UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

PHILLIP MICHAEL THOMAS JAMES,	)	
	)	
Petitioner,	)	
v.	)	Case No. 3:26-cv-1225-DRL-SJF
	)	
WARDEN	)	
	)	
Respondent.	)	

RESPONDENT'S RETURN TO PETITION FOR *HABEAS CORPUS*

Phillip Michael Thomas James ("Petitioner") has petitioned for a *writ of habeas corpus* under 28 U.S.C. § 2241. He asks this Court to order that he be immediately released from custody. This Court should dismiss this Petition because it lacks subject matter jurisdiction under 8 U.S.C. § 1252(b)(9).

INTRODUCTION

Petitioner is a native of Jamaica and a citizen of Lebanon who entered the United States without admission or inspection. Petitioner was ordered removed to Jamaica. He is currently detained at Miami Correctional Facility pending the outcome of his removal proceedings.

In separate removal proceedings before the Board of Immigration Appeals (BIA), the Petitioner is challenging his final order of removal on the ground that he is a United States citizen. Although the BIA has not yet ruled

on his citizenship claim, he now seeks habeas relief, arguing that his detention is unlawful based on the same asserted citizenship.

There is no jurisdictional mechanism for Petitioner's desired type of appellate review. Congress has specifically precluded habeas actions challenging "the application of constitutional and statutory provisions [] arising from any action taken or proceeding brought to remove an alien" and habeas actions arising from "any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders." 8 U.S.C. § 1252(b)(9).

BACKGROUND

Petitioner (a/k/a Felibi Siagha-Coke) is a native of Jamaica and citizen of Lebanon who entered the United States without admission, inspection, or parole. On January 5, 2026, United States Immigration and Customs Enforcement officers encountered and arrested Petitioner after his Executive Office for Immigration Review hearing at the Broadway Immigration Court in New York. Petitioner was served with a Notice to Appear, charging him as an alien present in the United States who has not been admitted or paroled. On April 14, 2026, an immigration judge ordered Petitioner removed to Jamaica. Ex. 1 at 17-20. Petitioner appealed his removal order to the BIA. His appeal currently remains pending.

Petitioner did not dispute his status as a foreign national during most of the immigration proceedings. He repeatedly stated that he was born abroad to parents who were not U.S. citizens. *See e.g.*, Ex. 1 at 38. In addition, the Department of State revoked passports previously issued to Petitioner after determining that the identity "Phillip Michael James" did not belong to him. *Id.* at 27-28. Earlier this year, Petitioner also filed several pro se habeas petitions in which he consistently described himself as a Jamaican citizen who entered the United States without inspection.*See Siagha-Coke v. USCIS*, No. 3:26cv200 (N.D. Ind. decided May 12, 2026); *Siagha Coke v. English*, No. 3:26cv503 (N.D. Ind. decided Apr. 20, 2026); *Siagha-Coke v. DHS*, No. 3:26cv706 (N.D. Ind. decided May 26, 2026).

Petitioner recently retained counsel and has introduced a new claim that he is a United States citizen, relying on a birth certificate issued under a different name. On information and belief, Petitioner has presented this argument to the BIA as a basis for terminating removal proceedings. While his appeal remains pending, Petitioner has filed a habeas petition challenging his continued detention on the ground that he is a U.S. citizen.

ARGUMENT

The Court should dismiss this Petition because it lacks jurisdiction over Petitioner's *habeas* claim. Under 8 U.S.C. § 1252(b)(9), "judicial review of all questions of law...including interpretation and application of statutory

provisions...arising from any action taken...to remove an alien from the United States" is only proper before the appropriate court of appeals in the form of a petition for review of a final removal order. *See* 8 U.S.C. § 1252(b)(9); *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) ("*AADC*"). Section 1252(b)(9) is thus an "unmistakable 'zipper' clause" that "channels judicial review of all" claims arising from deportation proceedings to a court of appeals in the first instance. *Id.; see Lopez v. Barr*, 2021 WL 195523, at *2 (D. Minn. Jan. 20, 2021) (citing *Nasrallah v. Barr*, 590 U.S. 573, 579–80 (2020)). This jurisdictional bar works in tandem with section 1252(a)(5), which provides that a petition for review is the exclusive means for judicial review of immigration proceedings. "Taken together, section 1252(a)(5) and section 1252(b)(9) mean that any issue—whether legal or factual—arising from any removal-related activity can be reviewed only through the [petition-for-review] process." *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016); *see id.* at 1035 ("§§ 1252(a)(5) and [(b)(9)] channel review of all claims, including policies-and-practices challenges...whenever they 'arise from' removal proceedings"); *Aguilar v. ICE*, 510 F.3d 1, 11 (1st Cir. 2007) (similar).

Critically, "Section 1252(b)(9) is a judicial channeling provision, not a claim-barring one." *Aguilar v. ICE*, 510 F.3d 1, 11 (1st Cir. 2007). Section 1252(a)(2)(D) provides that "[n]othing...in any other provision of this chapter...shall be construed as precluding review of constitutional claims or

questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section." *See also Ajlani v. Chertoff*, 545 F.3d 229, 235 (2d Cir. 2008) ("[J]urisdiction to review such claims is vested exclusively in the courts of appeals[.]"). The petition-for-review process before the court of appeals ensures that aliens have a proper forum for claims arising from their immigration proceedings and "receive their day in court." *J.E.F.M.*, 837 F.3d at 1031–32 (internal quotations omitted); *see also Rosario v. Holder*, 627 F.3d 58, 61 (2d Cir. 2010) ("The REAL ID Act of 2005 amended the [INA] to obviate...Suspension Clause concerns" by permitting judicial review of "nondiscretionary" BIA determinations and "all constitutional claims or questions of law.").

Section 1252(a)(5) and (b)(9) divest district courts of jurisdiction to review both direct and indirect challenges to removals. The statutes do not permit the use of *habeas* to challenge "the decision to detain [an alien] in the first place or to seek removal." *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018) (plurality opinion) (emphasis added); *see also id.* at 314 (Thomas, J., concurring in part and concurring in the judgment) (with Justice Gorsuch, agreeing with the plurality that section 1252(b)(9) does not permit such a *habeas* petition).

That is exactly the relief Petitioner seeks here. He was charged as "an alien present in the United States who has not been admitted or paroled," and the immigration judge ordered his removal to Jamaica. Petitioner now

attempts to contest that removal by asserting that he is a United States citizen. The proper forum for raising that claim is the Board of Immigration Appeals. This Court, however, lacks jurisdiction over Petitioner's irregular attempt to reverse a decision made by the immigration court in the middle of removal proceedings. Petitioner cannot bring what amounts to an interlocutory appeal to this Court concerning an immigration judge's order of removal. Accordingly, the Court should dismiss this Petition under section 1252(b)(9).

CONCLUSION

For the foregoing reasons, the Court should dismiss this Petition for lack of subject matter jurisdiction.

Respectfully submitted,

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