

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

GEDEON MBOKO,	)	Case No. _____
	)	
Petitioner	)	
	)	
v.	)	
	)	
KEVIN JOYCE, Sheriff, Cumberland County Jail;	)	
PATRICIA HYDE, Boston Field Office Director,	)	
U.S. Immigration and Customs Enforcement;	)	
KRISTI NOEM, Secretary of the U.S. Department	)	
of Homeland Security; and PAMELA BONDI,	)	
Attorney General of the United States, in their	)	
official capacities,	)	
	)	
Respondents.	)	

**ANSWER OF KEVIN JOYCE
IN HIS OFFICIAL CAPACITY AS SHERIFF OF CUMBERLAND COUNTY**

INTRODUCTION¹

1. Respondent Kevin Joyce in his official capacity as Sheriff of Cumberland County (“Joyce”) ADMITS that Petitioner Gedeon Mboko is currently in the custody of U.S. Immigration and Customs Enforcement (ICE) at the Cumberland County Jail (CCJ) in Portland, Maine. Joyce lacks sufficient personal knowledge to admit or deny the remaining allegations in Paragraph 1 of the Petition and so DENIES the same and puts Petitioner to his proof.

[2-11] Joyce lacks sufficient personal knowledge to admit or deny the allegations in paragraphs 2 – 11 of the Petition and so DENIES the same and puts Petitioner to his proof.

JURISDICTION

[12-14] The allegations in paragraphs 12-14 of the Petition are assertions of law to which no response is required. To the extent the allegations in paragraphs 12-14 contain factual assertions, Joyce lacks sufficient personal knowledge to admit or deny such allegations and so DENIES the

¹ Captions are adopted from the Petition for convenience only, and do not constitute representations or admissions.

same and puts Petitioner to his proof.

VENUE

15. Joyce admits that Petitioner is detained at Cumberland County Jail (“CCJ”) in Portland, Maine. The remaining allegations in paragraph 15 of the Petition are assertions of law to which no response is required.

16. The allegations in paragraph 16 of the Petition are assertions of law to which no response is required. To the extent paragraph 16 make factual allegations, Joyce lacks sufficient personal knowledge to admit or deny such allegations and so DENIES the same and puts Petitioner to his proof.

REQUIREMENTS OF 28 U.S.C. § 2243

[17-18] The allegations in paragraphs 17-18 of the Petition are assertions of law to which no response is required.

PARTIES

19. Joyce admits that Petitioner is detained at Cumberland County Jail (“CCJ”) in Portland, Maine. Joyce lacks sufficient personal knowledge to admit or deny the remaining allegations in paragraph 19 of the Petition and so DENIES the same and puts Petitioner to his proof.

20. Joyce ADMITS the allegations in paragraph 20 of the Petition.

[21-23]. Joyce lacks sufficient personal knowledge to admit or deny the allegations in paragraphs 21-23 of the Petition and so DENIES the same and puts Petitioner to his proof.

STATEMENT OF FACTS

[24-30]. Joyce lacks sufficient personal knowledge to admit or deny the allegations in paragraphs 24-30 of the Petition and so DENIES the same and puts Petitioner to his proof.

31. Joyce ADMITS that in 2024, Mr. Mboko was arrested on a criminal matter and held at CCJ. Joyce ADMITS that on Friday, May 9, 2025, Mr. Mboko’s criminal matter was resolved, but

DENIES that Mr. Mboko was eligible for release from criminal custody on that day and that Jail personnel refused to release Mr. Mboko. Joyce further states that as of Friday, May 9, 2025, there was a December 10, 2024 federal form I-247A in Mr. Mboko's file identifying probable cause for Mr. Mboko's continued detention in ICE custody. Joyce further states that CCJ personnel, acting pursuant to the requirements of 8 C.F.R. § 287.7(d), maintained custody of Mr. Mboko as of Friday, May 9, 2025 "for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody" by ICE. Joyce DENIES that ICE failed to take Mr. Mboko into custody during the period when the detainer was in effect and further states that ICE emailed CCJ personnel a federal form I-203 at 3:29 pm on Sunday, May 11, 2025, acknowledging that Mr. Mboko was at that time in ICE custody. Joyce DENIES that CCJ held Mr. Mboko without legal justification. Joyce ADMITS that ICE personnel picked up Mr. Mboko on the morning of Monday, May 12, 2025 from CCJ for processing but DENIES that Mr. Mboko was entitled to release from criminal custody at that time.

[32-33]. Joyce lacks sufficient personal knowledge to admit or deny the allegations in paragraphs 32-33 of the Petition and so DENIES the same and puts Petitioner to his proof.

LEGAL BACKGROUND

[34-37]. Joyce lacks sufficient personal knowledge to admit or deny the allegations in paragraphs 34-37 of the Petition and so DENIES the same and puts Petitioner to his proof.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act and Implementing Regulations

38. Joyce re-alleges and incorporates by reference his answers to the paragraphs above as though fully set forth herein.

[39-41]. The allegations in paragraphs 39-41 of the Petition are assertions of law to which no response is required. To the extent the allegations in paragraphs 39-41 contain factual assertions,

Joyce lacks sufficient personal knowledge to admit or deny such allegations and so DENIES the same and puts Petitioner to his proof.

COUNT TWO
Violation of Fifth Amendment Right to Due Process

42. Joyce re-alleges and incorporates by reference his answers to the paragraphs above as though fully set forth herein.

[43-47]. The allegations in paragraphs 43-47 of the Petition are assertions of law to which no response is required. To the extent the allegations in paragraphs 43-47 contain factual assertions, Joyce lacks sufficient personal knowledge to admit or deny such allegations and so DENIES the same and puts Petitioner to his proof.

PRAYER FOR RELIEF

WHEREFORE, Joyce requests that the Court enter such relief as this Court deems just.

JENSEN BAIRD

Dated: June 3, 2025

/s/ Erica Johanson

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