

FILED

JUL 08 2026

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY MD
DEPUTY CLERK

Case No: _____

Immigration A# 075-860-677

JOSEPH WATSON MICHEL

Petitioner,

v.

CHRISTOPHER CHESTNUT,

*In his official capacity as the Warden of
California City immigration processing center.*

Respondents,

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

COMES NOW Plaintiff-Petitioner MICHEL, JOSEPH WATSON, *pro se*, and hereby respectfully petitions this Court for a writ of habeas corpus to remedy his wrongful and unlawful detention and files the instant Complaint for Declaratory and Injunctive Relief against Defendants-Respondents CHRISTOPHER CHESTNUT, in his official capacity as Warden of California City Immigration Processing Center, challenging his unlawful and unconstitutional post-order immigration detention by DHS as violate the 8 U.S.C. § 1231(a)(6); contrary to 8 C.F.R. §§ 241.4, 241.4(1)(1), 241.4(1)(2), 241.13, and 241.13(i)(2); arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law, in violation of the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A)–(E); and in contravention of his Fifth Amendment rights to procedural and substantive due process. In

support of the relief requested herein, Plaintiff-Petitioner respectfully states as follows:

INTRODUCTION

It will not be denied, that power is of an encroaching nature, and that is ought to be effectually restrained from passing the limits assigned to it.

James Madison, The Federalist No. 48, p. 276 (C. Rossiter ed. 1961).

Contrary to long-standing precedent, existing statutory and regulatory authority, and established agency policies and practices, the Executive—acting contrary to law, arbitrarily and capriciously, and in conscious disregard and violation of both procedural and substantive due process guaranteed under the Fifth Amendment to the United States Constitution, is detaining yet another human being in what inexplicably amounts to nothing more than a draconian attempt to psychologically and financially coerce a foreign national from abandoning his life and Family in the United States. Despite the absence of new facts, new evidence, or any change in circumstances relevant to removability, DHS abruptly re-detained Plaintiff-Petitioner **MICHEL, JOSEPH WATSON** at a routine check-in consistent with his then existing order of supervision release/deferred action. More than two decades ago. This Petition presents three core arguments. First, Plaintiff-Petitioner's continued detention violates 8 U.S.C. § 1231(a)(6) and *Zadvydas* because—as Petitioner-Plaintiff has a CAT (Convention Against torture) Pending—there is no significant likelihood of his removal in the reasonably foreseeable time. Second, re-detention of Plaintiff-Petitioner by DHS is unlawful because there are no materially changed circumstances that could justify revisiting its determination that release on order of supervision was legally and factually appropriate. Third, DHS independently violated its own regulation as well as due process by revoking Plaintiff-Petitioner's order of supervision without satisfying any regulatory ground or following mandatory procedures. Each of these defects is independently fatal; together, they make

continued detention of Plaintiff-Petitioner legally indefensible these circumstances warranting immediate and meaningful relief.

Due to the ongoing deprivation of his liberty and urgent irreparable harms following to his Family and community—long-time partner who is a member in good standing in Florida and two (2) minor children all United States citizens—Plaintiff-Petitioner respectfully requests entry of an Order to Show Cause within three (3) days under 28 U.S.C. § 2243.

PARTIES

1. Plaintiff-Petitioner **JOSEPH WATSON MICHEL** (“ Plaintiff-Petitioner”) is an individual who reside in the city of Plantation, Which is located in Broward County, Florida.
2. Plaintiff-Petitioner is currently in the physical custody of U.S Immigration and Customs Enforcement (“ICE”), a component of the U.S. Department of homeland Security (“DHS”), and detained at California City Immigration Processing Center.
3. Plaintiff-Petitioner is currently detained at Kern County Immigration Processing Center, located in California City which located in Kern County, California.
4. Defendants-Respondent, **CHRISTOPHER CHESTNUT** is sued in his official capacity as California City Immigration Processing Center Warden. He has oversight, command, and control over California City Immigration Processing Center and therefore immediate legal custodian of Plaintiff-Petitioner.

JURISDICTION

5. This action arises under the united States Constitution and the Immigration and Nationality Act 1952, 8 U.S.C. § 1101, *et seq.* (“INA”).
6. This court has jurisdiction over this petition for writ of habeas corpus under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C § 1331 (federal question); 28 U.S.C. § 1361 (mandamus); art I, § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”) U.S. Const. Amend. V (the Due

Process Clause of the U.S. Constitution); and has jurisdiction to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201-02.

7. This court may grant habeas relief pursuant to 28 U.S.C. §§ 2201-02, 28 U.S.C. § 2241, and the All Writ Act, 28 U.S.C. § 1651.

8. This Court has jurisdiction over all non-habeas claim alleged in this action pursuant 28 U.S.C § 1331 (federal question); 28 U.S.C. § 1346 (federal defendant); and 5 U.S.C. § 702 (right of review).

9. The Court is authorized to grant the requested relief under 5 U.S.C. § 706(2)(A)-(E); 28 U.S.C. §§ 2201-2202; and 28 U.S.C. §1651, as well as pursuant to its inherent equitable powers.

VENUE

10. This court has jurisdiction pursuant to 28 U.S.C § 2241 (c)(3). Petitioner-Petitioner's is detained at California City Immigration Processing Center, within the Eastern District of California, Venue is proper in this Court pursuant to *Rumsfeld v. Padilla*, 542 U.S. 426,443 (2004), which holds that the proper respondent to a habeas petition is the immediate physical custodian in the district of confinement. Now Petitioner's challenges only the lawfulness of his continued detention, not the validity of the underlying removal order.

FACTS & BACKGROUND

11. Plaintiff-Petitioner MICHEL, JOSEPH WATSON is a native of Haiti, born in Port Au-Prince, Haiti, 

12. Plaintiff-Petitioner entered to the United States approximately in or around 1994.

Criminal History & Removal Proceedings

13. In May 2000, Plaintiff-Petitioner was arrested and later plead guilty to conspiracy to commit arm robbery and conspiracy to trafficking cocaine.

14. Plaintiff-petitioner was sentence to (5) years probation.

15. On July 9, 2005, an immigration Judge ordered Plaintiff-Petitioner removed to Bahamas.
16. Plaintiff-Petitioner did not appeal the removal order, rendering it administratively final on that date.
17. Plaintiff-Petitioner was removed from the U.S to the Bahamas on July 26, 2005.
18. Plaintiff-Petitioner was paroled back in to the United states from the Bahamas on July 28, 2005 and was placed on deferred action by DHS.
19. Plaintiff-Petitioner deferred action status was adjusted by DHS in 2020 to an order of supervision release.
20. On December 2, 2025. Plaintiff-Petitioner was detained by ICE during what was supposed to be a routine reporting and check-in appointment in accordance with his release on the Order Of Supervision.

Family Circumstances & Irreparable Harm

21. Plaintiff-Petitioner has been in a committed relationship for over 20 years, married and have built a stable family rooted in Plantation Florida.
22. Plaintiff-Petitioner and Ms. Michel are the natural parents of two (2) United States citizen children A.M and M.M.
23. Plaintiff-Petitioner' recent re-detention instantly shattered the stability of his Family.
24. The harm inflicted by Plaintiff-Petitioner's re-detention is immediate, severe, and irreparable, and is falls most brutally on his children.
25. The harm extends to A.M, who's also at critical developmental stages and have been abruptly deprived of their father's daily presence.
26. A.M, a bright and sensitive fourteen (14) year-old, depended on Plaintiff-Petitioner for daily academic support and emotional reassurance and now struggles to understand why his father vanished his life without warning.

27. Plaintiff-Petitioner owns and operates a real estate business and work full time for a very reputable Telecommunication company in Boca Florida in the (NOC) Network Operation Center department to provide the essential income and flexibility necessary to care for two young children. His detention eliminated that income overnight.

28. Finally, Plaintiff-Petitioner himself has suffered and continues to suffer irreparable harm. His liberty is deprived. Moreover, having grown up with no meaningful family support apart from his own household, he devoted his adult life to being present, loving father and partner.

29. Each day of detention permanently steals irreparable moments from his children, deepens their trauma, and fractures a family that was functioning, stable, and thriving before DHS unlawfully intervened. These harms are immediate, compounding, and incapable of remediation through later relief, making Plaintiff-Petitioner's continued detention intolerable under any conception of the law or due process.

LEGAL AUTHORITY

Review of Post-order Detention

30. A petition for writ of habeas corpus under 28 U.S.C § 2241 is the traditional and appropriate mechanism for challenging the legality of immigration detention. Federal courts retain jurisdiction to review whether detention exceeds statutory and constitutional limits, including detention under Section 1231(a)(6), re-detention following release, and revocation of Order Supervision. *Zadvydas v. Davis* 533 U.S. 678, 687–88(2001).

31. Contrary to frequent argument of DHS, jurisdiction is not stripped by 8 U.S.C. § 1252(g) where, as here, Plaintiff-Petitioner does not challenging the validity of a removal order or a discretionary decision to execute removal but instead challenges detention that is divorced from any realistic prospect of removal. *See Escalante v. Noem*, 2025 U.S. Dist. LEXIS 148899, at * 9–*11 (D. Ariz. Aug. 7, 2025); *Grigorian v. Bondi*, 2025 U.S. Dist.

LEXIS 175489, at *10–*13 (S.D. Fla. Sept.9, 2025).

32. Court within and outside the Eleventh Circuit consistently recognize habeas jurisdiction to review compliance with Section 1231 (a), the implementing regulations, and due-process constraints. *See, e.g., Barrios v. Ripa*, 2025 U.S. Dist. LEXIS 153228 (S.D. Fla. Aug. 8, 2025); *see also Roble v. Bondi*, 2025 U.S. Dist. LEXIS 164108, at * 6–*9 (D. Minn. Aug. 25, 2025); *Tadros v. Noem*, 2025 U.S. Dist. LEXIS 113198, at *10–*14 (D.N.J. June 12, 2025).

***Detention Under
Section 1231 (a)(6) is
Constitutionally Limited***

33. Once a removal order becomes final, detention authority is governed by Section 1231(a). The Statute provides for a mandatory 90-day “removal period” after which continued detention is authorized only under Section 1231(a)(6). *See* U.S.C. § 1231(a)(1), (a)(6).

34. In *zadvydas v. Davis*, the Supreme Court held that Section 1231(a)(6) does not authorize indefinite detention. *See Zadvydas*, 533 U.S. at 689–99. To avoid serious constitutional concerns, the Court construed the statute to permit only for so long as reasonably necessary to effectuate removal. *Id.* At 699.

35. The court established a preemptively reasonable six (6) month period of post-order detention. *Id.* At 701. After that period, once a non-citizen provides good reason to believe that removal is not significantly likely in the reasonably foreseeable future, the burden shifts to DHS to rebut that showing with concrete, individualized, and non-speculative evidence.

36. Detention that no longer bears a reasonable relation to the purpose of effectuating removal becomes punitive and violates the Due-Process Clause. *Id.* At 690.

Re-Detention Does Not Reset Removal Period

37. Courts overwhelmingly reject the notion that DHS may reset the *Zadvydas* clock by re-detained a non-citizen who was previously released from post-order custody. Courts having exterminated the issue have determined that the likelihood-of -removal inquiry applies immediately upon re-detention. *See Siguenza v. Moniz*, 2025 U.S. Dist. LEXIS 188746, at *7 (D. Mass. Sept. 25, 2025) (collecting cases).

38. As *Siguenza* explains, permitting DHS to reset the detention clock upon re-detention would allow the Government to evade constitutional limits through serial release and re-arrest, resulting in *de facto* periods of indefinite detention. *Id.* at *7-9.

39. Numerous courts has thus similarly expressly held that the six (6) month presumptive period does not reset when DHS detains, releases, and later re-detains a non-citizen under Section 1231 (a). *See, e.g., Sied v. Nielsen*, 2018 U.S. Dist. LEXIS 66374, at *16 (D. Mass Apr. 19, 2018) (“Several courts have held that the six-months period does not reset when the government detains an alien under 8 U.S.C. § 1231(a), releases him from detention, and then re-detains him again.”) (collecting cases).

40. Accordingly, at the outset of re-detention , DHS bears the burden of demonstrating that materially changed circumstances now render removal significantly likely in the reasonable foreseeable future. *Siguenza*, 2025 U.S. Dist. LEXIS 188746, at *7-9.

***Speculation, Administration Policy,
or Quota-Driven Detention***

41. Courts consistently reject DHS attempts to justify continue or renewed detention based on speculative future events, generalized diplomatic efforts, or internal enforcement initiatives untethered to individualized evidence. *See, e.g., (Makuey v.* 2025 U.S. Dist. LEXIS 259981, at *31-33 (W.D. Wash. Dec. 16, 2025).

42. In *Makuey*, the district Court scrutinized DHS's reliance on shifting enforcement

priorities and the speculative possibility to third-country removal, concluding that such considerations cannot satisfy the Government's burden under *Zadvydas*. Id. At *32-33.

43. In particular, District Court have noted recently leaked internal ICE guidance encouraging the re-detention of individuals previously released from post-order custody based not on individualized assessments of removability, but on generalized enforcement initiatives and speculative prospects at third-country removal. *See Makuey*, 2025 U.S. Dist. LEXIS 259981, at *32-33; *see also Ceesay v. Kurzdorfer*, 781 F. Supp. 3D 137, 165-66 (W.D.N.Y 2025); Nick Miroff and Maria Sacchetti, "Trump Seeks to Fast-Track Deportations of Hundreds of Thousands," *The Washington Post* (Feb. 28, 2025) (citing Feb. 18, 2025 memorandum, available at <https://perma.cc/VKT4-ZB2G>) (describing internal ICE memorandum instruction officers to pursue re-detention based on enforcement priorities rather than individualized likelihood of removal).

44. Courts have emphasized that detention motivated by quota-driven or politically imposed objectives rather than case-specific facts bearing on removability, violates both Section 1231(a)(6) and due process. *See Makuey*, 2025 U.S. Dist. LEXIS 259981, at *31-33; *Ceesay*, 781 F. Supp. 3d at 164-66.

***Order of Supervision Revocation is
Narrow & Cabinet by regulation***

45. When DHS releases a non-citizen under an Order of Supervision following post-order detention, that release is governed by regulations that strictly limit DHS's authority to revoke supervision. *See* 8 C.F.R. §§ 241.4 & 241.13.48.

46. As explained in *Barrios v. Ripa*, revocation is permissible only if DHS established one of the specific regulatory grounds set forth in the regulations, including: (1) a violation of release conditions; (2) materially changed circumstances rendering removal significantly likely; or (3) new information showing the

original release decision was erroneous. *Barrios v. Ripa*, 2025 U.S. Dist. LEXIS 153228, at *17-22 (S.D. Fla. Aug. 8, 2025); *see also* 8 C.F.R. §§ 241.4 & 241.13

47. Absent satisfaction of one of these regulatory predicates, DHS lacks authority to revoke supervision and re-detain the individual. *See Grigorian*, 2025 U.S. Dist. LEXIS 166176, at *18-23 (S.D.N.Y. Aug. 26, 2025).

48. Before revoking an Order of Supervision, DHS must provide written notice stating the reason for revocation and must conduct a prompt informal affording the non-citizen an opportunity to respond. *See* C.F.R. § 241.4(1)(1).

49. These procedures are mandatory. Under the *Accardi* doctrine, agencies are bound to follow own regulations when individual liberty is at stake. *See Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

50. Failure to comply with these procedures independently renders detention unlawful. *See Ceesay*, 781 F. Supp.3d at 159-66; *see also Grigorian*, 2025 U.S. Dist. LEXIS 175489, at *17-20; *Roble*, 2025 U.S. Dist. LEXIS 164108, at *8-9.

Judicial Review Available

51. Although DHS often invokes Section 1252(g) attempting to shield detention decisions from renew, District Court consistently hold that the statute does not bar review of unlawful detention or regulatory noncompliance. *See Escalante*, 2025 U.S. Dist. LEXIS 148899, at *9-11; *Tadros*, 2025 U.S. Dist. LEXIS 113198, at *12-14

52. Review is especially appropriate where, as here, DHS seeks to alter the *status quo* by depriving an individual of liberty without satisfying statutory or regulatory prerequisites. *See Roble*, 2025 U.S. Dist. LEXIS 164108, at *7-9.

53. Where detention violates statutory or constitutional limits, release is the appropriate and traditional habeas remedy. *See Zadvydas*, 533 U.S. At 699; *see also Ceesay*, 781 F. Supp. 3D at 164-66.

54. District Courts emphasize that continued detention cannot be cured by further process where removal is not realistically foreseeable. In such circumstances, habeas relief requires release under appropriate conditions of supervision. *See Siguenza*, 2025 U.S. Dist. LEXIS 188746, at *20-21; *Makuey*, 2025 U.S. LEXIS 259981, at *33.

LEGAL ARGUMENT

No Significant Likelihood of Removal in the reasonably Foreseeable Future

55. Plaintiff-Petitioner's continue detention cannot be reconciled with Section 1231(a)(6) or the United States Constitution because there remains no significant likelihood that he will be removed to Haiti in the reasonably foreseeable future. That conclusion is not speculative, debatable, or premature-it is evident, adjudicated, and unchanged.

56. Under *Zadvydas*, once a non-citizen provides good reason to believe removal is not significantly likely in the reasonable foreseeable future, the burden shifts to DHS to rebut that showing with concrete evidence.

57. Plaintiff-Petitioner has far exceeded that burden here. DHS cannot meet its own legal burden to justify the re-detention as issue. Continued detention under these circumstances is therefore unlawfully.

Re-detention Absent Materially Changed Circumstances

58. DHS's attempt to re-detain Plaintiff-Petitioner suffers from a fatal legal defect: re-detention does not reset the *Zadvydas* analysis. The law is clear the likelihood-of-removal inquiry applies immediately upon re-detention, and DHS must demonstrate materially changed circumstances rendering removal now significantly likely.

59. Allowing DHS to re-detained Plaintiff-Petitioner under these circumstances would eviscerate *Zadvydas* and permit precisely the kind of serial release-and-recapture regime courts have condemned. The constitutions does not permit DHS to warehouse a person

indefinitely by cycling him in and out of custody whenever enforcement priorities shift or the need to meet an arbitrary quota for immigration detentions arises.

***Re-detention Not Driven
by individualized Facts***

60. The record strongly suggests that Plaintiff-Petitioner's re-detention was not motivated by any individualized reassessment of removability, but by broader enforcement initiatives and quota-driven objectives imposed by the administration.

61. District Courts have increasingly scrutinized DHS's reliance on generalized policy initiatives-particularly renewed emphasis on third-country removals to justify re-detention of individuals long released from post-order custody. As Districts have recognized, speculative prospects of future diplomatic success cannot substitute for individualized evidence of foreseeability of removal.

62. ICE guidance recently surfaced that encourages immigration enforcement officers to re-detain individuals previously released under Orders of Supervision based on enforcement targets rather than case-specific facts. That guidance cannot override statutory and constitutional limits. Detention decisions must be tethered to reality, not aspiration; they must be linked to evidence, not political administration priorities.

63. At bottom, Plaintiff-Petitioner's re-detention bears all the hallmarks of precisely the conduct District Courts have condemned: sudden arrest during a routine reporting appointment, absence of any new removal evidence, and reliance on generalized enforcement rationales unrelated to Plaintiff-Petitioner's actual circumstances.

***Ultra Vires Revocation of
Order of Supervision***

64. Even if removal were theoretically foreseeable-which it is not-DHS independently lacked authority to revoke Plaintiff-Petitioner's Order of Supervision.

65. Orders of Supervision may be revoked only under narrow, enumerated circumstances.

See, e.g., 8 C.F.R. §§ 241.4 & 241.13. DHS must establish either a violation of release conditions, materially changed circumstances rendering removal likely, or newly discovered information showing the original release decision was erroneous. None of these conditions exist here.

66. Plaintiff-Petitioner complied with his Order of Supervision and deferred action for more than two decades (20 years). DHS does not-and cannot-allege any violation. As explained above, there are no materially changed circumstances bearing on removability. Nor DHS identified any new information undermining the basis for Petitioner's original release.

67. Because none of the regulatory predicates for revocation at 8 C.F.R. §§ 241.4 & 241.13 are satisfied, DHS's decision to revoke supervision and re-detain Petitioner was *ultra vires* and *void ab initio*.

68. DHS's action are unlawfully for an additional, independent reason: it failed to follow its own mandatory procedures.

69. Before revoking an Order of Supervision, DHS must provide written notice of the reason for revocation and conduct a prompt informal interview affording the non-citizen an opportunity to respond. *See* 8 C.F.R. § 241.491(1). These requirements are not discretionary.

70. DHS did not provide Plaintiff-Petitioner with any meaningful notice ; it did not conduct an procedural adequate interview; and did not make individualized finding supporting revocation.

71. These procedural failures alone render Plaintiff-Petitioner's detention unlawful regardless of its substantive defects.

***Continue Unlawful Detention
Inflicting Profound & Irreparable Harm***

72. While unlawful detention is itself sufficient to warrant habeas relief, the equities here underscore the urgency of judicial intervention.

73. Plaintiff-Petitioner is the primary caregiver for two (2) United States citizen and minor children.

74. Plaintiff-Petitioner also provides essential support to elderly family members and is a critical pillar of a functioning household that was stable, compliant, and thriving before DHS intervened. His detention has destabilized that household overnight and has collateral consequences extending beyond his family to the broader community.

75. These harms are immediate, compounding, and irreparable. They amplify—rather than replace—the legal defects that already compel relief.

Release Only Lawful, Adequate & Meaningful Remedy

76. Because Plaintiff-Petitioner's detention exceeded statutory authority, violates due process—and is unmoored from any realistic prospect of removal-release is the only appropriate and lawful remedy.

77. Continue detention cannot be cured by additional process, further review, or prolonged delay. Courts have consistently held that where removal is not reasonably foreseeable, habeas relief requires release under appropriate conditions of supervision.

78. Plaintiff-Petitioner has already demonstrated that he can and will comply with supervision. He has lived in the Broward, Florida community for years without incident. There is no legitimate governmental interest served by his continued detention absent any likelihood of removal.

79. Plaintiff-Petitioner now brings this petition for issuance of a writ of habeas corpus under 28 U.S.C. § 2241, and consolidated action under the Administrative Procedure Act (“APA”), 5 U.S.C. § 706(2)(A)-(E), averring wrongful, arbitrary and capricious, and unlawful deprivation of his liberty in post-order immigration detention violation of 8 U.S.C. § 1231(a)(6), as construed by *Zadvydas v. Davis*, 533 U.S. 678 (2001), and in contravention of

DHS's own binding regulation governing post-order detention, release, and supervision- including 8 C.F.R. §§ 241.4, 241.4(1)(1), 241.4(1)(2), 241.13-as well as violation of his Fifth Amendment rights to procedural and subjective due process, seeking habeas, declaratory, and injunctive relief.

CLAIMS FOR RELIEF
COUNT I
WRIT OF HABEAS CORPUS
Deprivation of Liberty Contrary to Law

80. Plaintiff-Petitioner adopts, repeats, and re-alleges all foregoing allegations in all Paragraphs above as though fully stated and set forth herein.

81. The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl.2). “The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484(1973).

82. A writ of habeas corpus may be granted to a petitioner who demonstrates that he is in custody in violation of the Constitution or federal law. *See* 28 U.S.C § 2241(c)(3).

83. Historically, “the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.” *I.N.S v. St. Cyr*, 533 U.S. 289,301(2001). Accordingly, a district court's habeas jurisdiction includes challenges to immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *see also Demore v. Kim*, 538 U.S. 510, 517 (2003).

84. Petitioner-Plaintiff's being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court.

85. Defendants-Respondents have also revoked Plaintiff-Petitioner's Order of Supervision absent sufficient legal authority or provision of meaningful due process including pre-

deprivation notice or individualized hearing with constitutionally adequate procedures.

86. Defendants-Respondents lack sufficient legal authority to detain Plaintiff-Petitioner absent material change in circumstances vis-à-vis his removability to Haiti; absent and contrary to statutory and regulatory authority, basis, or grounds; and absent any individualized hearing with constitutionally adequate procedures.

87. Plaintiff-Petitioner is subject to a final order removal and is detained, it at all, pursuant to Section 1231(a)(6). That statute, as construed by the Supreme Court in *Zadvydas*, authorizes detention only for a period reasonably necessary to effectuate removal and does not permit indefinite or potentially permanent detention.

88. Under *Zadvydas*, post-order detention is presumptively reasonable for six (6) months. Once that period has elapsed, and once thenon-citizen provides good reason to believe removal is not significantly likely in the reasonably future, the burden shifts to DHS to rebut that showing with concrete, individualized, and non-speculative evidence.

89. Because Plaintiff-Petitioner's detention no longer bears a reasonable relation to the Government's purported regulatory purpose of effectuating removal, it is punitive in nature and violates the Due-Process Clause of the Fifth Amendment.

90. Accordingly, Plaintiff-Petitioner's continued detention under Section 1231(a)(6) is unlawful, and habeas relief is required.

COUNT II
VIOLATION OF ADMINISTRATIVE PROCEDURAL ACT.
Deprivation of Liberty Contrary to law

91. Plaintiff-Petitioner adopts, repeats, and re-alleges all foregoing allegations in all Paragraphs above as though fully stated and set forth herein.

92. Under § 706(a) of the APA, final agency action can be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law... in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; ...[or] without

observance of procedure required by the law.” *See* U.S.C. § 706(2)(A), (C)-(D).

93. Petitioner-Plaintiff's being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court.

94. Defendants-Respondent have revoked Plaintiff-Petitioner's Order of Supervision and deprived his liberty absent legal authority and contrary to well-established Constitutional, statutory, regulatory rights.

95. DHS's authority to revoke such an order is strictly limited by regulation. *See, e.g.*, C.F.R. §§ 241.4 & 241.13. Revocation is permissible only upon a showing of: (1) a violation of release conditions; (2) materially changed circumstances rendering removal significantly likely; or (3) newly discovered information demonstrating that the original release decision was erroneous. None of those conditions exists here.

96. Plaintiff-Petitioner complied with all conditions of the deferred action and the order of supervision release for 20 years. DHS does not allege any violation. As alleged above, there are no materially changed circumstances bearing on removability. Nor has DHS identified any new information undermining the basis for Plaintiff-Petitioner's original release.

97. Because DHS failed to satisfy any regulation predicate for revocation, its decision to revoke Plaintiff-Petitioner's Order of supervision and re-detained him exceeded its statutory and regulatory authority and is void ab initio.

98. Continued detention of Plaintiff-Petitioner is therefore not in accordance with law, in excess of statutory authority, and without observance of procedure required by law and unlawful.

99. Additionally, Plaintiff-Petitioner's continued detention absent showing of a significant likelihood of removal in the reasonably foreseeable future; any material change in circumstances affecting Petitioner-Plaintiff's removability; adherence to 8 C.F.R. §§ 241.4 &

241.13; or individualized and constitutionally adequate hearing is unlawfully.

100. As a direct and proximate result of his wrongful, unlawful, and *ultra vires* detention by Defendants-Respondents, Plaintiff-Petitioner has suffered and will continue to suffer injury.

COUNT III
VIOLATION OF ADMINISTRATIVE PROCEDURAL ACT.
Arbitrary & Capricious Deprivation of liberty

101. Plaintiff-Petitioner adopts, repeats, and re-alleges all foregoing allegations in all Paragraphs above as though fully stated and set forth herein.

102. Under § 706(a) of the APA, final agency action can be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” including if it fails to make a rational connection between the facts found and the decision made. *See* 5 U.S.C. § 706(2)(A).

103. Defendants-Respondents have failed to articulate any facts or sufficient legal authority that forms a basis for their decision to detain Plaintiff-Petitioner let alone any rational connection between the facts found and their adverse decision made.

104. Petitioner-Plaintiff's being detained in direct violation of the governing statutory regulatory scheme, as interpreted by the Supreme Court. Petitioner-Plaintiff's continued detention absent showing of a significant likelihood of removal in the reasonably foreseeable future: any material change in circumstances affecting Plaintiff-Petitioner's removability; adherence to 8 C.F.R. §§ 214.4 & 241.13; or individualized and constitutionally adequate hearing is unlawful.

105. The adverse action by Defendants-Respondents is therefore patently arbitrary and capricious.

106. As a direct and proximate result of his wrongful, unlawful, and *ultra vires* detention by Defendants-Respondents, Plaintiff-Petitioner has suffered and will continue to suffer

injury.

COUNT IV

VIOLATION OF FIFTH AMENDMENT
Procedural Due Process

107. Plaintiff-Petitioner adopts, repeats, and re-alleges all foregoing allegations in all Paragraphs above as though fully stated and set forth herein.

108. The Due Process Clause of the Fifth Amendment forbids the Government from indefinitely detaining inadmissible aliens-potentially forever-without a tenable justification.

109. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of the law. U.S. Const. Amend. V. "Freedom from imprisonment-from government custody, detention, or other form of physical restraint-lies at the heart of the liberty that Clause protects." *Zadvydas v. Davi*, 533 U.S. 678 (2001).

110. Government detention violates the fundamental substantive Due Process right guaranteed to non-citizen unless it is either ordered in a criminal proceeding with adequate procedural protections or it falls into "special and narrow non-punitive circumstances where a special justification, such as harm-threatening mental illness, outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davi*, 533 U.S. 678, 690 (citations omitted); *see also Kansas v. Hendricks*, 521 U.S. 346 (1997).

111. Defendants-Respondents have not attempted to show any special justification or compelling governmental interest which would outweigh Plaintiff-Petitioner's constitutional liberty.

112. Defendants-Respondents violated Constitutionals, statutory, and regulatory laws; failed to demonstrate any material change in circumstances giving rise to significant likelihood of removal in the reasonably foreseeable future; and both revoked Plaintiff-Petitioner's Order of Supervision and deprived his liberty absent any individualized and

constitutionally adequate hearing.

113. These are no significant governmental interest at stake related to Plaintiff-Petitioner's continue detention because his availability for removal may be secured by less restrictive means, i.e., release on Order of Supervision or deferred action similar to the last 20 years without issue, in light of the fact that Plaintiff-Petitioner is unquestionably neither a danger to any community nor a flight risk.

114. As a direct and proximate result of the violation of substantive due process rights alleged herein, Plaintiff-Petitioner has suffered and will continue to suffer injury.

115. Plaintiff-Petitioner's has a ("CAT") pending, Convention Against Torture . It is more likely than not to be kidnapped, tortured and be killed if removed to his native country Haiti. DHS permitted the Petitioner to remain in the United States from 2005 to 2025 under the deferred action/ Order of Supervision Release under the form of prosecutorial discretion and related protection until ICE intervened in December 2, 2025.

116. The Government may argue that the Petitioner is a flight risk or a danger to the community. However; the evidence overwhelmingly demonstrate otherwise.

117. Plaintiff-Petitioner's married and has two children and has been working full time for the same enterprise at the (NOC) for the past 13 years until he was detained by ICE.

118. Plaintiff-Petitioner has been detained by ICE for over six-months and ICE failed to had a formal interview with the Petitioner and the opportunity to respond to the reasons for the revocation and to provide evidence to demonstrate that Petitioner's removal is unlikely in the reasonably foreseeable time.

PRAYER FOR RELIEF

WHEREFORE Plaintiff-Petitioner respectfully requests the Court enter an Order: (1) mandating that Defendants-Respondents show cause, returnable within three (3) days pursuant to 28 U.S.C. § 2243, as to why the relief requested in this petition should be granted; (2) issuing a writ of habeas corpus directing Defendants-Respondents to immediately release Plaintiff-Petitioner from custody under reasonable conditions of supervision; (3) recording judgment against Defendants-Respondents as to Counts I-VI (4) declaring Plaintiff-Petitioner's continue detention to be contrary to law, arbitrary and capricious, and violate of the Fifth Amendment of the U.S Constitution; (5) declaring unlawful and permanently enjoining re-detention of Petitioner-Plaintiff by DHS absent (i) evidence of materially changed circumstances and (ii) sufficient prior written notice to Plaintiff-Petitioner and a constitutionally adequate individualized opportunity to be heard; and (6) granting such other and further relief as this Court deem appropriate, just, or equitable under the circumstances.

Date: June 26, 2026

Respectfully Submitted,

JOSEPH WATSON MICHEL, *pro se*.

California City Immigration Processing Center

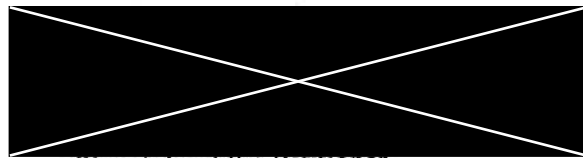

PO BOX 2513
22844 Virginia blvd.
California City, CA 93505

Declaration Under Penalty Of Perjury

If you are detained, on what date did you place this petition on the facility System.

I declare under penalty of perjury that I am the petitioner, I have read this petition or had read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: June 26, 2026

A black rectangular box with a white 'X' drawn across it from corner to corner, used to redact the signature of the petitioner.

Signature of the Petitioner