

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

John Doe

Petitioner,

V.

Case No. _____

: Before the Honorable

J.L. JAMISON, in his official capacity as Warden
of Federal Detention Center, Philadelphia;

MICHAEL ROSE, in his official capacity as
Acting Philadelphia Field Office Director,

United States Immigration and Customs

Enforcement; TODD LYONS, in his

Official capacity as Acting Director of

Immigration and Customs Enforcement;

ACTING SECRETARY OF THE DEPART-

MENT OF HOMELAND SECURITY, in their

official capacity; THE U.S. DEPARTMENT OF

HOMELAND SECURITY; PAMELA BONDI,

Attorney General of the United States

Respondents.

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

Petitioner John Doe¹ submits this Emergency Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2241, the All Writs Act, 28 U.S.C. §1651; the Immigration and Nationality Act (“INA”), 8 U.S.C. §1101 et seq., and regulations thereunder; the Due Process Clause of the Fifth Amendment of the United States

¹ Petitioner proceeds under a pseudonym due to the sensitive nature of his asylum claim and the risk of harm if his identity is publicly disclosed. Petitioner provides his identity to the Court under seal. See Exhibit A (filed under seal), including Exhibits A-1 through A-5.

Constitution; and the Suspension Clause of the Constitution, U.S. Const. Art. I §9 cl.2. The efforts to remove Petitioner constitute a “severe restraint” on his individual liberty such that Petitioner is “in custody” of the Respondents in violation of the laws of the United States. *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).

Petitioner is a citizen of Pakistan seeking religious asylum for himself, his wife, and their young children. Petitioner and his family entered the United States lawfully in July of 2025 on traveler visas and were inspected and admitted at that time by the U.S. Department of Homeland Security. He timely filed an affirmative application for asylum and withholding of removal one month later with U.S. Citizenship and Immigration Services (“USCIS”). He and his family have been waiting for their official interview with USCIS.

Petitioner is the lead applicant for his family’s asylum case, responsible for providing the evidence to demonstrate religious persecution in Pakistan. His wife and children are listed as derivatives, or “riders” to his claim.

On March 22, 2026, Petitioner was arrested by ICE agents who came to his home in Philadelphia and asked to see him. ICE agents arrested Petitioner without a stated justification. Respondents arbitrarily detained Petitioner despite the requirement under 8 U.S.C. §1226(a) and its implementing regulations that immigration officials make an individualized custody determination.

Petitioner is presently detained at the Federal Detention Center in Philadelphia.

Petitioner's detention serves no legitimate purpose. He presents no danger to the community and no risk of flight. His detention instead disrupts his ability to pursue his pending asylum application and imposes severe hardship on his young family.

Because there is no justification for Petitioner's imprisonment by ICE, the only appropriate remedy is immediate release. Moreover, although Petitioner may ultimately be deemed eligible for a bond hearing in immigration court, these have become inadequate remedies due to the statutory burden on the detainee to prove he is *not* a danger or a flight risk, and trending orders making discretionary findings of flight risk under any set of circumstances, or exorbitant bond amounts surpassing \$30,000 imposed on individuals who are not only incarcerated but usually unauthorized to work.

Petitioner therefore requests that this Court order his immediate release. Alternatively, Petitioner prays that this Honorable Court conduct or order a bond hearing in which the Respondents bear the burden of justifying Petitioner's continued detention and in which Petitioner's ability to pay is considered in accordance with established standards. Petitioner also seeks attorneys' fees and costs under the Equal Access to Justice Act.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §2241 (habeas corpus); 28 U.S.C. §1651 (All Writs Act); 28 U.S.C. §1331 (federal question); U.S. Const. amend. V (Due Process Clause); and U.S. Const. art. I, §9, cl. 2 (Suspension Clause).
2. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391(b) and 28 U.S.C. §2241(d), because at the time of filing his Petition for Writ of Habeas Corpus (Doc. 1), Petitioner is imprisoned at the Federal Detention Center (“FDC”) in Philadelphia, Pennsylvania.

PARTIES

3. Petitioner John Doe² is a native of Pakistan and is seeking release for unlawful detention. He is eligible for asylum under the INA and has a timely application pending with USCIS, the approval of which would grant him, his wife, and their four children all would grant them lawful status and a pathway to permanent residence in the United States. He is detained at the Federal Detention Center in Philadelphia, PA. *See Exhibits A-1 through A-5 (filed under seal).*
4. Respondent J.L. Jamison is named in his official capacity as the Warden of FDC, Philadelphia, which detains individuals suspected of civil immigration

² Petitioner requests to proceed under this pseudonym and with documents under seal via a separate, concurrently-filed motion.

violations. Respondent Jamison is the immediate physical custodian responsible for the detention of Petitioner.

5. Respondent Michael Rose is the Acting Philadelphia Field Office Director for Immigration and Customs Enforcement's ("ICE") Enforcement and Removal Operations. In this capacity he is responsible for the custody of all noncitizens detained by ICE at FDC, Philadelphia and has the authority to release Petitioner or transfer him to a different facility. He is one of Petitioner's immediate custodians and is sued in his official capacity.

6. Respondent Todd Lyons is the Acting Director of ICE. In this capacity he is responsible for enforcing immigration laws, and as such is a legal custodian of Petitioner. He is sued in his official capacity.

7. Respondent Acting Secretary of Homeland Security runs the Department of Homeland Security, and is charged pursuant to 8 U.S.C. §1103(a)(1) with administering and enforcing immigration laws. The position previously held by Kristi Noem has not been filled as of this filing. The holder of this position is the ultimate legal custodian of Petitioner and is sued in their official capacity.

8. The Department of Homeland Security ("DHS") is the agency of the federal government responsible for enforcing the immigration laws. DHS is also Petitioner's legal custodian.

9. Respondent Pamela Bondi is the Attorney General of the United States and

the head of the U.S. Department of Justice, which encompasses the Board of Immigration Appeals (“BIA”) and immigration courts, known collectively as the Executive Office of Immigration Review (“EOIR”). Ms. Bondi shares responsibility for the implementation and enforcement of immigration laws along with Respondent Acting Secretary of DHS. Ms. Bondi is a legal custodian of Petitioner. She is sued in her official capacity.

FACTS AND PROCEDURAL HISTORY

10. Petitioner is a citizen of Pakistan and a practicing Christian.

11. On July 17, 2025, Petitioner, his wife, and their four children lawfully entered the United States via a port of entry in New York City, New York. They produced valid B1 and B2 traveler visas for inspection by DHS, and were admitted by DHS into the United States. *See Exhibits A-1 through A-3 (filed under seal).*

12. On or about August 17, 2025, Petitioner timely submitted to USCIS an affirmative application for asylum and withholding of removal seeking protection from religious persecution in his home country under the INA, and included his wife and children as derivative/rider applicants to his claim. That application remains pending.³ *See Exhibit A-1 (filed under seal).*

³ Petitioner’s current counsel is not currently in possession of the USCIS receipt notice for Petitioner’s asylum application and will supplement the record with it as soon as counsel obtains it.

13. Petitioner settled in Philadelphia County, PA where he was living with his wife and their children, all under age 11, prior to his unwarranted arrest by ICE.
14. Petitioner has no criminal history.
15. Petitioner has been actively preparing his asylum case, including gathering supporting evidence and working with counsel in anticipation of his USCIS interview, for which he awaited notice of its scheduling. *See Exhibit A-5 (filed under seal)*.
16. Were USCIS to approve Petitioner's asylum application, he, his wife, and children would be each issued lawful permanent resident status.
17. While awaiting his USCIS interview, Petitioner's visa expired on January 16, 2026. This is his only known immigration violation.
18. Based upon available knowledge and belief, Petitioner has not been served with a Notice to Appear (NTA) initiating any removal proceedings in immigration court. As of the filing of this Petition, the Petitioner is not in removal proceedings before the Executive Office of Immigration Review (EOIR).
19. On or about March 22, 2026, ICE officers arrived at Petitioner's residence and asked for him. When he went to meet the officers, they arrested him.
20. Petitioner was taken into custody by ICE and is currently incarcerated at Philadelphia FDC.
21. Petitioner has not been provided with any meaningful explanation as to why

his detention is necessary.

22. Petitioner's detention has separated him from his wife and four young children and has significantly impaired his ability to prepare his pending asylum application.

23. Additionally, detention places Petitioner at risk of being moved into removal proceedings, where his pending affirmative asylum application would no longer be adjudicated by USCIS and would instead be forced into an accelerated, defensive posture in immigration court before the EOIR.

CLAIM FOR RELIEF

COUNT ONE VIOLATION OF DUE PROCESS, U.S. CONST. AMEND. V

24. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

25. The Fifth Amendment's Due Process Clause prevents the Government from depriving any person of "life, liberty, or property, without due process of law."

U.S. Const. amend. V.

26. The Due Process Clause extends to noncitizens residing in the United States, whether they have lawful status or not. *See Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Specifically, "[i]t is well established that the Fifth Amendment entitles [non-citizens] to due process of law

in deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *see also Abdulai v. Ashcroft*, 239 F.3d 542, 549 (3d Cir. 2001) (“[Non-citizens] facing removal are entitled to due process”); *Calderon-Rosas v. Atty’ Gen.*, 957 F.3d 378, 386 (3d Cir. 2020) (“In sum, petitioners seeking discretionary relief are entitled to fundamentally fair removal proceedings, which constitutes a protected interest supporting a due process claim.”).

27. Evaluating the adequacy of the process provided to a non-citizen requires a balancing of factors. “First, the private interest that will be affected by the official action; second, 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 finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

28. Petitioner faces “the most significant liberty interest there is—the interest in being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)).

29. Immigration detention is civil in nature and must bear a reasonable relationship to a legitimate government purpose. *See Zadvydas v. Davis*.

30. Civil detention is permissible only insofar as it serves its regulatory

purposes, such as ensuring appearance at proceedings or protecting the community. *See Demore v. Kim*, 538 U.S. 510, 527–28 (2003) (even where Congress authorized immigration detention, it is justified only by flight risk and danger to community).

31. Petitioner’s detention is not reasonably related to any such purpose. He presents no danger to the community and no risk of flight. He entered lawfully, filed a timely asylum application, and resides with his family in a stable home.

32. Under these circumstances, continued detention is arbitrary and violates the Due Process Clause.

COUNT TWO FAILURE TO PROVIDE INDIVIDUALIZED JUSTIFICATION

33. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

34. Due process requires an individualized assessment of whether detention is justified. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 846–47 (2018) (recognizing constitutional limits on immigration detention).

35. The government has detained Petitioner without any individualized determination that detention is necessary.

36. The Third Circuit has recognized that immigration detention is subject to constitutional limitations and must be reasonably related to its purposes. *See*

Chavez-Alvarez v. Warden York County Prison, 783 F.3d 469, 474–75 (3d Cir. 2015).

COUNT THREE
INTERFERENCE WITH STATUTORY ASYLUM PROCESS

37. Federal law establishes a process by which noncitizens physically present in the United States may apply for asylum, including through the affirmative process before USCIS. *See* 8 U.S.C. §1158. That process necessarily contemplates that applicants will be able to remain in the community while preparing their claims, gathering evidence, and awaiting adjudication.

38. When a noncitizen is placed into removal proceedings through the filing of a Notice to Appear, jurisdiction over the asylum application shifts from USCIS to the immigration court. In that posture, the application is no longer adjudicated through the affirmative process, but instead must be pursued defensively in removal proceedings.

39. Where, as here, the individual is detained, those proceedings are typically accelerated, significantly limiting the applicant’s ability to gather evidence, prepare testimony, and meaningfully present the claim.

40. Where, as here, individuals who lawfully enter the United States and timely apply for asylum may be arrested and detained immediately upon the expiration of their visas, the affirmative asylum process becomes illusory. Applicants become unable to meaningfully prepare their claims or access the process that Congress

created.

41. Petitioner has a pending affirmative asylum application before USCIS.

42. By arresting and detaining Petitioner, the government places him on a path toward removal proceedings, where any asylum claim must be pursued defensively rather than through the pending affirmative process before USCIS. That shift strips Petitioner of the time and procedural posture necessary to prepare his claim and forces him into an accelerated adjudication while detained.

43. Petitioner's detention therefore does not merely impose physical restraint; it fundamentally alters and impairs his ability to pursue the statutory asylum process.

44. Petitioner's detention also severely limits his ability to gather evidence, communicate with counsel, and prepare for his case; it interferes with his ability to meaningfully pursue the statutory process.

45. Detention in this posture serves no removal-related purpose and instead interferes with Petitioner's ability to access the statutory asylum process established by Congress.

PRAYER FOR RELIEF

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

Petitioner respectfully requests that this Court:

- (a) Order Petitioner's immediate release from custody;
- (b) In the alternative, conduct or order an individualized bond hearing at which Respondents bear the burden of justifying Petitioner's continued detention and at which Petitioner's ability to pay is considered in accordance with

established standards;

- (c) Declare Petitioner's continued detention unlawful;
- (d) Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d);
- (e) Grant such further relief as necessary to ensure that Petitioner is able to meaningfully pursue his pending asylum application; and
- (f) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Michelle S Payne

Date: March 24, 2026

Michelle S Payne (PA Bar 308213)
400 Greenwood Avenue
Philadelphia, PA 19095
p. (267) 405-1362
michellespayne@proton.me
ATTORNEY FOR PETITIONER

I, Michelle S Payne, counsel for Petitioner, declare under penalty of perjury that I am an attorney admitted to practice before this Court, that I am the drafter of the foregoing Petition, and that the factual allegations contained therein are true and correct to the best of my knowledge, information, and belief.

Executed on March 24, 2026

/s/ Michelle S Payne

Michelle S Payne

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

JOHN DOE

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

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

Michelle Payne, Esq., 400 Greenwood Ave Wyncote PA
19095, (267)405-1362

DEFENDANTS

J.L. JAMISON, MICHAEL ROSE, TODD LYONS, ACTING

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

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

Attorneys (If Known)

US Attorney's Office, Philadelphia, PA

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	☐ 310 Airplane	☐ 365 Personal Injury - Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 315 Airplane Product Liability	☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability		☐ 820 Copyrights	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 330 Federal Employers' Liability			☐ 830 Patent	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 340 Marine			☐ 835 Patent - Abbreviated New Drug Application	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 345 Marine Product Liability			☐ 840 Trademark	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 350 Motor Vehicle			☐ 880 Defend Trade Secrets Act of 2016	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 355 Motor Vehicle Product Liability				☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 360 Other Personal Injury				☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 362 Personal Injury - Medical Malpractice				☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability					☐ 490 Cable/Sat TV
☐ 196 Franchise					☐ 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

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

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241

VI. CAUSE OF ACTION

Brief description of cause:
Petition for Writ of Habeas Corpus

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

3/24/2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Michelle S Payne

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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

JOHN DOE

Petitioner,

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official capacity; THE U.S. DEPARTMENT OF

HOMELAND SECURITY; PAMELA BONDI,

Attorney General of the United States

Respondents.

CERTIFICATE OF SERVICE

I, Michelle S Payne, Esquire, attorney for the Petitioner, *hereby certify that on this 24th day of March 2026, I served a true copy of the* following documents by electronic filing and USPS first class mail upon the parties named below:

PETITION FOR WRIT OF HABEAS CORPUS

J.L. Jamison, Warden
Warden of Federal Detention Center
700 Arch Street
Philadelphia, PA 19106

Michael Rose
Acting Philadelphia Field Office Director
United States Immigration & Customs
114 N 8th Street
Philadelphia, PA 19107

Todd Lyons, Acting Director
Immigration and Customs Enforcement
500 12th St. SW
Washington, DC 20536

Acting Secretary
Department of Homeland Security
245 Murray Lane
Washington, DC 20528

The US Department of Homeland Security
245 Murray Lane
Washington, DC 20528

Pamela Bondi, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

United States Attorney for EDPA
desiree.wilkins@usdoj.gov, anthony.stjoseph@usdoj.gov, susan.becker@usdoj.gov, and
gregory.david@usdoj.gov

Date: March 24, 2026

/s/ Michelle S Payne, Esq.
Michelle S Payne (PA Bar 308213)
400 Greenwood Avenue
Philadelphia, PA 19095
p. (267) 405-1362
michellespayne@proton.me
ATTORNEY FOR PETITIONER