

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

CHINAYDINE SIMON, )  
)  
Petitioner, )  
)  
v. )  
)  
TODD M. LYONS, Acting Director, U.S. )  
Immigration and Customs )  
Enforcement; )  
TERRANCE DICKERSON, Warden, )  
Stewart Detention Center; and )  
GEORGE STERLING, Atlanta Field )  
Office Director, U.S. Immigration )  
and Customs Enforcement, )  
)  
Respondents. )  
\_\_\_\_\_ )

C.A.F.N. \_\_\_\_\_  
Agency # 078 407 920

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO  
28 U.S.C. § 2241**

Petitioner Chinaydine Simon, through undersigned counsel, files this Petition for Writ of Habeas Corpus to remedy her unlawful detention by enjoining Respondents from continuing to detain her, and to release her from custody and stay her removal. As good cause, Petitioner states the following:

1. Petitioner Chinaydine Simon is a Haitian national who holds Temporary Protected Status (TPS) under 8 U.S.C. § 1254a. **Based on the plain text of 8 U.S.C. § 1254a(d)(4), her detention is unlawful:** “[an] alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4) (emphasis added).
2. This protection remains available even if the TPS recipient has a final removal order or lacks other immigration status because the government “shall not remove the alien from

the United States during the period in which such [TPS] status is in effect.” 8 U.S.C. § 1254a(a)(1)(A); *see also* 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”); 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens).

3. Although there is ongoing litigation surrounding Haitian TPS, *see infra* Section II, the designation remains valid until February 03, 2026. *Haitian Evangelical Clergy v. Trump*, No. 1:25-cv-01464 (E.D.N.Y. 2025); *See* 90 Fed. Reg. 28760.
4. Despite this unambiguous statutory command, Petitioner has now been detained by U.S. Immigration and Customs Enforcement (ICE) for over 30 days.
5. Petitioner challenges her detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.
6. Petitioner respectfully requests that this Court grant her a Writ of Habeas Corpus and order Respondents to release her from custody. Petitioner seeks habeas relief under 28 U.S.C. § 2241, which is the proper vehicle for challenging civil immigration detention. *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas.”) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

### **CUSTODY**

7. Petitioner is in Respondents’ physical custody. Petitioner is detained at Stewart Detention Center, an immigration detention facility, in Lumpkin, Georgia. Petitioner is under the direct control of Respondents and their agents.

## **JURISDICTION**

8. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. §§ 1331, 2241; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.
9. Congress has preserved judicial review of challenges to detention. *See Jennings v. Rodriguez*, 138 U.S. 830, 841 (2018).

## **VENUE**

10. Venue in the Middle District of Georgia is appropriate under 28 U.S.C. §§ 1391, 2242 because at least one Respondent is in this District, Petitioner is detained in this District, Petitioners' immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("[T]he proper respondent to a habeas petition is 'the person who has custody over the petitioner'") (citing 28 U.S.C. § 2242) (cleaned up).

## **PARTIES**

11. Petitioner Chinaydine Simon is currently detained by Respondents at Stewart Detention Facility. She has been in ICE custody since June 16, 2025 when she was detained by ICE officers at the USCIS Atlanta Field Office. ICE Detained Ms. Simon while she was attending an interview on her adjustment of status application.
12. Respondent Todd M. Lyons is the Acting Director of ICE. He is Petitioner's legal custodian and is named in his official capacity.

13. Respondent Terrance Dickerson is the Warden of Stewart Detention Center, where Petitioner is currently detained. He is Petitioner's legal custodian and is named in his official capacity.
14. Respondent George Sterling is the Field Office Director of the Atlanta ICE Field Office which exercises administrative jurisdiction over Petitioner's immigration case. He is Petitioner's legal custodian and is named in his official capacity.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

15. Neither the INA nor the applicable federal habeas corpus statute requires administrative exhaustion for immigration detention-based claims. *Santiago-Lugo v. Warden*, 785 F.3d 467, 474-75 (11th Cir. 2015) ("It is no longer the law of this circuit that exhaustion of administrative remedies is a jurisdictional requirement in a § 2241 proceeding."); *Compare* 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only prior to challenging a removal order in circuit court), *with* 28 U.S.C. § 2241 (including no requirement for administrative exhaustion).

### **FACTS AND PROCEDURAL HISTORY**

#### **I. PETITIONER WAS DETAINED DESPITE HAVING TEMPORARY PROTECTIVE STATUS FROM HAITI.**

16. Petitioner, Chinaydine Simon (A ) is a 37-year-old citizen and national of Haiti.
17. She first entered the United States on September 14, 2011 with parole under 8 CFR §212.5(b) that lasted until September 14, 2012. The Department of Homeland Security (DHS) subsequently placed Petitioner in removal proceedings.
18. Upon information and belief, Petitioner first applied for TPS in or around 2019. Petitioner thereafter filed timely renewals of her TPS status with USCIS, as required by 88 Fed. Reg.

5022. (Exhibits A-D). Upon information and belief, Petitioner currently holds TPS valid until February 03, 2026. 89 Fed. Reg. 54484 (July 1, 2024).

19. Although the history and current procedural status of TPS for Haiti is complicated, *see infra* Section II, all that matters for the purposes of this habeas petition is that TPS for Haiti remains in effect, and that Petitioner continues to hold TPS status.
20. ICE arrested and detained Petitioner at the USCIS Atlanta Field Office on June 16, 2025 at her adjustment of status interview. Petitioner was not aware that she had been ordered removed in 2014.
21. USCIS approved Petitioner's Form I-130 Petition for Alien Relative on June 16, 2025, and her Form I-485 Application to Register for Permanent Residence or Adjust Status is pending with USCIS.
22. On July 15, 2025, Counsel emailed Atlanta and Stewart ICE ERO Offices to request Petitioner's release because she cannot be lawfully detained as a TPS holder under the TPS statute.
23. To date, Counsel has not received a response from either ICE ERO Office.

## **II. TEMPORARY PROTECTIVE STATUS FOR HAITI REMAINS IN EFFECT**

24. Haitians living in the United States first received temporary protection from removal on January 21, 2010, following a 7.0 magnitude earthquake that devastated Haiti and its infrastructure and impacted over three million people in Haiti. 75 Fed. Reg. 3476.
25. DHS thereafter extended Haiti's TPS designation every 18 months for eight years due to "extraordinary and temporary conditions in Haiti resulting from the devastating effects of the January 2010 earthquake that prevent Haitians from returning to their country in

safety.” 77 Fed. Reg. 59943. On January 18, 2018 the DHS Secretary attempted to terminate Haiti’s TPS designation, effective July 22, 2019. 83 Fed. Reg. 2648. This termination was challenged in federal court and resulted in injunctions preventing DHS from terminating the program until further court orders.

26. On August 3, 2021, DHS re-designated Haiti for TPS due to the country’s inability to “grappl[e] with a deteriorating political crisis, violence, and a staggering increase in human rights abuses.” 86 Fed. Reg. 41863. On January 26, 2023, DHS extended and redesigned Haiti TPS from February 4, 2023 to August 3, 2024 due to “economic, security, political, and health crises.” 88 Fed. Reg. 5022.

27. On July 1, 2024, the DHS Secretary again extended and re-designated Haiti for TPS from August 4, 2024 to February 3, 2026 in 89 Fed. Reg. 54484, stating:

Haiti continues to experience simultaneous economic, security, political, and health crises. Haitian gangs are the primary source of violence and instability in Haiti and pose an increasing threat as they continue to escalate and expand their influence and geographic presence over large portions of metropolitan Port-au-Prince, Haiti's capital, as well as to several of Haiti's ten departments (regional administrative divisions). Since early March 2024, the gangs have also attacked the capital's primary airport and major port terminals, and blocked roads to access the city. An ongoing political impasse has left Haiti without a functioning democratically elected national government and hindered Haiti's ability to respond to the gang-driven violence. The political situation has continued to worsen since the July 2021 assassination of President Jovenel Moise. At the same time, Haiti struggles through a humanitarian crisis, with many citizens having limited access to safety, healthcare, food, water, and economic opportunity.

28. After the 2024 election, the government reversed course on TPS for Haiti. On February 24, 2025, the new DHS Secretary purported to “vacate” the June 2024 extension and redesignation of TPS for Haiti. 90 Fed. Reg. 10511. In that notice DHS reduced the designation period from 18 months to 12 months, revising the expiration date from February 3, 2026 to August 3, 2025. *Id.*

29. On March 3, 2025, Haitian Americans United, Inc. and several other organizations and individual Haitian TPS holders sued the federal government, alleging that the vacatur was contrary to the TPS statute, violated the Administrative Procedure Act (APA), and was unlawful under the Fifth Amendment. *Haitian American United, Inc. v. Trump*, No. 1:25-cv-10498 (D. Mass). That case remains pending.
30. On March 14, 2025, the Haitian Evangelical Clergy Association and nine individual Haitian TPS holders sued the federal government, alleging that DHS' February 24, 2025 vacatur was unlawful as it violated the APA, the Due Process Clause, and the Equal Protection Clause. *Haitian Evangelical Clergy v. Trump*, No. 1:25-cv-01464 (E.D.N.Y. 2025). On July 1, 2025 – the same day that DHS Secretary announced the termination of Haiti's TPS designation, effective September 2, 2025 via 90 Fed. Reg. 28760 – the court held that the DHS Secretary had unlawfully terminated Haiti's TPS designation by ignoring the TPS statute, which includes barring termination until a previous extension expires. *Id.* Thus the court granted the plaintiff's partial summary judgment and postponement of agency action. *Id.*
31. Notably, the first Trump administration also attempted to strip several hundred thousand people of their TPS status. That attempt ultimately proved unsuccessful, as everyone who held TPS in 2017 remained eligible for it by the end of the first Trump administration. *See generally Ramos v. Nielsen*, 709 F. Supp. 3d 871 (N.D. Cal. 2023) (explaining procedural history).

## LEGAL FRAMEWORK

32. **The TPS statute is clear and unambiguous:** “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4) (emphasis added). It is hard to imagine a clearer statutory mandate proscribing detention.<sup>1</sup>
33. The Court need not delve further to understand other aspects of Petitioner’s immigration status because TPS protection remains valid even if the TPS holder has a final removal order or lacks other immigration status. 8 U.S.C. § 1254a(a)(1)(A) (the government “shall not remove the alien from the United States during the period in which such [TPS] status is in effect.”); 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”); *see also* 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens). For that reason alone, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).
34. This Court should also find that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the [Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
35. Petitioner’s detention violates the Fifth Amendment’s protection of liberty for at least three

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<sup>1</sup> “Attorney General” in §1254a now refers to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. § 1103; 6 U.S.C. § 557.

related reasons. First, immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Here, though, the government has no authority to deport Petitioner, and detention is thus not reasonably related to its purpose.

36. Second, because Petitioner is not “deportable” insofar as the TPS statute bars her deportation, the Due Process Clause requires that any deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”); *Demore*, 538 U.S. at 528 (applying less rigorous standard for “deportable aliens”). Petitioner’s ongoing imprisonment cannot satisfy that rigorous standard.
37. Third, at a bare minimum, “the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention.” *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001) (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual’s detention, their detention plainly violates the Due Process Clause.
38. It is irrelevant for purposes of this case that Petitioner’s TPS status may expire in several weeks *if* the government successfully defends in court its unprecedented attempt to vacate the June 2024 TPS Extension for Haiti. The TPS statute’s unambiguous command applies so long as a TPS holder’s status remains in effect. It contains no exception for people whose TPS status may *soon* expire. As litigation has commenced to challenge the government’s attempt to end TPS for Haiti, it would not be appropriate for this Court (or any other) to speculate on the likely outcome of that litigation. Rather, the Court should decide this

petition on the current state of affairs under which Petitioner remains a TPS holder and has now been illegally imprisoned for over 30 days.

## **CLAIMS FOR RELIEF**

### **COUNT ONE VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (8 U.S.C. § 1254a)**

39. Petitioner realleges and incorporate by reference each and every allegation contained above.
40. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.
41. Section 1254a(d)(4) states “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” (emphasis added). There is no exception to this rule provided in the statute.
42. Thus Petitioners’ detention violates Section 1254a, and she is entitled to immediate release from custody.

### **COUNT TWO VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

43. Petitioner realleges and incorporates by reference each and every allegation contained above.
44. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. *See generally Reno*

*v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

45. Petitioners' detention violates the Due Process Clause because: it is not rationally related to any immigration purpose; and it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning Petitioner; and it lacks any statutory authorization.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
3. Declare that Petitioner's detention violates 8 U.S.C. § 1254a;
4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
6. Enjoin Respondents from further detaining Petitioner while TPS for Haiti remains in effect and she continues to hold TPS status;
7. Retain jurisdiction over this case to ensure compliance with all of this Court's orders;
8. Award attorney's fees and costs as permitted under the Equal Access to Justice Act and on any other basis justified under law; and

9. Grant any and all further relief that is necessary or appropriate.

Respectfully submitted this 18th day of July, 2025.

/s/ Marshall Cohen

Marshall Cohen

Georgia Bar No. 174580

Attorney for Petitioner

ANTONINI AND COHEN IMMIGRATION LAW GROUP

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Fax (678) 435-8843

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**Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242**

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I, Marshall Cohen, have discussed with Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's TPS status, are true and correct to the best of my knowledge.

/s/ Marshall Cohen

Date: July 18, 2025

## 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

SIMON, CHINAYDINE

(b) County of Residence of First Listed Plaintiff Stewart County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marshall Cohen  
2751 Buford Highway NE. Ste. 500, Atlanta, GA 30324

## DEFENDANTS

Todd Lyons, Acting Director, Immigration and Customs  
Enforcement (See Addendum)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
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 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                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>INTELLECTUAL PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property                                                                                                                                                                                                                                                                                                                                                      | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education                                                                                                                                                                                                   | <b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input checked="" type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 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 ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).

28 U.S.C. Section 2254 and 8 U.S.C. Section 1254a

Brief description of cause:

Unlawful detention of Plaintiff with Temporary Protected Status

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

## DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

7/18/2025

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

## **Addendum**

1) Terrance Dickerson, Warden, Stewart Detention Facility

2) George Sterling, Atlanta Field Office Director, Immigration

Customs Enforcement

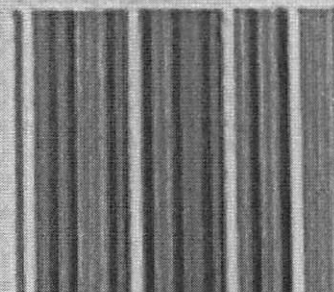
ou will be issued an EAD that will be valid until the  
ent authorization.

n U.S. Citizenship and Immigration Services (USCIS)  
me period of the extended TPS designation, you must  
(FRN). The FRN notice will provide guidance on  
so pay close attention to any future FRNs issued by  
ces about possible automatic extensions of the valid  
period may result in the withdrawal of your TPS and

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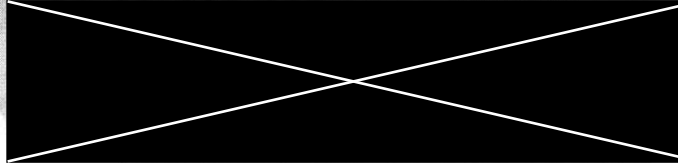
e notified separately about any other cases you file  
ount. To learn more about creating an account a

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USCIS#



Terms and

**None**

Date of Birth



Country of

**Haiti**

Valid From

Card Expires

**FOR REENTRY TO U.S.**

# THE UNITED STATES OF AMERICA

## I-797A | NOTICE OF ACTION

DEPARTMENT OF HOMELAND SECURITY  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

|                              |                                    |                                                                |
|------------------------------|------------------------------------|----------------------------------------------------------------|
| Receipt Number<br>[REDACTED] | USCIS Account Number<br>[REDACTED] | Case Type<br>I821 - APPLICATION FOR TEMPORARY PROTECTED STATUS |
| Received Date<br>08/23/2021  | Priority Date<br>08/23/2021        | Applicant<br>SIMON, CHINAYDINE                                 |
| Notice Date<br>10/03/2022    | Page<br>1 of 2                     |                                                                |

SIMON, CHINAYDINE  
c/o CHINAYDINE SIMON  
[REDACTED]

**Notice Type:** Approval Notice  
Valid from: 10/03/2022 to 02/03/2023

You have been granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act. The benefits of TPS are temporary protection from removal (or deportation), employment authorization in the United States, and the opportunity to apply for travel authorization.

Attached to this notice is a Form I-94 indicating your Temporary Protected Status in the United States. The I-94 is valid until the expiration date shown on it.

If you requested an employment authorization document (EAD) pursuant to your registration for TPS, you will receive a separate notice containing the decision on that request. If your EAD request is approved, you will be issued an EAD that will be valid until the expiration date shown on the EAD itself. The EAD will serve as evidence of your TPS and employment authorization.

If the TPS designation is extended, you must re-register with U.S. Citizenship and Immigration Services (USCIS) within the time period designated for re-registration. If you wish to obtain an EAD valid for the time period of the extended TPS designation, you must also apply for an EAD during the filing period(s) described in the applicable Federal Register notice (FRN). The FRN notice will provide guidance on required forms and application fees to re-register for TPS and to apply for a new EAD. You should also pay close attention to any future FRNs issued by USCIS regarding your country's TPS, including any information that may be included in such notices about possible automatic extensions of the validity date(s) on EADs.

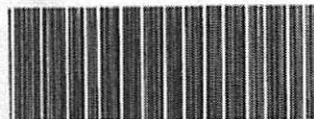
Failure to re-register during a TPS extension re-registration period may result in the withdrawal of your TPS and may result in removal proceedings being initiated against you.

While you are under Temporary Protected Status, you:

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Potomac Service Center  
U.S. CITIZENSHIP & IMMIGRATION SVC  
2200 Potomac Center Dr  
MS 2425  
Arlington VA 20598-2425



USCIS Contact Center: [www.uscis.gov/contactcenter](https://www.uscis.gov/contactcenter)

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

**Receipt** [REDACTED]  
**I-94#** 000000000 00  
**NAME** SIMON, CHINAYDINE  
**CLASS**

**VALID FROM** 10/03/2022 **UNTIL** 02/03/2023

**APPLICANT:** SIMON, CHINAYDINE  
[REDACTED]

000000000 00

**Receipt Number** [REDACTED]  
**United States Citizenship and Immigration Services**

**I94 Departure Record**

|                                     |  |                                |
|-------------------------------------|--|--------------------------------|
| 14 Family Name<br>SIMON             |  | 16 Date of Birth<br>[REDACTED] |
| 15 First (Given) Name<br>CHINAYDINE |  |                                |
| 17 Country of Citizenship           |  |                                |

UNITED STATES DISTRICT COURT  
for the

Chinaydine Simon

*Plaintiff(s)*

v.

TODD M. LYONS, Acting Director, U.S. Immigration and Customs  
Enforcement; TERRANCE DICKERSON, Warden, Stewart Detention  
Center; and GEORGE STERLING, Atlanta Field Office Director,  
U.S. Immigration and Customs Enforcement

*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

George Sterling  
U.S. Immigration and Customs Enforcement  
Atlanta Field Office  
180 Ted Turner Dr. SW  
Suite 522  
Atlanta, GA 30303

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Marshall Cohen  
Antonini and Cohen Immigration Law Group  
2751 Buford Highway NE, Suite 500  
Atlanta, GA 30324

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

Marshall Cohen

\_\_\_\_\_  
*Printed name and title*

Antonini and Cohen Immigration Law Group  
2751 Buford Highway NE, Suite 500  
Atlanta, GA 30324

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# UNITED STATES DISTRICT COURT

for the

Chinaydine Simon

*Plaintiff(s)*

v.

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; TERRANCE DICKERSON, Warden, Stewart Detention Center; and GEORGE STERLING, Atlanta Field Office Director, U.S. Immigration and Customs Enforcement

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Terrance Dickerson  
Warden  
Stewart Detention Facility  
146 CCA Road  
P.O. Box 248  
Lumpkin, GA 31815

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Marshall Cohen  
Antonini and Cohen Immigration Law Group  
2751 Buford Highway NE, Suite 500  
Atlanta, GA 30324

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))***

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

Marshall Cohen

\_\_\_\_\_  
*Printed name and title*

Antonini and Cohen Immigration Law Group  
2751 Buford Highway NE, Suite 500  
Atlanta, GA 30324

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# UNITED STATES DISTRICT COURT

for the

Chinaydine Simon

*Plaintiff(s)*

v.

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; TERRANCE DICKERSON, Warden, Stewart Detention Center; and GEORGE STERLING, Atlanta Field Office Director, U.S. Immigration and Customs Enforcement

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Todd M. Lyons  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
500 12th Street SW  
Mail Stop 5900  
Washington D.C. 20536

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Marshall Cohen  
Antonini and Cohen Immigration Law Group  
2751 Buford Highway NE, Suite 500  
Atlanta, GA 30324

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))***

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
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\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

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\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

Marshall Cohen

\_\_\_\_\_  
*Printed name and title*

Antonini and Cohen Immigration Law Group  
2751 Buford Highway NE, Suite 500  
Atlanta, GA 30324

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: