

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

JIGAR PATEL

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

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

JUDY RESNICK, ESQ., 2906 BAILEY COURT, FAR
ROCKAWAY, NY 11691. 917-971-1207.**DEFENDANTS**PAMELA BONDI, ATTORNEY GENERAL OF THE UNITED
STATES; ANGELA HOOVER, WARDEN OF CLINTON
COUNTY CORRECTIONAL FACILITY; THOMAS DUCKER,
FIELD OFFICE DIRECTOR, PHILADELPHIA FIELD OFFICE,
DHS-ICE; IMMIGRATION AND CUSTOMS ENFORCEMENT;
Attorneys (If Known)OFFICE OF US ATTY, MD PA, SUITE 311, 235 N
WASHINGTON AVE, SCRANTON PA 18503.**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	PERSONAL INJURY ☐ 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 INTELLECTUAL 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 (1395f) ☐ 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 Habercas 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 SEC 2241, 5 USC SEC 551, 8 USC SEC 1231 (a)(6)

Brief description of cause:

PETITION FOR WRIT OF HABEAS CORPUS FOR RELEASE OF ALIEN DETAINEE

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
-0-CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/06/2025

SIGNATURE OF ATTORNEY OF RECORD

JUDY RESNICK, ESQ.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Judy S. Resnick, Esq.
2906 Bailey Court
Far Rockaway, NY 11691
Attorney for Petitioner
(917) 971-1207

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

-----X
Jigar PATEL,

Petitioner/Plaintiff,

CIVIL ACTION No.

- against -

Pamela BONDI, Attorney General of the United States;
Angela Hoover, Warden of Clinton County Correctional Facility;
Thomas Decker, Field Office Director, Philadelphia Field Office,
United States Department of Homeland Security, Immigration and
Customs Enforcement; Kristi Noem, Secretary, United States
Department of Homeland Security; United States Department of
Homeland Security, Immigration and Customs Enforcement;

Respondents/Defendants.

-----X

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND PETITION FOR WRIT OF HABEAS CORPUS

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

-----X
Jigar PATEL,

Petitioner/Plaintiff,

CIVIL ACTION No.

- against -

**Pamela BONDI, Attorney General of the United States;
Angela Hoover, Warden of Clinton County Correctional Facility;
Thomas Decker, Field Office Director, Philadelphia Field Office, United States
Department of Homeland Security, Immigration and Customs
Enforcement; Kristi Noem, Secretary, United States Department of Homeland
Security; United States Department of Homeland Security,
Immigration and Customs Enforcement;**

Respondents/Defendants.

-----X
**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND PETITION FOR WRIT OF HABEAS CORPUS**

PETITIONER/PLAINTIFF Jigar Patel (henceforth “Petitioner” or “Mr. Patel”), by and through his undersigned counsel, hereby petitions this Honorable Court to issue a writ of habeas corpus to release him on bond from his continued detention in the custody of the United States Department of Homeland Security Immigration and Customs Enforcement (“DHS-ICE”). This action is brought pursuant to 28 U.S.C. §1331, 28 U.S.C. §2241, 5 U.S.C. §551 et seq., 28 U.S.C. §§2201 et seq., and the All Writs Act for declaratory and injunctive relief, to protect the petitioner’s rights under the Due Process Clause of the Fifth Amendment of the Constitution and applicable federal law, to issue a writ of habeas corpus, and to set bond or other conditions for release of petitioner from his continuing detention in federal custody. In support of this petition, petitioner states by and through counsel as follows:

JURISDICTION AND VENUE

1. This action arises under the Constitution, the Immigration & Nationality Act of 1990, as amended (“INA”), 8 U.S.C. §1101 et seq., and the Administrative Procedure Act (“APA”), 5 U.S.C. §701 et seq. This Court has habeas jurisdiction pursuant to 28 U.S.C. §2241, Art. 1, §9, Cl. 2 of the United States Constitution (the “Suspension Clause”); and the common law. This Court may also exercise jurisdiction pursuant to 28 U.S.C. §1331 and may grant relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and the All Writs Act, 28 U.S.C. §1651.
2. On May 11, 2005, Congress passed the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231. The REAL ID Act divested federal district courts of jurisdiction to review final orders of deportation, exclusion and/or removal. However, federal district courts still retain jurisdiction through habeas corpus over the detention of aliens.
3. Jigar Patel is challenging his continued detention by DHS-ICE and is requesting that the federal district court grant this request for release from custody on bond, or on any other condition of release, such as electronic monitoring in lieu of incarceration.
4. Venue lies in the United States District Court for the Middle District of Pennsylvania, the judicial district of confinement, as the petitioner is physically being held in custody at the Clinton County Correctional Facility located in McElhattan, Pennsylvania. This is in accordance with the decision of the United States Supreme Court in Rumsfeld v. Padilla, 124 S.Ct. 2711, 2725 (2004) (“Whenever a §2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement”).

PARTIES

1. Petitioner Jigar Patel is a native and citizen of India who has been held in continuing detention at the Clinton County Correctional Facility by DHS-ICE.
2. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. The Attorney General has powers under 8 U.S.C. §1103(g) to take necessary actions related to immigration and naturalization: including, but not restricted to, authority over the detention and removal of aliens.
3. Respondent Angela Hoover is sued in her official capacity as the Warden of the Clinton County Correctional Facility in McElhattan, Pennsylvania. The warden has chief executive authority over the administration of the Clinton County Correctional Facility. In this capacity, she has direct responsibility over the confinement of Jigar Patel.
4. Respondent Thomas Decker is sued in his official capacity as the DHS-ICE Field Office Director in Philadelphia, Pennsylvania. In this capacity, he has responsibility for determining at which detention facility the petitioner will be held, deciding whether the petitioner can be paroled from custody on parole or on any other condition of supervised release, administering the enforcement and administration of the immigration laws, and is empowered to carry out an order of removal against the petitioner.
5. Kristi Noem is sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, she has responsibility for administering the enforcement and administration of the immigration laws of the United States.
6. Respondent Department of Homeland Security Immigration and Customs Enforcement (“DHS-ICE”) is the agency responsible for enforcing the Immigration and Nationality Act

of 1990, as amended, (“INA”) and all other current statutes, laws and regulations which affect the rights and benefits of noncitizens.

STATEMENT OF FACTS

7. Jigar Patel, a native and a citizen of India, entered the United States lawfully in January 2012 as an H-1B temporary professional worker, working for a pharmacy in Maryland. He was arrested by federal agents in July 2013 and charged with involvement in a criminal scheme to defraud the government by not refunding money received for cancelled or unwanted prescriptions. That case ended with all charges against Jigar Patel being dismissed.
8. Jigar Patel seeks to defend himself against removal through an application for asylum under 8 U.S.C. §1158(a), or withholding of removal under 8 U.S.C. §1231(b)(3)(A), or protection under Article 3 of the United Nations Convention Against Torture (“Torture Convention”). His continued detention at the Clinton County Correctional Facility makes it far more difficult to meet with his lawyer and prepare his case.
9. During the 2002 anti-Muslim riots in the state of Gujarat, Jigar Patel saved the lives of a Muslim friend, Sarfarosh Naseem, and his friend’s mother. For his act of bravery, Mr. Patel was beaten and tortured by the police. In 2006, Jigar Patel moved away from home to attend pharmacy college in a distant location. However, even there he was not safe, as the local police arrested him and also subjected him to further beatings. In 2008, when Jigar Patel was already here in the United States on an F-1 student visa, the police came to his family residence and arrested his father, slapping and beating him. Mr. Patel maintains that it is “more likely than not” that he would undergo future persecution and torture, should he be forced to return to India.

EXHAUSTION OF REMEDIES

10. Petitioner Jigar Patel has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.
11. Jigar Patel is under the discretionary detention provisions of 8 U.S.C. §1231(a)(6) rather than the mandatory detention provisions of 8 U.S.C. §1226(c)(1). See Mapp v. Reno, 241 F.3d 221, 228 (2nd Cir. 2001). The federal district court therefore retains authority to grant his release on bond or on any other conditions of supervised release.
12. The correct forum in which to bring this petition for a writ of habeas corpus, challenging his continued detention in federal custody, is in the federal district court.
13. The facts upon which this petition is based are derived from petitioner's personal knowledge and from the records and decisions of the Department of Homeland Security and the Immigration Court.

PRAYER FOR RELIEF

WHEREFORE, petitioner prays that this Honorable Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus, directed to the respondents, requiring them to show cause why the petitioner should not be discharged from the restraint of liberty now imposed on him by the respondents;
- c. Find that this court has inherent authority to grant bail to habeas petitioners challenging their detention by the United States Department of Homeland Security Immigration and Customs Enforcement;
- d. Grant release of petitioner from custody upon payment of reasonable bond to be determined by this court;

- e. Award to petitioner reasonable costs and attorney's fees under the Equal Access to Justice Act, 28 U.S.C. §2412; and,
- f. Grant any other and further relief that this Honorable Court deems just and proper.

Respectfully submitted,
JIGAR PATEL
By his attorney:



Dated: 08/06/2025

Signed:

s/ Judy Resnick

JUDY S. RESNICK, ESQ.
Attorney for Petitioner
2906 Bailey Court
Far Rockaway, NY 11691
Tel. (917) 971-1207
E-mail: resnickjudys@gmail.com

VERIFICATION OF COMPLAINT

I, Judy S. Resnick, Esq., state under penalty of perjury that I am the attorney for the petitioner Jigar Patel in the foregoing petition, and declare the facts alleged here to be true, except those made on information and belief, which I believe to be true, and further state that the sources of my information and belief are documents and information provided to me by the petitioner and his associates and family members.



Far Rockaway, NY
Dated: 08/06/2025

Signed: s/ Judy Resnick

JUDY S. RESNICK, ESQ.
Attorney for Petitioner
2906 Bailey Court
Far Rockaway NY 11691
Tel. (917) 971-1207
E-mail: resnickjudys @ gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via Certified Mail / Return Receipt to:

Hon. John C. Gurganus, Acting United States Attorney, M. D. Penna., William J. Nealon Federal Building and Courthouse, 235 N. Washington Avenue, Suite 311, Scranton, PA 18503;

Hon. Pamela Bondi, Attorney General of the United States, U.S. Dept. of Justice, Civil Division, 950 Pennsylvania Avenue, Washington, DC 20530;

Warden Angela Hoover, Clinton County Correctional Facility, 58 Pine Mountain Road, McElhattan, PA 17748;

Hon. Thomas Decker, Philadelphia Field Office Director, DHS-ICE, 114 North 8th Street, Philadelphia, PA 19107;

Hon. Kristi Noem, Secretary, U.S. Dept. of Homeland Security, 245 Murray Lane, Washington, DC 20528;

U.S. Dept of Homeland Security, Immigration and Customs Enforcement, 245 Murray Lane, Washington, DC 20528;

General Counsel, USDHS, 245 Murray Lane, Washington DC 20528;

upon the date given below.

Date: 08/06/2025

Signature:  s/ Judy Resnick
JUDY S. RESNICK, ESQ.
Attorney for Petitioner
2906 Bailey Court
Far Rockaway, NY 11691
Tel (917) 971-1207
E-mail: resnickjudys @ gmail.com

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

-----X
Jigar PATEL,

Petitioner/Plaintiff,

CIVIL ACTION No.

- against -

**Pamela BONDI, Attorney General of the United States;
Angela Hoover, Warden of Clinton County Correctional Facility;
Thomas Decker, Field Office Director, Philadelphia Field Office,
United States Department of Homeland Security, Immigration and
Customs Enforcement; Kristi Noem, Secretary, United States
Department of Homeland Security; United States Department of
Homeland Security, Immigration and Customs Enforcement;**

Respondents/Defendants.

-----X

TEMPORARY RESTRAINING ORDER

This matter is before the Court for a Temporary Restraining Order brought by petitioner Jigar Patel, in connection with a petition for a Writ of Habeas Corpus accompanying opinion, it is on this _____ day of _____, 2025:

ORDERED, that a Temporary Restraining Order be issued forthwith, barring and enjoining the respondents/defendants, their agents and subordinates from the following actions: enforcing removal of the petitioner from the United States of America; moving him from the jurisdiction of the United States District Court for the Middle District of Pennsylvania; until a full and complete hearing on the merits of his petition, and any extensions and continuances thereof, and any appeal therefrom has been entertained and exhausted.

Honorable United States District Judge

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

-----X
Jigar PATEL,

Petitioner/Plaintiff,

CIVIL ACTION No.

- against -

**Pamela BONDI, Attorney General of the United States;
Angela Hoover, Warden of Clinton County Correctional Facility;
Thomas Decker, Field Office Director, Philadelphia Field Office,
United States Department of Homeland Security, Immigration and
Customs Enforcement; Kristi Noem, Secretary, United States
Department of Homeland Security; United States Department of
Homeland Security, Immigration and Customs Enforcement;**

Respondents/Defendants.

-----X

ORDER TO SHOW CAUSE

Good cause appearing therefore, and upon reading the Verified Petition for Writ of Habeas Corpus, and the accompanying attachments brought before this Court by petitioner's attorney, Judy S. Resnick, Esq., IT IS HEREBY

ORDERED that respondents/defendants appear before the undersigned Judge of the United States District Court for the Middle District of Pennsylvania at the United States Courthouse, 240 West Third Street, Suite 218, Williamsport, Pennsylvania, 17701, on the _____ day of _____, 2025 at _____ AM/PM, to Show Cause why a Writ of Habeas Corpus should not issue herein; and it is further

ORDERED that pending further review of this case, any transfer of petitioner Jigar Patel is hereby stayed; and it is further

ORDERED that service of this Order to Show Cause and supporting papers upon the respondents or their authorized representatives, within three days of this date, be deemed good and sufficient service; and it is further

ORDERED that any responsive pleadings to the petition, together with any supporting affidavits, defenses or motions, if any, shall be in writing, filed with this Court, and served by hand or overnight mail upon petitioner's attorney, and that any reply filed by petitioner shall be filed with this Court and served by hand or overnight mail upon the Office of the United States Attorney for the Middle District of Pennsylvania.

DONE AND ORDERED this _____ day of _____, 2025.

Honorable
United States District Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

-----X
Jigar PATEL,

Petitioner/Plaintiff,

CIVIL ACTION No.

- against -

**Pamela BONDI, Attorney General of the United States;
Angela Hoover, Warden of Clinton County Correctional Facility;
Thomas Decker, Field Office Director, Philadelphia Field Office,
United States Department of Homeland Security, Immigration and
Customs Enforcement; Kristi Noem, Secretary, United States
Department of Homeland Security; United States Department of
Homeland Security, Immigration and Customs Enforcement;**

Respondents/Defendants.

-----X

This matter is before the Honorable Court on petition for a Writ of Habeas Corpus brought by Jigar Patel. Upon consideration of the submissions of the parties, and upon the oral argument on _____ by Judy S. Resnick, Esq. for the petitioner, and by _____ for the respondents, and for the reasons stated in the accompanying opinion, it is on this _____ day of _____, 2025:

ORDERED, that a Writ of Habeas Corpus be issued forthwith; and it is further

ORDERED, that the respondents/defendants, upon payment of bond or any other reasonable condition of release, release the petitioner immediately from DHS-ICE custody into DHS-ICE supervision; and it is further

ORDERED, that the petitioner within 30 days of this order submit to this Court an application for fees and other expenses, and that respondents pay petitioner reasonable costs and attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412.

Honorable United States District Judge