Case No. _____

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CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: JM 3-31

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

1:26-cv-1044
Hala Y. Jarbou - Chief U.S. District Judge
Phillip J. Green - Magistrate Judge

CARLOS HENRIQUE RODRIGUES,
Petitioner, pro se,

v.

ROBERT LYNCH, Detroit Field Office Director, Immigration and Customs Enforcement and Removal Operations; TODD LYONS, Acting Director of Immigration and Customs Enforcement; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; KRISTI NOEM, Secretary of the Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; and PAMELA BONDI, Attorney General of the United States, in their official capacities,

Respondents.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. Section 2241

Expedited Hearing Requested

Hon. _____

INTRODUCTION

1. **Petitioner Carlos Henrique Rodrigues** (A# [redacted]), a 47 year old citizen of Brazil, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. Section 2241, challenging his continued civil immigration detention as unlawful. Petitioner is currently detained at North Lake Correctional Facility, Baldwin, Michigan, under the custody and authority of U.S. Immigration and Customs Enforcement (ICE).

2. Petitioner has been continuously detained by ICE since October 23, 2025, a period exceeding one hundred and fifty (150) days as of the filing of this Petition. During this time,

Petitioner has been subjected to a cascade of due process violations, including the denial of a continuance despite a pending T Nonimmigrant Status application (Form I-914) based on severe labor trafficking; the entry of a removal order in proceedings that were fundamentally unfair; the deprivation of a bond hearing that was formally granted but never held; and the prolonged failure of ICE to adjudicate a humanitarian parole request submitted nearly five months ago.

3. This Petition is filed pro se because Petitioner is detained, has limited access to legal resources, and is unable to retain counsel admitted to practice before this Court. Jonathan Sampaio of Moriah Immigration Center Corp, a 501(c)(3) public charity, assisted in the preparation of this Petition.

4. Petitioner respectfully asks this Court to find that his continued detention is unlawful and violates his constitutional rights, and to order his immediate release or, in the alternative, a prompt bond hearing before a neutral decisionmaker with the burden of justifying continued detention placed on the government.

JURISDICTION

5. This Court has jurisdiction under 28 U.S.C. Section 2241, which authorizes federal courts to grant writs of habeas corpus to persons in custody in violation of the Constitution or laws of the United States. Petitioner is in the custody of the Respondents and challenges the legality of his continued detention.

6. This Court also has subject matter jurisdiction under 28 U.S.C. Section 1331 (federal question jurisdiction) and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause). The Supreme Court has repeatedly confirmed that federal courts retain habeas jurisdiction over challenges to immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 517 (2003).

7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. Section 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. Section 2201 *et seq.*, and the All Writs Act, 28 U.S.C. Section 1651.

8. Importantly, the jurisdictional bar of 8 U.S.C. Section 1252(a)(5), which channels review of final orders of removal to the courts of appeals, does not divest this Court of habeas jurisdiction over challenges to the *legality of detention*. This Petition does not seek review of the removal order itself, which is currently on appeal before the Board of Immigration Appeals (BIA). Rather, this Petition challenges Petitioner's *continued physical custody* as unconstitutional and unlawful, a claim that lies squarely within habeas jurisdiction. *See Zadvydas*, 533 U.S. at 688 ("[T]he habeas statute . . . makes no provision for . . . finality"); *Hamama v. Adducci*, 912 F.3d 869, 877 (6th Cir. 2018).

VENUE

9. Venue is proper in this District because Petitioner is detained within the jurisdiction of the Western District of Michigan, at North Lake Correctional Facility in Baldwin, Michigan. 28 U.S.C. Section 2241(a) (writs of habeas corpus may be granted by the district court within whose jurisdiction the petitioner is in custody).

REQUIREMENTS OF 28 U.S.C. SECTION 2243

10. Upon filing of a habeas petition, the Court must grant the writ or issue an order to show cause to the respondents "forthwith," unless the petition, on its face, demonstrates that the petitioner is not entitled to relief. 28 U.S.C. Section 2243. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

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

PARTIES

12. Petitioner Carlos Henrique Rodrigues is a 47 year old citizen and national of Brazil who entered the United States lawfully on February 3, 2019, at Miami, Florida, as a B-2 nonimmigrant visitor for pleasure, with authorization to remain until August 2, 2019. Petitioner overstayed his authorized period of admission. He subsequently became a victim of severe labor trafficking in violation of the Trafficking Victims Protection Act (TVPA). Petitioner has no criminal history whatsoever. He is currently detained at North Lake Correctional Facility, Baldwin, Michigan, under the custody and control of Respondents.

13. Respondent Robert Lynch is the Field Office Director for the Detroit Field Office of Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE/ERO). The Detroit Field Office is responsible for custody decisions regarding noncitizens, including Petitioner. Respondent Lynch is a legal custodian of Petitioner.

14. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and has authority over the actions of Respondent Lynch and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

15. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all DHS Respondents, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner.

16. Respondent Pamela Bondi is the Attorney General of the United States and has authority over the Department of Justice, including the Executive Office for Immigration Review (EOIR).

17. Respondent U.S. Immigration and Customs Enforcement is the federal agency responsible for custody decisions relating to noncitizens in removal proceedings.

18. Respondent U.S. Department of Homeland Security is the federal agency that has authority over ICE and all other DHS Respondents.

19. All Respondents are sued in their official capacities.

STATEMENT OF FACTS

A. Background and Labor Trafficking Victimization

20. Petitioner Carlos Henrique Rodrigues is a Brazilian national who entered the United States lawfully on February 3, 2019, at Miami, Florida, as a B-2 nonimmigrant visitor for pleasure, with authorization to remain until August 2, 2019. Petitioner remained in the United States beyond his authorized period.

21. While in the United States, Petitioner became a victim of severe labor trafficking at the hands of his employer, identified as "Mike," in the commercial trucking industry in Texas and across multiple states. The trafficking and exploitation included, but was not limited to, the following:

(a) Petitioner was coerced to work under threat and intimidation, with grossly inadequate compensation;

(b) Petitioner's employer deducted $10,000 from Petitioner's wages, purportedly for an insurance deductible following a trailer accident near Seattle, Washington, yet the

employer never used the funds for insurance and never assisted the affected clients, constituting wage theft;

(c) Petitioner was required to pay $375 per week to the employer for purported insurance coverage that was never provided or honored;

(d) On October 30, 2024, while in Georgia, the employer's pickup truck, which Petitioner had warned was mechanically defective, caught fire. Petitioner lost all his personal belongings, including his passport. The employer showed no concern for Petitioner's safety and refused to provide any assistance;

(e) While traveling near Seattle, Washington, with his wife and daughter, the employer's trailer suffered a tire blowout and tipped over. Petitioner, his wife, and daughter were endangered. The employer refused to provide lodging, transportation, or assistance, and Petitioner paid all expenses from his own pocket;

(f) In Utah, while performing a favor for the employer, Petitioner fell from a trailer, struck his head and back on asphalt, and lost consciousness. He was hospitalized. The employer provided no medical assistance, no workers compensation, and no support during the fifteen days Petitioner was unable to work;

(g) The employer systematically failed to provide any form of workers compensation, health insurance, or safety protections despite the inherently dangerous nature of the work.

22. A complaint regarding Petitioner's exploitation was filed with the Department of Labor, Wage and Hour Division, Midwest Regional Coordinator for Workplace Crimes.

B. T Visa Application and ICE Detention

23. On September 25, 2025, Petitioner, through Moriah Immigration Center Corp, filed a Form I-914, Application for T Nonimmigrant Status, with USCIS, based on the severe labor trafficking described above. The application included a detailed personal statement, supporting evidence, and documentation of the trafficking.

24. The T Visa filing was received by USCIS on September 30, 2025, as documented by USPS Priority Mail tracking number [redacted], which confirmed delivery to the USCIS Nebraska Service Center, PO Box 87426, Lincoln, NE 68501.

25. To date, USCIS has not issued an I-797 Notice of Action acknowledging receipt of the Form I-914, despite the confirmed delivery. This delay has been the subject of a formal inquiry by Moriah Immigration Center Corp.

26. On October 23, 2025, approximately four weeks *after* filing the T Visa application, Petitioner was arrested by ICE while traveling as a passenger in a vehicle. Petitioner had no criminal charges, no criminal history, and posed no threat to the community. He has been continuously detained since that date.

27. On October 28, 2025, Moriah Immigration Center Corp submitted a detailed Humanitarian Parole Request to ICE ERO, Detroit Field Office, on behalf of Petitioner, citing INA Section 212(d)(5)(A), 8 C.F.R. Section 212.5(b), and ICE Directive 11005.2 (Victims of Crime, 2021). The request included supporting documentation, proof of the T Visa filing, and evidence of Petitioner's status as a trafficking victim. To date, nearly five months later, ICE has not responded to or adjudicated this request.

C. Immigration Court Proceedings and Due Process Violations

28. The Notice to Appear (NTA) was not issued until December 14, 2025, approximately fifty-one (51) days after Petitioner's detention. Petitioner was held for nearly two months without any charging document.

29. On December 22, 2025, a bond hearing was held before the Detroit Immigration Court. The bond amount discussed was approximately $15,000. Counsel requested rescheduling and filed a Motion for Bond pursuant to INA Section 236(a).

30. On December 29, 2025, a Master Calendar Hearing was scheduled but could not proceed due to technical issues with the video connection.

31. On January 5, 2026, another Master Calendar Hearing was scheduled but was canceled because Immigration Judge Zol Rainey was ill.

32. On January 5, 2026, an Emergency Motion to Supplement the Record with Custody and Humanitarian Evidence was filed with the Immigration Court, requesting that critical facts regarding Petitioner's T Visa, trafficking victimization, and custody status be placed in the record.

33. On January 13, 2026, a bond hearing was conducted without the knowledge of Petitioner's counsel. Petitioner had apparently requested this hearing on his own from detention. Counsel was not notified and did not participate.

34. On January 20, 2026, at a Master Calendar Hearing before Immigration Judge Zol Rainey, Petitioner's counsel informed the Court of the pending T Visa application and requested a continuance or administrative closure pursuant to *Matter of L-A-B-R-*, 27 I&N Dec. 405 (A.G. 2018), to allow USCIS to adjudicate the Form I-914. **The Immigration Judge denied the request for a continuance, refusing to consider the evidence of the pending T Visa application.**

35. On that same date, January 20, 2026, the Immigration Judge entered a removal order, stating that it was "[b]ased upon Respondent's admissions and concessions" and that "Respondent has made no application(s) for relief from removal under 8 C.F.R. Section 1240.11." This characterization was misleading: while the T Visa application (Form I-914) is adjudicated by USCIS rather than the Immigration Court, the pending application was directly relevant to the continuance analysis and to the propriety of proceeding to a removal order. **The Immigration Judge's refusal to grant a continuance despite the pending humanitarian application rendered the proceedings fundamentally unfair.**

36. In a striking contradiction, on the very same day that he entered the removal order (January 20, 2026), Immigration Judge Rainey **granted** Petitioner's Motion for Bond Redetermination Hearing, finding that "Respondent has shown good cause for the granting of the instant Motion." The Court thereby simultaneously recognized ongoing custody jurisdiction under INA Section 236(a) while issuing a removal order.

37. On January 21, 2026, the EOIR issued a formal Notice of Bond Hearing, scheduling a bond hearing before Immigration Judge Rainey for January 28, 2026, at 8:00 a.m. CT, via video conference.

38. On January 28, 2026, the scheduled bond hearing **never occurred**. The North Lake Correctional Facility failed to notify Petitioner of the hearing and failed to arrange his participation. Petitioner was deprived of the bond hearing that had been formally granted and noticed. No new bond hearing date has been scheduled.

D. Appeal and Continued Detention

39. On February 16, 2026, Petitioner, through counsel, filed a Notice of Appeal (Form EOIR-26) with the Board of Immigration Appeals (BIA), challenging the removal order and

related procedural rulings. The appeal specifically challenges: (a) the Immigration Judge's denial of a continuance despite the pending T Visa; (b) the due process violation in canceling a previously granted bond hearing; and (c) the misapplication of custody authority. The appeal remains pending.

40. A prior Petition for Writ of Habeas Corpus was filed in this Court on December 12, 2025, and an Amended Petition was filed on January 14, 2026 (received by the Court on January 21, 2026). Those petitions addressed the initial period of detention. This Petition addresses the significantly changed circumstances, including the entry of the removal order, the denial of the continuance, the deprivation of the granted bond hearing, and the additional months of detention.

41. As of the date of this filing, Petitioner has been detained for approximately **one hundred and fifty-four (154) days**, more than five months, without a meaningful custody review, without adjudication of his humanitarian parole request, and without any opportunity to be heard on bond since the hearing that was granted but never held.

LEGAL ARGUMENTS

COUNT I

VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE: PROLONGED DETENTION WITHOUT ADEQUATE PROCESS

42. The Due Process Clause of the Fifth Amendment to the United States Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V. This protection extends to all persons within the United States, including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

43. In *Zadvydas*, the Supreme Court held that the Due Process Clause prohibits indefinite detention of noncitizens absent a "special justification." 533 U.S. at 690. The Court imposed a presumptive six-month limit on post-removal-period detention, emphasizing that "[f]reedom 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." *Id.* at 690.

44. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court extended *Zadvydas* to inadmissible noncitizens, holding that the statutory interpretation limiting indefinite detention applies to all detainees held under the same authority. The Court explained that "[t]o give [the statute] a different meaning for each category would be to invent a statute rather than interpret one." *Id.* at 378.

45. The Sixth Circuit has repeatedly recognized limits on prolonged immigration detention. In *Rosales-Garcia v. Holland*, 322 F.3d 386 (6th Cir. 2003) (en banc), the court applied *Zadvydas* to inadmissible noncitizens, holding that immigration detention cannot be indefinite or arbitrary. The court declared that "the government may not indefinitely detain an alien who has been ordered removed from the United States." *Id.* at 411.

46. In *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003), the Sixth Circuit held that prolonged detention of noncitizens in removal proceedings violated due process where detention exceeded the time reasonably necessary for removal. The court held that detention becomes unlawful when it "no longer serves the purposes for which it was designed." *Id.* at 268.

47. In *Hamama v. Adducci*, 912 F.3d 869 (6th Cir. 2018), the Sixth Circuit reaffirmed that habeas corpus remains available for unconstitutional civil immigration detention, holding that federal courts retain jurisdiction to review the constitutionality of detention practices.

48. The Supreme Court's decision in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), did not foreclose constitutional challenges to prolonged immigration detention. While *Jennings* held that the statutory text does not require periodic bond hearings, the Court expressly declined to reach the constitutional question, leaving open the possibility that the Due Process Clause independently requires such hearings. *Id.* at 305 ("We do not reach respondents' constitutional arguments.").

49. Petitioner's detention of over one hundred and fifty (150) days, without a meaningful custody review and without any determination of dangerousness or flight risk, violates the Due Process Clause. Petitioner's detention serves no legitimate governmental purpose: (a) a pending T Visa application bars removal under 8 C.F.R. Section 214.11(p)(1); (b) the removal order is not final because an appeal is pending before the BIA; (c) Petitioner has no criminal history; (d) Petitioner has strong community ties, including a wife and children residing in Georgetown, Texas; and (e) Petitioner poses no flight risk, given his pending humanitarian relief and incentive to comply with immigration proceedings.

50. Civil immigration detention must be reasonably related to its purpose: ensuring appearance at removal proceedings and protecting the community. *Demore v. Kim*, 538 U.S. 510, 523 (2003). Where detention no longer serves these purposes, it becomes punitive and unconstitutional. *See Zadvydas*, 533 U.S. at 690 ("[G]overnment detention violates [the Due Process] Clause unless the detention is ordered in a criminal proceeding with adequate procedural protections . . . or, in certain special and narrow nonpunitive circumstances.").

COUNT II

DUE PROCESS VIOLATION: REMOVAL ORDER ENTERED IN VIOLATION OF FUNDAMENTAL FAIRNESS

51. The Due Process Clause requires that immigration proceedings be conducted with fundamental fairness. *Reno v. Flores*, 507 U.S. 292, 306 (1993). A noncitizen is entitled to a "full and fair hearing." *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000).

52. Immigration Judges have discretion to grant continuances for "good cause shown." 8 C.F.R. Section 1003.29. In *Matter of L-A-B-R-*, 27 I&N Dec. 405 (A.G. 2018), the Attorney General established a multi-factor framework for evaluating continuance requests, including: (1) the likelihood that the alien will receive the anticipated relief; (2) the DHS's response to the motion; (3) whether the underlying visa petition or application is prima facie approvable; (4) the respondent's statutory eligibility for adjustment; and (5) whether the cause of the delay is beyond the respondent's control.

53. In *Matter of Hashmi*, 24 I&N Dec. 785 (BIA 2009), the BIA held that an Immigration Judge must consider the "likelihood of success" of the underlying application when deciding a continuance request. The BIA emphasized that the IJ must engage in a fact-specific inquiry rather than categorically deny continuances.

54. Here, Immigration Judge Rainey denied Petitioner's request for a continuance despite the following facts that overwhelmingly favored granting one:

(a) Petitioner had a pending Form I-914 (T Visa) application before USCIS, filed on September 25, 2025, and received by USCIS on September 30, 2025;

(b) The T Visa application was supported by detailed evidence of severe labor trafficking, including a personal statement, witness corroboration, and a complaint filed with the Department of Labor;

(c) The T Visa application was filed before Petitioner's detention and before the NTA was issued, demonstrating that it was not filed merely to delay proceedings;

(d) USCIS, not the Immigration Court, has exclusive jurisdiction over T Visa adjudications, and no proceedings before the Immigration Court could provide equivalent relief;

(e) The delay in adjudication was entirely beyond Petitioner's control, as USCIS had not even issued an I-797 receipt notice;

(f) Petitioner's counsel specifically informed the Immigration Judge of the pending application and presented supporting documentation.

55. The Immigration Judge's characterization that "Respondent has made no application(s) for relief from removal under 8 C.F.R. Section 1240.11" was technically accurate in the narrow sense that T Visa applications are adjudicated by USCIS, not the Immigration Court. However, this characterization was fundamentally misleading because it obscured the fact that Petitioner had a pending humanitarian application that was directly relevant to the continuance analysis and to whether it was appropriate to proceed to a removal order.

56. The denial of a continuance in these circumstances violates due process. The Fifth Circuit has held that "the denial of a continuance that is so arbitrary as to deny due process is reversible error." *Ahmed v. Gonzales*, 447 F.3d 433, 437 (5th Cir. 2006). Similarly, the Ninth Circuit has recognized that "a myopic insistence upon expeditiousness in the face of a justifiable request for delay can render the right to a hearing an empty formality." *Dent v. Holder*, 627 F.3d 365, 371 (9th Cir. 2010) (quoting *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964)).

57. The removal order that resulted from the denial of the continuance is therefore tainted by a fundamental due process violation. While Petitioner does not ask this Court to vacate the removal order (that relief is sought through the pending BIA appeal), the procedural infirmity of

the removal order is directly relevant to the legality of Petitioner's continued detention, because a detention premised on a constitutionally defective removal order cannot be sustained.

COUNT III

DEPRIVATION OF A FORMALLY GRANTED BOND HEARING

58. Due process requires that a person deprived of liberty be afforded a meaningful opportunity to be heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)). "The fundamental requirement of due process is the opportunity to be heard." *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970).

59. On January 20, 2026, Immigration Judge Rainey granted Petitioner's Motion for Bond Redetermination Hearing, expressly finding that Petitioner had "shown good cause for the granting of the instant Motion." The Court thereby recognized its custody jurisdiction under INA Section 236(a) and acknowledged that Petitioner was entitled to a bond hearing.

60. A formal Notice of Bond Hearing was issued by EOIR on January 21, 2026, scheduling the bond hearing for January 28, 2026, at 8:00 a.m. CT, before Immigration Judge Rainey.

61. On January 28, 2026, the bond hearing never occurred. The North Lake Correctional Facility failed to notify Petitioner of the hearing and failed to arrange for his participation, whether by video, telephone, or in person. No fault lies with Petitioner. The detention facility's failure to produce Petitioner for a judicially ordered hearing is a deprivation of Petitioner's liberty interest.

62. No new bond hearing date has been scheduled. Petitioner remains detained without any opportunity to argue for his release, despite a judicial finding that good cause existed for a bond hearing.

63. The deprivation of a formally granted hearing is a textbook violation of procedural due process. Under *Mathews v. Eldridge*, the Court must balance: (1) the private interest affected; (2) the risk of erroneous deprivation through existing procedures; and (3) the government's interest. 424 U.S. at 335. Here, (1) Petitioner's liberty interest is of the highest order; (2) the risk of erroneous continued detention is acute, as the bond hearing was designed precisely to evaluate this risk; and (3) the government has no legitimate interest in preventing a hearing it already agreed should occur.

64. The Supreme Court has emphasized that "the right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society." *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 168 (1951) (Frankfurter, J., concurring). A bond hearing that is granted but never held is, in effect, no hearing at all.

COUNT IV

VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION ACT

65. The Trafficking Victims Protection Act (TVPA), 22 U.S.C. Section 7101 *et seq.*, represents Congress's determination that victims of human trafficking shall receive comprehensive protection, including access to immigration relief, regardless of their immigration status.

66. Congress declared that "victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked." 22 U.S.C. Section 7101(b)(19).

67. Under 22 U.S.C. Section 7105(b)(1)(A), federal agencies are directed to protect trafficking victims and provide them with access to services, including immigration relief. Section

7105(c)(3) specifically provides that "[f]ederal law enforcement officials, in investigating severe forms of trafficking in persons, shall . . . protect the safety of trafficking victims."

68. The prolonged detention of Petitioner, a documented victim of severe labor trafficking with a pending T Visa application, is inconsistent with the TVPA's protective framework. Congress enacted the T Visa precisely to encourage trafficking victims to come forward and cooperate with law enforcement, with the understanding that they would not be punished for their immigration status. Detaining Petitioner for over five months while his T Visa remains pending undermines the very purpose of the TVPA and sends a chilling message to trafficking victims.

69. The TVPA's protections are not merely precatory; they create enforceable obligations. *See Ditullio v. Boehm*, 662 F.3d 1091, 1098 (9th Cir. 2011) (recognizing the TVPA's broad protective purpose). The government's continued detention of a trafficking victim with a pending T Visa application is contrary to the TVPA's mandate and constitutes an unlawful exercise of the government's detention authority.

COUNT V

VIOLATION OF 8 C.F.R. SECTION 214.11(P): REMOVAL BARRED DURING PENDENCY OF T VISA APPLICATION

70. Under 8 C.F.R. Section 214.11(p)(1), when a bona fide T Visa application is pending, DHS agencies must exercise favorable discretion and avoid actions that would undermine the applicant's ability to obtain relief. The regulation provides protections against removal for bona fide applicants for T Nonimmigrant Status.

71. Petitioner's Form I-914 was filed on September 25, 2025, before his detention and before the issuance of the NTA. USCIS received the application on September 30, 2025. The

application has not been adjudicated. There is no indication that the application has been found to be frivolous or lacking bona fides.

72. Because removal is barred while the T Visa application is pending, Petitioner's continued detention serves no legitimate removal purpose. The Supreme Court has held that detention must be reasonably related to the government's interest in ensuring removal. *Zadvydas*, 533 U.S. at 690. Where there is "no significant likelihood of removal in the reasonably foreseeable future," detention is no longer authorized. *Id.* at 701.

73. Here, removal is not merely unlikely; it is legally prohibited by federal regulation while the T Visa application is pending. Continued detention in the absence of a lawful removal objective is arbitrary, purposeless, and unconstitutional.

COUNT VI

ICE'S FAILURE TO ADJUDICATE HUMANITARIAN PAROLE: UNREASONABLE DELAY

74. On October 28, 2025, a comprehensive humanitarian parole request was submitted to ICE ERO, Detroit Field Office, on behalf of Petitioner. The request cited INA Section 212(d)(5)(A), 8 C.F.R. Section 212.5(b), and ICE Directive 11005.2 (Victims of Crime, 2021). The request included the T Visa application, proof of delivery, Petitioner's personal statement, community support letters, and organizational documentation.

75. Nearly five months have elapsed since the submission of the parole request. ICE has not responded, has not adjudicated the request, and has not provided any explanation for the delay. This inaction is unreasonable.

76. ICE Directive 11005.2, issued in June 2021, specifically directs ICE officers to "exercise all appropriate prosecutorial discretion . . . on a case-by-case basis when the individual is a victim of or witness to a crime." The directive further instructs officers to consider "the totality of the circumstances" and to "minimize immigration enforcement actions for victims of crime." ICE's complete failure to act on the parole request is inconsistent with its own policy framework.

77. Under the Administrative Procedure Act, 5 U.S.C. Section 706(1), a reviewing court shall "compel agency action unlawfully withheld or unreasonably delayed." The Supreme Court has held that courts may compel agency action that has been "unreasonably delayed." *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 63-64 (2004). A five-month delay in adjudicating a parole request for a detained trafficking victim is, by any measure, unreasonable.

78. The principle articulated in *Judulang v. Holder*, 565 U.S. 42, 53 (2011), that immigration decisions must not be "arbitrary, capricious, or untethered to the purposes of the immigration laws," applies with full force. ICE's complete inaction on a parole request for a detained trafficking victim is the epitome of arbitrary government conduct.

COUNT VII

EXHAUSTION OF ADMINISTRATIVE REMEDIES IS NOT REQUIRED

79. Habeas corpus under 28 U.S.C. Section 2241 does not require exhaustion of administrative remedies when the petitioner raises constitutional claims or when administrative remedies are inadequate or futile. *McCarthy v. Madigan*, 503 U.S. 140, 146-47 (1992) ("[W]here the petitioner's claim is collateral to a demand for relief . . . exhaustion is not required.").

80. The pending BIA appeal addresses the merits of the Immigration Judge's removal order and procedural rulings. This habeas Petition, by contrast, challenges the *legality of Petitioner's continued physical detention*. These are distinct claims. The BIA has no authority to order

Petitioner's release from detention or to provide the habeas relief sought here. *See Nken v. Holder*, 556 U.S. 418, 435 (2009) (recognizing distinct procedural postures of appeals and habeas petitions).

81. Moreover, administrative remedies have proven futile. Petitioner has sought relief through every available administrative channel: (a) a humanitarian parole request to ICE ERO, unanswered for nearly five months; (b) a Motion for Bond before the Immigration Court, which was granted but never implemented; (c) multiple motions to supplement the record; and (d) a formal appeal to the BIA. Despite these efforts, Petitioner remains detained without meaningful review.

82. The Sixth Circuit has recognized that exhaustion may be excused when administrative remedies are inadequate or when pursuit of those remedies would be futile. *See Hilton v. Braunskill*, 481 U.S. 770, 775 (1987). The record in this case demonstrates that every administrative avenue has either been exhausted or has proven to be a dead end.

ADDITIONAL CONSIDERATIONS

A. Petitioner Poses No Danger to the Community and Is Not a Flight Risk

83. Petitioner has no criminal history of any kind. He has never been arrested, charged, or convicted of any criminal offense. DHS has never alleged that Petitioner poses a danger to any person or property.

84. Petitioner has strong community ties. His wife, Rute de Mora Pereira Rodrigues, and his son, [redacted], reside in Georgetown, Texas. He has maintained a stable residence and has demonstrated compliance with immigration proceedings despite the systemic failures that have plagued his case.

85. Petitioner has a powerful incentive to comply with all immigration proceedings: his pending T Visa application represents a pathway to lawful status and protection from the trafficking that he endured. Failure to appear would jeopardize this relief.

B. The Suspension Clause Guarantees Habeas Review

86. The Suspension Clause, Art. I, Section 9, Cl. 2, of the United States Constitution provides that "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." This constitutional guarantee ensures that Petitioner has access to judicial review of the legality of his detention, regardless of any statutory limitations. *See Boumediene v. Bush*, 553 U.S. 723, 771 (2008) ("The Framers viewed freedom from unlawful restraint as a fundamental precept of liberty.").

C. Systemic Failures Demonstrate Denial of Access to Justice

87. The procedural history of this case reveals a pattern of systemic failures that have denied Petitioner access to justice:

(a) Petitioner was detained for fifty-one (51) days before an NTA was even issued;

(b) A Master Hearing on December 29, 2025 could not proceed due to technical issues;

(c) A Master Hearing on January 5, 2026 was canceled because the Immigration Judge was ill;

(d) A bond hearing on January 13, 2026 occurred without counsel's knowledge;

(e) The Immigration Judge denied a continuance despite a pending T Visa on January 20, 2026;

(f) A removal order was entered on the same day the court granted a bond hearing, creating an irreconcilable contradiction;

(g) The granted bond hearing on January 28, 2026 never took place because the detention facility failed to produce Petitioner;

(h) ICE has failed to respond to the humanitarian parole request for nearly five months.

88. These cumulative failures cannot be dismissed as isolated incidents. They represent a systemic denial of Petitioner's right to a fair process and meaningful access to the courts.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Carlos Henrique Rodrigues respectfully requests that this Honorable Court grant the following relief:

(1) Assume jurisdiction over this matter pursuant to 28 U.S.C. Section 2241;

(2) Issue an Order to Show Cause ordering Respondents to show cause, within three (3) days, why the Petition for Writ of Habeas Corpus should not be granted;

(3) Declare that Petitioner's continued detention without an individualized custody determination violates the Due Process Clause of the Fifth Amendment to the United States Constitution;

(4) Declare that Petitioner's continued detention violates the Trafficking Victims Protection Act, 22 U.S.C. Section 7101 et seq., and 8 C.F.R. Section 214.11(p);

(5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from custody, subject to reasonable conditions of supervision;

(6) In the alternative, order that Petitioner receive a bond hearing within seven (7) days before a neutral decisionmaker, with the burden of justifying continued detention placed on the government;

(7) Issue a Temporary Restraining Order and Preliminary Injunction prohibiting Respondents from removing or transferring Petitioner from the Western District of Michigan without prior approval of this Court;

(8) Order Respondents to adjudicate Petitioner's Humanitarian Parole Request within fourteen (14) days;

(9) Stay any removal order pending the resolution of Petitioner's BIA appeal and T Visa adjudication;

(10) Award Petitioner costs and fees pursuant to the Equal Access to Justice Act, 28 U.S.C. Section 2412, and on any other basis justified by law;

(11) Grant any other relief that this Court deems just and proper.

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

I, Carlos Henrique Rodrigues, declare under penalty of perjury that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief. I understand that this Petition is being filed on my behalf and that I have authorized its filing.

Dated: March 20th, 2026

Carlos Henrique Rodrigues.

Carlos Henrique Rodrigues
Petitioner, *Pro Se*
A# [redacted]
North Lake Correctional Facility
Baldwin, Michigan 49304

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Case No. _____

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of march, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus, together with all exhibits, was served upon the following parties:

United States Attorney
Western District of Michigan
330 Ionia Avenue NW, Suite 501
Grand Rapids, MI 49503
Via: U.S. Mail, First Class

Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
333 Mt. Elliott Street
Detroit, MI 48207
Via: U.S. Mail, First Class

Robert Lynch, Field Office Director
ICE Enforcement and Removal Operations
Detroit Field Office
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Carlos Henrique Rodrigues.
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