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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SERIGNE KHABANE LAME,

Petitioner,

vs.

**CORRECTIONS CAPTAIN, Corrections
 Division, City of Henderson Police
 Department, MICHAEL BERNACKLE,
 Field Office Director, Immigration and
 Customs Enforcement; TODD LYONS,
 Acting Director, Immigration and
 Customs Enforcement; and KRISTI
 NOEM, Secretary of Homeland Security,**

Respondents.

Case No: _____

**PETITION FOR WRIT OF
 HABEAS CORPUS AND
 REQUEST FOR
 EMERGENCY INJUNCTIVE
 RELIEF**

The Petitioner, Serigne Khabane Lame, is in federal custody and is currently detained at the Henderson Detention Center, in Henderson, Nevada. On June 6, 2025, he was taken into custody by the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). Petitioner continues to be held in custody at the Henderson Detention Center.

Petitioner is a citizen of Italy with a residence in West Hollywood, California. Petitioner was last admitted to the United States by the Customs and Border Protection in O-1 status. Petitioner's employer subsequently filed a timely pending petition to extend his O-1 status. Based on that pending extension petition, Petitioner continues to

1 be lawfully present in the United States. Despite Petitioner’s authorization to be in the
 2 United States, agents of ICE detained him and stated their intention to remove him from
 3 the United States without following the statutory and regulatory procedures required for
 4 removing foreign nationals from the United States.

5 ICE agents took Petitioner into custody on June 6, 2025, when he was about to
 6 board a domestic flight in Las Vegas, Nevada from a domestic flight. Upon information
 7 and belief, ICE agents intend to remove Petitioner from the United States on the
 8 allegation that he “overstayed” his authorization to be in the United States. Those
 9 allegations are false. Upon information and belief, ICE agents intend to remove
 10 Petitioner from the United States without placing him into removal proceedings before
 11 an immigration judge, and he has not been brought before a judge. Petitioner seeks to
 12 petition for a writ of habeas corpus and an emergency order preventing Respondents
 13 from moving him outside Nevada or remove him or compel or otherwise cause his
 14 departure from the United States pending the resolution of this petition.

15 **JURISDICTION AND VENUE**

16 1. This action arises under the Constitution of the United States and the
 17 Immigration and Nationality Act, as amended (INA), 8 U.S.C. § 1101 *et seq.*

18 2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
 19 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United
 20 States Constitution (Suspension Clause).

21 3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C.
 22 § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All
 23 Writs Act, 28 U.S.C. § 1651.

24 4. Venue is proper in the District of Nevada (“District”) because Petitioner is
 25 detained at the Henderson Detention Center, in Henderson, Nevada. A substantial part
 26 of the events, transaction, or omissions giving rise to Petitioner’s claims occurred in this
 27 District.

28 ///

PARTIES

5. Petitioner, Serigne Khabane Lame, is a citizen of Italy who was last admitted to the United States on April 30, 2025, in O-1 nonimmigrant status.

6. The Corrections Captain of the City of Henderson Police Department is in charge of the Henderson Detention Center, the facility where the Petitioner is currently detained.

7. Respondent, Michael Bernackle is the Field Office Director for the Immigration and Customs Enforcement's Salt Lake City Field Office, which is the agency that apprehended and detained the Petitioner.

8. Respondent, Todd Lyons, is the Acting Director for Immigration and Customs Enforcement.

9. Respondent, Kristi Noem, is the Secretary of Homeland Security, the cabinet official in charge of the Immigration and Customs Enforcement.

10. All respondents are named in their official capacities.

11. Petitioner is currently in the custody of the Respondents and at least one of the Respondents is his immediate custodian.

FACTUAL ALLEGATIONS

12. On April 30, 2025, U.S. Customs and Border Protection (CBP) admitted Petitioner to the United States as an O-1 nonimmigrant with a period of stay to and including June 1, 2025. *See* Exhibit 1.

13. On June 2, 2025, Petitioner's employer filed with USCIS a petition to extend Petitioner's O-1 status. USCIS issued an email acknowledging receipt of the O-1 extension petition. *See* Exhibit 2.

14. Under 8 C.F.R. § 1.2, which defines "day," and USCIS Policy Alert, dated March 29, 2023, PA-2023-10, Petitioner's employer's O-1 extension petition was timely filed because it was received by USCIS on the next business day following a weekend.

1 15. Based on Petitioner's employer's timely filed, pending extension petition,
2 Petitioner is in a period of stay authorized by the Secretary of Homeland Security.
3 Based on Petitioner's employer's timely filed extension petition, Petitioner is authorized
4 to work in the United States under 8 C.F.R. § 274a(b)(13), (20).

5 16. On June 5, 2025, at Las Vegas, Nevada, Petitioner sought to board a
6 domestic flight to Miami, Florida. There, ICE agents took him into custody prior to
7 boarding and transferred him to the Henderson Detention Center in Henderson, Nevada.

8 17. On information and belief, ICE intends to or already has transferred him
9 to the airport in Las Vegas, Nevada to compel his departure from Las Vegas and out of
10 the United States.

11 18. The allegations in this pleading are based on communications from the
12 Petitioner's employer's agent with whom ICE has communicated regarding Petitioner's
13 arrest and detention. Counsel does not have access to Petitioner.

14 19. Upon information and belief, when ICE agents took Petitioner into custody,
15 they informed him of their intention to remove him from the United States on the
16 allegation that he lacks authorization to be in the United States because of an
17 "overstay."

18 20. Upon information and belief, ICE agents further stated their intention to
19 remove Petitioner from the United States without placing him into removal proceedings
20 before an immigration judge.

21 21. Upon information and belief, ICE has not issued a Notice to Appear to
22 Petitioner, as required under 8 U.S.C. § 1229.

23 22. Upon information and belief, ICE has not placed Petitioner in removal
24 proceedings before an immigration judge, as required under 8 U.S.C. § 1229a.

25 23. Upon information and belief, ICE intends immanently to remove Petitioner
26 from the United States by placing him on a flight to an unknown destination outside the
27 United States.

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24. Although Petitioner is currently detained at the Henderson Detention Center, upon information and belief, ICE intends to move Petitioner to another facility outside Nevada or to remove him or otherwise compel or cause his departure from the United States this evening.

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment Right to Due Process

25. Petitioner incorporates the allegations stated in Paragraphs 1 through 24 as if restated here verbatim.

26. ICE intends imminently to remove Petitioner from the United States without providing him notice and opportunity to contest the allegations that he is not authorized to remain in the United States.

27. Petitioner is currently being detained by federal agents without cause and in violation of his constitutional rights to due process of law under the Fifth Amendment to the United States Constitution.

28. The Court is authorized under 28 U.S.C. § 2241 to grant Petitioner a writ of habeas corpus and to require Respondents to produce Petitioner's body and justify their detention of Petitioner.

COUNT II

Violation of Statutory Rights under the INA

29. Petitioner incorporates the allegations stated in Paragraphs 1 through 24 as if restated here verbatim.

30. Petitioner was lawfully admitted to the United States in O-1 status.

31. Petitioner is the beneficiary of a timely filed, pending petition filed by his employer with USCIS requesting the extension of his O-1 nonimmigrant status. Petitioner therefore continues to be lawfully present in the United States.

32. ICE intends imminently to remove Petitioner from the United States without providing him the opportunity to appear before an immigration judge, as required under

1 8 U.S.C. § 1229a, to contest the allegations that he is not authorized to remain in the
2 United States.

3 33. ICE is detaining Petitioner without cause and contrary to law.

4 34. ICE's detention of Petitioner and its actions undertaken to remove him from
5 the United States, contrary to the substantive and procedural requirements under the
6 INA, violate Petitioner's statutory rights under the INA.

7 35. The Court is authorized under 28 U.S.C. § 2241 to grant Petitioner a writ of
8 habeas corpus and to require Respondents to produce Petitioner's body and justify their
9 detention of Petitioner.

10 **PRAYER FOR RELIEF**

11 Wherefore, Petitioner respectfully requests this Court to grant an order:

12 A. Assuming jurisdiction over this matter;

13 B. Enjoining Respondents from removing or transferring Petitioner outside
14 the District of Nevada until further notice from this Court;

15 C. Enjoining Respondents from removing or otherwise compelling or
16 causing Petitioner's departure from the United States;

17 D. Requiring Respondents to show cause why this Petition should not be
18 granted within three days;

19 E. Requiring Respondents to produce Petitioner at a hearing, scheduled by
20 the Court, and showing cause why Respondents are detaining Petitioner;

21 F. Declaring that the Petitioner's detention violates the Due Process Clause
22 of the Fifth Amendment of the United States Constitution and the Immigration and
23 Nationality Act, as amended;

24 G. Issuing a Writ of Habeas Corpus compelling Respondents to release
25 Petitioner immediately; and,
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1 H. Granting any further relief this Court deems just and proper.

2 Dated this 6th day of June, 2025.

3 FISHER & PHILLIPS LLP

4 By: /s/ David B. Dornak

5 DAVID B. DORNAK, ESQ.

6 BRANDON BORN, ESQ.

7 300 S. Fourth Street

8 Suite 1500

9 Las Vegas, Nevada 89101

10 *Attorneys for Petitioner*

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JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS**SERIGNE KHABANE LAME****(b) County of Residence of First Listed Plaintiff** **Clark County, NV**
(EXCEPT IN U.S. PLAINTIFF CASES)**(c) Attorneys (Firm Name, Address, and Telephone Number)****David B. Dornak, Esq., Brandon Born, Esq., Fisher & Phillips, LLP, 300 S. 4th Street, Suite 1500, Las Vegas, NV 702-252-3131** **+****DEFENDANTS****Corrections Captain, Corrections Division, City of Henderson Police Department, et al.****County of Residence of First Listed Defendant**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC Section 2241 - Habeas Corpus

Brief description of cause:

Petition for Writ of Habeas Corpus and Emergency Order Preventing Removal from Nevada

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

June 6, 2025

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

EXHIBIT A

DECLARATION OF MARKO MAGLICH

Pursuant to 28 U.S.C. 1746, I, Marko Maglich, state the following:

1. I am over the age of eighteen years. I am employed as an attorney at the law firm, Fisher & Phillips, LLP, where I practice primarily immigration law.

2. I represent PRJTZ Media LLC, the contracted talent agent authorized to file a petition to classify Mr. Serigne Khabane Lame as an O-1 nonimmigrant worker.

3. On May 31, 2025, I filed PRJTZ's petition to extend the O-1 nonimmigrant status of Mr. Lame with the United States Citizenship and Immigration Services (USCIS).

4. In preparation for filing PRJTZ's petition, I received a copy of Mr. Lame's O-1 visa issued by the United States Consulate. I attached to this declaration, as Exhibit "1," a true and correct copy of Mr. Lame's O-1 visa.

5. In preparation for filing PRJTZ's petition, I received a copy of the electronic version of the most recent Form I-94 issued to Mr. Lame by the Customs and Border Protection (CBP). I attached to this declaration, as Exhibit "1," a true and correct copy of electronic version of Mr. Lame's Form I-94.

5. On June 2, 2025, I received from USCIS an email notification acknowledging receipt of PRJTZ's extension petition filed on behalf of Mr. Lame. I attach to this declaration, as Exhibit "2," a true and correct copy of the email I received from USCIS.

6. On June 6, 2025, I received e-mail correspondence from Duke McKenzie, principal of PRJTZ, who informed me that Immigration and Customs Enforcement (ICE) arrested and detained Mr. Lame at the Las Vegas, Nevada, airport when he attempted to board a domestic flight.

7. PRJTZ informed me that ICE agents were detaining Mr. Lame at the

1 Henderson Detention Center.

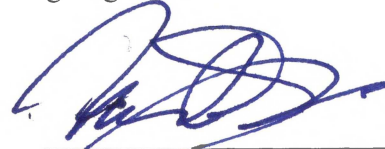
2 8. PRJTZ subsequently informed me that ICE agents intended to transfer him to
3 the airport at Las Vegas in preparation for removal or compelled departure from the
4 U.S.

5 9. PRJTZ informed me that ICE intended to remove Mr. Lame from the United
6 States and did not intend to place him in removal proceedings before an immigration
7 judge.

9 10. I have not be able to contact Mr. Lame because he is in ICE detention.

10 I declare under penalty of perjury that the forgoing is true and correct.

11 Executed on this 6th day of June, 2025.



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13 MARKO C. MAGLICH
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EXHIBIT 1 TO EXHIBIT A

 For: **SERIGNE KHABANE LAME**



U.S. Customs and Border Protection

Securing America's Borders

Most Recent I-94

Note to employers, local, state or federal agency granting benefits:

Please visit the CBP I-94 Public Website and click on the tab for "Get Most Recent I-94" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94 printout matches the "Get Most Recent I-94" returned results for this applicant. I-94 FAQs: (<https://i94.cbp.dhs.gov/i94/#/faq>)

Admission I-94 Record Number: **Arrival/Issued Date:** 2025 April 30**Class of Admission:** 01**Admit Until Date:** 2025 June 01**Details provided on the I-94 Information form:****Last/Surname:** LAME**First (Given) Name:** SERIGNE KHABANE**Birth Date:** 2000 March 09**Document Number:** **Country of Citizenship:** Italy

- ▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- ▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.
- ▶ Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1651-0111
Expiration Date: 04/30/2025

EXHIBIT 2 TO EXHIBIT A

From: ELISdonotreply@uscis.dhs.gov
To: [Boston Immigration Admin](#)
Subject: IOE 
Date: Mo  025 5:45:37 PM

The California Service Center has received the following I-129 Petition for Nonimmigrant Worker that had been filed under the Premium Processing Program: O1B

Receipt Number: IO 

Date I-907 Received: 06/02/2025

Petitioner: PRJTZ MEDIA LLC
ETA Case Number:

Beneficiary: SERIGNE K LAME
DOB: 03/09/2000

Classification sought: O1B

The Form I-797 Receipt Notice will follow in the mail. The California Service Center will adjudicate this case within 15 business days of the "received date" set forth above. If approved, you will receive e-mail notification of such. If we require additional evidence, we will send you a Request for Evidence (RFE) through the U.S. Postal Service to the address provided on your completed I-907 Request for Premium Processing Form. We will also fax a courtesy copy of the request if you provided a fax number on your completed Form I-907.

Please do not reply directly to this message. The e-mail account used to send this message is used by the Service Center only to send messages notifying filers of premium processing case information.

If any of the information above is incorrect, please contact a California Service Center Premium Processing Unit customer representative by forwarding this message with your comments to CSC-Premium.Processing@uscis.dhs.gov or by calling 1-866-315-5718. Please note that the e-mail address and phone number listed above are designated for premium processing issues only.

Thank you for using the USCIS Premium Processing Service.