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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

JEAN RONALD ST. JUSTE

Petitioner,

v.

CHRISTOPHER J. LAROSE,
in his official capacity as
Warden of Otay Mesa
Detention Center;

GREGORY ARCHAMBEAULT, in his
official capacity as San Diego Field Office
Director, U.S. Immigration and Customs
Enforcement;

PAM BONDI, in her official capacity as
Attorney General of the United States;

and **KRISTI NOEM,** in her official
capacity as Secretary of the U.S.
Department of Homeland Security,

Respondents.

CASE NO.: '25CV2541 BEN MMP

HON.:

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

NOW COMES Petitioner JEAN RONALD ST. JUSTE, by and through undersigned counsel, Wismick Saint-Jean of The Saint-Jean's Law Firm, and respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his continued and unlawful detention by the United States Department of Homeland Security ("DHS") and its agents. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego, California, under the custody of Respondent Christopher J. LaRose, Warden of that facility.

Petitioner entered the United States on June 7, 2024, at the Brownsville, Texas port of entry, where he was paroled into the country. He subsequently applied for asylum and related protection under the Immigration and Nationality Act and Convention Against Torture based on credible fears of persecution and torture in Haiti. Removal proceedings under INA § 240 were initiated and later terminated without prejudice on July 17, 2025 by the San Diego Immigration Court, to allow Petitioner to pursue adjustment of status based on a Form I-130 petition filed by his U.S. citizen spouse, which was properly receipted by USCIS on the same date.

Despite the dismissal of proceedings and ongoing adjudication of lawful permanent residency through a bona fide marriage, Petitioner remains in custody. His continued detention serves no legitimate immigration purpose and violates the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act, and binding precedent governing civil detention. Petitioner now seeks immediate release, or in the

alternative, a constitutionally adequate bond hearing before an immigration judge with jurisdiction to determine his release.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and the Suspension Clause of the U.S. Constitution because Petitioner challenges the lawfulness of her ongoing immigration detention.
2. Venue lies in this district and division under 28 U.S.C. § 1391(e) because Petitioner is detained within the Southern District of California at the Otay Mesa Detention Center in San Diego County.
3. Respondent CHRISTOPHER J. LAROSE, as Warden of Otay Mesa Detention Center, is Petitioner's immediate custodian and has direct physical control over her detention.
4. Respondent GREGORY ARCHAMBEAULT, as San Diego ICE Field Office Director, oversees enforcement and custody decisions affecting Petitioner within this jurisdiction and is responsible for her ongoing detention.
5. Respondent NATHALIE ASHER, as Acting Executive Associate Director of Enforcement and Removal Operations, exercises authority over the policies and practices that govern Petitioner's continued detention.
6. Respondent ALEJANDRO MAYORKAS, as Secretary of the Department of Homeland Security, has ultimate legal and supervisory authority over the

agencies and officers detaining Petitioner, including oversight of ICE and parole-related policies.

PARTIES

7. Petitioner JEAN ST. JUSTE is a native and citizen of Haiti currently detained at Otay Mesa Detention Center in San Diego, California.
8. Respondent CHRISTOPHER J. LAROSE is the Warden of Otay Mesa Detention Center and Petitioner's immediate custodian as he is responsible for overseeing Otay Mesa Detention Center's administration and management. He is sued in his official capacity.
9. Respondent GREGORY ARCHAMBEAULT is the San Diego Field Office Director of ICE and has authority over Petitioner's detention. He is a legal custodian of Petitioner. He is sued in his official capacity.
10. Respondent PAM BONDI oversees the immigration court system, which is housed within the Executive Office for Immigration Review (EOIR) and includes all IJs and the Board of Immigration Appeals (BIA). She is sued in his official capacity.
11. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security (DHS) and has ultimate authority over immigration enforcement and detention policy. DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in his official capacity.

FACTUAL BACKGROUND

12. Jean Ronald St. Juste is a 26-year-old native and citizen of Haiti, born on 
. He fled his home country due to escalating violence, political instability, and threats to his safety and well-being.
13. On or about June 7, 2024, Mr. St. Juste presented himself at the Brownsville, Texas Port of Entry, where he was paroled into the United States after being inspected by U.S. Customs and Border Protection officers. He did not possess a valid visa or entry document and was classified as an arriving alien under the Immigration and Nationality Act (INA).
14. On that same date, the Department of Homeland Security (DHS) initiated removal proceedings under INA § 240, charging him as inadmissible under INA § 212(a)(7)(A)(i)(I) for lack of valid entry documentation. His case was assigned to the San Diego Immigration Court.
15. Mr. St. Juste complied with all legal obligations during his removal proceedings. He retained legal counsel, attended all court hearings, and submitted a timely Form I-589 application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT) on February 27, 2025. His application was based on fears of persecution due to imputed political opinion and membership in a particular social group—namely, his family's association with opposition to the ruling regime in Haiti.
16. On July 17, 2025, the Immigration Judge granted a joint motion to dismiss removal proceedings without prejudice under 8 C.F.R. § 1239.2(c). The court acknowledged that Mr. St. Juste was pursuing adjustment of status through a

pending family-based petition filed by his U.S. citizen spouse, and that DHS did not oppose the motion.

17. Mr. St. Juste is married to Damaris Linares Perez, a U.S. citizen. On July 17, 2025, she filed a Form I-130 (Petition for Alien Relative) on his behalf. USCIS properly receipted the petition, confirming a bona fide marriage and initiating the process by which Mr. St. Juste may lawfully adjust his status to that of a lawful permanent resident.
18. Notwithstanding the dismissal of § 240 removal proceedings and the pending I-130 petition, Mr. St. Juste was re-apprehended by DHS shortly after the court's order and transferred to Otay Mesa Detention Center, a secure ICE facility in San Diego, California.
19. As of the filing of this petition, Mr. St. Juste remains in ICE custody without access to a bond hearing or individualized judicial review. DHS has not initiated new removal proceedings, issued new charges, or provided a basis for detaining him beyond his previous classification as an "arriving alien."
20. Mr. St. Juste has no criminal history, has never posed a threat to public safety, and has demonstrated full compliance with all prior immigration court requirements. There are no allegations of fraud, misrepresentation, or flight risk.
21. The government's decision to continue detaining Mr. St. Juste—despite the termination of removal proceedings and the pendency of a legitimate pathway to lawful permanent residence through his U.S. citizen spouse—lacks any valid immigration enforcement rationale.

22. Mr. St. Juste's detention at Otay Mesa, following the closure of his case and in the absence of a removal order or pending § 240 case, is functionally indistinguishable from indefinite civil incarceration, and is being carried out without any neutral adjudicator reviewing the necessity or lawfulness of his continued custody.
23. As of now, there is no removal proceeding pending, no final order of removal in effect, and no lawful basis for ICE to continue to detain him absent any individualized determination of dangerousness or flight risk.
24. The government's ongoing detention of Mr. St. Juste violates the INA, the Due Process Clause of the Fifth Amendment, and established constitutional principles set forth in cases such as *Zadvydas v. Davis*, 533 U.S. 678 (2001), which require that immigration detention bear a reasonable relation to its intended purpose and not be excessive in relation to its justification.
25. Mr. St. Juste now respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking his immediate release, or in the alternative, a constitutionally sufficient bond hearing before an immigration judge with the authority to determine whether continued detention is warranted under the law.

**COUNT I: UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION AND
NATIONALITY ACT (INA) AND IMPLEMENTING REGULATIONS**

26. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
27. Petitioner is currently detained by U.S. Immigration and Customs Enforcement (ICE) despite the termination of his removal proceedings under INA § 240 and the existence of a pending Form I-130 petition filed by his U.S. citizen spouse, placing him on a legitimate path to lawful permanent resident status.
28. The Immigration and Nationality Act does not authorize the continued detention of individuals whose removal proceedings have been dismissed and who are no longer in active removal or expedited removal proceedings.
29. Under 8 C.F.R. § 1239.2(c), once removal proceedings are terminated, DHS must initiate new proceedings if it wishes to pursue removal. In this case, DHS has not filed a new Notice to Appear, nor has it reinitiated INA § 240 proceedings. Therefore, Petitioner is not currently in proceedings under any statutory framework that would justify ongoing detention.
30. The INA provides detention authority only where such custody is incident to a valid removal process, such as pending INA § 240 proceedings (8 U.S.C. § 1229a) or a final order of removal (8 U.S.C. § 1231). Neither condition applies here.
31. Petitioner's continued incarceration under the guise of being an "arriving alien" is unsupported by law, as DHS has not placed him in any lawful removal pathway following the termination of proceedings, and he remains eligible for adjustment of status through USCIS.

32. Additionally, the INA's detention framework is not meant to frustrate lawful immigration processes. Petitioner's detention interferes with the adjudication of his I-130 petition and adjustment application, and serves no valid immigration enforcement purpose.
33. ICE's continued detention of Petitioner—despite the absence of active proceedings, valid statutory authority, or a final removal order—is arbitrary, capricious, and not in accordance with law, and is therefore unlawful under the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A).
34. Accordingly, Petitioner's detention violates the INA, its implementing regulations, and basic principles of statutory construction that prohibit executive detention in the absence of express congressional authorization.
35. Petitioner respectfully requests that this Court issue a writ of habeas corpus ordering his immediate release, or, in the alternative, that he be provided with a timely and individualized bond hearing before an Immigration Judge.

COUNT II: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH
AMENDMENT TO THE U.S. CONSTITUTION

36. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
37. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. This constitutional protection extends to noncitizens, including those deemed "arriving

aliens,” who are physically present in the United States and subject to immigration custody.

38. Civil immigration detention must be reasonably related to its stated purpose, such as preventing flight or protecting the community. The U.S. Supreme Court has held that prolonged detention without adequate procedural safeguards violates due process. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 532 (2003).
39. Petitioner’s current detention serves no legitimate government interest. He is not subject to active removal proceedings, has no final order of removal, and is pursuing lawful immigration status through a pending I-130 petition filed by his U.S. citizen spouse.
40. The dismissal of Petitioner’s INA § 240 proceedings and the lack of new or reinstated removal charges mean that he is detained without a pending legal basis, in violation of the principle that detention must be tethered to a valid removal process.
41. Petitioner has not been afforded a constitutionally adequate bond hearing, nor any meaningful opportunity to challenge the necessity of his continued confinement before a neutral adjudicator.
42. Moreover, Petitioner’s detention occurs in the context of his eligibility for adjustment of status, which makes the continued deprivation of liberty particularly arbitrary and disproportionate.
43. The government’s classification of Petitioner as an “arriving alien” to justify indefinite, mandatory detention, despite his prior lawful parole and subsequent

compliance with court proceedings, constitutes a legal fiction that cannot override constitutional safeguards.

44. The totality of circumstances—including the lack of new charges, the absence of flight risk or danger, and the pending family-based petition—makes Petitioner’s detention excessive in relation to its nonpunitive purpose, and therefore violative of the Due Process Clause.

45. Petitioner respectfully requests that this Court issue a writ of habeas corpus directing his immediate release, or, in the alternative, ordering that he be provided with a prompt and fair bond hearing where the government bears the burden of justifying continued detention by clear and convincing evidence.

**COUNT III: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT –
ARBITRARY AND CAPRICIOUS AGENCY ACTION**

46. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

47. The Administrative Procedure Act (APA), 5 U.S.C. §§ 701–706, prohibits federal agencies from engaging in actions that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. See 5 U.S.C. § 706(2)(A).

48. Respondents, acting through the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE), have continued to detain Petitioner without lawful authority or a reasonable explanation, following the dismissal of his

INA § 240 removal proceedings and the initiation of his family-based immigration petition.

49. Respondents' failure to release Petitioner or provide him a bond hearing is contrary to the statutory structure of the Immigration and Nationality Act and violates the APA's requirements for reasoned agency decision-making.
50. The continued detention of Petitioner is based on an outdated and inapplicable designation as an "arriving alien," even though he was already paroled, fully participated in proceedings, and is now on a path to legal status through USCIS.
51. Agency regulations—such as 8 C.F.R. §§ 1003.19(h)(2)(i)(B) and 1236.1(c)(11)—may limit bond eligibility for certain arriving aliens, but these regulatory restrictions cannot override constitutional and statutory guarantees, nor do they authorize indefinite detention absent individualized review.
52. The government has offered no rational basis for continuing to hold Petitioner in custody while his I-130 petition is pending and there are no pending charges of removability or grounds for inadmissibility newly asserted by DHS.
53. ICE's refusal to release Petitioner, or even provide a custody redetermination based on current facts, constitutes unreasonable delay, excessive detention, and a failure to account for changed legal circumstances—all of which violate the APA.
54. Respondents' actions are further arbitrary because similarly situated individuals who have no criminal history and are eligible for family-based relief are frequently released from custody pending adjudication of their immigration petitions.

55. Accordingly, Respondents' conduct violates 5 U.S.C. § 706(2)(A) and must be set aside as arbitrary, capricious, and not in accordance with law.

56. Petitioner respectfully seeks an order from this Court declaring his detention unlawful under the APA and directing his immediate release, or in the alternative, requiring that he be afforded a timely and meaningful bond hearing.

**COUNT IV: VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF THE FIFTH
AMENDMENT**

57. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

58. The Due Process Clause of the Fifth Amendment contains an implicit guarantee of equal protection that applies to all persons within the United States, including noncitizens who are physically present, regardless of immigration status. See *Reno v. Flores*, 507 U.S. 292, 302 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982).

59. The federal government may not treat similarly situated individuals differently without a rational basis for doing so. Any classification that results in disparate treatment must be at least rationally related to a legitimate governmental interest.

60. Petitioner is being detained without access to a bond hearing solely on the basis of his categorization as an "arriving alien," despite the fact that:

- a. He was lawfully paroled into the United States;

- b. He complied fully with his prior removal proceedings;
- c. His proceedings were dismissed to permit adjudication of a pending Form I-130 family-based petition filed by his U.S. citizen spouse;
- d. He is not subject to a final order of removal and is eligible for adjustment of status.

61. In contrast, other noncitizens similarly situated—including those in removal proceedings or seeking adjustment based on a family-based petition—are routinely afforded the opportunity to seek bond before an Immigration Judge under 8 C.F.R. § 1236.1(d), so long as they are not designated “arriving aliens.”

62. The denial of bond eligibility to Petitioner based solely on the technical classification of “arriving alien”—despite his deep equities, compliance history, and adjustment eligibility—results in unequal treatment that lacks any rational or lawful basis.

63. There is no meaningful immigration enforcement justification for treating Petitioner differently from similarly situated applicants who entered without inspection, were placed into § 240 proceedings, or remain free while pursuing family-based adjustment.

64. This disparate treatment has caused Petitioner to suffer unjustified and prolonged incarceration, isolation from his spouse and community, and denial of access to the same liberty interests afforded to others similarly situated.

65. Accordingly, Petitioner’s continued detention under the “arriving alien” label—despite his pending lawful status application and dismissal of proceedings—violates the equal protection guarantee of the Fifth Amendment.

66. Petitioner respectfully requests that this Court declare the discriminatory treatment unlawful and order his immediate release, or in the alternative, that he be afforded a constitutionally adequate bond hearing without regard to the “arriving alien” classification.

PRAYER FOR RELIEF

- A. Issue a writ of habeas corpus ordering Petitioner’s immediate release from custody;
- B. In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before a neutral Immigration Judge within seven (7) days of the Court’s order, at which the government bears the burden to prove by clear and convincing evidence that continued detention is justified based on danger to the community or risk of flight;
- C. Declare that Petitioner’s continued detention without a bond hearing violates the Immigration and Nationality Act, its implementing regulations, and the Due Process Clause of the Fifth Amendment to the United States Constitution;
- D. Award Petitioner reasonable costs and attorneys’ fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, if applicable;
- E. Grant such other and further relief as the Court deems just and proper.

Respectfully Submitted,
/s/ Wismick Saint-Jean

Wismick Saint-Jean Esq.

08/05/2025

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August, 2025, I electronically filed the foregoing **Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered counsel of record.

1. Christopher J. LaRose

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Respectfully submitted,

/s/ Wismick Saint-Jean

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