

FILED

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

JUL 08 2026

for the

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIABY
DEPUTY CLERKMilford, Ernest

Petitioner

US Attorney General
Immigration Customs, Enforcement
US Department of Homeland Security
Warden, California City (ICE)

Respondent

(name of warden or authorized person having custody of petitioner)

CHRISTOPHER CHESTNUT, ET AL

Case No.

26 CV 005262-VC (HC)

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Milford Ernest
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: California City Immigration processing center
(b) Address: 22844 Virginia Blvd
California City, CA 93505
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
Immigration Customs and Enforcement California City (ICE)
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☒ Other (explain): Held on order of Removal on Immigration facility
Since Feb. 15, 2025.

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☒ Other (explain):

DHS Revocation of Supervision, Failed to follow its own regulations and procedures before and after the Revocation of Petitioner's Supervision and exceeding the Statutory period of detention.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

California City Immigration Processing Center, 22844 Virginia Blvd. CA.

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Deprivation of freedom and liberty, indicating that DHS is incapable of executing any deportation and this time of Removal mandatory detention exceeded the six month therefore is indefinite

(d) Date of the decision or action:

Feb. 15, 2025

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: Feb 15, 2025
(b) Date of the removal or reinstatement order: MARCH 27, 2026 Pending appeal
(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ☐ No

If "Yes," provide:

- (1) Date of filing: April 27, 2026
(2) Case number: _____
(3) Result: Pending
(4) Date of result: Pending
(5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
(2) Date of filing: _____
(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: *Petitioner argues that he is entitled to release because his post-removal order of detention exceeds six months and there is no significant likelihood of removal in the reasonably foreseeable future. Zadvydas v. Davis, 533 U.S. 678 (2001).*

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(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner is a Haiti native that have been Lived in United states for 34 years, since March 25, 1992. Apply for permanent U.S. Residence since February 14, 2001. Petitioner residing in Miami Florida with his family and children all citizen of USA. Petitioner criminal record case # 21-60093 - CR and ~~serve~~ 5 years probation from Sep. 16, 2021 to Dec, 2026. Petitioner is Married to a U.S. Citizen and has one U.S. citizen child who was born in United States.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes☒ No

GROUND TWO: 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). No sufficiently strong justification for indefinite civil detention under this statute.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner's continued 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. After more than 430 days on mandatory detention, there is not evidence that justify Petitioner re-detention. Detention has caused severe harm to his family's stability, and his ability to support his dependents. Petitioner is the sole financial provider and his family depends on him emotionally and financially. His son, Jonathan Hilord requires special attention due to various disorders

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes☒ No

GROUND THREE: Before revoking an order supervision, DHS must provide written notice of the reasons for revocation and conduct a prompt informal interview affording the noncitizen an opportunity to respond. See 8 C.F.R. § 241.4 (1)(1). These requirements are not discretionary. *Demore v Kim*, 538 U.S. 510 (2003)

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner is being detained in direct violated of the governing statutory and regulatory scheme, as interpreted by the supreme court. Also evoked 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. Absent material change in circumstances and absent any individualized hearing with constitutionally adequate procedures. 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

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes☒ No indefinite or potentially permanent detention.

GROUND FOUR: Once an alien enters the country, the legal circumstance changes, for the Due process clause applies to all "person" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent. Detainee is entitled to the same protections as citizen within the United States under the constitution.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The court held that punitive measures could not be imposed upon aliens ordered removed because "all persons within the territory of the United States are entitled to the protection of the constitution. Further, several courts within this circuit have found that Due process requires that the noncitizen has the opportunity to actually adjudicate his fear-based claim as to the identified country, in front of an Immigration Judge. Continued detention is no longer authorized by statute. The presumptively reasonable period for detention following a removal order is six months.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests the court enter an order Issuing a writ of habeas corpus directing to immediately release Petitioner from custody under reasonable conditions of supervision declaring. Petitioner's continued detention to be contrary to Law and violative of the Fifth Amendment of the U.S. Constitution declaring unlawful and permanently enjoining re-detention of petitioner by DHS absent evidence of materially changed circumstances granting such other and further relief as this Court deems appropriate.

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Declaration Under Penalty Of Perjury

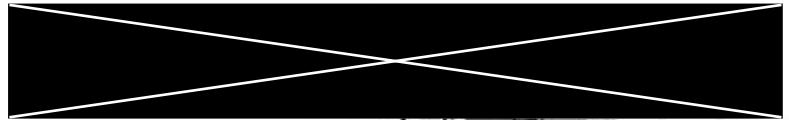
If you are incarcerated, on what date did you place this petition in the prison mail system:

X E 6-29-26

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it 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:

X 6-29-26

A black rectangular box with a white 'X' drawn across it from corner to corner, indicating a redacted signature.

Signature of Petitioner

Signature of Attorney or other authorized person, if any

TABLE OF CONTENT

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Exhibit B.....	Marriage Certificate/ Family Picture/Son birth certificate
Exhibit C.....	Supplemental Security Income (Ernest Milord)
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Exhibit F	Medical Evaluation; Jonathan Millord(son)
Exhibit G.....	Recommendation/Sponsor (Loveline Joseph Dorvil)
✕ Exhibit H.....	Recommendation Letter (Viergemene Pierre; Mother)
✕ Exhibit I.....	Recommendation Letter (Evens Pierre; Brother)
Exhibit J.....	Country Reports 2023
Exhibit K.....	Gang War in Haiti
Exhibit L.....	Haiti-Justice: The hell of Cap-Haiti prison
Exhibit M.....	Residents in Haiti's capital stand with police
↓ Exhibit N.....	Haiti Report a rise in killing and executions
Exhibit O.....	A gang leader in Haiti is accused of massacring older people to avenge his son death
Exhibit P.....	Armed gangs seize Delmas 30, torch home and forces resident to flee
Exhibit Q.....	Haitian Police raid Delmas 6

Viergemene Pierre



RE: Recommendation Letter

Dear Honorable Judge Jorge Pereira

With this letter of recommendation, I, Viergemene Pierre express my full support and recommendation to my son Ernest Milord. My son is a person with good moral, loving father, honest person, great son, and always looking for a positive outlook. 

 he takes me to my doctor. If my return to Haiti, he will be tortured by gangs. We are from Delmas Port au Prince, right now Delmas is not safe place for anyone especially for my son to live.

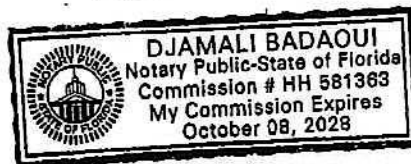
Please take this into consideration in order to be able to grant him the cancellation of removal and release from DHS custody.

Sincerely



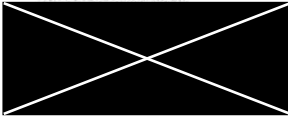
Viergemene Pierre

A handwritten signature in black ink, appearing to be 'W' followed by a large loop.



April 9, 2025

Ernest Milord



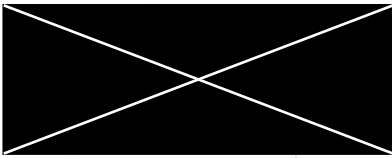
Re; Letter of Consideration

The purpose of this letter is that I want the court to take this letter as a consideration to grant me the cancelation of removal. I admitted to the United States in 1992 at the age 12 of years old. I am a married man, my wife Loveline Joseph Dorvil and I share a child together. My son  was born premature. I suffer from Infectious Colitis Hypokalemia Metabolic acidosis Acute Kidney; I am currently receiving assistance from the Government. I wasn't aware of where I came from nor have I ever denied my existence of being from where I came from. I learn from my parents about and how to conduct myself amongst other people. I take all responsibility for my action and mistake I made in the past. The time I spent away from my family, it teaches me to be a better man to cherish and the importance of life what it really means. I am a committed father, I love being a father to my son. I take care of my child when my wife at work or when she resting from work and my mother depend on me to take her to her doctor appointment,  People are always referring to me as a friendly, caring, and respectful person, as that is my nature. If I return to Haiti, I would be illegally and indefinitely detained because I would not have anyone to sign, my family fled from Haiti. I'm asking the court to give a chance to remain in the United States with my family.

Respectful Submitted

Ernest Milord

Evens Pierre



To the Honorable Judge,

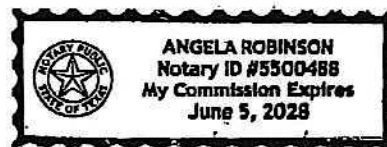
My name is Evens Pierre; I am a born citizen of the United States of America. It is with great pride and pleasure that I write this letter in support of my brother Ernest Milord. My brother is a person who's moral character is beyond reproach and is also a person that I can always look up to. Our relationship as brothers is beyond anything that I can ever ask him for and he has always been there for me no matter what; he always thought me how to be man and how to bettering myself. I can unequivocally attest to his integrity, compassion and commitment to excellence.

Ernest Milord exemplifies what it means to be a brother of strong moral principles; Honesty, empathy and fearlessness are evident in every decision he makes and every interaction he has. With my brother facing routine matters or complex challenges, he approaches every situation with the thoughtfulness and a deep respect for others. Beyond his actions, my brother is deeply committed to contributing positively to the family, everyone around him and the community. He has consistently volunteered time and talent spreading initiative and making a difference. His decision to service is a testament to his selflessness and unwavering dedication to helping others.

In short, my brother Ernest is an individual who's character and value sets him apart. He is not only a role-model to me but a source of inspiration to everyone fortunate enough to know him. If you have any question or require any additional information regarding my brother and his remarkable characteristics please feel free to contact me at the email listed above on this letter.

Sincerely,

EVENS PIERRE



Angela Robinson

April 7, 2025

Loveline Joseph Dorvil

Department of Homeland Security
Krome Service Processing Center
18201 SW 12th Street
Miami FL 33194

Re: Ernest Milord
Country of Origin: Haiti

To Whom It May Concern

My name is Loveline Joseph Dorvil and I am a United States. I am writing this letter in reference to my husband Ernest Milord. Ernest been together since 2016, married on June 2, 2021. He is a great husband and great father to our son [REDACTED] My Certificate of Naturalization is enclosed here to establish my citizenship/immigration status.

I am writing to affirm that I will be the above-named individual's sponsor and will support him once released from DHS custody. I will provide him with assistance with all his necessities such as shelter, food and transportation. Ernest Milord is good person and deserves to be released. He is always looking for a positive outlook. When I'm at work he takes care of our son [REDACTED] who was born premature. If my husband Ernest is released I will assist him and under my care, Ernest will reside with me.

Sincerely yours,

[REDACTED]
Loveline Joseph Dorvil