

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MEYERS DIVISION**

STEPHEN O. BANJOKO,

Plaintiff-Petitioner,

v.

KEVIN J. RAMBOSK,

*in his official capacity as
Warden of South Florida
Detention Facility as Sheriff
of Collier County Sheriff's Office,*

GARRETT J. RIPA,

*in his official capacity as
Field Office Director of
Miami Field Office of
U.S. Immigration & Customs
Enforcement,*

TODD LYONS,

*in his official capacity as Acting
Director, U.S. Immigration and
Customs Enforcement,*

KRISTI NOEM,

*in her official capacity as
Secretary, U.S. Department
of Homeland Security,*

PAMELA BONDI,

*in her official capacity as
Attorney General of the
United States,*

Defendants-Respondents.

Civil No. _____

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

COMES NOW Plaintiff-Petitioner STEPHEN OLUSEGUN BAJOKO and hereby respectfully petitions this Court for a writ of habeas corpus to remedy his wrongful and unlawful detention and files the instant Complaint for Declaratory and Injunctive Relief against Defendants-Respondents KEVIN J. RAMBOSK, in his official capacity as Warden of South Florida Detention Facility also known as Everglades Detention Facility also known as Allegator Alcatraz as Sheriff of Collier County Sheriff's Office; GARRETT J. RIPA, in his official capacity as Field Office Director of Miami Field Office of U.S. Immigration & Customs Enforcement ("ICE"); TODD LYONS, in his official capacity as Acting Director of ICE; KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security ("DHS"); and PAMELA BONDI, in her official capacity as Attorney General of the United States, challenging his unlawful and unconstitutional post-order immigration detention by DHS as violative of 8 U.S.C. § 1231(a)(6); contrary to 8 C.F.R. §§ 241.4, 241.4(l)(1), 241.4(l)(2), 241.13, and 241.13(i)(2); arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law, in violation of the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A)-(E); and in contravention of his Fifth Amendment rights to procedural and substantive

due process. In support of the relief requested herein, Plaintiff-Petitioner respectfully states as follows:

INTRODUCTION

It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.

James Madison, The Federalist No. 48, p. 276 (C. Rossiter ed. 1961).

Contrary to long-standing precedent, existing statutory and regulatory authority, and established agency policies and practices, the Executive—acting contrary to law, arbitrarily and capriciously, and in conscious disregard and violation of both procedural and substantive due process guaranteed under the Fifth Amendment to the United States Constitution, is detaining yet another human being in what inexplicably amounts to nothing more than a draconian attempt to psychologically and financially coerce a foreign national from abandoning his life and Family in the United States despite its long-standing inability to accomplish removal of this individual, likelihood of his acquisition of permanent relief vis-à-vis a long-standing final order of removal, and steadfast and perfect compliance with an order of supervision instituted over twelve (12) years ago.

Despite the absence of new facts, new evidence, or any change in circumstances relevant to removability, DHS abruptly re-detained Plaintiff-Petitioner Stephen Olusegun Banjoko on December 18, 2025, at a routine

check-in consistent with his then existing order of supervision. Plaintiff-Petitioner is currently subject to a final order of removal to his country of origin, Nigeria, which was entered June 15, 2009. DHS already detained Plaintiff-Petitioner under 8 U.S.C. § 1231(a)(6) for over nine (9) months from July 2012 to April 2013, then released him on an order of supervision due to inability by DHS to execute his removal to Nigeria and expiry of the presumptively reasonable removal period under *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).

Absent any material change in circumstances making removal significantly likely in the reasonably foreseeable future, DHS unlawfully re-detained Petitioner-Plaintiff thereby revoking his order of supervision in violation of governing regulations and continues to detain Plaintiff-Petitioner at the South Florida Detention Facility now infamously known as Allegator Alcatraz without any lawful authority or immigration purpose but instead merely amounts to detention for sake of optics and meeting arbitrary quotas set by the current political administration related to immigration enforcement priorities that are driven solely by numbers not factual or legal realities.

Nothing has changed. Nigeria still has not issued travel documents. No third country has agreed to accept Plaintiff-Petitioner. Nor would it be lawful for DHS to remove Plaintiff-Petitioner to a third-country, absent either his voluntary consent or constitutionally adequate due process. *See D.V.D. v.*

DHS, 778 F. Supp. 3d 355 (D. Mass. Apr. 18, 2025) (certifying nationwide class and entering preliminary injunction requiring written notice and a meaningful opportunity to seek CAT protection before removal to a third country), *appeal pending*, No. 25-1393 (1st Cir.); *DHS v. D.V.D.*, 145 S. Ct. 2153 (Jun. 23, 2025) (granting emergency application by DHS to stay preliminary injunction pending appeal). Because there is no new pathway to effectuation of Plaintiff-Petitioner's removal, his post-order immigration detention challenged herein is improper and unlawful.

This Petition presents three core arguments. First, Plaintiff-Petitioner's continued detention violates 8 U.S.C. § 1231(a)(6) and *Zadvydas* because there is no significant likelihood of his removal in the reasonably foreseeable future. Second, re-detention of Plaintiff-Petitioner by DHS is unlawful because there are no materially changed circumstances that could justify revisiting its determination that release on order of supervision was legally and factually appropriate. Third, DHS independently violated its own regulations as well as due process by revoking Plaintiff-Petitioner's order of supervision without satisfying any regulatory ground or following mandatory procedures. Each of these defects is independently fatal; together, they make continued detention of Plaintiff-Petitioner legally indefensible these circumstances warranting immediate and meaningful relief.

* * *

Due to the ongoing deprivation of his liberty and urgent irreparable harms flowing to his Family and community—including United States citizen spouse and three (3) United States citizen children—Plaintiff-Petitioner respectfully requests entry of an Order to Show Cause within three (3) days under 28 U.S.C. § 2243, and reserves the right to file an Emergency Motion for Temporary Restraining Order in accordance with FED. R. CIV. P. 65(b) and Local Rule 6.01.

PARTIES

1. Plaintiff-Petitioner Stephen Olusegun Banjoko (“Plaintiff-Petitioner”) is an individual who resides in the City of Tapma, which is located in Hillsborough County, Florida.

2. Plaintiff-Petitioner is currently in the physical custody of U.S. Immigration and Customs Enforcement (“ICE”), which is a component of the U.S. Department of Homeland Security (“DHS”).

3. Plaintiff-Petitioner is currently detained at South Florida Detention Facility also known as Everglades Detention Facility also known as Allegator Alcatraz, located in the City of Ochopee, which is located in Collier County, Florida.

4. Defendant-Respondent Kevin J. Rambosk is sued in his official capacity as Collier County Sheriff. He has oversight, command, and control

over the South Florida Detention Facility and therefore constitutes an immediate legal custodian of Plaintiff-Petitioner.

5. Defendant-Respondent Garret J. Ripa is sued in his official capacity as Field Office Director, Miami Field Office, ICE. As Field Office Director, he is Plaintiff-Petitioner's legal custodian.

6. Defendant-Respondent Todd Lyons is sued in his official capacity as the Acting Director of Immigration and Customs Enforcement, which is a component of DHS. As Acting Director of ICE, he is Plaintiff-Petitioner's legal custodian.

7. Defendant-Respondent Kristi Noem is sued in her official capacity as Secretary of DHS and generally responsible for the administration and enforcement of applicable laws and statutes governing immigration. As Secretary of DHS, she is Plaintiff-Petitioner's legal custodian.

8. Defendant-Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. She has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103, and thus legal custodian of Plaintiff-Petitioner.

JURISDICTION

9. This action arises under the United States Constitution and the Immigration and Nationality Act of 1952, 8 U.S.C. § 1101, *et seq.* ("INA").

10. This Court has jurisdiction over this petition for writ of habeas corpus under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (mandamus); art. I, § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”); U.S. Const. amend. V (the Due Process Clause of the U.S. Constitution); and has jurisdiction to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201-02.

11. This Court may grant habeas relief pursuant to 28 U.S.C. §§ 2201-02, 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

12. This Court has jurisdiction over all non-habeas claims alleged in this action pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346 (federal defendant); and 5 U.S.C. § 702 (right of review).

13. The Court is authorized to grant the requested relief under 5 U.S.C. § 706(2)(A)-(E); 28 U.S.C. §§ 2201-2202; and 28 U.S.C. § 1651, as well as pursuant to its inherent equitable powers.

VENUE

14. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2), and (e)(1)(B) because a substantial part of the events or omissions giving rise to the claim occurred in this District, no real property is involved, and Plaintiff-Petitioner is detained within this judicial district. See Order Transferring for Improper Venue (Dkt. No. 86), *C.M. v. Noem*, No. 1:25-cv-23182-RAR (S.D. Fla.

Aug. 18, 2025) at pp. 33-46 (finding venue for claims arising out of South Florida Detention Facility most appropriate in the Middle District of Florida).

FACTS & BACKGROUND

Identity, Immigration History & Final Order of Removal

15. Plaintiff-Petitioner is a native and citizen of Nigeria who has resided in the United States since his initial entry in or about 1994. *See* Motion to Reopen (filed herewith as Exhibit A).

16. Plaintiff-Petitioner adjusted his status to that of lawful permanent resident on August 13, 1998, and the conditions on his residence were removed on October 27, 2000. *See* Exhibit A at p. 2

17. On December 23, 2003, DHS initiated removal proceedings against Plaintiff-Petitioner following a federal criminal conviction for conspiracy to commit witness tampering. *See* Exhibit A at pp. 2–3. On June 15, 2009, an Immigration Judge ordered Plaintiff-Petitioner removed from the United States. *See* Exhibit A at p. 3.

18. Plaintiff-Petitioner timely appealed the removal order to the Board of Immigration Appeals, which dismissed the appeal on May 19, 2010, thus rendering his removal order administratively final. *See* Exhibit A at p. 4.

19. Plaintiff-Petitioner thereafter filed a Petition for Review with the Eleventh Circuit Court of Appeals, which on October 19, 2011, denied relief. *Id.*

Prior Post-Order Immigration Detention & Release

20. Following entry of the final removal order, DHS detained Plaintiff-Petitioner in post-removal-order immigration detention pursuant to 8 U.S.C. § 1231(a)(6) from approximately July 2012 through April 2013. See Exhibit A at pp. 4–5

21. After approximately nine (9) months of detention, DHS released Plaintiff-Petitioner from custody under an order of supervision. See Exhibit A at p. 5.

22. From April 2013 to December 18, 2025, Plaintiff-Petitioner remained at liberty subject to an order of supervision.

23. Plaintiff-Petitioner complied fully with all terms and conditions imposed by DHS. His Reporting and Compliance Log reflects consistent reporting to ICE on numerous occasions, including September 10, 2019; May 18, 2022; July 18, 2023; October 1, 2024; and November 3, 2025, among other dates set or required by DHS. See Compliance Log and Plan of Action (filed herewith as Exhibit B) at pp. 1–2

24. At no point during this over twelve (12) year period did DHS allege Plaintiff-Petitioner violated any condition of supervision, failed to report, posed a danger to the community, or presented any risk of flight. See Exhibit B at pp. 1–2.

Marriage to United States Citizen & Motion to Reopen

25. On January 11, 2016, Plaintiff-Petitioner married naturalized United States citizen Modupe Bamidele Casey Banjoko. See Exhibit A at p. 5; see also Affidavit of Modupe Bamidele Casey Banjoko (filed herewith as Exhibit C) at ¶¶ 4–6

26. Based on that *bona fide* marriage, Plaintiff-Petitioner's spouse filed a Form I-130, Petition for Alien Relative, for the benefit of Plaintiff-Petitioner. USCIS approved the Form I-130, on February 2, 2023, thus classifying Plaintiff-Petitioner as the immediate relative of a United States citizen. See Exhibit A at pp. 5–6

27. On or about October 16, 2025, Plaintiff-Petitioner filed a Motion to Reopen and Motion for Stay of Removal with the Board of Immigration Appeals. See Exhibit A at p. 1. His Motion to Reopen seeks reopening of removal proceedings to permit pursuit of adjustment of status under INA § 245, or in the alternative, dismissal or administrative closure for USCIS adjudication based on newly available evidence including the approved Form I-130 petition and hardship to qualifying relatives. See Exhibit A at pp. 6–10. That Motion to Reopen remains pending. *Id.* at p. 1.

Abrupt Revocation of Supervision & Re-Detention

28. On December 18, 2025, Plaintiff-Petitioner and his spouse appeared at the Cypress Street DHS Facility in Tampa, Florida, for what

Plaintiff-Petitioner reasonably believed to be a routine check-in under the terms of his order of supervision, consistent with a dozen-plus years of prior practice. See Exhibit C at ¶¶ 12–13

29. After being escorted to the rear of the facility, Plaintiff-Petitioner did not return. Hours later, DHS officials informed Plaintiff-Petitioner’s spouse that supervised release had been revoked and that her Husband had been taken into custody. See Exhibit C at ¶¶ 14–16

30. DHS officials provided no advance notice, written explanation, or allegation of noncompliance as the basis for revocation of Plaintiff-Petitioner’s order of supervision. See Exhibit C at ¶¶ 15–18.

31. DHS had previously issued a “Plan of Action for Self-Departure” dated November 3, 2025, directing Plaintiff-Petitioner to report to the Cypress Street DHS Facility on February 3, 2026, and thereafter depart the United States by August 3, 2026. See Exhibit B at p. 3.

Family, Community Ties & Resulting Harms

32. Plaintiff-Petitioner and his United States citizen spouse are the parents of three (3) United States citizen children, all of whom have resided their entire lives in the United States. See Exhibit A at p. 5; see also Exhibit C at ¶¶ 5–8.

33. Plaintiff-Petitioner’s spouse suffers from serious medical and psychological conditions that have been exacerbated by her Husband’s

detention, including severe anxiety, depression, and trauma-related symptoms. See Exhibit C at ¶¶ 19–25.

34. Plaintiff-Petitioner and his spouse jointly operate a healthcare-related business in the Tampa Bay, Florida region that employs multiple individuals and provides essential services to the community. Plaintiff-Petitioner's detention has jeopardized the continued operation of that business and the livelihoods dependent upon it. See Letters of Support (filed herewith as Exhibit D) at pp. 1–3

35. Numerous community members attest that Plaintiff-Petitioner is a stabilizing, compassionate, and indispensable presence in his Family and community, and that his detention has caused immediate emotional, financial, and social harm. See Exhibit D at pp. 1–3.

Absence of Reasonably Foreseeable Removal

36. Plaintiff-Petitioner was previously detained under 8 U.S.C. § 1231(a)(6) and released subject to an order of supervision after DHS failed to effectuate his removal during the nine (9) months he was held in immigration detention. See Exhibit A at pp. 4–5.

37. Since his release subject to an order of supervision in April 2013, DHS permitted Plaintiff-Petitioner to remain at liberty under supervision for more than twelve (12) years.

38. Plaintiff-Petitioner perfectly complied with his order of supervision at all times and otherwise lived as responsible, law abiding, and community-minded positive influence on his Family and others.

39. Plaintiff-Petitioner is unaware of any material change in circumstances that would now render his removal to Nigeria significantly likely to occur in the reasonably foreseeable future.

40. Indeed, diplomatic relationships between the United States and Nigeria have worsened since DHS last released Plaintiff-Petitioner from immigration detention in April 2013, due to animus including recent Christmas Day military strikes involving Tomahawk missiles by the United States inside Nigeria. See Alexander Palmer, “Why Did the United States Conduct Strikes in Nigeria?,” Center for Strategic & Int’l Studies (Dec. 26, 2025) (available at: <https://www.csis.org/analysis/why-did-united-states-conduct-strikes-nigeria>). These geopolitical conditions are anticipated to further complicate and make less likely repatriation efforts.

LEGAL AUTHORITY

Review of Post-Order Detention

41. A petition for writ of habeas corpus under 28 U.S.C. § 2241 is the traditional and appropriate mechanism for challenging the legality of immigration detention. Federal courts retain jurisdiction to review whether detention exceeds statutory and constitutional limits, including detention

under Section 1231(a)(6), re-detention following release, and revocation of Orders of Supervision. *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).

42. Contrary to frequent argument of DHS, jurisdiction is not stripped by 8 U.S.C. § 1252(g) where, as here, Plaintiff-Petitioner does not challenge the validity of a removal order or a discretionary decision to execute removal but instead challenges detention that is divorced from any realistic prospect of removal. *See Beltran v. Ripa*, No. 2:25-cv-01174-SPC-NPM, 2026 U.S. Dist. LEXIS 273, at *3–4 (M.D. Fla. Jan. 5, 2026); *Escalante v. Noem*, 2025 U.S. Dist. LEXIS 148899, at *9–*11 (D. Ariz. Aug. 7, 2025); *Grigorian v. Bondi*, 2025 U.S. Dist. LEXIS 175489, at *10–*13 (S.D. Fla. Sept. 9, 2025).

43. Courts within and outside the Eleventh Circuit consistently recognize habeas jurisdiction to review compliance with Section 1231(a), the implementing regulations, and due-process constraints. *See, e.g., Beltran*, 2026 U.S. Dist. LEXIS 273, at *3–4; *see also Barrios v. Ripa*, 2025 U.S. Dist. LEXIS 153228 (S.D. Fla. Aug. 8, 2025); *see also Roble v. Bondi*, 2025 U.S. Dist. LEXIS 164108, at *6–*9 (D. Minn. Aug. 25, 2025); *Tadros v. Noem*, 2025 U.S. Dist. LEXIS 113198, at *10–*14 (D.N.J. June 12, 2025).

***Detention Under
Section 1231(a)(6) is
Constitutionally Limited***

44. Once a removal order becomes final, detention authority is governed by Section 1231(a). The statute provides for a mandatory 90-day

“removal period” after which continued detention is authorized only under Section 1231(a)(6). See 8 U.S.C. § 1231(a)(1), (a)(6).

45. In *Zadvydas v. Davis*, the Supreme Court held that Section 1231(a)(6) does not authorize indefinite detention. See *Zadvydas*, 533 U.S. at 689–99. To avoid serious constitutional concerns, the Court construed the statute to permit detention only for so long as reasonably necessary to effectuate removal. *Id.* at 699.

46. The Court established a presumptively reasonable six (6) month period of post-order detention. *Id.* at 701. After that period, once a noncitizen provides good reason to believe that removal is not significantly likely in the reasonably foreseeable future, the burden shifts to DHS to rebut that showing with concrete, individualized, and non-speculative evidence. *Id.*

47. Detention that no longer bears a reasonable relation to the purpose of effectuating removal becomes punitive and violates the Due Process Clause. *Id.* at 690.

Re-Detention Does Not Reset Removal Period

48. District Courts overwhelmingly reject the notion that DHS may restart the *Zadvydas* clock by re-detaining a noncitizen who was previously released from post-order custody.

49. District Courts (including this Court) having examined the issue have determined that the likelihood-of-removal inquiry applies immediately

upon re-detention. See *Beltran*, 2026 U.S. Dist. LEXIS 273, at *3–4 (citing *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 n.3 (11th Cir. 2002)); see also *Siguenza v. Moniz*, 2025 U.S. Dist. LEXIS 188746, at *7 (D. Mass. Sept. 25, 2025) (collecting cases).

50. As both *Beltran* and *Siguenza* explain, permitting DHS to reset the detention clock upon re-detention would allow the Government to evade constitutional limits through serial release and re-arrest, resulting in *de facto* periods of indefinite detention. See *Beltran*, 2026 U.S. Dist. LEXIS 273, at *3–4; *Siguenza*, 2025 U.S. Dist. LEXIS 188746, at *7-9.

51. Numerous courts have thus similarly expressly held that the six (6) month presumptive period does not reset when DHS detains, releases, and later re-detains a noncitizen under Section 1231(a). See, e.g., *Sied v. Nielsen*, 2018 U.S. Dist. LEXIS 66374, at *16 (D. Mass. Apr. 19, 2018) (“Several courts have held that the six-month period does not reset when the government detains an alien under 8 U.S.C. § 1231(a), releases him from detention, and then re-detains him again.”) (collecting cases).

52. Accordingly, at the outset of re-detention, DHS bears the burden of demonstrating that materially changed circumstances now render removal significantly likely in the reasonably foreseeable future. See *Beltran*, 2026 U.S. Dist. LEXIS 273, at *3–4; *Siguenza*, 2025 U.S. Dist. LEXIS 188746, at *7-9.

***Speculation, Administration Policy,
or Quota-Driven Detention***

53. Courts consistently reject DHS attempts to justify continued or renewed detention based on speculative future events, generalized diplomatic efforts, or internal enforcement initiatives untethered to individualized evidence. *See, e.g., Makuey v. Scott*, 2025 U.S. Dist. LEXIS 259981, at *31–33 (W.D. Wash. Dec. 16, 2025).

54. In *Makuey*, the District Court scrutinized DHS’s reliance on shifting enforcement priorities and the speculative possibility of third-country removal, concluding that such considerations cannot satisfy the Government’s burden under *Zadvydas*. *Id.* at *32–33.

55. In particular, District Court have noted recently leaked internal ICE guidance encouraging the re-detention of individuals previously released from post-order custody based not on individualized assessments of removability, but on generalized enforcement initiatives and speculative prospects of third-country removal. *See Makuey*, 2025 U.S. Dist. LEXIS 259981, at *32–33; *see also Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 165–66 (W.D.N.Y. 2025); Nick Miroff and Maria Sacchetti, “Trump Seeks to Fast-Track Deportations of Hundreds of Thousands,” *The Washington Post* (Feb. 28, 2025) (citing Feb. 18, 2025 memorandum, available at <https://perma.cc/VKT4-ZB2G>) (describing internal ICE memorandum instructing officers to pursue re-

detention based on enforcement priorities rather than individualized likelihood of removal).

56. Courts have emphasized that detention motivated by quota-driven or politically imposed objectives rather than case-specific facts bearing on removability, violates both Section 1231(a)(6) and due process. *See Makuey*, 2025 U.S. Dist. LEXIS 259981, at *31–33; *Ceesay*, 781 F. Supp. 3d at 164–66.

***Order of Supervision Revocation is
Narrow & Cabined by Regulation***

57. When DHS releases a noncitizen under an order of supervision following post-order detention, that release is governed by regulations that strictly limit DHS's authority to revoke supervision. *See* 8 C.F.R. §§ 241.4 & 241.13.

58. As explained in *Barrios v. Ripa*, revocation is permissible only if DHS establishes one of the specific regulatory grounds set forth in the regulations, including: (1) a violation of release conditions; (2) materially changed circumstances rendering removal significantly likely; or (3) new information showing the original release decision was erroneous. *Barrios v. Ripa*, 2025 U.S. Dist. LEXIS 153228, at *17–22 (S.D. Fla. Aug. 8, 2025); *see also* 8 C.F.R. §§ 241.4 & 241.13

59. Absent satisfaction of one of these regulatory predicates, DHS lacks authority to revoke supervision and re-detain the individual. *See*

Grigorian, 2025 U.S. Dist. LEXIS 175489, at *14–20; *Zongbo Zhu v. Genalo*, 2025 U.S. Dist. LEXIS 166176, at *18–23 (S.D.N.Y. Aug. 26, 2025).

60. Before revoking an order of supervision, DHS must provide written notice stating the reasons for revocation and must conduct a prompt informal interview affording the noncitizen an opportunity to respond. See 8 C.F.R. § 241.4(d)(1).

61. These procedures are mandatory. Under the *Accardi* doctrine, agencies are bound to follow their own regulations when individual liberty is at stake. See *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

62. Failure to comply with these procedures independently renders detention unlawful. See *Ceesay*, 781 F. Supp. 3d at 159–66; see also *Grigorian*, 2025 U.S. Dist. LEXIS 175489, at *17–20; *Roble*, 2025 U.S. Dist. LEXIS 164108, at *8–9.

Judicial Review Available

63. Although DHS often invokes Section 1252(g) attempting to shield detention decisions from review, District Courts consistently hold that the statute does not bar review of unlawful detention or regulatory noncompliance. See *Beltran*, 2026 U.S. Dist. LEXIS 273, at *3–4; *Escalante*, 2025 U.S. Dist. LEXIS 148899, at *9–11; *Tadros*, 2025 U.S. Dist. LEXIS 113198, at *12–14.

64. Review is especially appropriate where, as here, DHS seeks to alter the *status quo* by depriving an individual of liberty without satisfying

statutory or regulatory prerequisites. *See Roble*, 2025 U.S. Dist. LEXIS 164108, at *7–9.

65. Where detention violates statutory or constitutional limits, release is the appropriate and traditional habeas remedy. *See Zadvydas*, 533 U.S. at 699; *see also Ceesay*, 781 F. Supp. 3d at 165–66.

66. District Courts emphasize that continued detention cannot be cured by further process where removal is not realistically foreseeable. In such circumstances, habeas relief requires release under appropriate conditions of supervision. *See Siguenza*, 2025 U.S. Dist. LEXIS 188746, at *20–21; *Makuey*, 2025 U.S. Dist. LEXIS 259981, at *33.

LEGAL ARGUMENT

No Significant Likelihood of Removal in the Reasonably Foreseeable Future

67. Plaintiff-Petitioner’s continued detention cannot be reconciled with Section 1231(a)(6) or the United States Constitution because there remains no significant likelihood that he will be removed to Nigeria in the reasonably foreseeable future.

68. More than fifteen (15) years ago, on June 15, 2009, DHS obtained a final order of removal authorizing removal of Plaintiff-Petitioner to Nigeria. DHS detained Plaintiff-Petitioner under 8 U.S.C. § 1231(a)(6) for over nine (9) months from July 2012 to April 2013, then released him on an order of

supervision due to inability by DHS to execute his removal to Nigeria and expiry of the presumptively reasonable removal period under *Zadvydas*.

69. Nothing materially has changed since April 2013, when DHS released Plaintiff-Petitioner from Section 1231(a)(6) detention due to lack of any likelihood of removal. Nigeria has still not issued travel documents. DHS still lacks primary proof of Nigerian citizenship acceptable to Nigerian authorities. No third-country has agreed to accept Plaintiff-Petitioner nor would it be legally permissible for DHS to remove Plaintiff-Petitioner to a third-country. DHS cannot identify any new diplomatic breakthrough, reference no newly obtained identity documents, and has no concrete removal plan. Instead, DHS has simply re-detained Plaintiff-Petitioner for sake of detention only.

70. Under *Zadvydas*, once a noncitizen provides good reason to believe removal is not significantly likely in the reasonably foreseeable future, the burden shifts to DHS to rebut that showing with concrete evidence.

71. Plaintiff-Petitioner Petitioner has far exceeded that burden here. DHS cannot meet its own legal burden to justify the re-detention at issue. Continued detention under these circumstances is therefore unlawful.

***Re-Detention Absent Materially
Changed Circumstances***

72. DHS's attempt to re-detain Plaintiff-Petitioner suffers from a fatal legal defect: re-detention does not reset the *Zadvydas* analysis. The law is clear that the likelihood-of-removal inquiry applies immediately upon re-detention, and DHS must demonstrate materially changed circumstances rendering removal now significantly likely.

73. Here, DHS has identified no such circumstances. There has been no change in Nigeria's position. No new identity documentation has emerged. No repatriation agreement has been executed. No third-country alternative has materialized nor would it be legally permissible for DHS to remove Plaintiff-Petitioner to a third-country. The factual landscape is identical to the one that existed when Plaintiff-Petitioner was released from Section 1231(a)(6) detention in April 2013. There was no significant likelihood of removal to Nigeria in April 2013. There is no significant likelihood of removal to Nigeria now.

74. Allowing DHS to re-detain Plaintiff-Petitioner under these circumstances would eviscerate *Zadvydas* and permit precisely the kind of serial release-and-recapture regime courts have condemned. The Constitution does not permit DHS to warehouse a person indefinitely by cycling him in and

out of custody whenever enforcement priorities shift or the need to meet an arbitrary quota for immigration detentions arises.

***Re-Detention Not Driven
by Individualized Facts***

75. The record strongly suggests that Plaintiff-Petitioner's re-detention was not motivated by any individualized reassessment of removability, but by broader enforcement initiatives and quota-driven objectives imposed by the current administration.

76. District Courts have increasingly scrutinized DHS's reliance on generalized policy initiatives—particularly renewed emphasis on third-country removals—to justify re-detention of individuals long released from post-order custody. As District Courts have recognized, speculative prospects of future diplomatic success cannot substitute for individualized evidence of foreseeability of removal.

77. ICE guidance recently surfaced that encourages immigration enforcement officers to re-detain individuals previously released under Orders of Supervision based on enforcement targets rather than case-specific facts. That guidance cannot override statutory and constitutional limits. Detention decisions must be tethered to reality, not aspiration; they must be linked to evidence, not political administration priorities.

78. At bottom, Plaintiff-Petitioner's re-detention bears all the hallmarks of precisely the conduct District Courts have condemned: sudden arrest during a routine reporting appointment, absence of any new removal evidence, and reliance on generalized enforcement rationales unrelated to Plaintiff-Petitioner's actual circumstances.

***Ultra Vires Revocation of
Order of Supervision***

79. Even if removal were theoretically foreseeable—which it is not—DHS independently lacked authority to revoke Plaintiff-Petitioner's order of supervision.

80. Orders of Supervision may be revoked only under narrow, enumerated circumstances. *See, e.g., 8 C.F.R. §§ 241.4 & 241.13.* DHS must establish either a violation of release conditions, materially changed circumstances rendering removal likely, or newly discovered information showing the original release decision was erroneous. None of those conditions exist here.

81. Plaintiff-Petitioner complied with his order of supervision for more than a decade. DHS does not—and cannot—allege any violation. As explained above, there are no materially changed circumstances bearing on removability. Nor has DHS identified any new information undermining the basis for Petitioner's original release.

82. Because none of the regulatory predicates for revocation at 8 C.F.R. §§ 241.4 & 241.13 are satisfied, DHS's decision to revoke supervision and re-detain Petitioner was *ultra vires* and *void ab initio*.

***Detention Violative of Mandatory
Procedures and Due Process***

83. DHS's actions are unlawful for an additional, independent reason: it failed to follow its own mandatory procedures.

84. Before revoking an order of supervision, DHS must provide written notice of the reasons for revocation and conduct a prompt informal interview affording the noncitizen an opportunity to respond. *See* 8 C.F.R. § 241.4(l)(1). These requirements are not discretionary.

85. DHS did not provide Plaintiff-Petitioner with any meaningful notice; it did not conduct a procedurally adequate interview; and did not make individualized findings supporting revocation.

86. These procedural failures alone render Plaintiff-Petitioner's detention unlawful regardless of its substantive defects.

***Continued Unlawful Detention
Inflicting Profound & Irreparable Harm***

87. While unlawful detention is itself sufficient to warrant habeas relief, the equities here underscore the urgency of judicial intervention.

88. Plaintiff-Petitioner's continued detention inflicts immediate and irreparable harm on his United States citizen spouse and their three (3) United States citizen children.

89. Plaintiff-Petitioner's United Citizen spouse suffers from serious and well-documented medical and psychological conditions, including severe anxiety, depression, and trauma-related disorders. As detailed in her Affidavit filed herewith as Exhibit C, Plaintiff-Petitioner is her primary source of emotional stability, daily support, and practical assistance. His sudden detention—without warning and after more than a decade of lawful supervision—has destabilized her mental health and exacerbated her symptoms in ways that cannot be remedied after the fact.

90. The harm to Plaintiff-Petitioner's children is equally acute. Plaintiff-Petitioner is an active, present parent who provides daily guidance, supervision, and emotional support. His detention has abruptly deprived his three (3) United States citizen children of their father, disrupted the family structure, and caused significant emotional distress. Time lost between a parent and children during their formative years cannot be restored through later relief. Each additional day of detention compounds this injury.

91. Plaintiff-Petitioner's detention has also placed his Family's economic survival in jeopardy. Plaintiff-Petitioner and his United States citizen spouse jointly operate a healthcare-related business that employs

multiple individuals and provides essential services to the local community. Plaintiff-Petitioner plays a critical operational and managerial role in that business. His detention threatens the continued viability of the enterprise, the livelihoods of its employees, and his Family's ability to meet its basic financial obligations. Financial collapse, once triggered, cannot be undone by later judicial remedy in this specific context.

92. These harms are magnified by the context in which detention occurred. For more than twelve (12) years, DHS permitted Plaintiff-Petitioner to live at liberty under supervision, during which time his Family reasonably relied on the stability created by that decision to build their household, raise children, and establish a livelihood. The abrupt revocation of supervision and re-detention—absent any allegation of noncompliance or misconduct—has upended that settled reliance interest and inflicted precisely the type of irreparable harm that habeas relief is designed to prevent.

93. Finally, the harm flowing from Plaintiff-Petitioner's continued detention serves no legitimate governmental purpose. DHS previously detained Plaintiff-Petitioner for approximately nine (9) months following entry of a final order of removal then released him after failing to effectuate removal. There is no indication that removal is now imminent. In the absence of a realistic prospect of removal, continued detention functions only as punitive

confinement while irreparably harming a Family entirely comprised of United States citizens.

94. These harms are immediate, compounding, and irreparable. They amplify—rather than replace—the legal defects that already compel relief.

Release Only Lawful, Adequate & Meaningful Remedy

95. Because Plaintiff-Petitioner's detention exceeds statutory authority, violates due process—and is untethered from any realistic prospect of removal—release is the only appropriate and lawful remedy.

96. Continued detention cannot be cured by additional process, further review, or prolonged delay. District Courts have consistently held that where removal is not reasonably foreseeable, habeas relief requires release under appropriate conditions of supervision. *See, e.g., Beltran*, 2026 U.S. Dist. LEXIS 273, at *3–4

97. Plaintiff-Petitioner has already demonstrated that he can and will comply with supervision. He has lived in the Tampa, Florida community for over a decade without incident. There is no legitimate governmental interest served by his continued detention absent any likelihood of removal.

* * *

98. Plaintiff-Petitioner has retained Dempsey Law, PLLC to represent him in this lawsuit and is obligated to pay Dempsey Law, PLLC its reasonable attorneys' fees.

99. All conditions precedent to bringing this action have occurred or have been waived.

100. Plaintiff-Petitioner now brings this petition for issuance of a writ of habeas corpus under 28 U.S.C. § 2241, and consolidated action under the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A)-(E), averring wrongful, arbitrary and capricious, and unlawful deprivation of his liberty in post-order immigration detention violative of 8 U.S.C. § 1231(a)(6), as construed by *Zadvydas v. Davis*, 533 U.S. 678 (2001), and in contravention of DHS's own binding regulations governing post-order detention, release, and supervision—including 8 C.F.R. §§ 241.4, 241.4(l)(1), 241.4(l)(2), 241.13—as well as violation of his Fifth Amendment rights to procedural and substantive due process, seeking habeas, declaratory, and injunctive relief.

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CLAIMS FOR RELIEF

COUNT I

WRIT OF HABEAS CORPUS

Deprivation of Liberty Contrary to Law

101. Plaintiff-Petitioner adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-100 above as though fully stated and set forth herein.

102. The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). “The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

103. A writ of habeas corpus may be granted to a petitioner who demonstrates that he is in custody in violation of the Constitution or federal law. See 28 U.S.C. § 2241(c)(3).

104. Historically, “the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.” *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001). Accordingly, a district court’s habeas jurisdiction includes challenges to immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *Demore v. Kim*, 538 U.S. 510, 517 (2003).

105. As discussed, *supra*, at Paragraph Nos. 15-97, Petitioner-Plaintiff is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court.

106. Defendants-Respondents have also revoked Plaintiff-Petitioner's order of supervision absent sufficient legal authority or provision of meaningful due process including pre-deprivation notice or individualized hearing with constitutionally adequate procedures.

107. Defendant-Respondents lack sufficient legal authority to detain Plaintiff-Petitioner absent material change in circumstances vis-à-vis his removability to Nigeria; absent and contrary to statutory and regulatory authority, basis, or grounds; and absent any individualized hearing with constitutionally adequate procedures.

108. Plaintiff-Petitioner is subject to a final order of removal and is detained, if at all, pursuant to Section 1231(a)(6). That statute, as construed by the Supreme Court in *Zadvydas*, authorizes detention only for a period reasonably necessary to effectuate removal and does not permit indefinite or potentially permanent detention.

109. Under *Zadvydas*, post-order detention is presumptively reasonable for six (6) months. Once that period has elapsed, and once the noncitizen provides good reason to believe that removal is not significantly

likely in the reasonably foreseeable future, the burden shifts to DHS to rebut that showing with concrete, individualized, and non-speculative evidence.

110. Plaintiff-Petitioner has overwhelmingly satisfied his burden of showing good reason. DHS could not remove him to Nigeria over a period of nine (9) months from July 2012 to April 2013. The material facts remain unchanged. Nigeria has not agreed to accept Plaintiff-Petitioner. No third country has been identified. DHS has not articulated any concrete removal plan or timeline. There has been no diplomatic breakthrough, no new evidence, and no change in circumstances bearing on removability. In fact, the geopolitical environment and recent military strikes inside Nigeria make even more unlikely that Plaintiff-Petitioner will be removed in the reasonably foreseeable future.

111. Because Plaintiff-Petitioner's detention no longer bears a reasonable relation to the Government's purported regulatory purpose of effectuating removal, it is punitive in nature and violates the Due Process Clause of the Fifth Amendment.

112. Accordingly, Plaintiff-Petitioner's continued detention under Section 1231(a)(6) is unlawful, and habeas relief is required.

COUNT II
VIOLATION OF ADMINISTRATIVE PROCEDURE ACT
Deprivation of Liberty Contrary to Law

113. Plaintiff-Petitioner adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-100 above as though fully stated and set forth herein.

114. Under § 706(a) of the APA, final agency action can be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; . . . [or] without observance of procedure required by law.” *See* 5 U.S.C. § 706(2)(A), (C)-(D).

115. As discussed, *supra*, at Paragraph Nos. 15-97, Petitioner-Plaintiff is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court.

116. Defendants-Respondents have revoked Plaintiff-Petitioner’s order of supervision and deprived his liberty absent legal authority and contrary to well-established Constitutional, statutory, regulatory rights.

117. DHS’s authority to revoke such an order is strictly limited by regulation. *See, e.g.,* 8 C.F.R. §§ 241.4 & 241.13. Revocation is permissible only upon a showing of: (1) a violation of release conditions; (2) materially changed circumstances rendering removal significantly likely; or (3) newly

discovered information demonstrating that the original release decision was erroneous. *Id.* None of those conditions exists here.

118. Plaintiff-Petitioner complied with all conditions of supervision for years. DHS does not allege any violation. As alleged above, there are no materially changed circumstances bearing on removability. Nor has DHS identified any new information undermining the basis for Plaintiff-Petitioner's original release.

119. Because DHS failed to satisfy any regulatory predicate for revocation, its decision to revoke Plaintiff-Petitioner's order of supervision and re-detain him exceeded its statutory and regulatory authority and is void ab initio.

120. Continued detention of Plaintiff-Petitioner is therefore not in accordance with law, in excess of statutory authority, and without observance of procedure required by law and unlawful.

121. Additionally, Plaintiff-Petitioner's continued detention absent showing of a significant likelihood of removal in the reasonably foreseeable future; any material change in circumstances affecting Petitioner-Plaintiff's removability; adherence to 8 C.F.R. §§ 241.4 & 241.13; or individualized and constitutionally adequate hearing is unlawful.

122. As a direct and proximate result of his wrongful, unlawful, and *ultra vires* detention by Defendants-Respondents, Plaintiff-Petitioner has suffered and will continue to suffer injury.

COUNT III
VIOLATION OF ADMINISTRATIVE PROCEDURE ACT
Arbitrary & Capricious Deprivation of Liberty

123. Plaintiff adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-100 above as though fully stated and set forth herein.

124. Under § 706(a) of the APA, final agency action can be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” including if it fails to make a rational connection between the facts found and the decision made. *See* 5 U.S.C. § 706(2)(A).

125. Defendants-Respondents have failed to articulate any facts or sufficient legal authority that forms a basis for their decision to detain Plaintiff-Petitioner let alone any rational connection between the facts found and their adverse decision made.

126. As discussed, *supra*, at Paragraph Nos. 15-97, Petitioner-Plaintiff is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court. Plaintiff-Petitioner’s continued detention absent showing of a significant likelihood of removal in the reasonably foreseeable future; any material change in circumstances affecting

Petitioner-Plaintiff's removability; adherence to 8 C.F.R. §§ 241.4 & 241.13; or individualized and constitutionally adequate hearing is unlawful.

127. The adverse action by Defendants-Respondents is therefore patently arbitrary and capricious.

128. As a direct and proximate result of his wrongful, unlawful, and *ultra vires* detention by Defendants-Respondents, Plaintiff-Petitioner has suffered and will continue to suffer injury.

COUNT IV
VIOLATION OF FIFTH AMENDMENT
Procedural Due Process

129. Plaintiff-Petitioner adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-100 above as though fully stated and set forth herein.

130. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment to the United States Constitution.

131. To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

132. Pursuant to *Mathews*, courts weigh the following three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of

an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews*, 424 U.S. at 335.

133. Petitioner-Plaintiff has a significant interest at stake. Being free from physical detention by one’s own government “is the most elemental of liberty interests.” *See Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

134. Petitioner-Plaintiff is being held at a detention facility in the same conditions as criminal inmates (or worse) and is far from his Family, which desperately requires both his financial assistance and emotional and logistical support vis-à-vis three (3) minor United States citizen children.

135. There is a large risk of erroneous deprivation of Petitioner-Plaintiff’s liberty interest through the procedures used in this case (in this case none) and there are available alternative procedures which would ameliorate those risks.

136. The risk of deprivation is high because, contrary to law, Defendant-Respondents have violated Constitutional, statutory, and regulatory laws; failed to demonstrate any material change in circumstances giving rise to significant likelihood of removal in the reasonably foreseeable future; and both revoked Plaintiff-Petitioner’s order of supervision and

deprived his liberty absent any individualized and constitutionally adequate hearing.

137. There are no significant governmental interest at stake related to Plaintiff-Petitioner's continued detention because his availability for removal may be secured by less restrictive means, i.e., release on order of supervision similar to the last twelve (12) years without issue, in light of the fact that Plaintiff-Petitioner is unquestionably neither a danger to any community nor a flight risk as well as demonstrated unlikelihood DHS will be unable to remove him to Nigeria.

138. As a direct and proximate result of the violation of Plaintiff-Petitioner's procedural due process rights, Plaintiff-Plaintiff has suffered and will continue to suffer injury.

COUNT V
VIOLATION OF ADMINISTRATIVE PROCEDURE ACT
Procedural Due Process

139. Plaintiff adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-100 above as though fully stated and set forth herein.

140. Under § 706(a) of the APA, final agency action can be set aside if it is "contrary to a constitutional right, power, privilege, or immunity." See 5 U.S.C. § 706(2)(B).

141. As discussed, *supra*, at Paragraph Nos. 15-97, Petitioner-Plaintiff is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court.

142. Defendants-Respondents have deprived Plaintiff-Petitioner of his liberty without providing any meaningful individualized and constitutionally adequate hearing.

143. Continued detention of Plaintiff-Petitioner absent any meaningful individualized and constitutionally adequate hearing or sufficient and compelling legitimate government interest constitutes a violation of Due Process Clause of the Fifth Amendment to the United States Constitution.

144. The adverse agency action at issue is therefore necessarily contrary to a constitutional right and thus falls within the ambit of 5 U.S.C. § 706(2)(B).

145. As a direct and proximate result of the unauthorized and unlawful detention alleged herein, Plaintiff-Petitioner has suffered and will continue to suffer injury.

COUNT VI
VIOLATION OF FIFTH AMENDMENT
Substantive Due Process

146. Plaintiff adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-100 above as though fully stated and set forth herein.

147. The Due Process Clause of the Fifth Amendment forbids the Government from indefinitely detaining inadmissible aliens—potentially forever—without a tenable justification.

148. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. U.S. Const. Amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678 (2001).

149. Government detention violates the fundamental substantive Due Process rights guaranteed to non-citizens unless it is either ordered in a criminal proceeding with adequate procedural protections or it falls into “special and narrow non-punitive circumstances where a special justification, such as harm-threatening mental illness, outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas v Davis*, 533 U.S. 678, 690 (citations omitted); *see also Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

150. Defendants-Respondents have not attempted to show any special justification or compelling governmental interest which would outweigh Plaintiff-Petitioner’s constitutional liberty.

151. Defendant-Respondents have violated Constitutional, statutory, and regulatory laws; failed to demonstrate any material change in

circumstances giving rise to significant likelihood of removal in the reasonably foreseeable future; and both revoked Plaintiff-Petitioner's order of supervision and deprived his liberty absent any individualized and constitutionally adequate hearing.

152. There are no significant governmental interest at stake related to Plaintiff-Petitioner's continued detention because his availability for removal may be secured by less restrictive means, i.e., release on order of supervision similar to the last thirteen (13) years without issue, in light of the fact that Plaintiff-Petitioner is unquestionably neither a danger to any community nor a flight risk as well as demonstrated unlikelihood DHS will be unable to remove him to Nigeria.

153. As a direct and proximate result of the violation of substantive due process rights alleged herein, Plaintiff-Plaintiff has suffered and will continue to suffer injury.

PRAYER FOR RELIEF

WHEREFORE Plaintiff-Petitioner respectfully requests the Court enter an Order: (1) mandating that Defendant-Respondents show cause, returnable within three (3) days pursuant to 28 U.S.C. § 2243, as to why the relief requested in this petition should not be granted; (2) issuing a writ of habeas corpus directing Defendants-Respondents to immediately release Plaintiff-Petitioner from custody under reasonable conditions of supervision; (3)

recording judgment against Defendants-Respondents as to Counts I-VI (4) declaring Plaintiff-Petitioner's continued detention to be contrary to law, arbitrary and capricious, and violative of the Fifth Amendment of the U.S. Constitution; (5) declaring unlawful and permanently enjoining re-detention of Petitioner-Plaintiff by DHS absent (i) evidence of materially changed circumstances and (ii) sufficient prior written notice to Plaintiff-Petitioner and a constitutionally adequate individualized opportunity to be heard; (6) awarding Plaintiff-Petitioner his reasonable costs and attorneys' fees incurred in this action in accordance with the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(2); and (6) granting such other and further relief as this Court deems appropriate, just, or equitable under the circumstances.

Date: January 13, 2026

Respectfully submitted,

DEMPSEY LAW, PLLC

By: /s/ Christopher W. Dempsey
CHRISTOPHER W. DEMPSEY, ESQ.
M.D. Fla. Bar No. 1038319
50 North Laura Street, Suite 2500
Jacksonville, Florida 32202
Tele: (904) 760-6272
Email: chris@cdempseylaw.com

Attorney for Plaintiff-Petitioner