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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Woodley GEINCHARLES,

Petitioner,

v.

ERIC ROKOSKY, in his official capacity as
Warden of the Elizabeth Detention Center;

TODD LYONS, in his official capacity as
Acting Director of the Immigration and
Customs Enforcement;

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;

PAMELA BONDI, in her official capacity as
Attorney General of the United States;

Respondents.

Case No. 2:26-cv-150

**VERIFIED PETITION FOR A
WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Woodley Geincharles (“Petitioner”) seeks release from detention as a Haitian national who has established his prima facie eligibility for Temporary Protected Status (“TPS”).

2. The TPS statute provides that a noncitizen “provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen]’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4) (emphasis added). That protection remains available even if the TPS holder lacks other immigration status, because the government “shall not remove the [noncitizen] from the United States during the period in which such [TPS] status is in effect.” 8 U.S.C. § 1254a(a)(1)(A).

3. By statute, TPS benefits “shall be provided” to any noncitizen “who establishes a prima facie case of eligibility” for TPS. 8 U.S.C. § 1254a(a)(4)(B). Individuals who have established prima facie eligibility for TPS are entitled to: (1) freedom from detention on account of their immigration status, (2) a stay of removal from the United States, and (3) work authorization incident to their application and the designation. 8 U.S.C. §§ 1254a(a)(1)(B), (d)(4).

4. Despite this unambiguous statutory command not to detain noncitizens who have established prima facie eligibility for TPS, Petitioner has now been detained by U.S. Immigration and Customs Enforcement (“ICE”) for nearly six months after establishing such eligibility.

5. Petitioner challenges his detention as a violation of the Immigration and Nationality Act (“INA”) and the Due Process Clause of the Fifth Amendment.

6. Petitioner respectfully requests that this Court grant him a Writ of Habeas Corpus and order Respondents to release him from custody.

CUSTODY

7. Petitioner is in the physical custody of Respondents. Petitioner is imprisoned at the Elizabeth Detention Center, an immigration detention facility, in Elizabeth, New Jersey. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

8. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 *et seq.*

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution; and 28 U.S.C. § 1331 (federal question jurisdiction).

10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue is proper in the District of New Jersey because Petitioner is physically detained in Elizabeth, New Jersey, which is located in this district. *See Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004) (“[T]he traditional rule has always been that habeas relief is issuable only in the district of confinement”); *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 444-45 (3d Cir. 2021) (applying the district of confinement rule to a habeas petition challenging immigration detention).

12. Venue is also proper in the District of New Jersey pursuant to 28 U.S.C. § 1391(b)(2) and (c)(1) because a substantial part of the events giving rise to the claims in this action took place within this district. *See also Braden v. 30th Judicial Circuit*, 410 U.S. 484, 493-94

(1973) (holding that venue lies where it is most convenient, where “material events took place,” and where “records and witnesses pertinent to petitioner’s claim are likely to be found.”).

PARTIES

13. Petitioner Woodley Geincharles is currently detained by Respondents at the Elizabeth Detention Center, an immigration detention facility. He has been in ICE custody since approximately March 2025.

14. Respondent Eric Rokosky is employed as Warden of the Elizabeth Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

15. Respondent Todd Lyons is the Acting Director of DHS Immigration and Customs Enforcement (“ICE”). As such, Todd Lyons is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

16. Respondent Kristi Noem is the Secretary of the DHS. She is responsible for the implementation and enforcement of the INA and oversees ICE, which is responsible for Petitioner’s present DHS detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity. Respondent DHS is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

17. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review (“EOIR”) and the immigration court system it operates is a component agency. She is sued in her official capacity. Respondent EOIR is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

LEGAL FRAMEWORK

1. TPS is a statutory program that provides concrete, rapid protections to nationals of designated countries. 8 U.S.C. § 1254a, *et seq.* Regardless of any other immigration status, qualifying nationals of designated countries may not be removed from the United States and may not be detained. 8 U.S.C. §§ 1254a(a)(1)(B), (d)(4).

2. To qualify for TPS, a national of a TPS-designated country must show that the applicant: (1) was “continuously physically present in the United States since the effective date of the [country’s] most recent designation”; (2) “continuously resided in the United States” since the TPS designation date; and (3) “is admissible as an immigrant,” with certain exceptions and opportunities for waivers. 8 U.S.C. § 1254a(c)(1)(A)(i)-(iii). TPS is available to any qualifying noncitizen irrespective of other immigration status. *See* 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to [a noncitizen] based on the [noncitizen]’s immigration status”); 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” noncitizens).

3. To obtain TPS benefits, a noncitizen must apply on Form I-821 during the “registration period” established by the DHS Secretary, which must last at least 180 days. 8 U.S.C. § 1254a(c)(1)(A)(iv).

4. The TPS statute unambiguously provides that a noncitizen “provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen]’s immigration status in the United States.”¹ 8 U.S.C. § 1254a(d)(4) (emphasis added).

¹ “Attorney General” in Section 1254a now refers to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. § 1103; 6 U.S.C. § 557.

5. Both TPS holders and TPS applicants who have established their prima facie case for TPS are entitled to the benefits of this clear statutory command prohibiting detention. The TPS statute provides that a TPS applicant “who establishes a prima facie case of eligibility for [TPS] benefits . . . shall be provided [temporary treatment] benefits” pending final adjudication of their application. 8 U.S.C. § 1254a(a)(4)(B). Pursuant to this provision, individuals with prima facie applications for TPS are entitled to the benefits afforded under 8 U.S.C. § 1254a(1).

6. The benefits delineated under paragraph (1) of 8 U.S.C. § 1254a include a stay of removal from the United States, employment authorization, and a “grant” of temporary protected status. A grant of temporary protected status includes a prohibition on immigration detention. 8 U.S.C. § 1254a(d)(4) (“[A noncitizen] provided temporary protected status under this section shall not be detained . . . on the basis of the [noncitizen]’s immigration status in the United States.”).

7. Taken together, these provisions guarantee TPS-eligible noncitizens the right to be free from detention from the time that they establish their prima facie eligibility for TPS through the time their country’s TPS designation ends. Federal regulations affirm this duration, stating that temporary treatment benefits “shall remain in effect until a final decision has been made on the application for Temporary Protected Status.” 8 C.F.R. § 244.10(e)(2); *see also* 8 C.F.R. § 244.13(a) (“Temporary treatment benefits terminate upon a final determination with respect to the [noncitizen]’s eligibility for Temporary Protected Status.”).

8. Federal regulations establish that receipt of a completed application establishes a TPS applicant’s necessary prima facie eligibility for temporary benefits. The regulations state that “[u]pon the filing of an application for [TPS], the [noncitizen] shall be afforded temporary treatment benefits, if the application establishes the [noncitizen]’s prima facie eligibility for [TPS].” 8 C.F.R. § 244.5(b); *see also id.* § 244.10(a) (“USCIS will grant temporary treatment

benefits to the applicant if the applicant establishes prima facie eligibility for Temporary Protected Status.”).

9. Moreover, federal regulations define prima facie eligibility to mean “eligibility established with the filing of a completed application for Temporary Protected Status containing factual information that if unrebutted will establish a claim of eligibility.” 8 C.F.R. § 244.1. In promulgating the regulations, the agency affirmed that prima facie eligibility is established by the filing of a completed application that contains an applicant’s requisite information. *See* Temporary Protected Status, 56 Fed. Reg. 23,491, 23,493 (May 22, 1991) (further confirming that “that temporary treatment benefits should be issued immediately after the applicant establishes his or her prima facie eligibility”).

10. It is irrelevant for purposes of this case that the designation of TPS for Haiti will expire in February 2026. TPS for Haiti remains in effect and the TPS statute’s command applies so long as a TPS applicant, such as Petitioner, has established prima facie eligibility for TPS for a country with an active designation.

11. Under 8 U.S.C. § 1254a, until the date and moment of TPS for Haiti’s expiration, Petitioner may not be detained because of the temporary treatment benefits to which he is entitled under the statute. Yet Petitioner has now been illegally imprisoned for the nearly six months that have passed since he initially established his prima facie eligibility for TPS.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

I. TPS for Haiti Remains in Effect.

12. Since its initial designation in January 2010, Haiti has been consistently redesignated and extended under Section 244 of the INA up to and including February 3, 2026.²

13. The current 2024 designation lasting until and including February 3, 2026, was partially vacated by DHS Secretary Kristi Noem on February 24, 2025.³ Under this partial vacatur, TPS for Haiti remained in effect but was set to end on August 3, 2025.⁴ Then, on July 1, 2025,

² See Designation of Haiti for TPS, 75 Fed. Reg. 3,476 (Jan. 21, 2010) (from January 10, 2010, to July 22, 2011); Extension and Redesignation of Haiti for TPS, 76 Fed. Reg. 29,000, 29001 (May 19, 2011) (from July 22, 2013, to January 22, 2013); Extension of Haiti for TPS, 77 Fed. Reg. 59,943, 59,944 (Oct. 1, 2012) (from January 23, 2013, to July 22, 2014); Extension of Haiti for TPS, 79 Fed. Reg. 11,808, 11,809 (Mar. 3, 2014) (from July 23, 2014, to January 22, 2016); Extension of Haiti for TPS, 80 Fed. Reg. 51,582, 51,583 (Aug. 25, 2015) (from January 23, 2016, to July 22, 2017); Extension of Haiti for TPS, 82 Fed. Reg. 23,830 (May 24, 2017) (from July 23, 2017, to January 22, 2018); 83 Fed. Reg. 54,764-69 (Oct. 31, 2018) (automatic extension pursuant to preliminary injunction in *Ramos v. Nielsen*, 336 F. Supp. 3d 1075, 1097-98, 1108 (N.D. Cal. 2018)); 84 Fed. Reg. 7,103-09 (Mar. 1, 2019) (same); 84 FR 59,403-10 (Nov. 4, 2019) (automatic extension pursuant to preliminary injunction in *Ramos*, 336 F. Supp. 3d 1075, and *Saget v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019)); 85 Fed. Reg. 79,208-15 (Dec. 9, 2020) (same); Designation of Haiti for TPS, 86 Fed. Reg. 41,863, 41,864 (Aug. 3, 2021) (from August 3, 2021, to February 3, 2023) (new initial designation); 86 FR 50,725-33 (Sept. 10, 2021) (automatic extension pursuant to preliminary injunctions); 87 FR 68,717-25 (Nov. 16, 2022) (automatic extension pursuant to preliminary injunctions); Extension and Redesignation of Haiti for TPS, 88 FR 5,022 (Jan. 26, 2023) (from February 4, 2023, to August 3, 2024); Extension and Redesignation of Haiti for TPS, 89 FR 54,484, 54,487 (July 1, 2024) (from August 4, 2024 to February 3, 2026).

³ See Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti, 90 Fed. Reg. 10511 (Feb. 24, 2025); see also DHS, Press Release: Secretary Noem Rescinds Previous Administration's Extension of Haiti's TPS, Feb. 20, 2025, <https://www.dhs.gov/news/2025/02/20/secretary-noem-rescinds-extension-haitis-temporary-protected-status>. While Secretary Noem refers to the July 1, 2024 Haiti Extension and Redesignation as the "June 4, 2024 decision" throughout the Federal Register notice, the decision was published on July 1, 2024 and was apparently first announced on June 28, 2024. See Press Release, Secretary Mayorkas Announces Extension and Redesignation of Haiti for Temporary Protected Status, at <https://www.dhs.gov/archive/news/2024/06/28/secretary-mayorkas-announces-extension-and-redesignation-haiti-temporary-protected>.

⁴ *Id.*

DHS announced that it would terminate TPS protections for Haiti, with an effective termination date of September 2, 2025.⁵

14. On July 15, a federal judge issued a decision blocking the termination of TPS protections for Haiti until February 3, 2026.⁶ In alignment with this order, DHS announced a new termination date of February 3, 2026.⁷

15. Under the current designation of TPS for Haiti, the initial registration period for individuals who do not have TPS began on July 1, 2024.⁸ To demonstrate *prima facie* eligibility, individuals must establish continuous residence in the United States since June 13, 2024, and continuous physical presence since August 4, 2024.⁹ The partial vacatur of TPS and its impending termination do not alter these requirements.¹⁰

II. Respondents unlawfully continued Petitioner's detention despite his having established *prima facie* eligibility for TPS from Haiti.

16. Petitioner is a national of Haiti and a TPS applicant under the 2024 Haitian TPS designation. *See* Ex. A.

17. ICE officers took Petitioner into custody in approximately March 2025 after Petitioner was arrested on a petty misdemeanor charge which remains pending. Petitioner was ordered removed by an Immigration Judge on September 29, 2025, and filed a notice of appeal with the Board of Immigration Appeals on October 29, 2025. Petitioner's appeal is ongoing.

⁵ Termination of the Designation of Haiti for Temporary Protected Status, 90 Fed. Reg. 28,760 (July 1, 2025).

⁶ *See Haitian Evangelical Clergy Assoc. v. Trump*, 789 F. Supp. 3d 25 (E.D.N.Y. 2025).

⁷ Termination of the Designation of Haiti for Temporary Protected Status, 90 Fed. Reg. 54,733 (Nov. 28, 2025).

⁸ *See* Extension and Redesignation of Haiti for TPS, 89 Fed. Reg. 54,484, 54,487 (July 1, 2024).

⁹ *Id.*

¹⁰ *See* Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti, 90 Fed. Reg. 10511 (Feb. 24, 2025); Termination of the Designation of Haiti for Temporary Protected Status, 90 Fed. Reg. 28,760 (July 1, 2025).

18. Petitioner applied for TPS on June 26, 2025. *See id.* Petitioner has been continuously physically present and residing in the United States since he entered in August 2021. *See id.* He has thus established his prima facie eligibility for relief.

19. Petitioner received confirmation of the delivery of his application to USCIS on June 27, 2025. *See Ex. B.*

20. Even though TPS remains in effect, Petitioner has not yet received a receipt notice from U.S. Citizenship and Immigration Services despite receiving confirmation of the delivery of his application nearly six months ago. Moreover, the USCIS case processing times service does not display an estimated processing time for initial TPS registrations for Haiti. *See Ex. C.*

21. Whether or not USCIS timely adjudicates Petitioner's application, TPS for Haiti remains in effect and Petitioner applied for TPS, established his prima facie case, and is entitled to temporary treatment benefits under the statute. This includes the statutory prohibition against civil immigration detention. 8 U.S.C. § 1254a(d)(4).

22. Petitioner's attorney sent an e-mail to the ICE office and relevant supervisory officials at the Newark field office. The message requested Petitioner's release from detention, citing the TPS statute's non-detention provision, and attached Petitioner's completed filing as proof of his prima facie eligibility for TPS. *See Ex. D.* As of the date of filing, no response has been received.

CLAIMS FOR RELIEF

COUNT I

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1254a

23. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

24. 8 U.S.C. § 1254a governs the treatment of TPS holders and applicants, including their detention and removal under federal immigration law.

25. Under the statute, a TPS applicant “who establishes a prima facie case of eligibility for [TPS] benefits . . . shall be provided [temporary treatment] benefits” pending final adjudication of their application. 8 U.S.C. § 1254a(a)(4)(B). Pursuant to this provision, a noncitizen who has demonstrated prima facie eligibility for TPS is entitled to the benefits afforded under 8 U.S.C. § 1254a(1), including a “grant” of temporary protected status, pending the final adjudication of their application.

26. 8 U.S.C. § 1254a(d)(4) states a noncitizen “provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen]’s immigration status in the United States.” (emphasis added). There is no exception to this rule provided in the statute.

27. Taken together, these provisions guarantee TPS-eligible noncitizens the right to be free from detention from the time that they establish their prima facie eligibility for TPS through the time their country’s TPS designation ends.

28. As TPS protection applies irrespective of any other immigration status, the Court need not delve further into other aspects of Petitioner’s immigration posture. *See* 8 U.S.C. §§1254a(a)(1)(A), (a)(5); *see also* 8 U.S.C. 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” noncitizens).

29. Petitioner’s continued detention violates 8 U.S.C. § 1254a. Because Petitioner’s detention plainly violates the TPS statute’s prohibition on detention for prima facie eligible applicants, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).

COUNT II

Violation of Due Process

30. Petitioner realleges and incorporates by reference each and every allegation contained above.

31. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. *See generally Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

32. “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 [of the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 690.

33. Petitioner’s continued detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning Petitioner; and because it lacks any statutory authorization.

34. First, immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Kim*, 538 U.S. at 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to deport Petitioner, detention is not reasonably related to its purpose.

35. Second, because Petitioner is not “deportable” insofar as the TPS statute bars his deportation, the Due Process Clause requires that any deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See Flores*, 507 U.S. at 301-02 (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored

to serve a compelling state interest”); *Kim*, 538 U.S. at 528 (applying less rigorous standard for “deportable [noncitizens]”). Petitioner’s on-going imprisonment obviously cannot satisfy that rigorous standard.

36. Third, at a bare minimum, “the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.” *Zadvydas*, 533 U.S. at 718 (Kennedy, J., dissenting). Where federal law explicitly prohibits an individual’s detention, this detention also violates the Due Process Clause.

37. Because Petitioner’s continued detention violates the Due Process Clause, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).

COUNT III

Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B) Contrary to Law and Constitutional Right

38. Petitioner realleges and incorporates by reference each and every allegation contained above.

39. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be . . . not in accordance with law” or “contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(A), (B).

40. The APA’s reference to “law” in the phrase “not in accordance with law,” “means, of course, *any* law, and not merely those laws that the agency itself is charged with administering.” *FCC v. NextWave Pers. Commc’ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

41. Respondents’ continued detention of Petitioner is contrary to the agency’s constitutional power under the Fifth Amendment’s Due Process Clause, as explained above.

42. Petitioner's continued detention is also not in accordance with the INA and implementing regulations governing the benefits granted to TPS holders and to those who have established prima facie eligibility for TPS, as cited and discussed above.

43. Respondents' decision to continue detaining Petitioner should be held unlawful and set aside because it is contrary to the agency's constitutional power and not in accordance with the INA and implementing regulations.

COUNT IV

Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A) Arbitrary and Capricious

44. Petitioner realleges and incorporates by reference each and every allegation contained above.

45. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

46. Respondents' decision to continue detaining Petitioner is arbitrary and capricious because it violates statute, regulation, and the Constitution, as described above.

47. An agency decision that "runs counter to the evidence before the agency" is also arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

48. Petitioner's continued detention runs counter to the evidence before the agency that Petitioner is prima facie eligible for TPS. Petitioner has filed a completed application that establishes such eligibility and that evidence remains unrebutted.

49. For these reasons, Respondents' decision to continue detaining Petitioner is arbitrary and capricious and should be held unlawful and set aside.

COUNT V

Violation of Administrative Procedure Act, 5 U.S.C. § 5 U.S.C. § 706(2)(C) In Excess of Statutory Authority

50. Petitioner realleges and incorporates by reference each and every allegation contained above.

51. 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 short of statutory right.” 5 U.S.C. § 706(2)(C).

52. “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) (internal quotation marks and citation omitted).

53. As described above, the TPS statute and its implementing regulations provide that an applicant who has established prima facie eligibility for TPS shall not be detained. Respondents’ decision to continue detaining Petitioner is thus in excess of statutory authority and should be held unlawful and set aside.

COUNT VI

Ultra Vires Action

54. Petitioner realleges and incorporates by reference each and every allegation contained above.

55. There is no statute, constitutional provision, or other source of law that authorizes Respondents to continue Petitioner’s detention.

56. Petitioner has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents’ ultra vires actions.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the District of New Jersey while this habeas petition is pending;
- c. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
- d. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, and specifically 8 U.S.C. § 1254a;
- e. Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- f. Declare that Petitioner's detention violates the Administrative Procedure Act;
- g. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
- h. Enjoin Respondents from further detaining Petitioner so long as TPS for Haiti remains in effect and he continues to have established his prima facie eligibility for TPS; and
- i. Grant such further relief that this Court deems just and proper.

Dated this 9th day of January, 2026.

s/ Lauren Major

Lauren Major

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Pro Bono Counsel for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Woodley Geincharles, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 9th day of January, 2026.

s/ Lauren Major

Lauren Major

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 have furthermore mailed a copy by USPS Certified Priority Mail to each of the following individuals:

Todd Lyons
Acting Director, Immigration and Customs Enforcement
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Kristi Noem
Secretary of the U.S. Department of Homeland Security
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Pamela Bondi
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Elizabeth, New Jersey 07201

Dated: January 9, 2026

s/ Lauren Major
Lauren Major
Pro Bono Counsel for Petitioner