

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF WISCONSIN

Oscar Fabian Ramirez Perez,

Petitioner,

v.

DALE J. SCHMIDT, Dodge County Sheriff;
SAM OLSON, Field Office Director of
Enforcement and Removal Operations, Chicago
Field Office, United States Immigration and
Customs Enforcement; TODD M. LYONS,
Acting Director, United States Immigration and
Customs Enforcement; KRISTI NOEM,
Secretary of Homeland Security; PAMELA JO
BONDI, United States Attorney General, *in their
official capacities,*

Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS**

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

INTRODUCTION

1. Petitioner Oscar Fabian Ramirez Perez has been in ICE custody since November 25, 2025. He is a Venezuelan national who entered the United States on March 10, 2023 at a port of entry after waiting for weeks for his appointment at the border via the (now defunct) CBP One program.¹ After his appointment at the border, Petitioner was paroled into the United States by immigration officials. He timely filed an application for asylum in the United States which remains pending, and received valid work authorization in the United States. He also applied for Temporary Protected Status (TPS), and is a member of the National TPS Alliance, a membership organization of TPS holders.
2. Petitioner has never been arrested or convicted of a crime (or even a traffic violation) anywhere. He is a civil engineer, and father of a two-year old U.S. citizen son. Before he was detained by immigration officials, he was the breadwinner of his household.
3. On November 18, 2025, Petitioner was detained by immigration officials as he was starting his car to drive to work. He was approached by federal agents who asked about his immigration status. Petitioner told the agents he was going through the immigration process and had several pending applications, and provided the federal agents with his valid driver's license. The officer did not provide an arrest warrant, but nevertheless detained Petitioner.

¹ CBP One was a mobile device app provided by U.S. Customs and Border Protection (CBP) that provided travelers with access to certain CBP functions prior to their arrival in the United States, including scheduling appointments at designated ports of entry on the southern border. During these appointments, CBP personnel inspected migrants, and allowed them to access the U.S. asylum process. Upon taking office, the Trump administration ended the use of CBP One for purposes of processing asylum seekers. See DHS Fact Sheet (archived), *available at*: <https://www.dhs.gov/archive/news/2023/08/03/fact-sheet-cbp-one-facilitated-over-170000-appointments-six-months-and-continues-be>

4. Petitioner has now been in DHS custody for 74 days, confined over the holidays with individuals accused and convicted of serious crimes. Since Petitioner has been detained, his son contracted a flu which developed into pneumonia and a kidney infection, resulting in hospitalization. Due to being detained by Respondents, Petitioner was not able to support his family or care for his son while he was hospitalized. Petitioner's son currently does not sleep well, stating that he misses his father.
5. Petitioner applied for TPS on January 25, 2025. He has not received a final decision on his TPS application, however, he is prima facie eligible for TPS under 8 U.S.C. § 1254a(a)(1). The TPS Statute states that, where an individual "establishes a prima facie case of eligibility for [TPS] benefits under paragraph (1), until a final determination with respect to the [noncitizen's] eligibility for such benefits under paragraph (1) has been made, the [noncitizen] shall be provided such benefits." 8 U.S.C. § 1254a(a)(4)(B). Thus, as a noncitizen with a pending TPS application who has established prima facie eligibility, Mr. Ramirez Perez must be provided the same benefits as a TPS holder under 8 U.S.C. § 1254a(a)(1). *Id.*
6. TPS beneficiaries may not be either detained or deported. 8 U.S.C. § 1254a(d)(4). The Immigration and Nationality Act clearly states, "a [noncitizen] provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen's] immigration status in the United States." *Id.* (emphasis added). That protection remains available even if the TPS beneficiary has a final removal order or lacks other immigration status, because the government "shall not remove the [noncitizen] from the United States during the period in which such [TPS] status is in effect." 8 U.S.C. § 1254a(a)(1)(A); *see also* 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to "deny temporary protected status to [a noncitizen] based on the [noncitizen's] immigration status");

- 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens).
7. Although Respondent DHS Secretary Kristi Noem purported to rescind TPS for Venezuela, for the purposes of this habeas petition, Petitioner’s TPS benefits must be deemed valid. On December 10, 2025, the federal district court of the Northern District of California granted declaratory relief and declared unlawful Respondent Noem’s vacatur of the January 17, 2025 extension of TPS for Venezuela and subsequent termination of Venezuela’s 2023 designation in a case brought by the membership organization National TPS Alliance. *Nat’l TPS All. v. Noem*, No. 25-cv-1766, 2025 WL 3539156 at *3 (N.D. Cal. Dec. 10, 2025) (hereinafter “*NTPSA*” and “December 10 Order”). The December 10 Order in *NTPSA* has preclusive effect in Petitioner’s habeas case, controlling the legal question of whether members of the National TPS Alliance (NTPSA), such as Petitioner, retain their TPS benefits. This Court must thus find Petitioner’s detention unlawful and order his release.
 8. Petitioner has now been detained by U.S. Immigration and Customs Enforcement (ICE) for two and half months despite the unambiguous statutory command that TPS beneficiaries may not be either detained or deported.
 9. Petitioner challenges his detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.
 10. Petitioner respectfully requests that this Court grant a Writ of Habeas Corpus and order Respondents to immediately release him from custody. Petitioner seeks habeas relief under 28 U.S.C. § 2241, which is the proper vehicle for challenging civil immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001); *I.N.S. v. St. Cyr*, 533 U.S. 289 (2001).

CUSTODY

11. Petitioner is in the physical custody of Respondents. Petitioner is imprisoned at Dodge

County Jail, an immigration detention facility, in Juneau, Wisconsin. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

12. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. § 1331; 28 U.S.C. § 2241; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.

VENUE

13. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because at least one Respondent is in this District, Petitioner is detained in this District, Petitioner's immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("the proper respondent to a habeas petition is 'the person who has custody over the petitioner'") (citing 28 U.S.C. § 2242) (cleaned up).

PARTIES

14. Petitioner Oscar Fabian Ramirez Perez, a civil engineer and father to a two-year-old U.S. Citizen, is currently detained by Respondents at Dodge County Jail, an immigration detention facility. Petitioner has been in ICE custody since November 18, 2025, when he was arrested as he was starting his car to drive to work. He was approached by federal agents who asked about his immigration status. Petitioner told the agents he was going through the immigration process and had several pending applications. He provided them with his driver's license. The agents did not provide a warrant and proceeded to arrest him. Mr. Ramirez Perez has no criminal history or traffic tickets.
15. Respondent Dale J. Schmidt is employed by Dodge County, Wisconsin. Respondent Schmidt is

the Sheriff of Dodge County Jail, where Petitioner is currently detained. He is a legal custodian of Petitioner and is named in his official capacity.

16. Respondent Sam Olson is the Field Office Director responsible for the Chicago Field Office of ICE with administrative jurisdiction over Petitioner's immigration case. He is a legal custodian of Petitioner and is named in his official capacity.
17. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.
18. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (DHS). She is a legal custodian of Petitioner and is named in her official capacity.
19. Respondent Pamela Jo Bondi is the Attorney General of the United States Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.

STATEMENT OF FACTS

I. PETITIONER IS DETAINED DESPITE HIS ENTITLEMENT TO BENEFITS OF TEMPORARY PROTECTED STATUS FROM VENEZUELA

20. The TPS statute clearly states that, "[i]n the case of [a noncitizen] who establishes a prima facie case of eligibility for benefits under paragraph (1) [(8 U.S.C. § 1254a(a)(1))], until a final determination with respect to the [noncitizen's] eligibility for such benefits under paragraph (1) has been made, the [noncitizen] shall be provided such benefits." 8 U.S.C. § 1254a(a)(4)(B).
21. A noncitizen is prima facie eligible for TPS where: 1) they are a citizen or national of a designated state; 2) they have been "continuously physically present in the United States since the effective date of the most recent designation of that state;" 3) they have "continually resided in the United States since such date;" 4) they are "admissible as an immigrant" subject to exceptions under 8 U.S.C. § 1254a(c)(2)(A); 5) they are not subject to

the TPS bars under 8 U.S.C. § 1254a(c)(2)(B); and 6) they register for TPS during the designated registration period. 8 U.S.C. § 1254a(c)(2)(A).

22. Petitioner establishes prima facie eligibility for TPS Venezuela under the 2023 designation:

1) Petitioner is a Venezuelan national; 2) Petitioner entered the United States and has been continuously physically present since March 10, 2023, prior to the most recent designation of Venezuela, which occurred July 31, 2023; 3) Petitioner has continuously resided in the United States since March 10, 2023, prior to the designated date of October 3, 2023; 4) Petitioner is not subject to any applicable grounds of inadmissibility because 8 U.S.C. § 1254a(c)(2)(A) expressly waives 8 U.S.C. § 1182(a)(7)(A), the only ground with which he is charged; 5) Petitioner is not subject to any TPS bars; and 6) Petitioner registered for the 2023 designation of TPS for Venezuela during the designated registration period. *See* Exhs. A, B, C, D, F.

23. Furthermore, no determination has been made regarding Petitioner's eligibility for TPS. 8 U.S.C. § 1254a(a)(4)(B). Petitioner's TPS application status was updated January 25, 2025, stating USCIS is "actively reviewing [his] I-821 Application for Temporary Protected Status" and "nothing is outstanding at this time." *See* Exh. D. Since then, the only status update Petitioner received was issued November 20, 2025, generally stating that the TPS designation for Venezuela was purportedly terminated. *Id.* The notice does not state that Petitioner's application was approved or denied. *Id.* Petitioner never received an approval or denial notice in the mail. He is a member of the National TPS Alliance, a membership organization of TPS holders. Exhs. E.

24. Petitioner entered the United States at a port of entry via the CBP One program. *See* Exh. F. After his appointment at the border, Petitioner was paroled into the United States by immigration officials. *Id.* In addition to his TPS application, Petitioner also timely filed an

application for asylum in the United States which remains pending, and received valid work authorization in the United States. Exh. D.

25. Petitioner has never been arrested or convicted of a crime (or even a traffic violation) anywhere. He is a civil engineer, and father of a two-year old U.S. citizen son. Before he was detained by immigration officials, he was the breadwinner of his household. While detained, his son contracted a flu which developed into pneumonia and a kidney infection, resulting in hospitalization. Due to being detained by Respondents, Petitioner was not able to support his family or care for his son while he was hospitalized. Petitioner's son currently does not sleep well, stating that he misses his father.
26. On November 18, 2025, Petitioner was detained by immigration officials as he was starting his car to drive to work. He was approached by federal agents who asked about his immigration status. Petitioner told the agents he was going through the immigration process and had several pending applications, and provided the federal agents with his valid driver's license. The officer did not provide an arrest warrant, but nevertheless detained Petitioner. He has now been in DHS custody for over two and a half months, confined over the holidays with individuals accused and convicted of serious crimes.
27. On January 23, 2026, Community Immigration Law Center Attorney Nicole Carter initiated communication via email with an Assistant U.S. Attorney seeking Petitioner's release from Respondents' custody, citing the TPS statute's non-detention provision and included as an attachment Petitioner's proof of a pending TPS application and prima facie eligibility, as well as proof of membership in the NTPSA. Exh. G. Despite a week of communication and engagement, Respondents refuse to release Petitioner. *Id.*

II. TEMPORARY PROTECTED STATUS FOR VENEZUELA

28. On the last day of his first term, President Trump designated Venezuela for Deferred Enforced Departure—a form of nationality-based, discretionary relief from deportation—because Venezuela was experiencing “the worst humanitarian crisis in the Western Hemisphere in recent memory.” Memorandum re Deferred Enforced Departure for Certain Venezuelans, 86 Fed. Reg. 6,845 (Jan. 19, 2021). President Trump’s action permitted approximately 300,000 Venezuelan refugees to live and work here for 18 months. *Id.*
29. Shortly afterwards, on March 9, 2021, then-DHS Secretary Mayorkas designated Venezuela for TPS, allowing Venezuelans residing in the U.S. since March 8, 2021 to apply for protection. 86 Fed. Reg. 13,574 (Mar. 9, 2021). He did so again on October 3, 2023, allowing more recently arrived Venezuelans to apply. 88 Fed. Reg. 68,130 (Oct. 3, 2023).
30. DHS twice extended the 2021 designation of TPS for Venezuela, providing protections through September 10, 2025 to TPS holders who initially registered in 2021. 87 Fed. Reg. 55,024 (Sept. 8, 2022); 88 Fed. Reg. 68,130.
31. On January 17, 2025, the DHS Secretary extended the 2023 Venezuela Designation by 18 months, through October 2, 2026. 90 Fed. Reg. 5,961 (“January 2025 Extension”). DHS cited Venezuela’s ongoing “complex, serious and multidimensional humanitarian crisis,” which has “disrupted every aspect of life,” and concluded that the “extraordinary and temporary conditions supporting Venezuela’s TPS designation remain.” *Id.* at 5,963 (citation omitted).
32. In the extension order, DHS also streamlined the registration process for TPS holders by consolidating them into a single track, “allow[ing] existing beneficiaries of either the 2021 or 2023 TPS designation to seek an 18-month extension of status through October 2, 2026.” *Id.* at 5,962.

33. On February 3, 2025, just days after she took office, Respondent Secretary Noem purported to “vacate” DHS’ January 17 extension of TPS for Venezuela. 90 Fed. Reg. 8805 (Feb. 3, 2025). That decision was the first vacatur of a TPS extension in the 35-year history of the TPS statute.
34. On February 5, 2025, DHS published a notice in the Federal Register purporting to terminate the 2023 Venezuela Designation. 90 Fed. Reg. 9040 (Feb. 5, 2025).
35. On September 8, 2025, DHS published a notice in the Federal Register purporting to terminate the 2021 designation of TPS for Venezuela.² 90 Fed. Reg. 43225 (Sept. 8, 2025).

III. LEGAL CHALLENGE TO VENEZUELA’S TPS TERMINATION

36. On February 19, 2025 the National TPS Alliance and seven individual Venezuelan TPS holders sued the federal government, alleging that the vacatur of the January 17, 2025 extension of TPS for Venezuela and subsequent termination of Venezuela’s 2023 TPS designation were contrary to the TPS statute in violation of the Administrative Procedure Act and unlawful under the Fifth Amendment. *Nat’l TPS All. v. Noem*, No. 25-cv-1766 (N.D. Cal. Feb. 19, 2025).
37. On September 5, 2025, the district court in *NTPSA* granted the Plaintiffs’ motion for summary judgment on their Administrative Procedure Act Claims, setting aside the vacatur and termination of Venezuela’s 2023 TPS designation and the January 17, 2025 extension. *Nat’l TPS All. v. Noem*, No. 25-cv-1766 (Dkt. 279) (“*NTPSA* Order Granting Summary Judgment”). The Plaintiffs did not seek declaratory judgment in their summary judgment motion. *Id.* The Defendants sought an emergency stay of the set aside from the district court and the Ninth Circuit Court of Appeals, which was denied by both. Defendants then sought

² The termination of Venezuela’s 2021 designation is not at issue in this case because Petitioner applied for TPS under Venezuela’s 2023 designation.

emergency stay from the United States Supreme Court, which was granted on October 3, 2025. *Noem v. Nat'l TPS Alliance*, 146 S. Ct. 23, 24 (2025).

38. On November 13, 2025, Plaintiffs filed a motion for declaratory judgment with the district court. *Nat'l TPS All. v. Noem*, No. 25-cv-1766 (Dkt. 327) (“NTPSA Motion for Declaratory Relief”). On December 10, 2025, the district court in *NTPSA* issued a final judgment declaring the vacatur of the January 17, 2025 extension of TPS for Venezuela and termination of Venezuela’s 2023 TPS designation unlawful. *Nat'l TPS All. v. Noem*, No. 25-cv-1766, 2025 WL 3539156, at *3 (N.D. Cal. Dec. 10, 2025) (“NTPSA December 10 Order”). The court stayed its order for two weeks to permit the government to appeal and/or seek a stay. *Id.* The government appealed the order but did not seek a stay, meaning the order went into effect on December 25, 2025. *Id.*

39. Pursuant to the NTPSA December 10 Order, Petitioner retains TPS because Defendants’ actions purporting to deprive them of that status—*i.e.*, the vacatur of the January 17, 2025 extension and the termination of Venezuela’s 2023 designation—were unlawful.

40. The *NTPSA* December 10 Order controls as to the question of whether members of the National TPS Alliance—the lead plaintiff in *NTPSA*—retain their TPS status.

41. A declaratory judgment is a final judgment on the merits which defines the legal duties among the parties. *See* 28 U.S.C. § 2201 (“Any such declaration shall have the force and effect of a final judgment[.]”); *Deveraux v. City of Chicago*, 14 F.3d 328, 330 (7th Cir. 1994) (a declaratory judgment “permits persons ‘to seek a declaration of the constitutionality of the disputed government action.’”) (citing *Duke Power Co. v. Carolina Environmental Study Group, Inc.*, 438 U.S. 59, 71 n.15 (1978)).

42. A final merits judgment, including a declaratory judgment, has preclusive effect on future proceedings involving the same parties. *Haaland v. Brackeen*, 599 U.S. 255, 293 (2023) (“the

point of a declaratory judgment ‘is to establish a binding adjudication that enables the parties to enjoy the benefits of reliance and repose secured by res judicata,’” *citing* 18A C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure § 4446 (3d ed. Supp. 2022)).

43. “A final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action. [E]ven if the second suit is for a different cause of action, the right, question, or fact once so determined must, as between the same parties or their privies, be taken as conclusively established, so long as the judgment in the first suit remains unmodified. Accordingly, [a] case pending appeal is res judicata and entitled to full faith and credit unless and until reversed on appeal.” *Adams Outdoor Advert. Ltd. P’ship v. City of Madison, Wisconsin*, 56 F.4th 1111, 1117 (7th Cir. 2023) (holding that “a declaratory judgment is binding as to matters which were actually decided”); *Walsh Const. Co. of Illinois v. Nat’l Union Fire Ins. Co. of Pittsburgh, Pennsylvania*, 153 F.3d 830, 832 (7th Cir. 1998) (“claim preclusion applies to issues that were actually decided or could have been decided in the original suit.”).

LEGAL FRAMEWORK

44. The Court must analyze only one statute to resolve this habeas petition. The TPS statute unequivocally prohibits the detention of persons entitled to TPS benefits, and Petitioner must be released. *See* 8 U.S.C. § 1254a(a)(1)(A), (a)(4)(B) (one who “establishes a prima facie case of eligibility for [TPS] benefits... until a final determination with respect to the [noncitizen’s] eligibility for such benefits... shall be provided such benefits.”), (d)(4) (“[a noncitizen] provided temporary protected status under this section *shall not be detained* by the Attorney General”) (emphasis added).³ It is hard to imagine a clearer statutory mandate proscribing

³ “Attorney General” in Section 1254a now refers to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. § 1103; 6 U.S.C. § 557.

detention.

45. The Court need not delve further in an attempt to understand other aspects of Petitioner's immigration status, because TPS protection remains valid even if the TPS beneficiary has a final removal order or lacks other immigration status. 8 U.S.C. § 1254a(a)(1)(A) (the government "shall not remove the [noncitizen] from the United States during the period in which such [TPS] status is in effect."). Indeed, individuals with a final order of removal are statutorily eligible for TPS and may not be denied TPS if otherwise eligible on the basis of that removal order. 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to "deny temporary protected status to [a noncitizen] based on the [noncitizen's] immigration status"); *see also* 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to "otherwise deportable" non-citizens). For that reason alone, this Court should grant the writ and order Petitioner's immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).
46. Should the Court nonetheless choose to address constitutional questions, it should also find that Petitioner's detention violates the Due Process Clause of the Fifth Amendment. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
47. Petitioner's detention violates the Fifth Amendment's protection for liberty, for at least three related reasons. First, immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to deport Petitioner, detention is not reasonably related to its purpose.
48. Second, because Petitioner is not "deportable" insofar as the TPS statute bars his deportation,

the Due Process Clause requires that any deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”); *Demore*, 538 U.S. at 528 (applying less rigorous standard for “deportable aliens”). Petitioner's on-going imprisonment obviously cannot satisfy that rigorous standard.

49. Third, at a bare minimum, “the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention.” *Zadvydas*, 533 U.S. at 718 (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual's detention, their detention also violates the Due Process Clause.
50. Petitioner may not be legally detained or deported, and this Court should order Petitioner's immediate release from ICE custody. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).

CLAIMS FOR RELIEF

COUNT ONE **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT –** **8 U.S.C. § 1254a**

51. Petitioner realleges and incorporates by reference each and every allegation contained above.
52. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS beneficiaries, including their detention and removal under federal immigration law.
53. Section 1254a(a)(4)(B) states “[i]n the case of [a noncitizen] who establishes a prima facie case of eligibility for benefits under paragraph (1), until a final determination with respect to the [noncitizen's] eligibility for such benefits under paragraph (1) has been made, the [noncitizen] shall be provided such benefits.”

54. Section 1254a(d)(4) states “[a noncitizen] provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen’s] immigration status in the United States.” (emphasis added). There is no exception to this rule provided in the statute.
55. Thus, Petitioner’s detention violates Section 1254a, and he is entitled to immediate release from custody.

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

56. Petitioner realleges and incorporates by reference each and every allegation contained above.
57. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V; *see generally Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).
58. Petitioner’s detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning Petitioner; and because it lacks any statutory authorization.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days, as required by 28 U.S.C. § 2243;
3. Declare that Petitioner’s detention violates the Immigration and Nationality Act, and specifically 8 U.S.C. § 1254a;

4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
6. Enjoin Respondents from further detaining Petitioner so long as the December 10 Order remains in effect;
7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
8. Grant such further relief as this Court deems just and proper.

Dated: January 30, 2026

Respectfully submitted,

Electronically signed by Laura Graham

Laura Graham

Community Immigration Law Center (CILC)

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COUNSEL FOR PETITIONER

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed with Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's TPS status, are true and correct to the best of my knowledge.

/s/ Nicole Carter

Date: January 30, 2026