020-11-27/black-asylym-seekers-trump-officials-push-deportations.

embassy never issued any documents" for Ms. Binam and "[t]here's only one embassy, it's in Washington."[4]

33. After the revelations of the shocking medical abuse that Ms. Binam endured while detained, and upon the apparent finding that she was not a danger to the community or a flight risk, Ms. Binam was released from detention on September 19, 2020, under an order of supervision.

34. In total, Ms. Binam was previously detained at ICDC for thirty-five (35) months. She was detained for fifteen (15) months after she was initially ordered removed, eight (8) of which occurred after the Board of Immigration Appeals dismissed her appeal, resulting in a final order of removal.

Ms. Binam's Re-Detention in 2025 and ICE's Failure to Follow Procedure

35. Ms. Binam is currently physically confined in ICE custody at the Stewart Detention Center in Lumpkin, Georgia. She was transferred there on or about December 22, 2025, after having been put under an ICE detainer in the York County Jail in Rock Hill, South Carolina on or about October 14, 2025.

36. On December 19, 2025, Ms. Binam pled guilty to violating South Carolina's Public Disorderly Conduct statute, a 30-day misdemeanor, with a sentence of time served.

37. Upon information and belief, after entering her plea and being sentenced to time served in the morning of December 19, 2025, the sole reason for Ms. Binam's continued detention at the York County Jail was the aforementioned ICE hold.

38. Upon information and belief, Respondents did not provide Ms. Binam with proper written notification of the revocation of her order of supervision (OSUP) nor an informal post-

[4] Joe Penney, "Pauline Binam Says She Never Gave ICE Doctor Consent to Remove Her Fallopian Tube," The Intercept, Oct. 2, 2020, https://theintercept.com/2020/10/02/ice-irwin-amin-obgyn-cameroon-women/.

deprivation interview after her return to ICE custody, although both are required by ICE's own regulations. *See* 8 C.F.R. § 241.4(l).

39. On January 5, 2026, more than two weeks after being re-detained, and nearly two weeks after the initial filing of this petition, ICE officials visited Ms. Binam, stating they had been told to get her signature on a document as soon as possible. Upon information and belief, the document was the notice of revocation, which ICE regulations require be served *upon* revocation of release, not weeks later. Respondents had ample opportunity to follow the rules regarding notification of revocation of her order of supervision, including when ICE officials visited Ms. Binam at the jail in October and December 2025. Upon information and belief, ICE agents are co-located in the York County Jail and thus could have followed proper agency procedures at any point over a two-month period.

40. Further, upon information and belief, ICE officials did not allow Ms. Binam to fully read the document on January 5, 2026, as they took it back when she informed them that she would not sign it without first consulting her attorneys. Upon information and belief, Ms. Binam requested a copy of the document and has not yet received one. In addition to denying her the opportunity to read the document, the officials did not even verbally inform Ms. Binam of the reason her OSUP was being revoked.

41. Upon information and belief, ICE officials who attempted to gather Ms. Binam's signature on January 5, 2026, lacked authority to do so under ICE regulations.

42. Upon information and belief, Respondents have not yet secured travel documents necessary for Pauline's removal from the United States, even though Ms. Binam was in

Respondents' constructive custody for over five years pursuant to the OSUP, and even though ICE issued a detainer for her on or about October 14, 2025.[5]

43. Upon information and belief, ICE will be unable to secure lawful travel documents and arrange a deportation flight for Ms. Binam in the reasonably foreseeable future.

LEGAL FRAMEWORK

ICE Regulations Governing Revocations of Orders of Supervision

44. Before turning to Ms. Binam's argument that her redetention violates the constitutional principles articulated in *Zadvydas v. Davis*, 533 U.S. 678 (2001), there is a threshold regulatory question to address. Once ICE releases an individual from custody under an order of supervision ("OSUP"), the agency must comply with federal regulations when seeking to revoke the OSUP and re-detain that individual. *See generally* 8 C.F.R. § 241.4(l).

45. So long as otherwise constitutional, ICE has regulatory authority to revoke an OSUP and re-detain the individual where she has violated the conditions of her release, *id.* § 241.4(l)(1), or under certain other enumerated circumstances. *See id.* §§ 241.4(l)(2)(i)-(iv).

46. But even where such redetention is authorized, the agency must follow regulatory requirements. In particular, upon deciding to revoke the OSUP, and before taking the individual into custody, ICE is required to provide the individual with notice "of the reasons for revocation" and a prompt post-deprivation "informal interview . . . to afford the [individual] an opportunity to respond to the reasons for revocation stated in the notification." *Id.* § 241.4(l)(1); *see Noem v. Abrego Garcia*, 145 S.Ct. 1017, 1019 (2025) (statement of Sotomayor, J.) (emphasizing that 8 C.F.R. § 241.4(l) requires notice and an informal interview to revoke conditional release); *see also*

[5] Release under an order of supervision is still "legal custody" for habeas purposes. *See, e.g.*, *Ton v. Warden, Stewart Detention Center*, 2024 WL 5113210 at n.1 (M.D.Ga. Nov. 8, 2024) (citing *Alvarez v. Holder*, 454 F. App'x 769, 772 (11th Cir. 2011).

Perez-Escobar v. Moniz, 792 F. Supp. 3d 224, 226 (D. Mass. 2025) (quoting *Rombot v. Souza*, 296 F. Supp. 3d 383, 389 (D. Mass. 2017) ("While a noncitizen released on conditions may be 'returned to custody' under certain circumstances, the Supreme Court 'has never given ICE a carte blanche to re-incarcerate someone without basic due process protection.'"). If the interview does not result in release, the regulation then requires additional custody review by ICE headquarters. *Id.* § 241.4(l)(3).

47. Regulations also require "[a] copy of any decision . . . to release or to detain an alien to be provided to the detained alien." *Id.* § 241.4(d).

48. Courts interpret § 241.4(l)'s requirement of notice "upon revocation" to mean that notice must be given *at the time of revocation* (i.e. before re-arrest)—certainly not weeks after the individual has been taken into detention. In *Funes v. Francis*, _ F. Supp. 3d. _, 2025 WL 3263896 at *18 (S.D.N.Y. Nov. 24, 2025), the court found that even where notice was provided 11 hours post-revocation, that did not satisfy § 241.4(l). *See M.S.L. v. Bostock*, No. 6:25-cv-01204-AA, 2025 WL 2430267 at *11 (D. Ore. Aug. 21, 2025) (explaining that "§ 241.4(l) requires that when a noncitizens' release is revoked, she is to be notified of the reason 'upon revocation,' and not after nearly a month in detention); *Constantinovici v. Bondi*, _ F. Supp. 3d _, 2025 WL 2898985 at *6 (S.D. Cal. Oct. 10, 2025) (granting release where, among other procedural violations, revocation notice was given weeks after petitioner's re-detention and days after filing of habeas petition).

49. Moreover, the regulation also limits this authority to certain supervisory officials within the agency. Specifically, OSUP revocation authority is lodged only with the "Executive Associate Commissioner" (*i.e.*, ICE ERO Executive Associate Director), the "district director" (*i.e.*, ICE ERO Field Office Director), or a properly delegated official can revoke an OSUP. *See id.* § 241.4.(l)(2).

50. For a delegated official to have authority to revoke an OSUP, the delegation order must explicitly say so. *See Ceesay v. Kurzdorfer*, 781 F. Supp.3d 137, 161 (W.D.N.Y. 2025) (finding a delegation order that "refers only to a limited set of powers under [Section] 241 that do not include the power to revoke release" insufficient to grant authority to revoke an OSUP). And with respect to Field Office Directors—these officials are only permitted to revoke an OSUP when "revocation is in the public interest *and* circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4.(l)(2). (emphasis added).

51. An ERO Delegation Order dated July 25, 2019, purports to delegate "certain detention and removal authority" from the Executive Associate Director to Assistant Field Office Directors, Detention and Deportation Officers, and Enforcement and Removal Operations personnel. However, as courts have recognized, "the delegation order *does not delegate the authority to revoke orders of release.*" *Ceesay*, 781 F. Supp. 3d at 161; *see also Funes*, _ F. Supp.3d _, 2025 WL 3263896 at *14 (S.D.N.Y. Nov. 24, 2025) (same); *Sikeo v. Cantu*, 2025 WL 2937064 at *2 (D. Ariz. Sept. 24, 2025) (same). Nor could it, because interpreting the order to delegate the Executive Associate Director's broader revocation authority to all Detention and Deportation Officers would effectively sidestep ICE's own regulations, which require that a field office director (higher in rank than a DDO, but lower than the EAD) may only revoke release upon making certain findings and giving the noncitizen the opportunity to be heard. 8 C.F.R. § 241.4 (l)(2).

The* Accardi *Doctrine Requires Respondents to Adhere to These Regulations

52. Pursuant to the *Accardi* doctrine, which originated in the immigration context in the case *Accardi v. Shaughnessy*, 347 U.S. 260 (1954), agencies are bound to follow their own rules that affect the fundamental rights of individuals, including self-imposed policies and processes that limit otherwise discretionary decisions. *See id.* at 266-67 (holding that BIA must

follow its own regulations in its exercise of discretion); *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 . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

53. The requirement that an agency follow its own policies is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Even an unpublished policy binds the agency if "an examination of the provision's language, its context, and any available extrinsic evidence" supports the conclusion that it is "mandatory rather than merely precatory." *Doe v. Hampton*, 566 F.2d 265, 281 (D.C. Cir. 1977); *see also Morton*, 415 U.S. at 235-36 (applying *Accardi* to violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) ("Nor does it matter that these IRS instructions to Special Agents were not promulgated in something formally labeled a 'Regulation' . . .").

54. When agencies fail to adhere to their own policies as required by *Accardi*, courts typically frame the violation as arbitrary, capricious, and contrary to law under the Administrative Procedure Act ("APA"), *see Damus v. Nielson*, 313 F. Supp. 3d 317, 337 (D.D.C. 2018) ("It is clear, moreover, that [Accardi] claims may arise under the APA"), or as a due process violation, *see Sameena, Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998) ("An agency's failure to follow its own regulations 'tends to cause unjust discrimination and deny adequate notice' and consequently may result in a violation of an individual's constitutional right to due process." (quoting *NLRB v. Welcome–American Fertilizer Co.*, 443 F.2d 19, 20 (9th Cir. 1971))).

55. Prejudice is generally presumed when an agency violates its own policy. *See Montilla*, 926 F.2d at 167 ("[W]e hold that a [noncitizen] claiming the INS has failed to adhere to its own regulations . . . is not required to make a showing of prejudice before he is entitled to relief.

All that need be shown is that the subject regulations were for the [noncitizen]'s benefit and that the INS failed to adhere to them."); *Heffner*, 420 F.2d at 813 ("The *Accardi* doctrine furthermore requires reversal irrespective of whether a new trial will produce the same verdict.").

56. Moreover, with respect to the OSUP revocation rules, the prejudice that follows the agency's failure to follow them is apparent. *See, e.g.*, *Funes*, _ F. Supp.3d _, 2025 WL 3263896 at *23 (S.D.N.Y. Nov. 24, 2025); *Grigorian v. Bondi*, Case No. 25-CV-22914-RAR, 2025 WL 2604573 at *9 (S.D. Fla. Sept. 9, 2025) ("The opportunity to contest detention through an informal interview is not some ticky-tacky procedural requirement; it strikes at the heart of what due process demands."). The regulations are designed to ensure procedural due process—notice and an opportunity to be heard—*before* the fundamental liberty interest of being free from physical confinement is infringed upon.

57. Ms. Binam had substantial arguments available to try to persuade ICE to refrain from revoking her OSUP and taking her into detention. These arguments include, but are not limited to: (1) the fact that her daughter, parents, and two siblings all have citizenship or permanent resident status; (2) the caretaking role she plays for her teen daughter and her elderly parents, one of whom has significant health concerns; (3) the viable pathways to status that she has through her family members, including an already approved family petition filed by her sister; (4) her pathway to status via a pending U visa application as a victim of a serious crime; and (5) the egregious, shock-the-conscience medical abuse that she experienced when last in Respondents' custody.

58. To remedy an *Accardi* violation, a court may direct the agency to properly apply its policy, *see Damus*, 313 F. Supp. 3d at 343 ("[T]his Court is simply ordering that Defendants do what they already admit is required."), or a court may apply the policy itself and order relief consistent with the policy, *see Jimenez v. Cronen*, 317 F. Supp. 3d 626, 657 (D. Mass. 2018)

(scheduling bail hearing to review petitioners' custody under ICE's standards because "it would be particularly unfair to require that petitioners remain detained . . . while ICE attempts to remedy its failure").

59. District courts have been ordering habeas petitioners released where the government has failed to strictly adhere to the OSUP revocation process, even where there may be a basis for revocation. *See, e.g., Funes v. Francis*, _ F. Supp.3d _, 2025 WL 3263896 (S.D.N.Y. Nov. 24, 2025); *Grigorian v. Bondi*, Case No. 25-CV-22914-RAR, 2025 WL 2604573 (S.D. Fla. Sept. 9, 2025); *K.E.O. v. Woosley*, Case No. 4:25-cv-74-RGJ, 2025 WL 2553394 (W.D. Ky. Sept. 4, 2025).

Post-Removal Order Detention Under Section 1231

60. Even if Respondents had complied with the OSUP revocation rules described above, Ms. Binam contends that her redetention is constitutionally infirm. Section 1231 of Title 8 of the U.S. Code governs the detention of individuals who are subject to a final order of removal. *See* 8 U.S.C. § 1231(a).

61. Detention under Section 1231 is only mandatory during the initial ninety-day "removal period," 8 U.S.C. § 1231(a)(1)(A)—the window during which the government is typically required to effectuate removal. The removal period begins on the latest of the following:

(i) The date the order of removal becomes administratively final.

(ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order.

(iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

8 U.S.C. § 1231(a)(1)(B).

62. After the ninety-day removal period, detention is no longer mandatory, and the individual should generally be released under conditions of supervision, such as periodic reporting.

See 8 U.S.C. § 1231(a)(3); *see also id.* § 1231(a)(6) (providing that certain inadmissible and removable noncitizens "may be detained beyond the removal period" if they are determined "to be a risk to the community or unlikely to comply with the order of removal"); 8 C.F.R. § 241.4 (detailing criteria and procedures for release of individuals detained beyond the removal period who do not pose a threat to the community or a significant flight risk).

63. The 90-day removal period may be extended if the individual "fails or refuses to make timely application in good faith for travel or other documents necessary to [her] departure or conspires or acts to prevent [her] removal." 8 U.S.C. § 1231(a)(1)(C). Under these circumstances, the regulations require ICE to serve the individual with a Notice of Failure to Comply, advising her that the removal period has been extended and explaining the steps she must take in order to demonstrate compliance. *See* 8 C.F.R. § 241.4(g)(5)(ii). Detention is also discretionary during the time(s) when an individual's removal period is extended pursuant to Section 1231(a)(1)(C).

Constitutional Limitations on Detention Under Section 1231

64. The Constitution imposes limits on the government's post-removal period discretionary detention authority under Section 1231. In *Zadvydas*, the Supreme Court construed Section 1231(a)(6) to contain an "implicit 'reasonable time' limitation" in light of the "serious constitutional problem" raised by potentially indefinite civil detention under the INA. 533 U.S. at 682, 690. These limitations are rooted in the Due Process Clause of the Fifth Amendment. *See id.* at 690 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.").

65. In the civil immigration context, the only permissible justifications for ongoing civil detention are preventing flight and protecting the community from danger. *Id.* at 690-91. The

justification of preventing flight is "weak or nonexistent" where removal is not foreseeable, and detention based on dangerousness is only permissible "when limited to specially dangerous individuals and subject to strong procedural protections." *Id.*

66. *Zadvydas* adopted a "presumptively reasonable period of detention" of six months, inclusive of the 90-day removal period. *Id.* at 701. "After this 6-month period, once the [petitioner] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.*; *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005) (extending *Zadvydas*'s holding to inadmissible noncitizens). After that point, the government must release the individual unless it can show some "sufficiently strong special justification" for continuing her detention. *Zadvydas*, 533 U.S. at 690-91, 701.

67. Under the *Zadvydas* standard, a habeas petitioner is not required to show that her removal is "impossible," but rather only that it is unlikely; conversely, a mere claim by the government that "good faith efforts to effectuate . . . deportation continue" is not sufficient to justify continued detention after six months. *See id.* at 702 (vacating Fifth Circuit judgment employing these standards because they "demand[] more than our reading of the statute can bear."). Furthermore, "as the period of prior postremoval confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Id.* at 701.

68. A petitioner subject to post-removal period detention in the Eleventh Circuit can make out a claim under *Zadvydas* by showing: (1) detention for over six months, and (2) that there is no significant likelihood of his removal in reasonably foreseeable future. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

69. Release is the proper remedy for unconstitutionally prolonged post-removal order detention. *See Zadvydas*, 533 U.S. at 699-700 (explaining that supervised release is the appropriate relief when "the detention in question exceeds a period reasonably necessary to secure removal" because, at that point, detention is "no longer authorized by statute.").

Zadvydas *Claims in the Re-Detention Context*

70. Courts have held that "the six-month period does not reset when the government detains an alien under 8 USC 1231(a), releases him from detention, and then re-detains him again." *Sied v. Nielsen*, 2018 WL 1876907 (N.D.Ca. Apr. 19, 2018) at *6. *See Siguenza v. Moniz*, 2025 WL 2734704 (D. Mass. Sept. 27, 2025) at *3 (collecting cases); *Chen v. Holder*, 2015 WL 13236635 (W.D.La. Nov. 20, 2015) at *2 ("[U]nder the reasoning of *Zadvydas*, a series of releases and re-detentions by the government [. . .] while technically not in violation of the presumptively reasonable jurisprudential six month removal period, in essence results in an indefinite period of detention, albeit executed in successive six month intervals."); *see also Nguyen v. Hyde*, 788 F.Supp.3d 144, 149 (D. Mass. 2025) (finding presumption of reasonableness under *Zadvydas* inapplicable where petitioner was released on OSUP and subsequently re-detained); *Nguyen v. Scott*, 796 F.Supp.3d 703 (W.D. Wash. 2025) (same).

71. In fact, some courts have counted time spent under supervised release from ICE detention toward the *Zadvydas* period. *See, e.g., Tadros v. Noem*, 2025 WL 1678501 (D.N.J. Jun. 13, 2025) at *3 (finding six-month presumptively reasonable period for detention had run while petitioner was on supervised release and respondent thus held burden to show removal was likely in reasonably foreseeable future); *Zavvar v. Scott*, 2025 WL 2592543 (D. Md. Sept. 8, 2025) at *4. This makes intuitive sense, because, as courts in this district have observed, release pursuant to an OSUP is considered constructive custody. *See Ton v. Warden, Stewart Detention Center*, Case No.

4:24-cv-111-CDL-AGH, 2024 WL 5113210 at n.1 (M.D. Ga. Nov. 8, 2024) ("'[T]he Supreme Court has found that the in custody requirement [of the federal habeas statute] is satisfied where restrictions are placed on a petitioner's freedom of action or movement.'") (quoting *Alvarez v. Holder*, 454 F. App'x 769, 772 (11th Cir. 2011).

72. To be sure, some courts in this district have suggested that prior periods of detention somehow do not matter for assessing whether continued detention is constitutional in a post-order context. *See, e.g., O.K. v. Warden, Stewart Detention Center*, 2025 WL 2970541 (M.D. Ga. Oct. 17, 2025) (dismissing as not yet ripe a habeas petition based on *Zadvydas* where petitioner had been redetained for about a month, approximately four to five years after a previous detention period that had exceeded 6 months). With respect, those decisions depart from the bulk of persuasive authority, and their reasoning would allow Respondents to flagrantly circumvent the Constitutional concerns articulated by the Supreme Court in *Zadvydas* by simply releasing and redetaining noncitizens who have removal orders in order to restart the clock. But, in any event, the seminal case on which *O.K. v. Warden* and the few similar decisions appear to rely for this perspective was itself more nuanced. *See Meskini v. Attorney General of U.S.*, 2018 WL 1321576 (M.D. Ga. Mar. 14, 2018). In *Meskini*, the Petitioner's removal period was interrupted and elongated not by release pursuant to an OSUP, but rather by a new period of criminal custody that followed a procedurally-delayed indictment. *Id.* at *4. Furthermore, the Court in *Meskini* had received and cataloged high-level agency declarations detailing the steps being taken to effectuate the petitioner's removal following that period of criminal custody. *Id.* at *2, *4. Finally, and as distinct from Ms. Binam's situation, the *Meskini* Court emphasized that the petitioner there had serious federal felonies, including providing material support to terrorists, and no viable pathway to lawful status. *Id.* at *1, *3.

73. Thus, upon closer examination *Meskini* is materially distinguishable from Ms. Binam's situation and does not support the reasoning of the more recent cases that appear to rely on it to deny habeas relief in a post-removal order redetention context. Respectfully, this Court should depart from those nonbinding decisions and join the many courts finding that *Zadvydas* prohibits the government from re-detaining a noncitizen whose removal is not reasonably foreseeable merely because that person has been released for a period of time.

CLAIMS FOR RELIEF

COUNT ONE:

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 8 U.S.C. 702, AND THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

ICE's failure to abide by its own binding policy in violation of the* Accardi *doctrine: 8 C.F.R. § 241.4(l) (revocation of orders of supervision)

74. Ms. Binam realleges and incorporates by reference all paragraphs above.

75. When ICE officials re-detained Ms. Binam, they violated their own regulations and policies concerning revocation of Orders of Supervision ("OSUPs").

76. Contrary to their own regulations, Respondents did not provide Ms. Binam with any written notice "upon revocation" explaining the reasons for revoking her OSUP and re-detaining her. Instead, two weeks *after* her re-detention (and after the initial filing of this petition), Respondents hurriedly attempted to obtain Ms. Binam's signature on a document they claimed was a revocation notice, but they did not allow Ms. Binam to read it in full or keep a copy. Moreover, upon information and belief, Respondents only took this measure in reaction to and because of Ms. Binam's habeas petition. Nor did they provide her with a prompt post-deprivation

interview, as required by 8 C.F.R. § 241.4(l), which would have given her the opportunity to present ample arguments to persuade Respondents not to revoke her OSUP.

77. Upon information and belief, ICE ERO's Executive Associate Director did not authorize the revocation of Ms. Binam's OSUP; nor did the Field Office Director authorize the revocation based on a finding that the "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4(l)(2).

78. ICE's violation of its own binding policy and regulation governing the revocation of OSUPs violates the well-established *Accardi* doctrine, under which agencies are required to follow their own policies. *See Damus*, 313 F. Supp. 3d at 337.

79. Accordingly, Ms. Binam is entitled to immediate release.

COUNT TWO:

VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231

Indefinite detention beyond the removal period

80. Ms. Binam realleges and incorporates by reference all paragraphs above.

81. 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for "a period reasonably necessary to bring about the alien's removal from the United States." 533 U.S. 689, 701.

82. Ms. Binam was initially detained on Oct. 19, 2017, and was still subject to that detention when her order of removal became final on January 21, 2020.

83. Subsequently, Ms. Binam spent over an additional eight months in ICE custody without being removed. She then was released on Sept. 19, 2020, pursuant to an order of supervision, and was thus in ICE's constructive custody for five years. She then spent over two

months subject to an ICE hold at the York County Jail, where she faced a release-eligible misdemeanor charge but was unable to post bail due to the ICE hold.

84. Upon information and belief, although Ms. Binam has been in Respondents' actual and constructive custody for over eight years—almost six of which have occurred after her order of removal became final—ICE does not have legitimate travel documents with which to effectuate Ms. Binam's removal to Cameroon.

85. Ms. Binam's recent re-detention, which further extends her time in ICE custody well beyond the six-month period set forth in *Zadvydas*, is thus unreasonable because her removal is not reasonably foreseeable, and she is neither a flight risk nor a danger to the community. Therefore, her continued detention violates 8 U.S.C. § 1231(a)(6), and she must be immediately released.

COUNT THREE:

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(C)

In Excess of Statutory Authority

86. Ms. Binam realleges and incorporates by reference all paragraphs above.

87. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . in excess of statutory jurisdiction, authority, or limitations, or should of statutory right." 5 U.S.C. § 706(2)(C).

88. "An agency . . . literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute." *FEC v. Cruz*, 596 U.S. 289, 301 (2022) (cleaned up).

89. 8 U.S.C. § 1231(a)(6) only authorizes detention past the 90-day removal period for a person who is found to be a danger to the community, unlikely to comply with a removal order,

or whose removal order is on certain grounds specified in the statute. Even then, if removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate." *Zadvydas v. Davis*, 533 U.S. 678, 699-700 (2001).

90. Because Ms. Binam was previously detained, subsequent to a final order of removal, for longer than the maximum allowable period under *Zadvydas*, and because the government cannot demonstrate significant likelihood of removal in the reasonably foreseeable future, Ms. Binam's re-detention violates 1231(a)(6).

COUNT FOUR:

VIOLATION OF THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION

Substantive Due Process

91. Ms. Binam realleges and incorporates by reference all paragraphs above.

92. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. U.S. Const. amend. V.

93. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690.

94. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 506 U.S. 715, 738 (1972)). The Supreme Court recognized that the statutory purpose of § 1231 is to "effectuat[e] . . . removal." *Id.* at 697.

95. Ms. Binam's cumulative civil detention has extended well beyond the 90-day removal period.

96. In addition to the eight months that Ms. Binam was detained after her final order of removal, ICE was unable to effectuate removal during the *five-year* period that Ms. Binam was released on an order of supervision. Her re-detention, with no evidence that removal is now reasonably foreseeable, is thus not reasonably related to the primary statutory purpose of effectuating removal. *Id.* at 697.

97. Furthermore, no statutorily relevant change in circumstances warranted Ms. Binam's re-detention. As caretaker to her daughter and parents, Ms. Binam is not a flight risk, further evidenced by Ms. Binam's attendance at all scheduled in-person ICE check-ins mandated by her supervised release prior to her October 2025 arrest. Ms. Binam is also not a danger to the community. Although she does have a criminal history, it is not violent. While she recently was convicted of Public Disorderly Conduct following a guilty plea, this minor disposition is a 30-day misdemeanor that does not encompass public safety concerns.

98. Ms. Binam's re-detention, therefore, did not bear a reasonable relationship to the two recognized purposes of immigration detention past the removal period: preventing danger to the community, or flight prior to removal.

99. The conscience-shocking medical abuse that Ms. Binam suffered the last time she was in Respondents' physical custody amplifies the due process violations in this case, as does that fact that Ms. Binam has numerous immediate family members with U.S. citizenship or permanent residence and viable pathways to lawful status, including through an approved family petition filed by her sister and the U visa process.

100. For these reasons, Ms. Binam's detention violates substantive due process.

PRAYER FOR RELIEF

WHEREFORE, Ms. Binam requests that this Court:

101. Exercise jurisdiction over this matter;

102. Order Respondents to show cause why the writ should not be granted "within **three days** unless for good cause additional time, not exceeding twenty days, is allowed," pursuant to 28 U.S.C. § 2243;

103. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;

104. Enjoin Respondents from transferring Ms. Binam outside of this judicial district pending litigation of this matter or her removal proceedings;

105. In the event that this Court determines that a genuine dispute of material fact exists regarding Ms. Binam's entitlement to habeas relief, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243. *See Singh v. U.S. Att'y Gen.*, 945 F.3d 1310, 1315–16 (11th Cir. 2019);

106. Grant a writ of habeas corpus ordering Respondents to immediately release Ms. Binam from their custody;

107. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Ms. Binam;

108. Declare that Ms. Binam's detention violates the Due Process Clause;

109. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

110. Grant such further relief as this Court deems just and proper.

Dated: January 8, 2026

Respectfully submitted,

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner, Ms. Pauline Binam, because I am the attorney for Petitioner. I or my co-counsel have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 8, 2026

Respectfully submitted,

/s/ Jason A. Cade
Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I or my co-counsel will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

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Dated: January 8, 2026

Respectfully submitted,

/s/ Jason A. Cade
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