

JUDGE DAVID BRIONES
UNITED STATES COURT

FOR THE WESTERN DISTRICT OF TEXAS

EP 26CV0227

FILED

JAN 29 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

Lesly Nerk Pierre Junior



Petitioner,

v.

Pam Bondi, ATTORNEY GENERAL,
Kristi Noem, SECRETARY OF THE
DEPARTMENT OF HOMELAND
SECURITY, Maria Deandra Ybara,
U.S. ICE FIELD OFFICE DIRECTOR,

Respondents

Civil Action No.
PETITION FOR A WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. §2241, BY A
PERSON SUBJECT TO
INDEFINITE IMMIGRATION
DETENTION.

BACKGROUND

1. Petitioner, Lesly Nerk Pierre Junior, hereby petition this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, and to enjoin Petitioner's continued unlawful detention by the Respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows.

CUSTODY

2. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the El Paso Processing Center in El Paso, Texas. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

3. This action arises under the Constitution of the United States, 28 U.S.C. §2241(c)(1), and the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. §2241, Art.I §9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. §1331, as Petitioner is presently in custody under color of the authority of the United States., and such custody is in violation of the Constitution, laws, or treaties of the United States. See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) ("We conclude that §2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention."); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) ("at its historical core, 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.") *Clark v. Martinez*, 543 U.S. 371 (2005) (holding that *Zadvydas* applies to aliens found inadmissible as well as removable).

VENUE

4. Venue lies in the Western District of Texas, because Petitioner is currently detained in the territorial jurisdiction of this Court, at the El Paso Processing Center. 28 U.S. C. §1391.

EXHAUSTION OF REMEDIES

5. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action. After the Supreme Court decision in *Zadvydas*, the Department of Justice issued regulations governing the custody of aliens removed. See 8 C.F.R. §241.4. Petitioner received a final Order of Removal on September 9th, 2025. The Petitioner has cooperated with ICE in his removal proceedings but has been misinformed numerous times. The Petitioner has been in detention for over six (6) months.

6. Furthermore, ICE did a 90-Day Post Custody review and have denied me Order of Supervision because they deemed me to be Removable in the Foreseeable Future. But my detention continues due to the incompetence by the government in my removal.

7. No statutory exhaustion requirements apply to Petitioner's claim of unlawful detention.

PARTIES

8. Petitioner is a citizen of the United Kingdom and received a final order of removal on September 9th, 2025. He has been in ICE custody since July 27th, 2025. Petitioner is currently detained at the El Paso Processing Center.

9. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, Pam Bondi has ultimate custodial authority over Petitioner.

10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Kristi Noem is the legal custodian of Petitioner.

11. Respondent Maria Deanda Ybara is the ICE Field Office Director of the EOIR Field Office of ICE and is Petitioner's immediate custodian. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir.

2000), cert. Denied, 122 S. Ct. 43 (2001).

STATEMENT OF THE FACTS

12. I, Lesly Nerk Pierre Junior, Petitioner was born on [REDACTED] in Turks Cacos Islands.

13. I came to the United States in 2015 with my issued British Passport. On December 28th, 2024 I was arrested for Petty Theft and other charges, in Florida, and even though all the charges brought me against me were later dismissed ICE placed a detainer on me while I was in the county jail. Upon my release from the county jail I was detained by ICE.

14. ICE detained me on July 27th, 2025 and transferred me to the "Alligator Alcatraz" Detention Facility. On August 8th, 2025 ICE transferred me to the El Paso Processing Center in Texas due to the closure of "Alligator Alcatraz" facility at that time.

15. On September 9th, 2025 I received a Final Order of Removal.

16. Since I have been in El Paso Processing Center I have cooperated fully with the ICE authorities towards my removal. The government requested my British Passport and other documents to help them facilitate the removal and I provided everything as requested.

17. I was told by ICE Deportation Officers that I would be removed in approximately three weeks. Since that time I have witnessed the incompetence of the ICE officials in my removal proceedings. They have misinformed me multiple times. I have been told that my Travel Documents have been secured and later was told that my Travel Documents were not secured.

18. As of October of 2025, after numerous requests for information and updates on my removal proceedings, ICE officials have informed me that they do not have the monetary funds to execute my removal.

19. I have been detained now for over six (6) months and my family and I have been under tremendous psychological, emotional, and financial pressure due to my detention.

20. My health has been deteriorating since my detention. I am pre-diabetic and have been seen by the facilities medical staff on multiple occasions. They have altered my diets and have done other tests but my condition is only worsening.

21. I have been in contact with the British Consulate, Robert Browne, in Houston, Texas. They are aware of my situation along with my health problems. The British Consulate has told me that they have done everything on their part to assist the U.S. government in removing me but the reason for the prolonged proceedings and detention is due to the incompetence of ICE and their removal proceedings.

22. I am extremely concerned because my detention is resulting to be indefinite. I have witnessed ICE misinform me and my consulate numerous times. My health is getting worse as my detention continues, and I do not see any hope for relief anytime soon.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

23. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. §1231(a)(6), when “read in light of the Constitution’s demands, limits an alien’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States.” 533 U.S. at 689. “habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal.” *Id.* at 699. If the individual’s removal “is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute.” *Id.* at 699-700.

24. In determining the length of a reasonable removal period, the Court adopted a “presumptively reasonable period of detention” of six months. *Id.* at 701. After six months the government bears the burden of disproving an alien’s “good reason to believe that there is no

significant likelihood of removal in the reasonably foreseeable future.” See *Zhou v. Farquharson*, 2001 U.S. Dist. LEXIS 18239, *2-*3 (D. Mass. Oct. 19, 2001) (quoting and summarizing *Zadvydas*). Moreover, “for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Zadvydas*, 533 U.S. at 701. ICE’s administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien’s removal in the reasonably foreseeable future. See 8 C.F.R. §241.4 (k)(2)(ii).

25. Evidence showing successful repatriation of other persons to the country at issue is not sufficient to meet the government’s burden to establish that an alien petitioner will be deported in the reasonably foreseeable future. See *Thompson v. INS*, 2002 U.S. Dist. LEXIS 23936 (E.D.L. September 16, 2002 (government failed to show that alien’s deportation to Guyana was reasonably foreseeable where the government offered historical statistics of repatriation to Guyana, but failed to show any response from Guyana on the application for travel documents that INS and the petitioner had requested). Rather for the government to meet its burden of showing that an alien’s repatriation is reasonably foreseeable, it must provide some meaningful evidence particular to the individual petitioner’s case.

26. An alien who has been detained beyond the presumptive six months should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. See *Agbada v. John Ashcroft*, 2002 U.S. Dist. LEXIS 15797 (D. Mass. August 22, 2002) (court “will likely grant” habeas petition after fourteen months if ICE is “unable to present document confirmation that the Nigerian government has agreed to [petitioner’s] repatriation”); *Zhou*, 2001 U.S. Dist. LEXIS 19050 at *7 (W.D. Wash. February 28, 2002) (government’s failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there was no significant likelihood of petitioner’s removal in the reasonably foreseeable future).

CLAIMS FOR RELIEF COUNT ONE STATUTORY VIOLATION

27. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for continued removal efforts has expired and the petitioner has now been detained for over six (6) months with continues and numerous excuses from ICE for why he is not yet removed to his country. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone after six months where deportation is not reasonably foreseeable is unreasonable and in violation of 8 U.S.C. §1231(a). 533 U.S. at 701.

COUNT TWO SUBSTANTIVE DUE PROCESS VIOLATION

28. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. See. *Tam v. INS*, 14 F.Supp. 2d 1184 (E.D. Cal 1998) (aliens retain substantive due process rights).

29. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. §1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest—to effect the alien's removal. See *Kay v. Reno*, 94 F.Supp.2d. 546, 551 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner's substantive due process rights were violated, and noting that "If deportation can never occur, the government's primary legitimate purpose in detention—executing removal—is nonsensical.")

COUNT THREE PROCEDURAL DUE PROCESS VIOLATION

30. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and

meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process.

CONCLUSION

31. It has been over six (6) months since the Petitioner's Order of Removal. He has complied with all the requests from ICE and has been told that his removal will be "soon". Nevertheless, his detention continues as his health deteriorates. The Petitioner asks this Court to please intervene in this unlawful detention and to grant relief.

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody, under reasonable conditions of supervision or;
- 3) To remove him to the United Kingdom within 21 days.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted

this Jan, 26 2026



Lesly Nerk Pierre Junior, *Pro Se*



El Paso SPC

8915 Montana Ave

El Paso, Texas 79925

CERTIFICATE OF SERVICE

I, Lesly Nerk Pierre Junior, certify that a true copy of the above document (Petition for Writ of Habeas Corpus) was served on Jan, 26, 26, upon the following:

Western District Court of Texas
Albert Armendariz, Sr. United States Courthouse
525 Magoffin Avenue
Room 105
El Paso, Texas 79901

by placing a copy of the above in the mail system at the facility where I am detained.

A handwritten signature in black ink, appearing to read 'Lesly', is written over a horizontal line.

Lesly Nerk Pierre Junior, *Pro Se*

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U.S. District Court

Texas Western - El Paso

Lesly Nerk Pierre Junior
8915 Montana Ave
El Paso, TX 79925

Receipt Date: Jan 29, 2026 3:47PM

Rcpt. No: 4035

Trans. Date: Jan 29, 2026 3:47PM

Cashier ID: #DACa (6582)

CD	Purpose	Case/Party/Defendant	Qty	Price	Amt
202	Writ of Habeas Corpus		1	5.00	5.00

CD	Tender			Amt
MO	Money Order	#19-802595378	01/25/2026	\$5.00
Total Due Prior to Payment:				\$5.00
Total Tendered:				\$5.00

Comments: WRIT OF HABEAS CORPUS 3:26CV227-DB Pierre v. Bondi et al.

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