UNITED STATES DISTRICT COURT FOR MIDDLE DISTRICT OF FLORIDA

ASLEY DASSAS ***Petitioner,*** **v.** **MATTHEW MORDANT, WARDEN of Glades County Detention Center, TODD LYONS, Acting Director U.S Immigration and Customs Enforcement, KRISTI NOEM, U.S. Secretary of Homeland Security, PAMELA BONDI, Attorney General of the United States** ***Respondents.***	**Case No.: 26-247** **PETITION FOR WRIT OF HABEAS CORPUS**

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

INTRODUCTION

1. Petitioner, Asley Dassas is a native and citizen of Haiti. Petitioner, Asley Dassas entered the United States on August 2, 2023, under the Haitian Humanitarian Program. In 2024, he timely applied for Temporary Protected Status (TPS) under 8 U.S.C. §1254a. To date his application remains pending with United States and Immigration Citizenship Services (USCIS).

2. TPS holders may not be either detained or deported so long as their TPS is valid. The TPS statute provides that "[a]n alien provided temporary protected

status under this section *shall not be detained* by the Attorney General on the basis of the alien's immigration status in the United States." 8 U.S.C. 1254a(d)(4) (emphasis added). That protection remains available even if the TPS holder has a final removal order or lacks other immigration status, because the government "shall not remove the alien 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 an alien based on the alien'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).

3. 8 U.S.C. § 1254a(a)(4)(B) states that " In the case of an alien who establishes a prima facie case of eligibility for benefits under paragraph (1), until a final determination with respect to the alien's eligibility for such benefits under paragraph (1) has been made, the alien shall be provided such benefits."

4. While Respondent DHS Secretary Kristi Noem purported to rescind TPS for Haiti, on February 2, 2026, the Federal District Court of Columbia issued an order staying the Secretary's TPS termination decision. *Miot et al. v. Trump et al.*, No. 25-cv-02471-ACR, 2026 WL 266413 (D.D.C Feb. 2, 2026) (hereinafter *Miot*). This Court must find that Petitioner's detention is unlawful and order his release.

5. Petitioner has now been detained by U.S. Immigration and Customs Enforcement (ICE) since approximately November 21, 2025, despite the

unambiguous statutory command that TPS holders or those with pending TPS applications may not be either detained or deported.

6. Petitioner challenges their detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

7. Petitioner respectfully requests that this Court grant a Writ of Habeas Corpus and order Respondents to release them from custody. Petitioner seeks habeas relief under 28 U.S.C. 2241, which is the proper vehicle for challenging civil immigration detention. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

CUSTODY

8. Petitioner is in the physical custody of the Respondents. Petitioner is detained at the Glades County Detention Center in Moore Haven, Florida. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

9. 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

10. 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, Petitioners' 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

11. Petitioner, Asley Dassas, is currently detained by Respondents at Glades County Detention Center. Petitioner has been in ICE custody since on or about November 21, 2025, when he was arrested after a traffic stop.

12. Respondent Matthew Mordant, is the Warden of the Facility, where Petitioner is currently detained. He is a legal custodian of Petitioner and is named in his official capacity.

13. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.

14. 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.

15. 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 THE FACTS

16. Petitioner entered the United States on August 2, 2023, under the Haitian Humanitarian Parole Program. See Exh.1, In 2024, Petitioner applied for TPS under the July 1, 2024, designation. See Exh. 2. His TPS case remains pending with USCIS. See Exh.3.

17. ICE officers took Petitioner into custody after he was pulled over for an alleged broken tail light in Palm Beach County, Florida. He was never charged with or cited for any crime or traffic infraction.

18. On February 4, 2026, Attorney Mariah Schiff sent emails to the ICE office and relevant supervisory offices at the Miami Field Office. The message cited the TPS Statute's non-detention provision and included as an attachment Petitioner's proof of pending TPS and prima facie eligible. It also included a form G-28 proof of legal representation. Exh. 4.

19. To date, there has been no response from ICE.

20. TPS for Haiti was first designated by President Barack Obama on January 21, 2010, after a 7.0 earthquake devasted Haiti. 75 Fed. Reg. 3476, 3477 (Jan. 21, 2010).

21. TPS for Haiti was extended several times after that including on: May 19, 2011, 76 Fed. Reg. 2900; October 1, 2012, 77 Fed. Reg. 59943; March 3, 2014, 79 Fed. Reg. 11808; August 25, 2015, 80 Fed. Reg. 51582; May 24, 2017, 82 Fed. Reg. 23830.

22. On January 18, 2018, then Secretary Elaine C. Duke published a notice announcing termination TPS for Haiti. 83 Fed. Reg. 2648 (Jan. 18, 2018). On October 5, 2021, the Federal Court issued an order enjoining the Government from terminating TPS for Haiti pending a final decision on the merits of the case. See *Saget v. Trump,* No. 18-cv-1599 (E.D.N.Y. Oct. 5, 2021). The government appealed the court's decision. Subsequently, the appeal was withdrawn by the Biden administration. See *id.* (DKT. 164).

23. On August 3, 2021, then-DHS Secretary Alejando N. Mayorkas redesignated and extended TPS until February 3, 2023. 86 Fed. Reg. 41863 (Aug. 3, 2021). On January 26, 2023, TPS was extended and redesignated through August 3, 2024. 88 Fed. Reg. 5022 (Jan. 26, 2023). On July 1, 2024, TPS was extended and redesignated through February 3, 2026. 89 Fed. Reg. 54484 (July1, 2024).

24. On February 24, 2025, Respondent Secretary Noem Purported to "partial vacate" Secretary Mayorkas's July 2024 extension and redesignation and shorten the designated period to end TPS for Haitians on August 3, 2025. 90 Fed. Reg. 10511 (Feb. 24, 2025). On July 1, 2025, the Federal District of the Eastern District of New York concluded that Secretary Noem did not have the statutory authority to issue the partial vacatur. See *Haitian Evangelical Clergy Ass'n v. Trump*, 789 F. Supp. 3d 255, 273 (E.D.N.Y. 2025). This decision was also recently reiterated on January 28, 2026, by the Federal Court of Appeals in the Ninth Circuit in *National TPS Alliance v. Noem*, No. 25-5724 (9th Cir. 2026).

25. On February 2, 2026, the Federal Court in the District of Columbia enjoined the government from ending TPS for Haiti pending judicial review. See Exh. 5.

26. Pursuant to the *Miot* Order on February 2, 2026, TPS for Haiti remains in effect. Petitioner therefore retains the benefits of a TPS receipt while his TPS application is still pending with USCIS and is being held unlawfully.

LEGAL FRAMEWORK

27. The Court need analyze only one statutory provision to resolve this habeas petition. The TPS statute unequivocally prohibits the detention of persons with valid TPS or those with pending TPS applications, and Petitioner must be released. See 8 USC 1254a(a)(1)(A), (d)(4) ("[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General") (emphasis added). [1] It is hard to imagine a clearer statutory mandate proscribing detention.

28. 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 holder has a final removal order or lacks other immigration status. 8 U.S.C. 1254a(a)(1)(A) (the government "shall not remove the alien 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

[1] "Attorney General" in Section 1254a now refer to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. 1103; 6 U.S.C. 557.

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 an alien based on the alien'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).

29. 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).

30. 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.

31. 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.

32. Third, at a bare minimum, "the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention." *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001) (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual's detention, their detention also violates the Due Process Clause.

33. Petitioner may not be legally detained or deported, and this Court should order Petitioner's immediate release him 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

34. Petitioners reallege and incorporate by reference each and every allegation contained above.

35. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.

36. Section 1254a(d)(4) states "[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien's immigration status in the United States." (emphasis added). There is no exception to this rule provided in the statute.

37. Section 1254a(a)(4)(B) states that " In the case of an alien who establishes a prima facie case of eligibility for benefits under paragraph (1), until a final determination with respect to the alien's eligibility for such benefits under paragraph (1) has been made, the alien shall be provided such benefits."

38. Thus, Petitioners' 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

39. Petitioners reallege and incorporate by reference each and every allegation contained above.

40. 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).

41. Petitioners' 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, Petitioners pray 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, and set a hearing on this Petition within five days of the return, 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 Petitioners from further detaining Petitioner so long as the February 2, 2026 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: February 5, 2026.

Respectfully submitted,

/s/ Mariah R. Schiff
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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 Petitioner's attorney. 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/ Mariah R. Schiff, Esquire Date: February 5, 2026