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

MIDSON DOXY

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.: '25CV2609 BTM DDL

HON.:

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

NOW COMES Petitioner MIDSON DOXY, 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 ongoing and unlawful detention by the United States Department of Homeland Security ("DHS") and its agents. Petitioner is currently held at Otay Mesa Detention Center in San Diego, California, under the custody of Respondent Christopher J. LaRose, Warden of the facility. Petitioner seeks immediate release, or in the alternative, a constitutionally adequate bond hearing before an Immigration Judge with the authority to grant his release. His continued detention, following the dismissal of his INA § 240 removal proceedings and his subsequent placement into expedited removal, violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, and long-standing principles of fundamental fairness.

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 MIDSON DOXY 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. Petitioner Midson Doxy is a 34-year-old man and native and citizen of Haiti. He was compelled to flee his home country after [REDACTED]
13. Haiti remains mired in widespread gang violence, political instability, institutional collapse, and impunity. These conditions, [REDACTED], render him highly vulnerable to persecution, violence, and death if returned.
14. On December 3, 2024, Petitioner appeared at the San Ysidro Port of Entry for a scheduled CBP One humanitarian parole appointment.
15. On December 4, 2024, Petitioner was lawfully paroled into the United States under parole category "DT." DHS issued him an I-94 admission record valid until December 2, 2026.
16. Following his entry, Petitioner resided in El Cajon, California, at the address he provided to DHS. He immediately expressed his intent to seek asylum and complied with all obligations imposed by DHS.
17. Petitioner has no criminal record. He has consistently complied with his parole requirements, court appearances, and ICE check-ins. He poses neither a danger to the community nor a flight risk.
18. On December 4, 2024, DHS issued Petitioner a Notice to Appear (NTA) charging him as inadmissible under INA § 212(a)(7)(A)(i)(I), alleging he lacked valid entry documents at the time of his admission. DHS initiated removal proceedings under INA § 240 before the San Diego Immigration Court.
19. On May 18, 2025, Petitioner filed an Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture (Form I-589).
20. In his application, Petitioner described in detail how [REDACTED]
21. Fearing for his life, Petitioner fled Haiti in 2019 and relocated to Chile, where he resided until 2023. There, he experienced severe racial discrimination, which further contributed to his vulnerability. He ultimately departed Chile and returned briefly to Haiti before making his way to the United States.
22. Petitioner's asylum claim is based on his past persecution and fear of future persecution [REDACTED]
23. Over the course of more than six months in removal proceedings, Petitioner participated fully in the court process. He retained counsel, submitted documentation, and prepared for his merits hearing. DHS never alleged misconduct or noncompliance.

24. On June 25, 2025, DHS moved orally to dismiss Petitioner's § 240 removal proceedings pursuant to 8 C.F.R. § 1239.2(c), citing a "change in policy" and expansion of expedited removal.
25. Petitioner opposed the motion, arguing that dismissal would prejudice his ability to fully present his asylum case and deprive him of a fair process.
26. On June 30, 2025, Immigration Judge Amelia Anderson granted DHS's motion, relying on *Matter of E-R-M- & L-R-M-*, 25 I&N Dec. 520 (BIA 2011), and *Matter of Andrade Jaso*, 27 I&N Dec. 557 (BIA 2019), and deferred to DHS's charging discretion.
27. As a result of this dismissal, Petitioner was stripped of his status as a § 240 respondent and reclassified as an "arriving alien" subject to expedited removal under INA § 235(b)(1).
28. This abrupt reclassification occurred despite Petitioner's lawful parole status valid through December 2026, his full compliance with proceedings, and the absence of any misconduct.
29. The reclassification immediately eliminated Petitioner's access to bond hearings and placed him into a summary removal system with fewer procedural safeguards than those provided in § 240 proceedings.
30. Following dismissal, Petitioner was apprehended and transferred to Otay Mesa Detention Center in San Diego, California, where he remains detained.
31. Petitioner's current confinement is indistinguishable from penal incarceration. He remains locked in a secure facility, subject to constant surveillance, restrictive routines, and severely limited communication with the outside world.
32. Petitioner has no disciplinary infractions, has not attempted to abscond, and has substantial family and community support in the United States.
33. Petitioner continues to be detained without a constitutionally adequate bond hearing and without meaningful opportunity to contest his custody before a neutral adjudicator.
34. The dismissal of his § 240 proceedings, his reclassification into expedited removal, and his continued detention despite lawful parole until 2026 constitute unlawful and indefinite detention.
35. Petitioner now seeks immediate judicial intervention to remedy these violations of statutory and constitutional safeguards protecting liberty and due process in immigration custody.

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

36. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
37. Petitioner was lawfully paroled into the United States at the San Ysidro Port of Entry on December 4, 2024, under INA § 212(d)(5)(A), as evidenced by his I-94 admission record, which authorized his presence until December 2, 2026.
38. Parole under § 212(d)(5)(A) constitutes a lawful admission for purposes of custody and release, and DHS's authority to detain such individuals is limited by statute.
39. The Immigration and Nationality Act, as interpreted by federal courts, authorizes immigration detention only where it serves a legitimate statutory purpose, such as ensuring an individual's appearance at future proceedings or protecting public safety. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005).

40. Despite Petitioner's lawful parole, DHS moved to dismiss his § 240 removal proceedings and reclassified him as an "arriving alien" subject to expedited removal under INA § 235(b)(1).
41. This reclassification was not based on any new conduct, violation, or factual development attributable to Petitioner. It was solely the product of a discretionary agency policy shift to expand expedited removal.
42. DHS lacks statutory authority to detain Petitioner under expedited removal procedures where he already holds valid parole documentation through 2026.
43. Petitioner has remained compliant with all obligations, possesses no criminal history, and has never been alleged to present a danger or flight risk.
44. By detaining Petitioner under a framework inapplicable to his parole status, DHS has exceeded its lawful statutory authority under the Immigration and Nationality Act.
45. Such detention is contrary to the plain text and purpose of the INA and constitutes an ultra vires exercise of government power.
46. Petitioner is therefore entitled to habeas relief requiring his immediate release, or at minimum, a constitutionally adequate bond hearing before a neutral adjudicator.

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

47. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
48. The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law. Non-citizens physically present in the United States, even if paroled, are entitled to the protections of procedural due process. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
49. Petitioner was lawfully paroled into the United States until December 2, 2026, and subsequently placed into removal proceedings under INA § 240.
50. For more than six months, Petitioner participated fully in the adversarial process before the Immigration Court, filing an I-589 application, submitting supporting documentation, and preparing for his individual hearing.
51. On June 25, 2025, DHS moved to dismiss Petitioner's § 240 proceedings, not on the basis of misconduct, fraud, or new facts, but solely pursuant to a discretionary policy to expand expedited removal.
52. On June 30, 2025, the Immigration Judge granted DHS's motion, thereby stripping Petitioner of his right to a full and fair asylum hearing before a neutral adjudicator.
53. Following dismissal, Petitioner was reclassified as an "arriving alien" in expedited removal proceedings and detained at Otay Mesa Detention Center.
54. As a result of this reclassification, Petitioner is categorically denied access to a bond hearing before an Immigration Judge, regardless of his equities, lawful parole, or lack of danger or flight risk.
55. Petitioner's detention has now become prolonged and indefinite. In *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), the Supreme Court held that immigration detention implicates a fundamental liberty interest and cannot be extended arbitrarily.
56. The Ninth Circuit has consistently recognized that prolonged detention without an individualized bond determination violates due process. See *Rodriguez v. Robbins*, 804 F.3d 1060, 1074–76 (9th Cir. 2015), rev'd on other grounds sub nom. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

57. Even after *Jennings*, the Ninth Circuit reaffirmed that due process requires a neutral decisionmaker and consideration of less restrictive alternatives to confinement. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011).
58. Petitioner's continued incarceration, without an opportunity to be heard on whether his detention is justified, contravenes these constitutional protections.
59. The abrupt termination of his § 240 proceedings, his reclassification into expedited removal, and his ongoing indefinite detention without a bond hearing violate the Due Process Clause of the Fifth Amendment.
60. The Constitution requires at minimum a neutral adjudicator, notice, and an opportunity to be heard before depriving a noncitizen of liberty. Petitioner has been denied all such protections.
61. Habeas relief is therefore warranted to remedy these ongoing constitutional violations, including Petitioner's immediate release or, in the alternative, a bond hearing before a neutral adjudicator with constitutionally adequate safeguards.

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

62. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
63. The Administrative Procedure Act (APA), 5 U.S.C. § 706(2), requires courts to hold unlawful and set aside agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.
64. Petitioner was lawfully paroled into the United States until December 2, 2026, and placed in regular § 240 removal proceedings, during which he timely filed an application for asylum, withholding of removal, and CAT protection.
65. On June 25, 2025, the Department of Homeland Security abruptly moved to dismiss Petitioner's § 240 proceedings under 8 C.F.R. § 1239.2(c), not based on misconduct, fraud, or any individualized change in circumstances, but solely on the agency's internal policy decision to expand expedited removal.
66. On June 30, 2025, the Immigration Judge granted DHS's motion, deferring to the agency's broad charging discretion.
67. This decision terminated Petitioner's access to the more protective § 240 process, including the opportunity for a full merits hearing on his asylum application, and reclassified him into expedited removal under INA § 235(b)(1).
68. The reclassification was **not grounded in any statutory mandate**, but was instead based on DHS's generalized assertion that expedited removal was in its "best interest" as an agency.
69. DHS failed to provide any individualized explanation or case-specific justification for departing from Petitioner's existing lawful parole status and § 240 proceedings.
70. Such an abrupt policy-driven dismissal, untethered from Petitioner's facts or conduct, is arbitrary and capricious under the APA. See *Judulang v. Holder*, 565 U.S. 42, 55 (2011) (agency action that lacks a "rational connection between the facts found and the choice made" is arbitrary and capricious).
71. Moreover, DHS's action deprived Petitioner of an avenue to pursue his statutory asylum application through the regular adjudicatory framework, substituting instead a truncated and less protective procedure.

72. The APA does not permit an agency to act in a manner that is inconsistent with the governing statutory scheme or that undermines the purpose of the Immigration and Nationality Act.
73. DHS's reclassification of Petitioner from § 240 proceedings into expedited removal was therefore arbitrary, capricious, and contrary to law, and must be set aside under 5 U.S.C. § 706(2)(A).
74. Habeas relief is warranted to correct this unlawful agency action, including restoration of Petitioner's § 240 proceedings or, in the alternative, release from detention.

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

75. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
76. 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).
77. Petitioner, a Haitian national, was lawfully paroled into the United States until December 2, 2026, and placed in removal proceedings under INA § 240.
78. Despite his compliance with all legal obligations, DHS abruptly moved to dismiss his § 240 proceedings and reclassified him into expedited removal under INA § 235(b)(1).
79. This action deprived Petitioner of procedural protections afforded to other noncitizens in § 240 proceedings, including access to a full asylum hearing and eligibility for custody review before an Immigration Judge.
80. DHS's dismissal of Petitioner's proceedings and his reclassification into expedited removal reflect a broader pattern of discriminatory treatment against Haitian nationals.
81. In *Haitian Evangelical Clergy Ass'n v. Trump*, No. 25-cv-1464 (E.D.N.Y.), Haitian community organizations challenged DHS policies that singled out Haitian parolees and asylum seekers for disparate and harsher treatment. Although decided in a different jurisdiction, that case provides persuasive authority establishing that Haitian nationals have been disproportionately subjected to adverse immigration policies and practices.
82. Petitioner's reclassification is consistent with the discriminatory pattern identified in *Haitian Evangelical Clergy Ass'n*, further evidencing that DHS has targeted Haitians for expedited removal in a manner inconsistent with constitutional equal protection principles.
83. The government has not offered any rational, case-specific justification for treating Petitioner differently from other similarly situated non-Haitian parolees who are permitted to pursue § 240 proceedings to conclusion.
84. By singling out Petitioner, a Haitian national, for dismissal from § 240 proceedings and reclassification into expedited removal, DHS acted in a manner that is discriminatory, arbitrary, and fundamentally unfair.
85. Such disparate treatment violates the equal protection component of the Fifth Amendment and further renders Petitioner's ongoing detention unconstitutional.
86. Habeas relief is therefore warranted to remedy this unlawful discrimination, including Petitioner's release or restoration of his § 240 proceedings.

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

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10/02/2025

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 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.

A copy of the foregoing document has also been served by U.S. Mail, postage prepaid, on the following parties:

1. **Christopher J. LaRose**
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Respectfully submitted,
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