


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT

FILED BY MP D.C.
JAN 23 2026
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

DUZZLIE MCDONALD RIGBY)
A# )
Petitioner)
vs.)
CHARLES PARRA, Field Office Director)
Enforcement;)
PAMELA BONDI, Attorney General;)
KRISTI NOEM, Secretary of Department of)
Homeland Security;)
Respondents)
/

No.
PETITION FOR WRIT OF
HABEAS CORPUS AND
RELEASE FROM DETENTION

INTRODUCTION

1. The Petitioner herein, DUZZLIE MCDONALD RIGBY, a resident of Florida who has lived in the United States for approximately 40 years. He is currently being held in detention by the Department of Homeland Security, without bond. He has been held in detention since October 9th of 2025 without cause. Mr. Rigby is entitled to immediate release from detention, and he would be released but for DHSs unlawful interpretation of the Immigration and Nationality Act (INA).
2. Mr. Rigby was taken into custody because DHS/ICE has claimed to have sufficient reason to believe they can effectuate his removal. Petitioner was ordered removed in January of 1996 on the basis that he had been previously convicted of Robbery. Ice then, attempted to remove petitioner to no avail. However because of complications petitioner was released on bond which later followed by report supervision. The immigration officers in Texas told him that he would have to report to the immigration office indefinitely concerning his prior convictions. On June 20th 2025, Mr. Rigby reported as required to the immigration office in Miramar, Florida without issues, petitioner was scheduled to reappear for report in December 19, 2025. Unfortunately Mr. Rigby would later be taken into custody at his place of residence by the Department of Homeland Security before the schedule date. DHS refuses to establish a bond or release him. He has been held in custody since October of 2025 to the present date. He has also been in Immigration twice prior to the present with no foreseeable sight of removal. The continued detention of Mr. Rigby without bond has caused and will continue to cause extreme and irreparable hardship to Mr. Rigby and his U.S. citizen family, and it violates the statute and the United States Constitution.


PARTIES

3. Petitioner, Duzzlie McDonald Rigby is a native and citizen of the Bahamas. He came to the United States with his family in the 1980s and has lived in the United States ever from the time he was 10. Though he has since been ordered removed from the United States in 1996, DHS/ICE hasn't yet been able to succeed in their attempts at removing him. He is a resident of South Florida. He is being held in detention at the Department of Homeland Security detention facility in Miami, Florida.
4. Defendant Charles Parra is sued in his official capacity as the Acting Miami Field Office Director within the State of Florida for the Immigration and Customs Enforcement, an office of the Department of Homeland Security. Defendant Charles Parra is charged by law with the implementation and enforcement of the immigration laws, and he is the officer who has custody over Petitioner.
5. Defendant Pamela Bondi is sued in her official capacity as the Attorney General of the United States. She has authority over the Board of Immigration Appeals, and she has authority to direct the Board to hold bond hearings and establish bond conditions.
6. Defendant Kristi Noem is sued in her official capacity as the Secretary of the Department of Homeland Security. She is the executive officer who has been given authority to manage and control the Immigration and Customs Enforcement. As such, she is the ultimate legal custodian of the Petitioner.

JURISDICTION

7. This court has jurisdiction pursuant to 28 U.S.C. 2241 (habeas corpus jurisdiction); 28 U.S.C. 1331 (federal question jurisdiction); and 28 U.S.C. 1361 (jurisdiction over actions for mandamus).
8. Venue in the Southern District of Florida is appropriate under 28 U.S.C. 1391(e)(1) and (2) because the defendant Charles Parra resides in this district and because Petitioner is being held in detention in the Southern District in Miami.

FACTUAL BACKGROUND

1. Petitioner is a native of Freeport, Bahamas and was born on  He came to the United States with his parents who were natives of Turk and Caicos who are now deceased.
2. Petitioner entered the U.S. approximately around the age of 10 in the early 80s, and have continuously resided in the U.S. ever since.
3. About 34 years ago, Mr. Rigby pled guilty to the offense of Robbery in the First Degree, a violation of Florida Statute. He served roughly three years in prison and at the

- conclusion of his sentence he was released to DHS/ICE which was INS at the time for removal proceedings.
4. Petitioner received a final order of removal dated January 31st 1996 as a result of the Robbery Conviction. It should be noted petitioner had fully complied with Immigration officials then; by submitting passport and every other form of documentation required. *(see exhibit A)*
 5. Instead of being removed however, after 16 months of detention, petitioner was released under supervision and has been on supervision for the last 29 years.
 6. Petitioner had been reporting on time consistently, with no issue since the commencement of his supervision, until on October 9th 2025 when he was arrested at his home without any probable cause; he hadn't violated any of the stipulated conditions of his supervision
 7. Later, while in detention Mr. Rigby contacted the British consulate; where he was notified that a flight has been booked for him to the Turk and Caicos, unbeknownst to the British Consulate, since they had not issued any travel documents to ICE in regards to Mr. Rigby.
 8. The Bahamas, The United Kingdom as well as Turk and Caicos have repeatedly denied petitioner entry and also they have repeatedly refused to issue out any travel document. *(see exhibit B)*
 9. All of petitioner family resides in the United State and are all citizens of the U.S. including six born American kids.
 10. Mr. Rigby is a very family orientated and a proud father of six, he has deep ties within the United States. *(see exhibit C for Petitioners Good faith and character letters)*
 11. It should be noted, Mr. Rigby has been detained two times prior to the present: the first time Mr. Rigby was detained he spent approximately 16 month before being release on supervision. The second time he spent approximately 9 months before being released. At present petitioner has been detained over 90 days and it is very possible respondent is planning to keep petitioner in detention even longer.
 12. A decision to continue detention was made on January 7th 2026; the ruling was that petitioner is a danger to the community; the problem being however there is no evidence to supports this notion, because no interview was held, no effort to any fact finding were made and no consideration to the above good faith letters were given. *(see exhibit D)*
 13. Given the circumstances and the denials from the countries of which respondent can possibility be removed to; it is safe to say that there is no foreseeable future in which DHS/ICE can remove petitioner.
 14. DHSs refusal to release petitioner is arbitrary and capricious, based on an erroneous interpretation of the law, and constitutes abuse of discretion. In refusing to provide for a hearing before a neutral judge, DHS has acted in violation of the Immigration and Nationality Act, and in violation of the Eighth Amendment and the Due Process Clause of the United States Constitution.

15. The arrest of Mr. Rigby by DHS is unjustified and contrary to law. But for the fact that the Department of Homeland Security and Immigration Customs Enforcements has wrongfully interpreted and applied the statute, petitioner would be released from detention and allowed to rejoin his family.
16. At the very least Mr. Rigby is entitled to a bond hearing before a neutral decision maker other than a DHS/ICE official.
17. If released petitioner will reside at the same address where he was taken into custody.
18. It should also be noted that according to petitioners' native country's law, he is considered to be stateless.

IRREPARABLE INJURY

19. Petitioner is suffering and will continue to suffer irreparable injury because of the government's actions. Every day that he is held in custody he suffers further injury, which is irreparable.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

20. Petitioner has exhausted all administrative remedies and no further administrative remedies are available to him.

LEGAL ARGUMENT

21. Federal law generally permits the Government to deport noncitizens found to be unlawfully in the United States only to countries with which they have a meaningful connection. 8 U.S. C. 1231(b). To that end, Congress specified two default options: noncitizens arrested while entering the country must be returned to the country from which they arrived, and nearly everyone else may designate a country of choice. 1231(b)(1)(A), (b)(2)(A). If these options prove infeasible, Congress specified which possibilities the Executive should attempt next. These alternatives include the noncitizen's country of citizenship or her former country of residence. 1231(b)(1)(C), (2)(E).

This case concerns the Government's ability to conduct what is known as a "third country removal," meaning a removal to any "country with a government that will accept

- the alien." 1231(b)(1)(C)(iv); see 1231(b)(2)(E)(vii). Third-country removals are burdensome for the affected noncitizen, so Congress has sharply limited their use. They are permissible only after the Government tries each and every alternative noted in the statute, and determines they are all "impracticable, inadvisable, or impossible." 1231(b)(1)(C)(iv), (2)(E)(vii).
22. "It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); see also *id.* at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention."). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. See *id.* at 721 (Kennedy, J., dissenting) ("both removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious").
 23. Due process therefore requires "adequate procedural protections" to ensure that the government's asserted justification for physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* at 690 (internal quotation marks omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.
 24. Due process also requires consideration of alternatives to detention. The primary purpose of immigration detention is to ensure a noncitizen's appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. See *Bell v. Wolfish*, 441 U.S. 520, 538 (1979). ICE's alternatives to detention program—the Intensive Supervision Appearance Program—has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP "resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings"). It follows that alternatives to detention must be considered in determining whether prolonged incarceration is warranted.
 25. Immigration detainees face severe hardships while incarcerated. Immigration detainees are held in lock-down facilities, with limited freedom of movement and access to their families: "the circumstances of their detention are similar, so far as we can tell, to those in many prisons and jails." *Jennings*, 2018 WL 1054878 at *28 (Breyer, J., dissenting); accord *Chavez– Alvarez*, 783 F.3d at 478; *Ngo v. INS*, 192 F.3d 390, 397-98 (3d Cir. 1999); *Sopo*, 825 F.3d at 1218, 1221. "And in some cases the conditions of their confinement

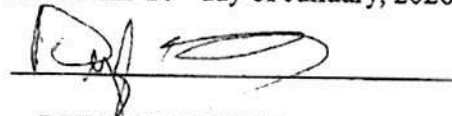
are inappropriately poor.” Jennings, 2018 WL 1054878 at *28 (Breyer, J., dissenting) (citing Dept. of Homeland Security (DHS), Office of Inspector General (OIG), DHS OIG Inspection Cites Concerns With Detainee Treatment and Care at ICE Detention Facilities (2017) (reporting in-stances of invasive procedures, substandard care, and mistreatment, e.g., indiscriminate strip searches, long waits for medical care and hygiene products, and, in the case of one detainee, a multiday lock down for sharing a cup of coffee with another detainee)).

REQUEST FOR RELIEF

The Petitioner herein respectfully requests the following relief:

- (1) that this Court issue a Writ of Habeas Corpus directing the Respondents to bring the Petitioner to this Court at a time to be specified and explain why the Petitioner should not be released from custody immediately;
- (2) that this Court issue a declaratory judgment stating that Petitioner is eligible to be released on bond and that DHSs interpretation of the Immigration and Nationality Act is arbitrary and capricious, an erroneous interpretation of law, and violates the Eighth Amendment and the Due Process Clause of the Constitution of the United States; and stating further that Petitioner is entitled to an individualized bond hearing before a neutral judge;
- (3) that this Court order that Petitioner be released immediately from DHS custody either without bond or with bond in a reasonable amount to be determined by this Court;
- (4) that this Court issues a temporary restraining order;
- (5) in the alternative that a bond hearing be held immediately before an immigration judge; and
- (6) for such other relief as may be just and appropriate.

Dated this 20th day of January, 2026



DUZZLIE MCDONALD RIGBY

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Krome Processing Center
18201 S.W. 12th Street
Miami Florida 33194

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing PETITION FOR HABEAS CORPUS, included in this filing, was placed in the hands of Krome SPC official for mailing to the following interested parties

MIAMI DIVISION CLERK
U.S. DISTRICT COURT
400 N MIAMI AVE #8N09
MIAMI, FLORIDA 33128

Respectfully Submitted,

(s) 

Date: 1/20/26

DUZZLIE MCDONALD RIGBY

A# 

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