

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

,JEFFERY UGOCHUKWU NWOKOLO

Petitioner

v.

SCARLET GRANT, Warden, Cimarron Correctional Facility; **ROBERT CERNA**, Acting Field Office Director of Dallas Field Office, U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of the U.S. Department of Homeland Security; and **PAMELA BONDI**, Attorney General of the United States, in their official capacities

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, **Jeffery Ugochukwu Nwokolo**, is a citizen of Nigeria currently held in the unlawful custody of Respondents. Petitioner has been detained since July 10, 2025, a duration of **216 days** as of February 11, 2026. This detention is unconstitutional and unlawful because removal is not reasonably foreseeable; Petitioner has not had an emergency interview with the Nigerian Consulate, and no travel documents have been issued. Accordingly, to vindicate Petitioner's statutory, constitutional, and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.

2. Absent an order from this Court, Petitioner will be unlawfully deported to Nigeria or moved to a remote detention facility where his access to counsel and his family—including his wife and two U.S. citizen children—will be severed.

3. Petitioner asks this Court to find that his continued detention violates the Fifth Amendment and 8 C.F.R. § 241.4 and order his **immediate release** under an Order of Supervision.

FACTUAL BACKGROUND

4. Petitioner is a citizen of Nigeria with significant U.S. equities, including a marriage to a U.S. citizen and two U.S. citizen children, L [REDACTED] (born [REDACTED]) and I [REDACTED] (born [REDACTED]).

5. Petitioner first entered the United States on May 21, 2016.

6. On July 10, 2025, Petitioner was detained by ICE during his I-130 interview.

7. Petitioner's I-130 was approved on September 9, 2025, confirming his bona fide marriage to a U.S. citizen.

8. Petitioner has been detained for **216 days** without a meaningful custody review or reasons provided for continued detention after the 180-day presumptive limit.

9. Removal is not foreseeable as the Nigerian Consulate has not interviewed Petitioner or issued an Emergency Travel Certificate.

JURISDICTION

10. Petitioner was last known to be in the physical custody of Respondents. Petitioner is detained at the Cimarron Correctional facility in Oklahoma.

11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause).

12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Western District of Oklahoma, the judicial district in which Petitioner currently is detained.

14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agents of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Oklahoma.

REQUIREMENTS OF 28 U.S.C. § 2243

15. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

16. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

LEGAL FRAMEWORK

17. **Constitutional Limits on Indefinite Detention:** The Fifth Amendment’s Due Process Clause applies to all persons within the United States, regardless of their immigration status. In *Zadvydas v. Davis*, the Supreme Court held that the government cannot hold a noncitizen with

a final order of removal indefinitely. Detention is only permitted for a period "reasonably necessary" to effectuate removal.

18. **The Six-Month Presumptive Limit:** The Supreme Court established a **six-month (180-day)** presumptive limit for post-order detention under 8 U.S.C. § 1231(a)(6). Once a detainee has been held for 180 days and provides "good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the government to prove that removal is imminent.

19. **Mandatory Custody Review Procedures (8 C.F.R. § 241.4):** Federal regulations require ICE to conduct periodic administrative reviews for anyone held beyond the initial 90-day removal period. These reviews must provide the detainee with:

1. Advance notice of the review.
2. A meaningful opportunity to present evidence, such as family ties and approved visa petitions.
3. A written decision briefly setting forth the specific reasons for continued detention.

20. **Foreseeability and Consular Cooperation:** Removal is not "reasonably foreseeable" if the receiving country (Nigeria) has not issued an **Emergency Travel Certificate (ETC)** or conducted the mandatory consular interview required to verify identity. Without these critical steps, continued detention serves no legitimate purpose and becomes punitive in nature.

PARTIES

21. Petitioner, Jeffery Ugochukwu Nwokolo is a citizen of Nigeria who has been in immigration detention since July 10, 2025. Petitioner was arrested and detained by ICE during a mandatory I-130 interview—a petition that was subsequently approved on September 9, 2025.

Petitioner has resided in the United States since May 21, 2016, and is currently being held past the 180-day presumptive limit in violation of his constitutional rights.

22. Robert Cerna the Director of the Dallas Field Office of ICE's Enforcement and Removal Operations division. As such, Robert Cerna is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

23. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

24. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the EOIR and the immigration court system it operates is a component agency. She is sued in her official capacity.

25. Respondent Scarlet Grant is employed by the Cimarron Correctional Facility as Warden of the facility, where Petitioner is detained. Respondent Grant has immediate physical custody of Petitioner. She is sued in her official capacity.

CLAIMS FOR RELIEF

COUNT ONE: Violation of Fifth Amendment Right to Due Process

1. The allegations in the above paragraphs are realleged and incorporated herein.
2. Petitioner's continued detention beyond the 180-day presumptive limit violates the Due Process Clause of the Fifth Amendment because removal is not reasonably foreseeable.

COUNT TWO: Violation of the Immigration and Nationality Act

1. The allegations in the above paragraphs are realleged and incorporated herein.
2. Petitioner's continued detention violates the Immigration and Nationalist Act and the United States Constitution.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause within three days why this Petition should not be granted;
3. Declare that Petitioner's detention violates the Due Process Clause;
4. Declare that Petitioner's detention violates the Immigration and Nationality Act;
5. Issue a Writ of Habeas Corpus ordering Respondents to **release Jeffery Ugochukwu Nwokolo immediately**;
6. Grant an **Emergency Temporary Restraining Order (TRO)** staying removal and further transfer.

Respectfully submitted,

s/Melissa M. Henry
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Dated: 2/10/2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, JEFFERY UGOCHUKWU NWOKOLO, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 10th day of February 2026.

s/Melissa M. Henry
Melissa M. Henry