

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
DENVER DIVISION**

ARISTILDE SEVENET

Petitioner,

v.

Kelei WALKER Field Office Director of  
Enforcement and Removal Operations, Denver  
Field Office, Immigration and Customs  
Enforcement; Kristi NOEM, Secretary, U.S.  
Department of Homeland Security; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY; Pamela BONDI, U.S. Attorney  
General; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW; Dawn CEJA  
Warden of DENVER CONTRACT  
DETENTION FACILITY

Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT TO 28  
U.S.C. § 2241**

**INTRODUCTION**

1. Petitioner, Sevenet Aristilde, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing civil immigration detention by the United States Department of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE”).

2. Petitioner is a citizen and national of Haiti who is currently detained in ICE custody in Colorado, within the jurisdiction of the United States District Court for the District of Colorado. ICE exercises custody over Petitioner through the Denver Field Office, and he is confined at an ICE detention facility within this District.

3. Petitioner last entered the United States on January 6, 2023, at San Ysidro, California, where he was paroled into the United States by U.S. Customs and Border Protection. DHS thereafter placed Petitioner into removal proceedings under section 240 of the Immigration and Nationality Act, charging him as an arriving alien paroled into the United States.

4. On May 3, 2025, Petitioner married Marie Lucie Sejour, a United States citizen. Based on this bona fide marriage, Petitioner's U.S. citizen spouse filed a Form I-130, Petition for Alien Relative, on his behalf on July 31, 2025, seeking to classify Petitioner as the immediate relative of a U.S. citizen. USCIS issued a receipt notice acknowledging acceptance of the petition, which remains pending.

5. On July 7, 2025, at Petitioner's first Master Calendar Hearing before the Miami Immigration Court, DHS orally moved to dismiss Petitioner's removal proceedings pursuant to 8 C.F.R. § 1239.2(c). The Immigration Judge granted DHS's motion and dismissed the proceedings without prejudice, expressly recognizing that DHS lacks unilateral authority to cancel a Notice to Appear once proceedings have commenced. Immediately after the dismissal of proceedings, however, ICE officers arrested Petitioner outside the immigration courtroom and placed him into detention, where he remains to this day.

6. Petitioner has not been found to be a danger to the community or a flight risk, nor has he been convicted of any criminal offense in the United States. To the contrary, the record reflects that Petitioner was lawfully paroled into the country, has a fixed residence, is married to a U.S. citizen, and is actively pursuing lawful permanent residence through an immediate-relative petition.

7. Petitioner remains in civil immigration detention without having received any individualized custody determination by a neutral decisionmaker assessing whether his continued

detention is necessary. His ongoing detention serves no legitimate immigration purpose and, in fact, impedes his ability to pursue adjustment of status, including completion of required medical lasting formalities. DHS has further acknowledged errors in its representations to the Immigration Court regarding the status of Petitioner's I-130 petition, underscoring the arbitrary nature of his continued confinement.

8. Because Petitioner is in ICE custody within this District, and because he challenges the legality of that custody under the Constitution and laws of the United States, this Court has jurisdiction to grant habeas relief pursuant to 28 U.S.C. § 2241.

#### **JURISDICTION AND VENUE**

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 2241 because Petitioner challenges the legality of his ongoing civil immigration detention and seeks relief from custody that is in violation of the Constitution and laws of the United States. Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review the lawfulness of immigration detention notwithstanding the jurisdiction limiting provisions of the Immigration and Nationality Act. The Supreme Court has repeatedly affirmed that federal courts possess authority to hear habeas corpus petitions challenging the constitutionality of civil immigration detention. See, for example, *Demore v. Kim*, 538 U.S. 510 (2003), and *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

10. This Court has jurisdiction under Article III of the Constitution because Petitioner is suffering an ongoing and concrete injury traceable to the actions of Respondents and redressable by a favorable decision from this Court. The relief sought falls squarely within the scope of federal habeas corpus review, which permits individuals in federal custody to challenge detention that is arbitrary, excessive, or contrary to statutory and constitutional limits.

11. Venue is proper in the United States District Court for the District of Colorado pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1391(e) because Petitioner is currently detained within this District in ICE custody. The immediate custodian responsible for Petitioner's detention is located within the District of Colorado, and Petitioner's present confinement is occurring within the territorial jurisdiction of this Court.

12. The Warden of the Denver Contract Detention Facility is Petitioner's immediate custodian and maintains direct physical control over Petitioner's confinement.

13. Respondent, the Field Office Director of the ICE Denver Field Office, oversees immigration enforcement functions and supervisory responsibilities relevant to Petitioner's detention and is included as a respondent in his official capacity.

14. Respondent Pam Bondi, as Attorney General of the United States, exercises supervisory authority over the Executive Office for Immigration Review (EOIR), including the Immigration Courts and the Board of Immigration Appeals, whose determinations have affected Petitioner's detention and access to custody review.

15. Respondent Kristi Noem, as Secretary of the United States Department of Homeland Security, has ultimate legal and supervisory authority over the agencies and officers detaining Petitioner, including oversight of ICE policies and regulations governing immigration detention and release.

#### PARTIES

16. Petitioner Sevenet Aristilde is a citizen and national of Haiti who is currently detained at the Denver Contract Detention Facility in Colorado. He is held in the civil immigration custody of the United States Department of Homeland Security. Petitioner brings this habeas action to challenge the legality of his continued civil immigration detention.

17. Respondent, the Warden of the Denver Contract Detention Facility, is Petitioner's immediate custodian. The Warden exercises direct physical control over Petitioner's confinement and is a proper respondent under the immediate custodian rule governing habeas corpus petitions.

18. Respondent, the Field Office Director of the ICE Denver Field Office, oversees immigration enforcement functions and supervisory responsibilities relevant to Petitioner's detention and is included as a respondent in his official capacity.

19. Respondent Pam Bondi, Attorney General of the United States, is the chief legal officer of the federal government and exercises supervisory authority over the Executive Office for Immigration Review, including Immigration Courts and the Board of Immigration Appeals, whose determinations have affected Petitioner's access to custody review.

20. Respondent Kristi Noem, Secretary of the United States Department of Homeland Security, has ultimate legal and supervisory authority over the agencies and officers detaining Petitioner, including oversight of U.S. Immigration and Customs Enforcement operations, policies, and regulations governing civil immigration detention and release.

#### **FACTUAL BACKGROUND**

21. Petitioner Sevenet Aristilde is a citizen and national of Haiti. Petitioner last entered the United States on January 6, 2023, at San Ysidro, California, where he was paroled into the United States by U.S. Customs and Border Protection. Following his parole, the Department of Homeland Security placed Petitioner into removal proceedings pursuant to section 240 of the Immigration and Nationality Act.

22. After his entry and parole into the United States, Petitioner complied with all immigration requirements and appeared as directed before the Immigration Court. On May 3,

2025, Petitioner married Marie Lucie Sejour, a United States citizen, in the State of Florida. The marriage is bona fide and remains ongoing.

23. Based on this marriage, Petitioner's U.S. citizen spouse filed a Form I-130, Petition for Alien Relative, on Petitioner's behalf on July 31, 2025, seeking to classify Petitioner as an immediate relative of a U.S. citizen under the Immigration and Nationality Act. U.S. Citizenship and Immigration Services accepted the petition and issued a receipt notice acknowledging that the I-130 remains pending.

24. On July 7, 2025, at Petitioner's first Master Calendar Hearing before the Miami Immigration Court, the Department of Homeland Security orally moved to dismiss Petitioner's removal proceedings pursuant to 8 C.F.R. § 1239.2(c). After considering the record, the Immigration Judge granted DHS's motion and dismissed the proceedings without prejudice.

25. Immediately following the dismissal of his removal proceedings, ICE officers arrested Petitioner outside the immigration courtroom and placed him into civil immigration detention. Petitioner was subsequently transferred to ICE custody in Colorado, where he is currently detained at the Denver Contract Detention Facility.

26. The record does not reflect that Petitioner has been found to be a danger to the community or a flight risk. Petitioner has no reported criminal convictions in the United States. To the contrary, Petitioner was lawfully paroled into the country, has a fixed address, is married to a U.S. citizen, and is actively pursuing lawful permanent residence through an immediate-relative petition.

27. Petitioner remains in civil immigration detention without having received any individualized custody determination by a neutral decisionmaker addressing whether his continued

detention is necessary. His detention is civil in nature and is not connected to any criminal proceedings.

28. Petitioner's continued detention serves no legitimate immigration purpose and affirmatively impedes his ability to pursue adjustment of status, including completion of required medical examination and related filings. DHS has further acknowledged errors in its representations to the Immigration Court regarding the status of Petitioner's I-130 petition, underscoring the arbitrary and unreasonable nature of his continued confinement.

29. Petitioner's continued detention is effectively indefinite because the only viable mechanism by which his detention could end—adjudication of his immediate-relative petition and related adjustment process—is stalled by executive and agency policy beyond his control. Petitioner is married to a United States citizen and is the beneficiary of a properly filed and pending Form I-130, Petition for Alien Relative, which constitutes his sole realistic pathway to lawful permanent residence and release from immigration custody.

30. In light of Petitioner's ongoing civil immigration detention, Petitioner and his U.S. citizen spouse have requested expedited adjudication of the Form I-130 pursuant to U.S. Citizenship and Immigration Services' humanitarian and government-interest expedite criteria. The request is based on Petitioner's prolonged detention, family separation, and the absence of any criminal or public-safety concerns. Despite this request, USCIS adjudication of Petitioner's immediate-relative petition has not been completed and remains subject to policy-driven delay beyond Petitioner's control.

31. Petitioner is a citizen and national of Haiti, a country subject to heightened executive-branch restrictions, security-based vetting regimes, and policy-driven adjudicatory slowdowns pursuant to current Executive Orders and implementing USCIS policies. As a result,

adjudication of immediate-relative petitions and related immigration benefits for nationals of designated or restricted countries has been delayed without any predictable or reviewable timeline.

32. These delays are not attributable to Petitioner. He has complied with all immigration requirements, possesses substantial family and community ties, and presents no danger to the community or risk of flight. Nevertheless, while USCIS adjudication of his immediate-relative petition remains stalled, Immigration and Customs Enforcement continues to detain him.

33. At the same time, the Government is unable to effectuate Petitioner's removal. DHS itself moved to dismiss Petitioner's removal proceedings, no final order of removal exists, and no removal efforts are ongoing. As a result, Petitioner remains confined in a legal limbo in which removal is not occurring, relief is not being adjudicated, and detention continues without a foreseeable endpoint.

34. Petitioner's ongoing detention without any opportunity for custody review violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, and longstanding constitutional principles prohibiting arbitrary and excessive civil detention. Because no adequate administrative mechanism exists for Petitioner to obtain meaningful custody review, he seeks habeas corpus relief to secure his immediate release or, in the alternative, a constitutionally adequate custody hearing before a neutral decisionmaker with authority to order release

**COUNT I:**

**UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA) AND IMPLEMENTING REGULATIONS**

35. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

36. The Immigration and Nationality Act authorizes civil immigration detention only when it serves a legitimate statutory purpose, namely, to ensure appearance at future proceedings or to protect public safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005). Detention that is unnecessary, arbitrary, or prolonged beyond what is reasonably required to serve these statutory objectives exceeds the government's lawful authority.

37. Petitioner is a citizen and national of Haiti who was paroled into the United States and placed into removal proceedings under section 240 of the Immigration and Nationality Act. Those removal proceedings were subsequently dismissed at the request of the Department of Homeland Security by an Immigration Judge on July 7, 2025.

38. Petitioner is married to a United States citizen, and a Form I-130, Petition for Alien Relative, has been properly filed on his behalf and remains pending with U.S. Citizenship and Immigration Services. Petitioner is actively pursuing a lawful pathway to permanent residence and has demonstrated substantial equities weighing against continued detention.

39. The record does not reflect that Petitioner has been found to be a danger to the community or a flight risk. Petitioner has no reported criminal convictions in the United States. His detention is civil in nature and is not connected to any criminal proceedings.

40. Petitioner is currently detained in the custody of U.S. Immigration and Customs Enforcement at the Denver Contract Detention Facility. The record does not reflect that Petitioner has received any individualized custody determination by a neutral decisionmaker addressing whether his continued detention is necessary to serve a legitimate statutory purpose.

41. Petitioner's continued detention serves no legitimate governmental or statutory objective. His removal proceedings have been dismissed, and his ongoing confinement

affirmatively impedes his ability to pursue adjustment of status, including completion of required medical examinations and related filings necessary to regularize his immigration status.

42. The Immigration and Nationality Act does not authorize the prolonged or indefinite detention of a noncitizen who poses no danger or flight risk and who has never received a custody hearing before a neutral adjudicator. *See Zadvydas*, 533 U.S. at 690–91; *Clark*, 543 U.S. at 380–81. Petitioner’s continued confinement bears no reasonable relation to any permissible statutory purpose and has become arbitrary and excessive.

43. Because Petitioner has no adequate administrative mechanism to obtain meaningful custody review, his continued detention exceeds the narrow authority granted by Congress and violates the Immigration and Nationality Act, its implementing regulations, and controlling Supreme Court precedent. Accordingly, Petitioner respectfully requests that this Court order his immediate release or, in the alternative, require the government to provide a constitutionally adequate custody hearing before a neutral decisionmaker with authority to order release.

**COUNT II:**

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT  
TO THE U.S. CONSTITUTION**

44. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

45. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States—including those who entered without inspection—are entitled to full procedural due process protections. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

46. Petitioner is a citizen and national of Haiti who was paroled into the United States and placed into removal proceedings under section 240 of the Immigration and Nationality Act.

Those removal proceedings were subsequently dismissed at the request of the Department of Homeland Security by an Immigration Judge on July 7, 2025.

47. Petitioner is married to a United States citizen and is the beneficiary of a pending Form I-130, Petition for Alien Relative, filed on his behalf and accepted by U.S. Citizenship and Immigration Services. Petitioner is actively pursuing lawful permanent residence through this immediate-relative petition.

48. Petitioner has no criminal convictions, no history of violence, and has consistently complied with all immigration requirements. Nothing in the record indicates that Petitioner poses a danger to the community or a risk of flight.

49. Petitioner is currently in the civil immigration custody of U.S. Immigration and Customs Enforcement and is detained at the Denver Contract Detention Facility in Colorado.

50. The record does not reflect that Petitioner has received a custody redetermination, bond hearing, or any other individualized custody review before an Immigration Judge or other neutral decisionmaker. Nor does the record reflect any determination that detention is necessary based on individualized findings.

51. As a result, Petitioner has been deprived of any meaningful opportunity to present evidence regarding his lack of dangerousness, his strong family and community ties in the United States, or the availability of reasonable alternatives to detention.

52. Petitioner has never received a constitutionally adequate custody hearing before a neutral decisionmaker with authority to order his release. He has never been permitted to contest the government's justification for continued detention or to obtain an individualized assessment of whether detention is warranted.

53. Petitioner's detention has become prolonged and indefinite in nature. There is no statutory or administrative process available to him to obtain meaningful custody review, and his confinement continues without adequate procedural safeguards.

54. Civil immigration detention implicates a fundamental liberty interest. Prolonged detention without notice, an opportunity to be heard, or adjudication by a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment. *Zadvydas*, 533 U.S. at 690–91.

55. The government's continued detention of Petitioner without an individualized custody determination, and in the absence of any ongoing removal proceedings, renders his confinement arbitrary, excessive, and punitive in effect.

56. Petitioner's continued incarceration without constitutionally adequate process violates the Due Process Clause of the Fifth Amendment. Habeas relief is therefore warranted. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, require a prompt and constitutionally adequate custody hearing before a neutral adjudicator with authority to consider all relevant factors and grant release on bond.

**COUNT III:**

**VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT –  
ARBITRARY AND CAPRICIOUS AGENCY ACTION**

57. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

58. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States, including those who entered without inspection, are entitled to full procedural due process protections. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

59. Petitioner is a citizen and national of Haiti who was paroled into the United States and placed into removal proceedings under section 240 of the Immigration and Nationality Act. Those proceedings were subsequently dismissed at the request of the Department of Homeland Security by an Immigration Judge on July 7, 2025.

60. Petitioner is married to a United States citizen, and a Form I-130, Petition for Alien Relative, has been properly filed on his behalf and accepted by U.S. Citizenship and Immigration Services. Petitioner is actively pursuing lawful permanent residence as the immediate relative of a U.S. citizen.

61. Despite the dismissal of removal proceedings and the pendency of a valid immediate-relative petition, Immigration and Customs Enforcement continues to detain Petitioner in civil immigration custody at the Denver Contract Detention Facility, without articulating any individualized justification for continued confinement.

62. Petitioner has no criminal convictions, no history of violence, and no record suggesting that he poses a danger to the community or a risk of flight. The agency has failed to consider these relevant factors or to explain why less restrictive alternatives to detention would be insufficient.

63. Petitioner has never received a custody hearing or any individualized custody determination by a neutral decisionmaker. No Immigration Judge or other adjudicator has evaluated whether Petitioner's continued detention is necessary, whether alternatives to detention are available, or whether his personal circumstances warrant release.

64. Petitioner remains detained solely as a result of discretionary agency action by Immigration and Customs Enforcement, without any procedural mechanism to obtain meaningful

custody review. He has no adequate administrative avenue through which to challenge the factual or legal basis for his continued detention.

65. The agency's continued detention of Petitioner is internally inconsistent with the record, including DHS's own decision to seek dismissal of removal proceedings and its subsequent acknowledgment of errors regarding the status of Petitioner's immigration filings. The agency has failed to provide a reasoned explanation for maintaining detention under these circumstances.

66. By continuing to detain Petitioner without an individualized assessment, without consideration of relevant factors, and without a rational connection between the facts found and the decision made, Respondents have engaged in agency action that is arbitrary, capricious, and contrary to law in violation of the Administrative Procedure Act.

67. Petitioner's continued incarceration as a result of this unlawful agency action warrants habeas relief. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, require the government to provide a prompt and constitutionally adequate custody hearing before a neutral adjudicator with authority to consider all relevant factors and order release.

#### **COUNT IV:**

#### **VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF THE FIFTH AMENDMENT**

68. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

69. The Due Process Clause of the Fifth Amendment contains an implicit guarantee of equal protection that prohibits the federal government from treating similarly situated individuals differently without a rational and legitimate governmental purpose. *Reno v. Flores*, 507 U.S. 292, 302 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).

70. Petitioner is a citizen and national of Haiti who was paroled into the United States and placed into removal proceedings under section 240 of the Immigration and Nationality Act. He is currently in the civil immigration custody of U.S. Immigration and Customs Enforcement.

71. Petitioner has no criminal convictions, no history of violence, and has consistently complied with all immigration requirements. The record contains no indication that Petitioner poses a danger to the community or a risk of flight. To the contrary, Petitioner has demonstrated substantial equities, including lawful parole, a fixed residence, and marriage to a United States citizen.

72. Despite being similarly situated to other noncitizens placed in section 240 proceedings who lack criminal history and adverse factors, Petitioner has been categorically denied access to any individualized custody review. Immigration and Customs Enforcement has effectively excluded him from the ordinary custody review framework without identifying any statutory bar or individualized justification.

73. Petitioner's continued detention is particularly arbitrary given that his removal proceedings were dismissed at the request of the Department of Homeland Security, yet he remains confined without any opportunity to seek release through the same procedures routinely available to similarly situated noncitizens.

74. Petitioner has never been afforded an opportunity to contest the basis of his custody classification. No Immigration Judge or other neutral decisionmaker has evaluated whether Petitioner's detention is necessary, whether less restrictive alternatives are appropriate, or why he is being treated differently from other noncitizens in the same statutory posture.

75. This disparate treatment constitutes a violation of equal protection. The Fifth Amendment prohibits the government from treating similarly situated individuals differently

without a rational basis. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). There is no rational or legitimate governmental interest in denying Petitioner access to individualized custody review while affording such review to other noncitizens who pose no danger, present no flight risk, and have ongoing avenues for lawful status.

76. Immigration authorities have provided no individualized explanation, factual findings, or adjudicative basis for placing Petitioner in a more restrictive custody category than similarly situated noncitizens. A custody classification that results in prolonged detention without review, premised solely on discretionary agency assertions and without neutral oversight, is arbitrary and not rationally related to any legitimate governmental purpose.

77. Civil immigration detention must bear a reasonable relation to its permissible purposes. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Denying Petitioner the opportunity for individualized custody review that is available to other noncitizens in the same statutory category bears no reasonable relation to ensuring appearance at proceedings or protecting public safety.

78. The government's unequal treatment of Petitioner violates the equal protection guarantee embedded in the Fifth Amendment. This irrational and arbitrary deviation from established custody practices further underscores the constitutional infirmity of Petitioner's continued detention. Habeas relief is therefore warranted, and Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct the government to provide him with the same individualized custody review afforded to similarly situated noncitizens.

COUNT V:

**VIOLATION OF THE SUSPENSION CLAUSE OF THE UNITED STATES  
CONSTITUTION**

79. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

80. The Suspension Clause of the United States Constitution provides that “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the legality of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).

81. Habeas corpus remains available to all individuals detained by executive authority within the United States, including noncitizens held in civil immigration custody. The Supreme Court has expressly held that Congress may not eliminate all avenues of meaningful judicial review of the legality of detention. *St. Cyr*, 533 U.S. at 305–06.

82. Petitioner is detained solely under civil immigration authority and is currently in the custody of U.S. Immigration and Customs Enforcement at the Denver Contract Detention Facility in Colorado. Petitioner has no criminal convictions in the United States, and his detention is not connected to any criminal proceedings.

83. Petitioner has never received a constitutionally adequate custody hearing. No Immigration Judge or other neutral decisionmaker has evaluated whether Petitioner’s continued detention is justified, whether less restrictive alternatives would suffice, or whether detention serves any legitimate statutory purpose.

84. Petitioner has been categorically excluded from meaningful custody review despite being similarly situated to other noncitizens who are afforded individualized custody determinations. No neutral adjudicatory body has reviewed the factual or legal basis for his continued confinement.

85. Because Immigration Judges and the Board of Immigration Appeals do not provide jurisdiction over Petitioner's custody classification, and because Immigration and Customs Enforcement has not afforded any discretionary or individualized custody review, Petitioner has no administrative pathway to challenge the legality, necessity, or duration of his detention.

86. As a result, no alternative remedy exists outside of habeas corpus through which Petitioner may obtain judicial review of his prolonged and arbitrary civil detention. Neither the immigration courts nor internal agency processes provide an adequate or effective substitute for habeas review.

87. The Suspension Clause prohibits the government from implementing a detention scheme that forecloses all meaningful opportunities for detainees to test the legality of their confinement. *Boumediene*, 553 U.S. at 779 ("The writ must be effective."). Where no adequate substitute exists, habeas corpus review is constitutionally required. *St. Cyr*, 533 U.S. at 305.

88. Petitioner's detention—prolonged, unreviewed, and insulated from any individualized determination—implicates the core protections of the Suspension Clause. Absent access to habeas corpus, Petitioner would have no mechanism, judicial or administrative, to contest the legality of his ongoing civil detention.

89. The government's categorical refusal to provide custody review, and its reliance on internal detention practices that foreclose individualized assessment, violate the Suspension Clause by depriving Petitioner of an effective and constitutionally required means to challenge

unlawful confinement. Accordingly, habeas relief is required, and Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct Respondents to provide a prompt, meaningful, and individualized custody hearing before a neutral adjudicator with authority to grant release.

**PRAYER FOR RELIEF**

Petitioner respectfully requests that this Court grant the following relief:

- A. Issue a writ of habeas corpus ordering Petitioner's immediate release from immigration detention;
- B. In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before a neutral Immigration Judge within seven (7) days of the Court's order, at which the government bears the burden to prove by clear and convincing evidence that continued detention is justified based on danger to the community or risk of flight;
- C. Declare that Petitioner's continued detention without access to a bond hearing violates the Immigration and Nationality Act, its implementing regulations, and the Due Process Clause of the Fifth Amendment to the United States Constitution;
- D. Award Petitioner reasonable costs and attorneys' fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, to the extent applicable;
- E. Grant such other and further relief as the Court deems just and proper.

Respectfully Submitted,

/s/ Diego Alejandro Gomez

01/14/2026

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**VERIFICATION BY SOMEONE ACTING OF PETITIONER'S BEHAL PURSUANT TO  
28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this petition for Writ of Habeas Corpus are true and current to the best of my knowledge.

Dated: January 14, 2026,

Respectfully submitted

/s/ Diego Alejandro Gomez  
*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of January 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered counsel of record.

Dated: January 14, 2026,

Respectfully submitted

/s/ Diego Alejandro Gomez  
*Counsel for Petitioner*