UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

NAIM DULOVI

Petitioner,

v.

MATTHEW MORDANT, in their official capacity as Alligator Alcatraz Field Office Director for Enforcement and Removal Operations, United States Immigration and Customs Enforcement;

KELEI B. WALKER, in their official capacity as, Director of Miami Field Office, U.S. Immigration and Customs Enforcement;

KRISTI NOEM and/ or MARKWAYNE MULLIN in their official capacity as Secretary of the United States Department of Homeland Security;

PAMELA BONDI, in their official capacity as Attorney General of the United States;

TODD LYONS, in their official capacity as Acting Director of Immigration and Customs Enforcement;

CHARLES PARRA, in their official capacity as Assistant Field Office Director for the Krome North Service

KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management (FDEM)

Respondents.

Civil Action No.:

PETITION FOR WRIT OF HABEAS CORPUS / REQUEST FOR TEMPORARY RESTRAINING ORDER

PETITION FOR WRIT OF HABEAS CORPUS

The Petitioner, NAIM DULOVI, submits this Petition for Writ of Habeas Corpus and for Related Relief, by and through undersigned counsel and alleges as follows:

INTRODUCTION

1. Petitioner respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued and unlawful detention by United States Immigration and Customs Enforcement ("ICE"). The Petitioner seeks immediate release.

2. Or about January 26, 2026, ICE detained him without notice or opportunity to be heard, on the decision of an individual without authority to do so, without findings required by law, and in violation of agency rules.

3. Petitioner was detained when he was reporting to his yearly Order of Supervision (OSUP) at Immigration Customs and Enforcement in Miramar, FL, and has remained in civil detention in the custody of the Department of Homeland Security's ("DHS") Immigration and Customs Enforcement ("ICE") at Florida Soft Side South, also known colloquially as Alligator Alcatraz. **(Exhibit A)**

4. Upon being redetained by ICE on January 26, 2026, ICE failed to provide (1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonable forseeable future. See *Kong v. United States*, 62 F.4th 609, 619-20 (1st Cir. 2023); 8 C.F.R § 241.13(i)(2).

5. Respondents-Defendants' actions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and Nationality Act and implementing regulations, and the Accardi doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.

6. Petitioner brings this action for habeas relief and respectfully requests that this Court issue a Writ of Habeas Corpus and order Petitioner's release from custody, with appropriate conditions of supervision if necessary.

7. Continued detention under these circumstances serves no legitimate governmental purpose and violates the humanitarian and constitutional principles that govern civil immigration custody.

8. This petition challenges the government's ongoing violation of Petitioner's statutory and constitutional rights. ICE's re-detention of

Petitioner has become arbitrary, violating the Due Process Clause of the Fifth Amendment.

9. ICE's re-detention is in violation of ICE's own regulation requiring (1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has been significantly likely in the reasonably foreseeable future." 8 C.F.R §241.13(i)(2).

10. Additionally, and alternatively, ICE has failed to provide the Petitioner with an Informal Interview in violation of its own regulation. 8 C.F.R. § 241.4(l).

11. Petitioner was provided with a single sheet containing the words Notice of Revocation to show the revocation of his Order of Supervision. This document was given to him by SDDO Ricardo Plasencia, who is not authorized by law to do so, on behalf of Zoelle Rivara, also not authorized by law. Petitioner has the original of this notice in his possession at the detention center.

12. The ICE detainee locator shows the Petitioner is a Native and Citizen of Yugoslavia[1].

13. Since Petitioner's last release from custody, ICE has failed to procure travel documents or effect his removal to any country.

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[1] Yugoslavia is no longer recognized as a country.

14. ICE has no indication that any government has found Petitioner eligible for repatriation. Specifically, the Petitioner has attempted to have Macedonia recognize him as a citizen. Macedonia has declined to provide travel documents. The last denial from the Consulate of Macedonia was on February 6, 2026. The Consulate stated "Based on the information available in our official records, Mr. Dulovi is not registered as a citizen of the Republic of North Macedonia. Regrettably, under these circumstances, we are not in a position to issue an emergency passport or provisional travel document on his behalf." **(Exhibit B)**

15. Petitioner is not a danger to the community and is not a flight risk.

16. Petitioner is a father to three United States Citizens and a business owner. Petitioner owns a GreenAcre Pizza and has been in business for over 20 years.

17. Petitioner's removal from the United States is not reasonably foreseeable in the immediate future, as he has been detained for 39 days and ICE has not provided any travel documents.[2]

[2] See Also, Ruling from the United States District Court of Massachusetts order dated February 25, 2026 in Case 1:25-cv-10676-BEM, D.V.D vs United States Department of Homeland Security. Gov.uscourts.mad.282404.241.0.pdf

JURISDICTION AND VENUE

18. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and seeks a writ of habeas corpus challenging the legality of his continued civil detention by U.S. Immigration and Customs Enforcement ("ICE") in violation of the Constitution and laws of the United States.

19. Venue is proper in this Court under 28 U.S.C. § 2241(a) because Petitioner is detained within the geographic boundaries of the Middle District of Florida, at Florida Soft Side South in Collier County, Florida, which lies within the Fort Myers Division of this District.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

20. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this action.

21. There has been no prior judicial review of this matter.

IRREPARABLE INJURY

22. Petitioner has suffered, is suffering, and will continue to suffer irreparable injury unless equitable relief is ordered by this Honorable Court. Respondents' conduct is depriving Petitioner of his liberty

without providing him due process of law. The deprivation of his liberty is, in and of itself, irreparable harm.

23. Pursuant to 28 U.S.C § 2243, this Court can order the Respondents to file a response within **three** days, unless they can show cause for additional time. ("The writ or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days is allowed.").

PARTIES

24. Petitioner, **NAIM DULOVI** was born on [redacted] in Yugoslavia. He entered the United States on or about October 18, 1993, and has continuously resided in this country for the last thirty-three years. Petitioner is currently detained at Florida Soft Side South. He is in custody of ICE, and under the direct control, of Respondents and their agents.

25. Respondent, MATTHEW MORDANT is sued in their official capacity as the Warden of the Florida Soft Side South Facility. Respondent Mordant has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement

(ICE) to detain noncitizens and is a legal custodian of Petitioner. Respondent MORDANT therefore is a legal custodian of Petitioner.

26. Respondent KRISTI NOEM sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent NOEM is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent NOEM is a legal custodian of Petitioner.

27. Respondent PAM BONDI is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent BONDI is a legal custodian of Petitioner.

28. Respondent TODD LYONS is sued in their official capacity as the Acting Director of Immigration and Customs Enforcement.

29. Respondent KELEI B. WALKER is sued in her official capacity as the Acting Director of the Miami Field Office of U.S. Immigration and

Customs Enforcement. Respondent Walker exercises authority over Petitioner's detention, transfer, and potential release.

30. Respondent, JUAN AGUDELO, is sued in his official capacity as the Interim Field Office Director for U.S. Immigration and Customs Enforcement (ICE) for in Miami, FL. Respondent Agudelo exercises authority over Petitioner's detention, transfer, and potential release.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

31. Petitioner was born in Yugoslavia on [redacted]

32. Petitioner entered the United States on October 18, 1993. He attempted to leave the United States to Macedonia around 1997, however, he was denied entry and eventually returned to the United States on December 13, 1997. (**Exhibit C**)

33. Petitioner was paroled through an I-94 on January 1, 1998. This document shows under country of citizenship the words "Stateless". He was thereafter required to appear at Deferred Inspection on January 9, 1998. (**Exhibit D**).

34. On or about November 4, 2000, the Petitioner was issued a Notice to Appear (NTA) for Removal Proceedings. The NTA clearly notes that Petitioner is from "former Yugoslavia". (**Exhibit E**).

35. On May 14, 2001, the Petitioner was ordered removed from the United States. (**Exhibit F**).

36. On August 14, 2001, a Notice of Alien File Custody Review was issued by formerly INS. (**Exhibit G**)

37. On February 26, 2002, Petitioner was placed on an Order of Supervision ("OSUP") with Immigration and Customs Enforcement, through an I-220B. To date, Petitioner has not failed, once, in his reporting duties. (**Exhibit H**).

38. The Petitioners parents are also both United States Citizens; Vlera Dullovi, who is 21 years old; Zana Dullovi, who is 18 years old; and [redacted], who is 17 years old. (**Exhibit I**).

39. The Petitioner has a single arrest offense from 1998 for trespassing and resisting an officer. Petitioner has since lived his life as a law-abiding person with no further negative interactions with law enforcement. (**Exhibit J**).

40. With his work permit, he has supported his family over the last seventeen years. (**Exhibit K**).

41. The Petitioner owns GreenAcres Pizza. The company was opened on March 21, 2005, and has been in business for over 20 years. (**Exhibit L**).

42. The Petitioner is not a flight risk as he has the full support of his family.

43. The Petitioner has routinely checked in with ICE. The Petitioner has never violated the terms of his supervision order.

44. The Petitioner has tried to obtain his own travel documents from Macedonia in 2007, 2018 and again in 2026 and has been unsuccessful as Macedonia refuses to recognize him a Citizen. (**Exhibit M** and also **B**)

45. To date, the Petitioner has not had any interview, formally or informally, with any ICE officers.

LEGAL FRAMEWORK

Due Process Governs Decisions to Revoke an Order of Supervision

46. "The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id*. at 690.

47. Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen's order of supervision is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the

community or preventing flight prior to removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention).

48. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified).

Statute and Regulations Governing Procedures for Revoking an Order of Supervision

49. A non-citizen with a final order of removal "who is not removed within the [90-day] removal period . . . shall be subject to [an order of] supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3) (titled "Supervision after 90-day period").

50. A non-citizen may only be detained past the 90-day removal period <u>following a removal order</u> if found to be "a risk to the community or unlikely to comply with the order of removal" or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).

51. But even where initial detention past the 90-day removal period is authorized, if "removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances." *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

52. The Regulations for issuance and revocation of an Order of Supervision, and re-detention of a non-citizen past the removal period relevant here are 8 C.F.R. § 241.4 and § 241.13.

53. 8 C.F.R. § 241.4 generally governs the detention and release of non-citizens under a final order of removal, unless the Service releases a non-citizen after making a determination under §241.13 that there is no significant likelihood of removal in the reasonably foreseeable future. 8 C.F.R. § 241.13.

54. Generally, the Service may release an alien on an Order of Supervision (OSUP) under § 241.4 if it determines that the alien would not pose a danger to the public or a risk of flight, without regard to the likelihood of the alien's removal in the reasonably foreseeable future.

55. Once a noncitizen's order of removal becomes administratively final, the Government 'shall' remove the person within 90 days." *Singh v. U.S. Attorney Gen.*, 945 F.3d 1310, 1313 (11th Cir. 2019) (quoting 8 U.S.C. § 1231(a)(1)(A)).

56. The government must detain the noncitizen during the 90-day removal period, which begins when the removal order becomes administratively final. Id. Detention may continue after the removal period, but not indefinitely.

57. In *Zadvydas*, the Supreme Court held, "if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute." 533 U.S. at 700-01 (2001). If removal is not practically attainable, detention no longer serves its statutory purpose of "assuring the alien's presence at the moment of removal." Id. at 699. The Court found it unlikely Congress "believed that all reasonably foreseeably removals could be accomplished in [90 days]." Id at 701. So, "for the sake of uniform administration in the federal courts," it established a "presumptively reasonable period of detention" of six months—the 90-day removal period plus an additional 90 days.

58. Eleventh Circuit recognized, "[t]he Supreme Court's stated rationale for establishing a presumptively reasonable '6-month period' for detention pending removal supports our conclusion that this period commences at the beginning of the removal period." *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 n.3 (11th Cir. 2002).

59. When a non-citizen is initially released on an OSUP pursuant to 8 C.F.R. § 241.13(g), after the service made a determination there was no significant likelihood of removal in the reasonably foreseeable future, the subsequent decision to revoke the OSUP is regulated by 8 C.F.R. §241.13(i), which states that any non-citizen released under an order of supervision under this section who violates any of the conditions of release may be returned to custody. 8 C.F.R. §241.13(i)(1).

60. The Service may also revoke an alien's release under section 241.13(i)(2) and return the non-citizen to custody if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(2).

61. Upon revocation pursuant to section 241.13(i), the non-citizen will be notified of the reasons for revocation of his release. 8 C.F.R. §241.13(i)(3). The Service will conduct an initial informal interview promptly after his

or her return to Service custody to afford the non-citizen an opportunity to respond to the reasons for revocation stated in the notification. *Id.* The non-citizen may submit any evidence or information that he believes shows there is no significant likelihood he will be removed in the reasonably foreseeable future, or that he has not violated the order of supervision. *Id.* The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release. *Id.*

62. Thereafter, if the alien is not released from custody following the informal interview, the provisions of § 241.4 shall govern the alien's continued detention pending removal. 8 C.F.R. § 241.13(i)(2).

63. If, however, the initial decision to release the non-citizen and place them on an Order of Supervision was made pursuant to 8 C.F.R. § 241.4, ICE can revoke an OSUP pursuant to §241.4(l) if the individual violates conditions of release or:

> in the exercise of discretion when, in the opinion of the revoking official: (1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.

8 C.F.R. § 241.4(l).

64. Upon revocation of an order of supervision, ICE must give non-citizen notice of the reasons for revocation and a prompt informal interview to respond. 8 C.F.R. § 241.4(l)(1).

65. If the non-citizen is not released from custody following the informal interview, ICE must then commence "[t]he normal review process ...with notification to the alien of a records review and scheduling of an interview, which will ordinarily be expected to occur within approximately three months after release is revoked." *Id.* at § 241.4(l)(3).

66. ICE's regulations permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official "delegated the function or authority . . . for a particular geographic district, region, or area." 8 C.F.R. §§ 1.2, 241.4(l)(2). If the field office director or a delegated official intends to revoke an order of supervision, they must first make findings that "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4(l)(2).

The *Accardi* Doctrine Requires Agencies to Follow Internal Rules

67. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)

(setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

68. *Accardi* is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials. *See Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

CLAIMS FOR RELIEF

Count One

Violation of the Fifth Amendment of the U.S. Constitution Substantive Due Process

69. Petitioner realleges all paragraphs above as if fully set forth here.

70. When ICE issued Petitioner an order of supervision, the Service found that he is neither a danger to the community nor a flight risk, or that there was no significant likelihood he would be removed in the reasonably foreseeable future.

71. When Respondents revoked the order of supervision, Petitioner had complied with every condition of the order and ICE had not secured necessary travel documents for removal. No change in circumstances warranted the order's revocation.

72. Petitioner's detention therefore does not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal.

73. Because Respondents had no legitimate, non-punitive objective in revoking Petitioner's order of supervision, Petitioner's detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

Count Two

Violation of the Fifth Amendment of the U.S. Constitution Procedural Due Process

74. Plaintiffs reallege all paragraphs above as if fully set forth here.

75. Courts balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

76. The first factor, the private interest at issue, favors Petitioner. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690.

77. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner. To safeguard against erroneous deprivations of liberty, the statute specifies the limited number of reasons that an order of supervision can be revoked. Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and an opportunity to be heard. Respondents violated those laws here, leaving the risk of erroneous deprivation of liberty not just high,

but certainly. Requiring Respondents to give notice and an opportunity to respond prior to revoking an order of supervision is of great value because it reduces the probability of needless detention of a person, like Petitioner, who is neither a danger nor a flight risk.

78. The third factor, the government's interest, also favors Petitioner. When the government ignores law that ensures notice and an opportunity to respond to a person at risk of revocation of an order of supervision, it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous. This waste drags down the efficiency of the entire immigration system. And because the government must also spend resources defending against a habeas corpus petition in federal court to compel Respondents to comply with law, requiring Respondents to instead provide notice and a meaningful opportunity to respond prior to revoking an order of supervision reduces fiscal and administrative burdens on the government.

79. For these reasons, revoking Petitioner's order of supervision without providing notice and a meaningful opportunity to respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

Count Three

Violation of Statute and Regulations Governing Procedures for Revoking an Order of Supervision

80. Petitioner realleges all paragraphs above as if fully set forth here.

81. Respondents violated agency regulations at 8 C.F.R. §241.4 and §241.13, governing who and upon what findings the Service may properly revoke an order of supervision when it revoked Petitioner's order.

82. The Respondent's gave the Petitioner no notice, actual or otherwise, signed by any official, as to the reasons for revocation or the process by which his release on an OSUP was being revoked. The Petitioner was not provided a Notice signed by the Executive Associate Director and no finding was made that "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4(l)(2).

83. "As a result, this Court cannot conclude that [the revoking officer] had the authority to revoke release" and Petitioner "is entitled to release on that basis alone." *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (*citing Rombot v. Moniz*, 296 F. Supp. 3d 386, 386-89); see also, e.g., *Zhu v. Genalo*, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267 (D. Or. Aug. 21, 2025) (releasing habeas petitioner where

revocation of an ICE order of supervision was ordered by someone without regulatory authority to do so).

84. Respondents also violated agency regulations in failing to provide any interview upon revocation.

85. Respondents' revocation of the OSUP is problematic via both 8 C.F.R. §241.13 and 241.4.

86. The Petitioner did not violate any of the conditions of release and there was no determination that there is a significant likelihood that the Petitioner may be removed in the reasonably foreseeable future as required by 8 C.F.R. 241.13(i)(1) or (2).

87. Alternatively, even if the Petitioner was released initially on an OSP pursuant to 8.C.F.R. § 241.4, the revocation is flawed and violates the agency's regulations as he has not been provided notice of the reasons for revocation and an interview during which he can be heard or offer a response to the reasons.

Count Four
Violation of the Accardi Doctrine

88. Petitioner realleges all paragraphs above as if fully set forth here.

89. Under the *Accardi* doctrine, Petitioner has a right to set aside agency action that violates agency procedures, rules, or instructions. *See United*

States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 ("If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

90. Respondents violated agency regulations at 8 C.F.R. §241.4 and §241.13, governing who and upon what findings the Service may properly revoke an order of supervision when it revoked Petitioner's order.

91. The Respondents have not properly given Petitioner a Notice of Revocation, and "As a result, this Court cannot conclude that [the revoking officer] had the authority to revoke release" and Petitioner "is entitled to release on that basis alone." *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (*citing Rombot v. Moniz*, 296 F. Supp. 3d 386, 386-89); see also, e.g., *Zhu v. Genalo*, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267 (D. Or. Aug. 21, 2025) (releasing habeas petitioner where revocation of an ICE order of supervision was ordered by someone without regulatory authority to do so).

92. Respondents also violated agency regulations in failing to provide the notice after revocation and failing to provide any interview upon revocation.

93. Respondent's revocation is problematic via both 8 C.F.R. §241.13 and 241.4.

94. If the Petitioner was released initially on an Order of Supervision pursuant to 8 C.F.R. §241.13(g), as evidenced by the fact that his removal was not reasonably likely in the future, and the revocation of his OSUP is accomplished by adherence to 8 C.F.R. 241.13(i)(1) or (2). However, the Petitioner did not violate any of the conditions of release and there was no determination that there is a significant likelihood that the Petitioner may be removed in the reasonably foreseeable future.

95. Alternatively, even if the Petitioner was released initially on an OSUP pursuant to 8.C.F.R. § 241.4, the revocation is flawed and violates the agency's regulations. There is no indication of any changes in the Petitioner's circumstances. There was no informal interview. There is no significant likelihood of removal in the reasonably foreseeable future. The Petitioner does not have any travel document to be removed, as he is considered stateless.

96. Under *Accardi*, Respondents' revocation of the order of supervision, a decision to ignore the requirements of the regulations, should be set aside for violating agency procedures, rules, or instructions.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

a. Exercise jurisdiction over this matter;

b. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;

c. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the INA and implementing regulations and the *Accardi* doctrine;

d. Order Petitioner's immediate release;

e. Award Petitioner costs and reasonable attorneys' fees; and

f. Order such other relief as this Court may deem just and proper.

Respectfully submitted,

/s/ Juliana G. Lamardo, Esq.

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Dated: March 6, 2026

VERIFICATION

Pursuant to 28 U.S.C. § 2242 and 28 U.S.C. § 1746. I declare under penalty of perjury that the facts set forth in the foregoing Petition for a Writ of Habeas Corpus are true and correct.

/s/ Juliana G. Lamardo, Esq.

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Dated: March 6, 2026