

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NOICY, Jean Wilmond,

Petitioner,

v.

JAMISON, J.L.,
Warden, Federal Detention Center,
Philadelphia;

RIFE, John E.,
Acting Field Office Director, Immigration
and Customs Enforcement, Enforcement
and Removal Operations, Philadelphia
Field Office;

NOEM, Kristi,
Secretary of the Department of Homeland
Security;

BONDI, Pamela,
U.S. Attorney General

U.S. DEPARTMENT OF HOMELAND
SECURITY;

EXECUTIVE OFFICE OF IMMIGRATION
REVIEW,

Respondents.

Case No.

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy

Petitioner's unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner Jean Wilmond Noicy is a 31-year-old native of Haiti who is in the custody of the United States Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”) at the Federal Detention Center in Philadelphia, PA.

2. Within the Immigration and Nationality Act (“INA”), the Temporary Protected Status (“TPS”) statute provides that a noncitizen “provided temporary protected status under this section *shall not be detained*.” 8 U.S.C. § 1254(a)(4) (emphasis added). Moreover, individuals who have established a *prima facie* eligibility for TPS are entitled to: (1) freedom from detention on account of their immigration status, (2) a stay of removal from the United States, and (3) work authorization incident to their application and the designation. 8 U.S.C. § 1254a(1)(B), (d)(4).

3. Despite this unambiguous statutory command not to detain noncitizens who have established *prima facie* eligibility for TPS, Mr. Noicy has now been detained by U.S. Immigration and Customs Enforcement (ICE) for more than 24 hours. As set forth in this Petition, Mr. Noicy’s detention violates the Immigration and Nationality Act’s TPS protections.

4. On September 9, 2023, Mr. Noicy presented himself to immigration authorities at a port of entry through the CHNV and was granted humanitarian parole under 8 U.S.C. § 1182(d)(5) to enter the United States. In late 2024, Mr. Noicy submitted his application for TPS. Prior to his detention, Mr. Noicy was residing in Philadelphia. In addition to applying for TPS, Mr. Noicy obtained employment authorization and a social security card, and has otherwise been a law abiding and productive member of society.

5. On March 3, 2026, DHS detained Mr. Noicy while he was waiting in his car to bring his cousins to school. DHS was chasing another Haitian man and decided to arrest Mr. Noicy. It currently detains Mr. Noicy at the Philadelphia Federal Detention Center. DHS purports to hold

Mr. Noicy under 8 U.S.C. § 1225(b)(2)(A), a mandatory detention statute, as an “arriving alien.” See *Cabreja Bueno v. David O'Neill*, No. CV 26-304, 2026 WL 413315, at *6 (E.D. Pa. Feb. 13, 2026) (defining arriving aliens as a “person who is in the process of reaching the United States”) (quoting *Rodriguez-Acurio v. Almodovar*, No. 2:25-CV-6065 (NJC), 2025 WL 3314420, at *19 (E.D.N.Y. Nov. 28, 2025)).

6. Mr. Noicy is not subject to mandatory detention as an “arriving alien” who was paroled into the United States because he is no longer actively attempting to enter the United States. Even though he was initially classified as an “arriving alien,” at the time of Mr. Noicy’s arrest he “has been living, apparently without criminal incident, openly in the United States” for approximately two years under the protections of the TPS statute. *Id.* at *6. The Supreme Court has recognized that “a TPS recipient is ‘considered as being in, and maintain, lawful status as a nonimmigrant’ for the purpose of becoming [a legal permanent resident.” *Sanchez v. Mayorkas*, 5993 U.S. 409, 412 (2021). Therefore, [Mr. Noicy] is not subject to mandatory detention pursuant to the Arriving Aliens Provision.” *Id.* at *6.

7. Mr. Noicy is instead detained under 8 U.S.C. § 1226(a). *Rodriguez-Acurio*, 2025 WL 3314420. at *7.

8. Respondents’ application of 8 U.S.C. § 1225(b)(2) to Petitioner is contrary to law and violates the Immigration and Nationality Act (“INA”).

9. Respondents’ detention of Mr. Noicy under Section 1225(b)(2)(A) further violates his substantive and procedural due process rights. Respondents’ categorical detention of all noncitizens who are subject to inadmissibility grounds without any individualized hearing lacks a “reasonable relation to the purpose for which the individual was committed.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As stated, Respondents detention of Mr. Noicy, a TPS benefits recipient,

violates their statutory authority. Moreover, their detention of Mr. Noicy without any pre-deprivation assessment or showing that Mr. Noicy presents a flight or danger risk—the only two valid bases for civil immigration detention, *see id.*—violated his substantive due process right to be free from unwarranted custody.

10. Respondents’ detention of Mr. Noicy also violates his procedural due process right for meaningful procedures to reduce the risk of an erroneous deprivation of his liberty. Each of the *Mathews v. Eldridge* balancing test favors Mr. Noicy, a noncitizen who has resided in this country for over twoyears without any incident. *See* 424 U.S. 319, 335 (1976). Numerous United States District Courts have agreed. *See, e.g., Ndiaye v. Jamison*, No. 25-cv-6007, 2025 WL 3229307, at *2 (E.D. Pa. Nov. 19, 2025) (“[D]ue process and proper statutory interpretation of the INA preclude Ndiaye from being mandatorily detained without bond under § 1225(b)(2).”); *Nogueira-Mendes v. McShane*, No. CV 25-5810, 2025 WL 3473364, at *4 (E.D. Pa. Dec. 3, 2025) (“Because Section 1226(a) provides for a bond hearing and Petitioner has not received one, Petitioner has demonstrated that his continued detention violates his rights under that provision.”).

11. Mr. Noicy respectfully requests that this Court issue a writ of habeas corpus and order Respondents to release him from their custody. *See, e.g., Ndiaye*, 2025 WL 3229307 at *5 n.5 (ordering immediate release and finding that “[a] bond hearing would certainly result in [Petitioner’s] release and only serve to delay relief when the “Government has offered no rationale to refuse bond”); Order, ECF No. 5, *Benitez Crespo v. Jamison*, No. 26-cv-93 (E.D. Pa. Jan. 16, 2026) (same). In the alternative, Petitioner requests that this Court conduct a bond hearing at which (1) Respondents bear the burden of proving flight or danger risk by clear and convincing evidence, and (2) considers alternatives to detention that could mitigate risk of flight and ability to pay in setting any bond. *See German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203,

213-14 (3d Cir. 2020).

PARTIES

12. Petitioner Mr. Noicy is a noncitizen currently detained by Respondents pending removal proceedings. He is detained in ICE custody at the Federal Detention Center in Philadelphia, Pennsylvania.

13. Respondent J.L. Jamison is sued in his official capacity as the Warden of the Philadelphia Federal Detention Center (“FDC”). He has direct custodianship over Petitioner at Philadelphia FDC.

14. Respondent John E. Rife is sued in his official capacity as the Acting Field Office Director of U.S. Department of Homeland Security, Immigration and Customs Enforcement’s Philadelphia Field Office. He is responsible for the administration and management of ICE Enforcement Removal Operations in Pennsylvania and exercises administrative control over Petitioner’s custody.

15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. DHS is responsible for administering and enforcing the immigration laws, including the decision to detain noncitizens during the course of their removal proceedings. Secretary Noem has ultimate legal custodianship over Petitioner.

16. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. She is responsible for the Department of Justice, including the Executive Office of Immigration Review. EOIR adjudicates individual immigration matters, including in removal and custody proceedings.

17. Respondent the U.S. Department of Homeland Security is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act, including the detention of noncitizens during removal proceedings.

18. Respondent the Executive Office of Immigration Review is the federal agency responsible for administering removal and custody proceedings. EOIR is a component of the U.S. Department of Justice. EOIR includes the Board of Immigration Appeals (“BIA”) and the immigration courts.

JURISDICTION AND VENUE

19. This action arises under the Fifth and Fourteenth Amendments to the U.S. Constitution.

20. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution, 28 U.S.C. § 1331, and 28 U.S.C. § 1361. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

21. The United States has waived sovereign immunity for this action for declaratory and injunctive relief against one of its agencies and that agency’s officers are sued in their official capacities. 5 U.S.C. § 702.

22. Venue is proper in this District because the Petitioner is detained in this district. 28 U.S.C. § 1391; *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004).

STATEMENT OF FACTS

23. Mr. Noicy left his country of birth, Haiti, and entered the United States through the CBP One application on or about September 9, 2023 in Hidalgo, Texas.

24. On September 9, 2023, Mr. Noicy, presented himself for an appointment¹ with the U.S. Customs and Border Protection (CBP) agency at the Hidalgo, Texas port of entry. DHS processed Mr. Noicy and released him on parole under 8 U.S.C. section 1182(d)(5).²

25. According to CBP “All individuals processed at POEs are thoroughly screened and vetted, and individuals who pose a national security or public safety concern are detained. On a case-by-case basis, those with CBP One appointments may be enrolled in immigration proceedings that will determine whether they have a legal basis to remain in the United States.” *See* DHS Fact Sheet: CBP One, available at: <https://www.dhs.gov/archive/news/2023/08/03/fact-sheet-cbp-one-facilitated-over-170000-appointments-six-months-and-continues-be>)

26. Based on Mr. Noicy’s individualized facts and circumstances, DHS granted him permission to lawfully enter the United States on a temporary basis and granted him humanitarian parole under 8 U.S.C. § 1182(d)(5) while he pursued his applications for relief. Thus, on September 9, 2023, Mr. Noicy was permitted lawfully to enter and remain in the United States while his immigration proceedings progressed. DHS issued him an I-94, Record of Entry, as well as a Notice to Appear (NTA) in immigration court.

27. Mr. Noicy moved to Philadelphia, PA where he resided with his extended family members and his cousin’s two minor children. He worked on a cleaning crew and as a mechanic.

¹ CBP One is a mobile application launched by U.S. Customs and Border Protection (CBP) in October 2020, designed as a single portal primarily used to schedule appointments for migrants seeking to enter the U.S. at designated ports of entry. In January 2025, the application was terminated for the use of processing asylum seekers and was instead repurposed to allow noncitizens to “voluntarily self deport.” *See* U.S. Customs and Border Protection, *CBP Home Mobile Application*, <https://perma.cc/EJP3-BH3H> (last accessed Feb. 26, 2026).

² At the time, DHS was well within their right to subject Mr. Noicy to mandatory detention under 8 U.S.C. section 1225(b)(2). Instead, DHS released him on parole and initiated removal proceedings. His parole was valid until September 7, 2025.

28. On November 4, 2023, Mr. Noicy applied for employment authorization. On January 5, 2024, his application for employment authorization was approved.

29. Mr. Noicy complied with all the conditions of his removal proceedings and immigration release. He complied with all immigration court requirements and his next scheduled immigration hearing is for January 13, 2028, in the Philadelphia Immigration Court.

30. On January 26, 2023, TPS was extended and re-designated from February 4, 2023 to August 3, 2024. *See* Extension and Redesignation of Haiti for TPS, 88 FR 5,022 (Jan. 26, 2023) (from Feb. 4, 2023 to Aug. 3, 2024). It was again extended and redesignated on July 1, 2024. *See* Extension and Redesignation of Haiti for TPS, 89 FR 54,484, 54,487 (July 1, 2024) (Aug. 4, 2024 to Feb. 3, 2026). In or around October 2024, Mr. Noicy applied for Temporary Protected Status (Receipt# IOE9013019995). *See* Ex. 1, Biometrics Notice for TPS Application. Mr. Noicy's application for TPS remains pending before U.S. Citizenship and Immigration Services.

31. On March 3, 2026, Mr. Noicy was waiting inside his car with his two minor cousins to drive them to school, when two agents approached the car and demanded to see his papers. The officers informed Mr. Noicy that his identification document and work permit were not valid. They handcuffed him and detained him.

32. DHS currently holds Mr. Noicy at the Philadelphia Federal Detention Center. *See* Ex. 2, U.S. Immigr. & Customs Enf't, *Online Detainee Locator System*, <https://locator.ice.gov/odls/#/search> (last accessed March 4, 2026) (search conducted for A-Number, "A-; Country of Birth, "Haiti").

33. Upon information and belief, Respondents detained Mr. Noicy under its revised interpretation of the immigration detention statutes; specifically their new view that all noncitizens

who have not been “admitted,” 8 U.S.C. § 1101(a)(13)(A) are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *See Mater of Yagure Hurtado*, 29 I&N Dec. 216 (2025).

LEGAL FRAMEWORK

I. Section 1226(a) Governs the Detention of People Like Petitioner Who are Detained in the Interior of the United States.

34. The Immigration and Nationality Act contains several provisions authorizing detention of noncitizens. Title 8 U.S.C. § 1226(a) entitles most noncitizens with pending removal proceedings to a hearing before an immigration judge (“IJ”) to determine whether they should be released on bond. 8 U.S.C. § 1226(a)³; 8 C.F.R. § 1236.1(d). Title 8 U.S.C. § 1225(b), meanwhile, mandates the detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for recent arrivals “seeking admission” under (b)(2).

35. 8 U.S.C. § 1226(a), rather than § 1225(b), applies to people detained in the interior who are not actively attempting to come into the United States. *See Nikita Mukhin v. Rose*, 3:26-cv-00108, 2026 WL 524266, at *6 (M.D. Pa. Feb. 25, 2026). (rejecting the government’s argument that petitioner is still “at the border” because he entered the United States on parole rather than an order of release on recognizance); *see also Vasquez-Rosario v. Garcia Zambrano v. Jamison*, No. 26-0760, Doc. No. 6, at *3 (E.D. Pa. Feb. 10, 2026) (Henry, J.) (“it would be strange to say that [petitioner] seeks to be ‘admitted’ to a place he had already entered”); *Vasquez-Rosario v. Noem*,

³ The detention provisions at 8 U.S.C. § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). “Upon passing IIRIRA, Congress declared that the new Section 1226(a) ‘restates the current provisions in the predecessor statute,’” which allowed noncitizens who entered without inspection to be released on bond. *Rodriguez Vasquez v. Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025) (citing H.R. Rep. No. 104-469, pt. 1, at 229; H.R. Rep. No. 104-828, at 210).

No. 25-7427, 2026 WL 196505 (Kenney, J.) (petitioner “who has been living in the United States for several years cannot be characterized as ‘seeking entry’ consistent with the ordinary meaning of that phrase,” even after the petitioner’s parole had expired) (internal citations omitted) (collecting cases); *Zirakashvili v. Jamison*, No. 26-0629, Doc. No. 6 (E.D. Pa. Feb. 11, 2026) (Scott, J.) (same). Moreover, § 1225(b)(2) “presupposes an ‘examining immigration officer’ making a determination in the context of examining an alien ‘seeking admission,’ not an interior arrest long after parole has permitted physical entry.” *Mantilla Marcano*, No. 26-0239, Doc. No. 5, at 7.

36. Noncitizens who were released from the border with humanitarian parole, and have subsequently resided in the United States are subject to 8 U.S.C. § 1226(a). *Nikita Mukhin*, 2026 WL 524266, at *6; *see also Qasemi v. Francis*, 25-cv-10029, 2025 WL 3654098, at *6 (S.D.N.Y. Dec. 17, 2025) (“The provisions applying to ‘arriving aliens’ thus logically apply just to those noncitizens upon their presentation at the border of the United States.”). Noncitizens who have established themselves in the United States, making connections since their entry, are no longer at the “threshold of initial entry.” *See Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020); *see also Y-Z-L-H- v. Bostock*, 792 F. Supp. 3d 1123, 1146 (D. Or. 2025).

37. Finally, as discussed below, the BIA’s interpretation of 8 U.S.C. § 1225(b)(2)(A) to mandate detention without a bond hearing for all noncitizens present in the United States without having been admitted presents serious constitutional concerns. To the degree that the statute remains ambiguous, the Court should presume that Congress “did not intend the alternative which raises serious constitutional doubts” and reject that construction. *Clark v. Martinez*, 543 U.S. 371, 381–82 (2005). Section 1225(b)(2)(A) does not govern Mr. Noicy’s detention.

II. The INA prohibits the detention of noncitizens who are “provided” Temporary Protected Status.

38. The INA provides that the Attorney General may designate certain foreign states with TPS in the event of an “ongoing armed conflict”, “environmental disaster”, or other “extraordinary and temporary conditions in the foreign state”. 8 U.S.C. § 1254a(b)(1)(A)-(C). The statute permits nationals of those nations designated for TPS to apply for lawful immigration status if they meet certain eligibility criteria. 8 U.S.C. § 1254a(c)(1)-(2). The government “shall not remove” a noncitizen granted TPS. 8 U.S.C. § 1254a(a)(1)(A). TPS holders are authorized to work in the United States. 8 U.S.C. § 1254a(a)(1)(B). “In 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.” Perhaps most relevant, 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.” 8 U.S.C. § 1254a(d)(4). Since its initial designation in January 2010, Haiti has been consistently redesignated and extended under 8 U.S.C. § 1254 up to February 2026.⁴ The current 2024 designation was scheduled to terminate

⁴ See Designation of Haiti for TPS, 75 Fed. Reg. 3,476 (Jan. 21, 2010) (from Jan. 10, 2010 to July 22, 2011); Extension and Redesignation of Haiti for TPS, 76 Fed. Reg. 29,000, 29001 (May 19, 2011) (from July 22, 2013 to Jan. 22, 2013); Extension of Haiti for TPS, 77 Fed. Reg. 59,943, 59,944 (Oct. 1, 2012) (Jan. 23, 2013 to July 22, 2014); Extension of Haiti for TPS, 79 Fed. Reg. 11,808, 11,809 (Mar. 3, 2014) (July 23, 2014 to Jan. 22, 2016); Extension of Haiti for TPS, 80 Fed. Reg. 51,582, 51,583 (Aug. 25, 2015) (Jan. 23, 2016 to July 22, 2017); Extension of Haiti for TPS, 82 Fed. Reg. 23,830 (May 24, 2017) (July 23, 2017 to Jan. 22, 2018); 83 FR 54,764-69 (Oct. 31, 2018) (automatic extension pursuant to preliminary injunction in *Ramos v. Nielsen*, 336 F. Supp. 3d 1075, 1097-98, 1108 (N.D. Cal. 2018)); 84 FR 7,103-09 (Mar. 1, 2019) (same); 84 FR 59,403-10 (Nov. 4, 2019) (automatic extension pursuant to preliminary injunction in *Ramos*, 336 F. Supp. 3d 1075 and *Saget v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019)); 85 FR 79,208-15 (Dec. 9, 2020) (same); Designation of Haiti for TPS, 86 FR 41,863, 41,864 (Aug. 3, 2021) (from Aug. 3, 2021 to Feb. 3, 2023) (new initial designation); 86 FR 50,725-33 (Sept. 10, 2021) (automatic extension pursuant to preliminary injunctions); 87 FR 68,717-25 (Nov. 16,

on February 3, 2026. However, on February 2, 2026, the U.S. District Court for the District of Columbia issued an order staying the DHS Secretary’s TPS termination decision. *Miot et al. v. Trump et al.*, No. 25-cv-02471-ACR (D.D.C.). The district court concluded that the Secretary’s determination that conditions in Haiti permit safe return was arbitrary and capricious under the APA because it contradicted overwhelming evidence of gang violence, political instability, and humanitarian emergencies in Haiti. *Miot v. Trump*, No. 25-cv-02471 (ACR), 2026 LX 17890, at *65-79 (D.D.C. Feb. 2, 2026). Accordingly, the district court order that the Secretary’s termination decision “has no effect on the eligibility for work authorization and protection from detention and deportation for individuals, if any, with pending applications”, while the stay order is in place. *Id.* at *117-118.

III. The Application of Mandatory Detention to Noncitizens Like Petitioner Violates Substantive and Procedural Due Process

39. “It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (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 the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690. This fundamental due process protection applies to all noncitizens within the United States, including both removable and inadmissible noncitizens. *See id.* at 693; *Plyler v. Doe*, 457 U.S. 202, 212 (1982); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896).

2022) (automatic extension pursuant to preliminary injunctions); Extension and Redesignation of Haiti for TPS, 88 FR 5,022 (Jan. 26, 2023) (from Feb. 4, 2023 to Aug. 3, 2024); Extension and Redesignation of Haiti for TPS, 89 FR 54,484, 54,487 (July 1, 2024) (Aug. 4, 2024 to Feb. 3, 2026).

40. Absent adequate procedural protections, substantive due process requires a “special justification” that “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690; *accord, e.g., Torralba v. Knight*, No. 2:25-cv-1366, 2025 WL 2581792, at *12 (D. Nev. Sept. 5, 2025) (describing the standard for a substantive due process violation); *Fernandez v. Lyons*, No. 8:25-cv-506, 2025 WL 2531539, at *4 (D. Neb. Sept. 3, 2025) (same); *Luna Quispe v. Crawford*, No. 25-cv-1471, 2025 WL 2783799, at *7 (E.D. Va. Sept. 29, 2025) (same). 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. *Zadvydas*, 533 U.S. at 693; *Demore*, 538 U.S. at 528. To withstand constitutional scrutiny, the nature and duration of mandatory immigration detention must be reasonably related to these purposes.

41. In *Demore*, the Supreme Court upheld the constitutionality of 8 U.S.C. § 1226(c) against a facial challenge, specifically citing evidence that had been before Congress about noncitizens with criminal convictions. 538 U.S. at 518-520. This justification does not apply, however, to noncitizens with no criminal convictions who have lived in the community for years. The broad policy set forth in *Yajure Hurtado* is not reasonably related to the purposes of prevent danger to the community or flight risk and violates substantive due process.

42. Respondents’ detention of Mr. Noicy, after allowing him to enter the United States in 2023, without any pre-deprivation assessment of his flight or danger risks violates his substantive due process rights. When DHS “first released” Mr. Noicy in 2023, “it could not have done so validly unless it did not consider him to be a flight risk or a danger to the community.” *Lopez Benitez*, 795 F. Supp. 3d at 495. Its detention of Mr. Noicy without showing what, if anything, has changed in that calculus was improper. *See, e.g., Kourouma v. Jamison*, No. 26-cv-

182, 2026 WL 120208, at *5 (E.D. Pa. Jan. 15, 2026) (“This Court will order the release of Petitioner because he was unlawfully detained.”); *Tumba Huamani v. Francis*, --- F. Supp. ---, 2025 WL 3079014, at *9 (S.D.N.Y. Nov. 4, 2025) (ordering release after finding “the complete absence of any reason for Petitioner’s arrest” by DHS); *Lopez Benitez*, 795 F. Supp. 3d at 499 (ordering release after rejecting the government’s “suggestion that [its] agents may sweep up any person they wish, for no reason whatsoever . . . so long as the person will, at some unknown point in time, be allowed to ask some other official for his or her release”) (cleaned up).

43. Mr. Noicy’s re-detention further implicates recognized protections from the parole revocation context. The Supreme Court “has made clear that individuals subject to the revocation of their parole are entitled to certain due process rights, including ‘a written statement by the factfinders as to the evidence relied on and reasons for revoking parole.’” *United States v. Patterson*, 957 F.3d 426, 433 (4th Cir. 2020) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 489 (1972)); *see also* 18 U.S.C. § 3583(e) (requiring courts to consider specific factors prior to modifying or revoking a person’s conditions of supervised release).

44. Additionally, procedural due process protects noncitizens against deprivation of liberty without adequate procedural protections, including notice and the opportunity to be heard. *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). In determining the proper procedure to protect a detained noncitizen’s procedural due process rights under the Fifth Amendment, courts apply the three-part balancing test in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), weighing (1) “the private interest that will be affected by the official action;” (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;” and (3) “the Government’s interest, including the

function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Black v. Decker*, 103 F.4th 133, 147-48 (2d Cir. 2024); *Gayle v. Warden Monmouth C’ty Corr. Facility*, 12 F. 4th 321, 331 (3d Cir. 2021); *Hernandez-Lara v. v. Lyons*, 10 F.4th 19, 28 (1st Cir 2021); *Velasco Lopez*, 978 F.3d at 851 (all quoting *Mathews*, 424 U.S. at 335). Each factor favors providing Mr. Noicy additional process.

45. First, the “importance and fundamental nature” of an individual’s liberty interest is well-established. *United States v. Salerno*, 481 U.S. 739, 750 (1987); *see also Ashley*, 288 F. Supp. at 670 (“[F]reedom from confinement is a liberty interest of the highest constitutional import.”). For people “who can face years of detention before resolution of their immigration proceedings, ‘the individual interest at stake is without doubt particularly important.’” *Linares Martinez v. Decker*, No. 18-cv-6527 (JMF), 2018 WL 5023946 at *3 (S.D.N.Y. Oct. 17, 2018).

46. Weighing this factor in *Velasco Lopez*, the Second Circuit found the private interest to be “on any calculus, substantial,” observing that the petitioner “could not maintain employment or see his family or friends or others outside normal visiting hours. The use of a cell phone was prohibited, and he had no access to the internet or email and limited access to the telephone.” 978 F.3d at 851–52. Similarly, the First Circuit found a substantial private liberty interest for the petitioner in *Hernandez-Lara*, noting that the petitioner there was incarcerated “alongside criminal inmates” at a jail where “she was separated from her fiancé and unable to maintain her employment.” 10 F.4th at 28. Because Mr. Noicy has the same core interest in his liberty, the first factor weighs in his favor.

47. Second, Respondents’ blanket detention of all inadmissible noncitizens creates a large risk of erroneous deprivation. Particularly, it has led and continues to lead to the detention of many—like Mr. Noicy—who the government cannot prove to be a flight risk or a danger to the

community. *See, e.g., Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1187–88 (D. Minn. 2025) (noting that lack of consideration of “individualized or particularized facts . . . increases the potential for erroneous deprivation of individuals’ private rights”); *Ashley*, 28 F. Supp. 2d at 670 (finding a procedural due process violation because “the Government has not proved that Petitioner presents an identified and articulable threat to an individual or the community so as to justify his continued detention”). A bond hearing would have significant value because it is designed to assess the individualized facts of each case and determine whether less restrictive measures can fulfill the same goals. The second factor therefore weighs in Mr. Noicy’s favor.

48. Finally, the burden on the government of returning to the longstanding practice of holding bond hearings for people like Petitioner does not outweigh the liberty interest at stake. To the contrary, the government has an interest in “minimizing the enormous impact of incarceration in cases where it serves no purpose.” *Velasco Lopez*, 978 F.3d at 854; *see also Hernandez-Lara*, 10 F.4th at 33 (noting that “limiting the use of detention to only those noncitizens who are dangerous or a flight risk may save the government, and therefore the public, from expending substantial resources on needless detention”). Additionally, “unnecessary detention imposes substantial societal costs. . . . The needless detention of those individuals thus separates families and removes from the community breadwinners, caregivers, parents, siblings and employees. Those ruptures in the fabric of communal life impact society in intangible ways that are difficult to calculate in dollars and cents.” *Hernandez-Lara*, 10 F.4th at 33 (citation and internal quotation marks omitted). The cost to the government and society of detaining people unnecessarily for long periods of time is greater than the cost of providing individualized hearings. The third factor therefore weighs in affording Mr. Noicy additional procedural protections.

49. Given Respondents did not conduct any pre-deprivation assessment of Mr. Noicy's risks prior to his detention, he merits release, as recognized by many courts in this District. *See, e.g., Kourouma*, 2026 WL 120208, at *5 ("The Court will order the release of Petitioner because he was unlawfully detained."); *Kashranov*, 2025 WL 3188399, at *8 ("Because the Government detained Mr. Kashranov without the bond hearing that Section 1226(a) and the Due Process Clause require, Mr. Kashranov should not now be in custody."); *Centeno Ibarra v. Warden of the Fed. Det. Ctr. Philadelphia*, No. CV 25-6312, 2025 WL 3294726, at *8 (E.D. Pa. Nov. 25, 2025) ("Because a bond hearing is unnecessary, this Court will order his immediate release."); *Patel v. McShane*, No. CV 25-5975, 2025 WL 3241212, at *3 (E.D. Pa. Nov. 20, 2025); *see also Moctezuma v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government's repeated use of unlawful detention policies across the country, causing petitioners to "sit in jail waiting for a judicial decision," the court would order immediate release instead of causing additional delay through a bond hearing) (citing *Lepe v. Andrews*, 801 F. Supp. 3d 1104 (E.D. Cal. 2025)).

50. Mr. Noicy also merits release because a bond hearing before an immigration judge has been shown not to be an adequate remedy. Immigration judges have unreasonably refused to grant bond despite evidence that a noncitizen is not a danger or a flight risk, requiring petitioners to seek further relief from habeas courts. *See A.D. v. Oddo*, Civil Action No. 25-460J, Memorandum Order at 7-8 (W.D. Pa. Feb. 12, 2026) (finding petitioner was unfairly prejudiced at his habeas ordered bond hearing and ordering immediate release); *Soto-Medina v. Lynch*, No. 1:25-CV-1704, 2026 WL 161002, at *2 (W.D. Mich. Jan. 21, 2026) (noting that at a habeas ordered bond hearing petitioner presented evidence that he is not a flight risk or danger, including "evidence of his family connections, that his daughter attended Chicago Public Schools, and that

he has a pending asylum application and valid work authorization,” that the “government did not present any evidence” against granting bond, but “the immigration judge denied Petitioner’s request for bond because Petitioner had ‘not established that he is not a flight risk’”); *Ramirez v. Lynch*, No. 1:25-CV-1800, 2026 WL 212932, at *1 (W.D. Mich. Jan. 27, 2026) (same). A hearing before an immigration judge also does not provide a sufficient assurance of neutrality. Immigration judges, who serve at the pleasure of the U.S. Attorney General—a respondent in this matter—have been removed from service for not following the Executive’s deportation goals. *See, e.g.*, Joshua Goodman, *Military Lawyer Swiftly Fired from Immigration Bench After Defying Trump Deportation Push*, Times Union (updated Dec. 19, 2025), <https://www.timesunion.com/news/politics/article/military-lawyer-swiftly-fired-from-immigration-21252504.php>. And on January 13, 2026, Chief Immigration Judge Teresa L. Riley instructed immigration judges to continue denying bond despite a nationwide declaration against DHS’s detention policies in *Maldonado Bautista v. Santacruz*, No. 25-cv-1873, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025). *See Practice Alert: EOIR Issues Nationwide Guidance on Maldonado Bautista*, AILA Doc. No. 26011404, Am. Immigr. Laws. Ass’n (Jan. 16, 2026), <https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista> (last visited Feb. 8, 2026).

51. If, alternatively, this Court orders for a bond hearing, due process requires that the Government bear the burden of proof by clear and convincing evidence. *See Gayle*, 12 F.4th at 332 (“[W]hen such a severe deprivation is at issue, the Government must bear the burden of proof.”). Such a “standard of proof serves to [properly] allocate the risk of error between the litigants and reflects the relative importance attached to the ultimate decision.” *German Santos*, 965 F.3d at 213 (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)). The Third Circuit has long

ordered for the government to bear a clear and convincing burden at a constitutionally-mandated bond hearing. *German Santos*, 965 F.3d at 214; *Guerrero-Sanchez v. Warden York Cnty. Prison*, 905 F.3d 208, 224 n.12 (3d Cir. 2018), *abrogated on other grounds by Johnson v. Arteaga-Martinez*, 596 U.S. 572 (2022). Other circuit courts have similarly held the same for Section 1226(a) detention. *Hernandez-Lara*, 10 F.4th at 39–40; *Velasco Lopez*, 978 F.3d at 855–56; *see also Soto-Medina*, 2026 WL 161002, at *5-11. Any assessment of custody should include consideration of alternatives to detention and ability to pay. *See, e.g., Black*, 103 F.4th at 155.

52. Should this Court order for a bond hearing, it should preside over such a hearing rather than assign it to an EOIR administrative judge, for the reasons discussed above. *See Centeno-Martinez v. Jamison*, No. CV 25-3593, 2025 WL 3157711, at *3 (E.D. Pa. Nov. 12, 2025) (finding that the district court should hold the bond hearing because it is “a ‘legal and logical concomitant’ of habeas jurisdiction, particularly where delay risks perpetuating the constitutional injury”); *Swann v. Charlotte Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971) (“[T]he scope of a district court’s equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.”); *see also Zadvydas*, 533 U.S. at 700 (authorizing federal courts to “condition[]” a noncitizen’s release “on any of the various forms of supervised release that are appropriate in the circumstances.”).

FIRST CLAIM FOR RELIEF
Violation of the Immigration and Nationality Act – 8 U.S.C. § 1254a

53. Petitioner realleges and incorporates by reference each and every allegation contained above.

54. 8 U.S.C. § 1254a governs the treatment of TPS holders and applicants, including their detention and removal under federal immigration law. Under the statute, a TPS applicant “who establishes a *prima facie* case of eligibility for [TPS] benefits...shall be provided [temporary

treatment] benefits” pending final adjudication of their application. 8 U.S.C. § 1254(a)(a)(4)(B). Pursuant to this provision, a noncitizen who has demonstrated *prima facie* eligibility for TPS is entitled to the benefits afforded under 8 U.S.C. § 1254a(1), including a “grant” of temporary protected status, pending the final adjudication of their application.

55. 8 U.S.C. § 1254a(d)(4) states a non citizen “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.

56. Taken together, these provisions guarantee TPS-eligible noncitizens the right to be free from detention from the time that they establish their *prima facie* eligibility for TPS through the time their country’s TPS designation ends.

57. As TPS protection applies irrespective of any other immigration status, the Court need not delve further into other aspects of Petitioner’s immigration posture. *See* 8 U.S.C. §§ 1254(a)(1)(A), (a)(5); *see also* 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” noncitizens).

58. Mr. Noicy’s detention violates 8 U.S.C. § 1254a. Because Petitioner’s detention plainly violates the TPS statute’s prohibition on detention for *prima facie* eligible applicants, 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).

SECOND CLAIM FOR RELIEF

Violation of the Immigration and Nationality Act Unlawful Application of Mandatory Detention Provision

59. Petitioner re-alleges and incorporates by reference the above paragraphs.

60. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. Specifically, it does not apply to Mr. Noicy, who has been living in the United States since September 2023, for over two years prior to his detention on March 3, 2026.

61. Mr. Noicy is not “seeking admission.” At the time of his detention in his car on his way to take his cousins to school on March 6, 2026, he was no longer engaged in that “present-tense action.” *Martinez*, 792 F. Supp. 3d at 218. He therefore no longer met the requirements of Section 1225(b)(2)(A).

62. Respondents’ unlawful and arbitrary application of 8 U.S.C. § 1225(b)(2) to Mr. Noicy violates the INA.

THIRD CLAIM FOR RELIEF

Violation of the Fifth Amendment Due Process Clause Detention Without Any Relation to Limited Goals of Civil Immigration Detention Violates Substantive Due Process

63. Petitioner re-alleges and incorporates by reference the above paragraphs.

64. 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. Substantive due process requires that immigration detention without a bond hearing be reasonably related to the goals of ensuring the appearance of noncitizens at future proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690.

65. The application of mandatory detention under 8 U.S.C. § 1225(b)(2) is not reasonably related to those goals and thus violates substantive due process. Mr. Noicy was permitted to enter the United States through a port of entry. He has done everything that he was supposed to do; he applied in advance to enter the United States rather than cross the border. He

has a history of full compliance with all conditions of his release and removal proceedings. He has never been arrested, charged, or convicted of a crime.

66. Respondents' detention of Mr. Noicy without any consideration of his particular flight or danger risks bears no relation to the limited goals of immigration detention.

FOURTH CLAIM FOR RELIEF

Violation of the Fifth Amendment Due Process Clause Detention Without Any Procedures to Limit Erroneous Deprivation of a Core Private Right Violates Procedural Due Process

67. Petitioner re-alleges and incorporates by reference the above paragraphs.

68. 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. Courts apply the *Mathews v. Eldridge* balancing test to determine what procedures the due process clause requires. *Gayle*, 12 F.4th at 331.

69. The first factor is the private interest that will be affected by the official action. *Id.* Here, the deprivation of Petitioner's liberty is a particularly weighty interest. Mr. Noicy has been living in his community with his family members for more than two years. He applied for TPS and is in pending immigration court proceedings. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (describing the substantial private interest in remaining out of custody, which "enables [one] to do a wide range of things open to persons" who are free from custody).

70. The second factor is the risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional safeguards. *Id.* Here, there is a great risk of unnecessary detention because the BIA's interpretation of the statute does not permit any individualized determination of whether detention during removal proceedings is necessary. *See Ashley*, 288 F. Supp. 2d at 670. Respondents' procedures—or lack thereof—create an erroneously

high risk of wrongly depriving those, like Mr. Noicy, their protected interest in being free from government custody. *See Piurbeev v. Rose*, No. 26-910, 2026 WL 499907, at *3 (E.D. Pa. Feb. 23, 2026) (finding that all the *Mathews* factors weighed in favor of petitioner because respondents did not set forth any facts suggesting that petitioner was more of a danger or flight risk than when he was released in 2023 and has since submitted evidence demonstrating the contrary).

71. The final factor is the Government's interest. *Gayle*, 12 F.4th at 331. The government has no legitimate interest in detaining Petitioner when detention is not necessary to ensure his appearance at future hearings or protect the community, and less restrictive measures like a reasonable bond would serve those purposes. *Hernandez-Lara*, 10 F.4th at 32–33; *see Ousman D. v. Decker*, No. 20-cv-9646, 2020 WL 5587441, at *4 (D.N.J. Sept. 18, 2020) (holding that due process requires consideration of less restrictive alternatives to detention that would address the government's legitimate purpose); *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 241–42 (W.D.N.Y. 2019) (same). Affording noncitizens pre-deprivation review of their flight or danger risks presents a minimal burden and serves the government's interest in ensuring only those individuals that need to be detained are detained. *See Velasco Lopez*, 978 F.3d at 857 (the government “has no interest in the continued incarceration of an individual who it cannot show to be either a flight risk or a danger to his community” and the public has an “interest in seeing that individuals who need not be jailed are not incarcerated”).

72. Respondents' detention of Petitioner without any hearing to determine whether that detention is necessary violates procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;

- 2) Issue an order administratively staying Respondents from transferring Petitioner outside of this Court’s geographic jurisdiction pending the Court’s adjudication of the petition;⁵
- 3) Declare that Petitioner’s continued detention violates the Immigration and Nationality Act, the Administrative Procedure Act, and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

⁵ Petitioner requests a stay of his transfer to ensure that should this Court grant him relief, he may quickly and reasonably access such relief. *See, e.g.*, Order, ECF No. 4, *Zavala Ulloa v. Jamison*, 2:26-cv-00813-KSM (E.D.P.A. Feb. 9, 2026) (enjoining Respondents “from taking any action that would result in the removal of Petitioner from the Eastern District of Pennsylvania”); Order, ECF No. 3, *Lantiguez Alvarado v. Bondi*, No. 26-cv-768 (S.D.N.Y. Jan. 29, 2026) (administratively staying the noncitizen from transfer out of the Southern and Eastern Districts of New York, or the District of New Jersey).

At a recent show cause hearing, Judge Jerry W. Blackwell of the U.S. District Court for the District of Minnesota outlined the collateral difficulties of acquiring adequate government compliance if the government transfers a noncitizen outside of the habeas court’s jurisdiction. He explained that it takes “repeat, after repeat, after follow-up, after follow-up with the Government” to receive information and procure a noncitizen’s return. Tr. of Show Cause Hr’g, ECF No. 19, *Segundo A.P.G. et al. v. Bondi*, No. 26-cv-603 (D. Minn. Feb. 3, 2026), at 11. And he traced the difficulty in prescribing adequate remedies, describing:

For example, if we say, release the person immediately, then we learn that, having transported [the noncitizen] to El Paso or New Mexico, [the government] do[esn’t] bring him back. We learn that somebody is put out on the street with just the clothes on their backs and have to figure out how to get back here when they should not have been arrested here in the first place, let alone flown halfway across the continent of North America. And have to – so now we have to address that. We have to say, bring them back.

And then we say, all right, so you brought them back. We can’t have them released when it’s minus 14 outside. And so now we have to address that. Don’t release them in the circumstances that might endanger their health or safety.

And so once that’s addressed, then we learn they’ve been released, but now conditions have been imposed. That somebody who should not have been arrested in the first place is now being told, you’re going to be released if you wear an ankle monitor, which the Court didn’t order because the person was unlawfully detained in the first place. Then we have to go back and address that now.

Id. at 33–34.

- 4) Issue a Writ of Habeas Corpus and order Petitioner's immediate release from custody without additional or new conditions;
- 5) In the alternative, conduct a custody hearing at which Respondents 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;
- 6) Issue an order requiring Respondents to return Petitioner's personal property, including identification and documents;⁶
- 7) Award Petitioner his costs and reasonable attorney fees in this action as provided for by the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law, *see Michelin v. Warden Moshannon Valley Corr. Ctr.*, --- F.4th ---, 2026 WL 263483 (3d Cir. Feb. 2, 2026); and
- 8) Grant such further relief as the Court deems just and proper.

Dated: March 4, 2026

Respectfully submitted,

/s/Christopher Setz-Kelly
Christopher Setz-Kelly (PA 317290)
HIAS Pennsylvania
PO Box 8688
Philadelphia, PA 19101
215-346-8069
csetz@hiaspa.org

⁶ *See, e.g.*, Order, ECF 20, *Abreu v. Baker et al.*, Civil No. 25-3088-BAH (D. Md) (Dec. 18, 2025) (ordering return of petitioner's personal property confiscated at the time of her detention); *Ortiz Martinez v. Wamsley*, No. 2:25-CV-01822-TMC, 2025 WL 2899116, at *5 (W.D. Wash. Oct. 10, 2025) (same).

/s/Mikaela Wolf-Sorokin

Mikaela Wolf-Sorokin (Bar # 225725)

DEFENDER ASSOCIATION OF PHILADELPHIA

1441 Sansom Street

Philadelphia, PA 19102

267-765-6789

MLWolfSorokin@philadefender.org

Pro Bono 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 the Petitioner as a member of Petitioner's legal team. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: March 4, 2026

Respectfully submitted,

/s/Christopher Setz-Kelly
Christopher Setz-Kelly (PA 317290)
HIAS Pennsylvania
PO Box 8688
Philadelphia, PA 19101
215-346-8069
csetz@hiaspa.org

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore send a courtesy copy via email to the office of the United States Attorney for the Eastern District of Pennsylvania.

Dated: March 4, 2026

Respectfully submitted,

/s/Christopher Setz-Kelly
Christopher Setz-Kelly (PA 317290)
Managing Attorney
HIAS Pennsylvania
PO Box 8688
Philadelphia, PA 19101
215-346-8069
csetz@hiaspa.org

Ex. 2

[Report](#)

Main Menu

Search Results: 1

JEAN WILMOND NOICY

Country of Birth : Haiti

A-Number: 

Status : In ICE Custody

State: PA

Current Detention Facility: [Philadelphia Federal Detention Center](#)

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

Related Information

Helpful Info

[Status of a Case](#)

[About the Detainee Locator](#)

[Brochure](#)

[ICE ERO Field Offices](#)

[ICE Detention Facilities](#)

[Privacy Notice](#)

External Links

[Privacy](#) - [Terms](#)

Bureau of Prisons Inmate
Locator



[DHS.gov](#)[USA.gov](#)[OIG](#)[OpenFOIA](#)[Metrics](#) [No](#) [Site](#) [Site](#)
[Gov](#) [FearMap](#)[Policies](#)
[Act](#) [&](#)
[Plug-](#)
[Ins](#)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jean Wilmond Noicy

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Chris Setz-Kelly, HIAS PA, 123 S. Broad St.,
Philadelphia, PA 19109, 215-346-8069

DEFENDANTS

J.L. Jamison et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

United States Attorney's Office - EDPA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
8 USC Section 2241
Brief description of cause:
Violation of the Fifth Amendment Due Process Clause and INA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

03/04/2026

SIGNATURE OF ATTORNEY OF RECORD

/s/Chris Setz-Kelly

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia

RELATED CASE IF ANY: Case Number: _____ Judge: _____

- | | |
|---|------------------------------|
| 1. Does this case involve property included in an earlier numbered suit? | Yes ☐ |
| 2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? | Yes ☐ |
| 3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? | Yes ☐ |
| 4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? | Yes ☐ |
| 5. Is this case related to an earlier numbered suit even though none of the above categories apply?
If yes, attach an explanation. | Yes ☐ |

I certify that, to the best of my knowledge and belief, the within case ☐ is / ☒ is not related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☐ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief ***see certification below***
- ☐ 16. All Other Federal Question Cases. (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: (Please specify) _____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ does / ☒ does not have implications beyond the parties before the court and ☐ does / ☒ does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

☒ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.