

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

JEFF LOUISSAINT,

Petitioner,

Case No.

v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

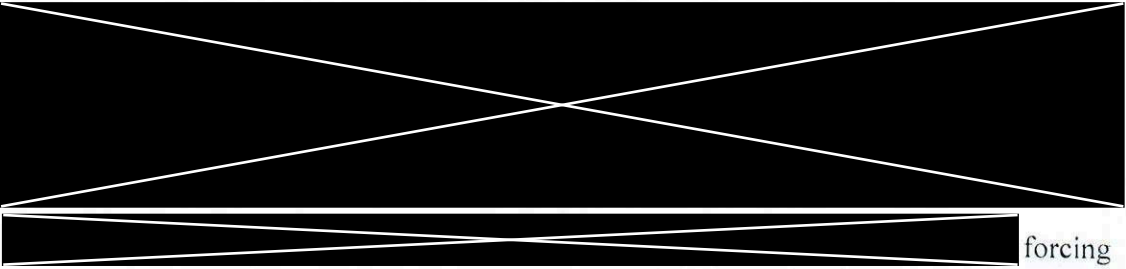
Kristen Sullivan, Field Office Director of
Enforcement and Removal Operations, Atlanta
Field Office, Immigration and Customs
Enforcement; Kristi Noem, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela Bondi, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Jason Streeval,
Facility Leader, Warden of STEWART
DETENTION CENTER,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Jeff Louissaint brings this petition for a Writ of Habeas Corpus, ordering Respondents to show cause within three days, providing reasons, if any, as to why Petitioner's detention is lawful. 28 U.S.C. § 2243. Because Petitioner's detention has been unconstitutionally prolonged, Petitioner urges the Court to grant his petition and order Respondent to release him from detention. 28 U.S.C. § 2241.

2.  forcing
Petitioner to flee in fear for his safety and that of his family.

3. Since Petitioner's arrival to the United States, he has remained in the physical custody of Respondents at the Stewart Detention center in Lumpkin Georgia for over 180 days with no end in sight.
4. On February 3, 2026, an Immigration Judge (IJ) determined that Petitioner established a positive credible fear of persecution or torture, thereby reversing the prior negative credible fear determination issued by a deportation officer on January 7, 2026.
5. Petitioner's detention period of over 180 days under 8 U.S.C. § 1231 exceeds the statutory removal period and the presumptively reasonable period for removal under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

6. Petitioner challenges his detention and indefinite detention as a violation of Due Process Clause of the fifth Amendment, the INA and implementing regulations, and ICE's own policies.
7. Petitioner therefore asks this Court to issue an order directing the Respondents to "show cause why the writ [of habeas corpus] should not be granted" within three days. *See* 28 U.S.C. § 2243. Further, Petitioner asks the Court to issue a writ of habeas corpus by determining that his detention is not justified because (1) the government has not established by clear and convincing evidence that he presents a risk of flight or danger in light of available alternatives to detention; (2) his mandatory detention violates due process; or (3) he is being detained without statutory authorization. In the alternative, Petitioner asks the Court to issue a writ of habeas corpus and order her release within 20 days unless Defendants schedule a bond hearing before an immigration judge.

JURISDICTION

8. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Detention Center, Lumpkin Georgia.
9. 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).
10. 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

11. 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 Middle District of Georgia Columbus Division, the judicial district in which Petitioner currently is detained.
12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Georgia Columbus Division.

REQUIREMENTS OF 28 U.S.C. § 2243

13. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

14. Petitioner Jeff Louissaint is a citizen of Haiti who has remained in immigration detention since August 30, 2025, at the Stewart Detention Center, Lumpkin Georgia following his arrest at Hartsfield-Jackson Atlanta International Airport, Georgia.
15. Respondent Kristen Sullivan is the Acting Director of the Atlanta Field Office of ICE’s Enforcement and Removal Operations division. As such, Kristen Sullivan is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. She is named in her official capacity.

16. 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.
17. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
18. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.
19. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.
20. Respondent Jason Streeval is employed by CoreCivic as Warden of the Stewart Detention Center, where Petitioner is detained. HE has immediate physical custody of Petitioner. He is sued in his official capacity.

FACTUAL BACKGROUND

21. Petitioner arrived the United States on a valid B1/B2 visa on August 30, 2025, and has since been detained continuously by the Department of homeland Security (DHS) for over 180 days at the Stewart Detention Center, Lumpkin Georgia.
22. Petitioner is a husband and father of two, and his younger child a three-year-old girl is a United States citizen and petitioner is the primary caregiver.

23. On November 14, 2025, petitioner applied for Asylum with the USCIS, petitioner was unable to attend his scheduled asylum interview while in detention and his asylum application was subsequently terminated on December 23, 2025.
24. At the time of his apprehension by immigration authorities, Petitioner expressed a fear of returning to Haiti. On January 7, 2026, Deportation Officer Kirk Scott conducted a credible fear interview and issued a negative credible fear determination, finding that Petitioner had not established a credible fear of persecution or torture. Petitioner timely requested review of that determination pursuant to 8 C.F.R. § 1208.30(g).
25. On February 3, 2026, an Immigration Judge vacated the negative credible fear finding and determined that Petitioner had established a credible fear. As a result of that ruling, Petitioner was placed into removal proceedings under Section 240 of the Immigration and Nationality Act and is presently in proceedings before the Immigration Court, Lumpkin Georgia.
26. On February 10, 2026, Respondents filed a Notice to Appear (“NTA”) with the Immigration Court. Petitioner is charged as an arriving alien, and Respondents allege that Petitioner is inadmissible pursuant to § 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act for failure to possess valid entry documentation at the time of application for admission.
27. Respondents have not demonstrated that Petitioner’s removal is reasonably foreseeable within the near future, nor that continued detention is necessary to prevent flight or danger to the community.
28. Petitioner has substantial ties and a verified release plan, including residence with his sister Nadine Pierre-Louis at [REDACTED] and is amenable to

alternative conditions of supervision. Petitioner's sister will serve as his sponsor, is a homeowner and her household income is above the \$100,000.00.

LEGAL FRAMEWORK

DETENTION OF "ARRIVING ALIENS" UNDER 8 U.S.C. § 1225(b).

29. Petitioner is detained under an immigration statute that mandates the detention of all "arriving aliens" without individualized bond hearings. *See* 8 U.S.C. § 1225(b)(1)(B)(ii).
30. The Fifth Amendment to the U.S. Constitution provides further limits on detention. As the Supreme Court has noted, "[i]t is well-established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore*, 538 U.S. at 523 (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 liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This fundamental due process protection applies to all noncitizens, even if they are removable or inadmissible. *See id.* at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious."). Under these due process principles, detention must "bear [a] reasonable relation to the purpose for which the individual [was] committed." *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).
31. 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 quotations 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 538.

32. Following *Zadvydas* and *Demore*, every circuit court to confront the issue has protected the due process rights of people detained in civil immigration detention by requiring a custody hearing for noncitizens subject to unreasonably prolonged detention pending removal proceedings. See *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins (Rodriguez III)*, 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003).
33. While the Eleventh Circuit has not explicitly addressed the issue, Courts have noted that “[i]t would be a considerable paradox to confer a constitutional or quasi-constitutional right to release on an alien ordered removed,” as required by *Zadvydas*, “but not on one who might have a good defense to removal.” *Hussain v. Mukasey*, 510 F.3d 739, 743 (7th Cir. 2007). Thus, a noncitizen subjected to prolonged detention “before he is subjected to a final order of removal” may be eligible for habeas relief if there is “[i]nordinate delay” in the proceedings. *Id.*
34. In 2018, the Supreme Court considered a challenge to prolonged detention brought by two classes of noncitizens. The Court resolved that case on statutory grounds, holding that the Ninth Circuit erred by interpreting Sections 1226(c) and 1225(b) to require bond hearings as a matter of *statutory construction*. *Jennings v. Rodriguez*, 138 S.Ct. 830 (2018). Because the Ninth Circuit Court of Appeals had not decided whether the Constitution itself requires bond hearings in cases of prolonged detention, the Court remanded the case to the Ninth

Circuit to address the constitutional questions. *Id.* at 851. Upon then remanding the case to the district court, the Ninth Circuit cast “grave doubts that any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the government’s arbitrary deprivation of liberty would have thought so.” *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018). The issue remains pending before the district court.

35. The answer to the question left open by the Supreme Court and at issue here is yes, due process requires that the government provide bond hearings to noncitizens facing prolonged detention. Where the government detains a noncitizen for a prolonged period or is pursuing a substantial defense to removal or claim to relief such as asylum or a U visa due process requires an individualized determination that such a significant deprivation of liberty is warranted. *Id.* at 532 (Kennedy, J., concurring) (“individualized determination as to his risk of flight and dangerousness” may be warranted “if the continued detention became unreasonable or unjustified”); *see also Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (detention beyond the “initial commitment” requires additional safeguards); *McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249-50 (1972) (“lesser safeguards may be appropriate” for “short-term confinement”); *Hutto v. Finney*, 437 U.S. 678, 685-86 (1978) (in Eighth Amendment context, “the length of confinement cannot be ignored in deciding whether [a] confinement meets constitutional standards”).
36. Following *Jennings*, courts have routinely found that noncitizens subject to prolonged immigration detention are entitled to due process protections. In fact, “[n]early all district courts that have considered the issue agree that prolonged mandatory detention pending removal proceedings, without a bond hearing, will at some point violate the right to due

process.” *Banda v. McAleenan*, No. 18-1841, 2019 WL 2473815, at *10 (W.D. Wash. June 12, 2019) (internal citations and quotations omitted).

37. These constitutional due process protections apply where an individual is an arriving alien, like Petitioner.¹ See *Bermudez Paiz v. Decker*, No. 18-CV-4759, 2018 WL 6928794, at *10 (S.D.N.Y. Dec. 27, 2018) (“Most judges who have squarely faced the question have [held]...that arriving aliens, like criminal aliens, cannot be detained for an unreasonably prolonged period of time without a bond hearing.”).
38. While such courts have failed to adopt a bright-line temporal test, they have generally found that detention for more than six months without a bond hearing violates due process, including courts in this district and other courts within this circuit. See, *Akinwale v. Ashcroft*, 287 F.3d 1050 (11th Cir. 2002). In *Akinwale*, the court applied the *Zadvydas* framework, holding that six months is a presumptively reasonable period for post-removal-order detention. To state a claim for habeas relief under *Zadvydas*, a petitioner must show both that they have been detained for more than six months and that there is no significant likelihood of removal in the reasonably foreseeable future.
39. In addition to the amount of time in detention, courts weigh the following factors when assessing reasonableness: (1) how long the detention will likely continue in the absence

¹ See, e.g., *Gutierrez Cupido v. Barr*, No. 19-CV-6367-FPG, 2019 WL 4861018, at *3 (W.D.N.Y. Oct. 2, 2019); *Banda v. McAleenan*, No. 18-1841, 2019 WL 2473815 (W.D. Wash. June 12, 2019); *Tuser E. v. Rodriguez*, 370 F. Supp. 3d 435, 442 (D.N.J. 2019); *Jamal A. v. Whitaker*, 358 F. Supp. 3d 853, 859 (D. Minn. 2019); *Moore v. Nielsen*, No. 18-CV-01722, 2019 WL 2152582 (N.D. Ala. May 3, 2019) (report and recommendation) (R&R later withdrawn because the statutory authority for Petitioner’s detention changed to the post-final order statute, 8 U.S.C. § 1231(a)); *Hernandez v. Decker*, No. 18-CV-5026, 2018 WL 3579108, at *8 (S.D.N.Y. July 25, 2018); *Sajous v. Decker*, 18-CV-2447 (AJN), 2018 WL 2357266, at *11 (S.D.N.Y. May 23, 2018); *Otis v. v. Green*, No. CV 18-742 (JLL), 2018 WL 3302997, at *5 (D.N.J. July 5, 2018); *Salazar v. Rodriguez*, No. 17-1099, 2017 WL 3718380, at *6 (D.N.J. Aug. 29, 2017); but see *Poonjani v. Shanahan*, 319 F. Supp. 3d 644 (S.D.N.Y. 2018).

of judicial relief; (2) the nature and extent of removal proceedings, including whether any delays are attributable to the government or the immigrant; (3) the conditions of detention; and (4) the likelihood that the proceedings and judicial review will end with a removal order. *See Jamal*, 358 F. Supp. 3d at 859-60.

40. District courts within this Circuit routinely apply these factors when evaluating prolonged detention claims. *See also Akinwale*, 2002 at 287 F.3d 1050 (recognizing constitutional limits on immigration detention under the Due Process Clause). In addition, the Eleventh Circuit has recognized that immigration detention is subject to constitutional limits and may become unreasonable as its duration increases. *See Sopo* 2018, 890 F.3d 952 vacated as moot (holding that mandatory detention under INA § 1226(c) is not indefinite and must be assessed for reasonableness under a multi-factor due process inquiry).

Burden of Proof on Standards for Bond

41. Petitioner asks this Court to order his immediate release. However, if this Court were to determine that it would be more proper for Petitioner to be granted an immediate bond hearing, either before this court or before an IJ, procedural due process should require that the government bear the burden of proving by clear and convincing evidence that the government's interest in continuing to detain Petitioner taking into consideration available alternatives to detention outweighs the severe deprivation of his constitutionally protected interest in liberty. *See, e.g., Jarpa v. Mumford*, 211 F.Supp.3d 706, 720-723 (D. Md. 2016).
42. To justify prolonged immigration detention, the government must prove by clear and convincing evidence that Petitioner is a danger or flight risk. *See, e.g., id.; Hernandez v. Decker*, No. 18-CV-5026 (ALC), 2018 WL 3579108, at *11 (S.D.N.Y. July 15, 2018) (“[D]ue process requires that the government demonstrate dangerousness or risk of flight

by a clear and convincing standard at [the alien's] bond hearing.”); *Portillo*, 322 F. Supp. 3d at 709 (“[A]t the bond hearing, the government must demonstrate that [the alien] is either a flight risk or a danger to the community by clear and convincing evidence.”); *Sajous*, 2018 WL 2357266 (requiring government to prove dangerousness and flight risk by clear and convincing evidence); *Pensamiento v. McDonald*, 315 F. Supp. 3d 684 (D. Mass. 2018) (requiring government to prove dangerousness and flight risk); *see also Foucha*, 504 U.S. at 81–83 (1992) (striking down detention system that placed burden on detainee to prove non-dangerousness); *United States v. Salerno*, 481 U.S. 739, 750–52 (1987) (requiring proof of dangerousness by clear and convincing evidence).

43. The requirement that the government bear the burden of proof by clear and convincing evidence is also supported by application of the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). First, the civil detention authorized by Section 1225(b) deprives Petitioner of his liberty interest. Second, the risk of error is great when detainees like Petitioner are incarcerated in prison-like conditions that severely hamper their ability to gather evidence and prepare for a bond hearing. Third, placing the burden on the government imposes minimal cost or inconvenience, as the government has access to Petitioner's immigration records and other information that it can use to make its case for continued detention. Therefore, subjecting the government to a heightened burden of proof strikes an appropriate balance between that individual interest and the government's interest in protecting the community and in effective removal procedures, affording Petitioner the fundamental requirement of due process rights.
44. 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.

CLAIMS FOR RELIEF

45. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

COUNT ONE: PETITIONER'S MANDATORY DETENTION VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

46. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

47. Immigration detention violates due process unless such detention is reasonably related to its purpose. *Demore*, 538 U.S. at 513 (2003); *Zadvydas*, 533 U.S. at 690–91 (2001).

Moreover, as detention becomes prolonged, the Due Process Clause requires an even stronger justification to outweigh the significant deprivation of liberty, as well as strong procedural protections. *Id.*

48. Petitioner has been detained pursuant to 8 U.S.C. § 1225(b) for over 6 months.

Petitioner's prolonged detention, in the absence of an individualized determination of Mr. Petitioner's dangerousness or flight risk, lacks sufficient justification and violates his due

process rights. This Court has considered six factors to determine whether prolonged pre-final order detention is unreasonable. *See Muse v. Sessions*, 2018 WL 4466052, at *1 (M.D. Ga. Sept. 18, 2018). Application of the relevant factors to the facts and circumstances in this case four factors weighing in Petitioner favor and two favoring neither party supports a conclusion that petitioner's continued detention without an individualized bond hearing violates due process under the Fifth Amendment.

49. Moreover, Petitioner has a substantial argument against removal. Therefore, the assumption underlying *Demore* that noncitizens who have conceded deportability uniformly present elevated risk of flight and danger does not apply here. Petitioner cannot reasonably be subject to an irrebuttable presumption of flight risk and danger necessitating mandatory detention.

50. For the foregoing reasons, only Petitioner's immediate release or an immediate bond hearing at which the government bears the burden to prove Petitioner's danger and flight risk will protect his due process rights and the government's legitimate interest in detaining an alien seeking admission only when it is necessary to serve the purposes of Section 1225(b).

**COUNT TWO: PETITIONER'S PROLONGED DETENTION VIOLATES THE
EIGHTH AMENDMENT**

51. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

52. The Eighth Amendment prohibits "[e]xcessive bail." U.S. Const. amend. VIII.

53. The government's categorical denial of bail to certain noncitizens violates the right to bail encompassed by the Eighth Amendment. *See Jennings*, 138 S.Ct. at 862 (Breyer, J., dissenting).

54. For these reasons, Petitioner ongoing prolonged detention without a bond hearing violates the Eighth Amendment.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Expedite consideration of this petition pursuant to 28 U.S.C. §§ 1657 and 2243;
3. Pursuant to 28 U.S.C. § 2243 issue an order directing the Respondents to show cause within three days why the writ of habeas corpus should not be granted;
4. Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody; hold a hearing before this Court if warranted; determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention; and order Petitioner's release, with appropriate conditions of supervision if necessary.
5. In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release within 30 days unless Defendants schedule a hearing before an IJ where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the IJ order Petitioner's release on appropriate conditions of supervision.
6. Grant Petitioner reasonable attorneys' fees, costs, and other disbursements pursuant to the Equal to Justice Act, 28 U.S.C. § 2412(d) and 5 U.S.C. § 504, if applicable; and

7. Grant such other relief as the Court deems just and proper.

Respectfully Submitted the 2nd day of March, 2026.

/s/ Jane Ukoh
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Jeff Louissaint 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 2nd day of March, 2026.

/s/Jane Ukoh
Jane Ukoh, (GA# 114081)
Attorney for Petitioner