IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Shawnet Nickesha Mcdonald,	)	next of friend, **Chattara Kelly**
v.	)	File No [redacted]
LaDeon Francis, In his official capacity As Acting Field Office Director of New York Immigration and Customs Enforcement, Kristi NOEM In her official capacity as Secretary of Homeland Security; Pam Bondi In her official capacity as Attorney general.	)	
Respondents.	)	

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

This is a petition for a writ of habeas corpus filed pro se on behalf of Shawnet Nickesha Mcdonald, from here on after Petitioner, seeking relief to remedy her unlawful arrest and detention. This petition is being filed by her life partner next of kin Chattara Kelly. This habeas is being filed because her partner has been detained at Federal plaza since 11/07/2025 without access to counsel or the ability to file his

own habeas. The room where petitioner is detained does not grant access to paper, or legal information on his ability to challenge his unlawful detention before this court nor in English or Spanish.

The petitioner's life partner Has "next friend" standing and is acting in the best interest of their family by bringing this action under § 2241. Due to the fact that petitioner is detained and without access to counsel or the ability to receive or send mail or sign documents at the place he is currently detained.

Due to the fact that the place where petitioner is detained has no law library were he can prepare this Habeas petition as next of kin is dedicated to act in the Petitioner's best interests. See Ross ex rel. Dunham v. Lantz, 408 F.3d 121, 123 (2d Cir. 2005) ("First, a 'next friend' must provide an adequate explanation … why the real party in interest cannot appear on his own behalf to prosecute the action. Second, the 'next friend' must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate[.]").

Petitioner's argues that her arrest violates her Fifth Amendment right to Procedural Due Process because ICE detained her without notice, or an opportunity to respond, or an individualized determination that she posed a flight risk or danger

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to the community, at the conclusion of a master calendar hearing at the New York City immigration court located at Federal Plaza in New York, New York petitioner was arrested outside of the court room. ICE violated Petitioner's right to Due Process when it failed to allow her the opportunity to contact counsel or provided and avenue to challenge the new determination for her arrest and to challenge her unlawful detention.

On or about January 30, 2023, Petitioner, entered the United States of America seeking protection and was placed in proceedings pursuant to 236 under 1226 as can be seen by her immigration documentation. Petitioner was released and began attending her hearings as scheduled. Petitioner has been to various hearings were the immigration judge has granted her time to procure counsel as she in entitled to under INA.

On her scheduled hearing for November 7, 2025 petitioner was arrested upon exiting the court room. She was neither provided proper documentation for her arrest or any notice containing information to how she could challenge this new determination by ICE/DHS. DHS/ICE proceeded to arrest petitioner without the given due process requirements to arrest her, and without a proper procedure on which to challenge any allegations made by DHS/ICE as to her arrest.

This arrest follows a common practice now by DHS/ICE where upon exiting the courtroom, U.S. Immigration and Customs Enforcement ("ICE") detained the Petitioner without any individualized assessment of flight risk and dangerousness. Subsequently violating his Procedural Due Process Rights, he has been detained by DHS/ICE without access to counsel in violation of his rights to Due Process guaranteed by the Constitution Fifth amendment.

CUSTODY

1. Petitioner is in the physical custody of Field Office Director for Detention and Removal, held by ICE, a component of the Department of Homeland Security (DHS). At the time of the filing of this petition, Petitioner is being held at Federal Plaza, in New York. Jurisdiction and venue in this Court are proper because the events giving rise to the petition occurred in the District, and the immediate custodian detaining Petitioner is also in the District.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub.

L.No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. § 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Southern District of New York the judicial district in which the Due Process violations occurred and where she was unlawfully arrested and resided while the violation of her Procedural Due Process rights were occurring. 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner is a national and citizen of Jamaica who was forced to flee his native country due to the risk of death and persecution. Petitioner on or about January requested protection within the United States after his entry on or about January 31, 2023 entered the US seeking protection. Petitioner's case has remained pending since here entry into the United States until the arrest by respondents in violation of her Procedural Due Process Right.

5. Respondent LaDeon Francis is the Field Office Director for Detention and Removal, USICE, DHS. Respondent is a custodial official acting within the boundaries of the judicial district of the United States Court for the Southern District of New York. Pursuant to Respondent orders, Petitioner remains detained.

6. Respondent is Kristi NOEM in her official capacity as Secretary of Homeland Security. She is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Southern District of New York.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Petitioner has no administrative remedies available as she was not able to challenge the individualized assessment that she posed a flight risk or was a danger to the community as required by immigration law in cases involving 1226a detentions. Pursuant to currently operative policy, ICE has taken the position that individuals like Petitioner are subject to mandatory detention. Respondent Pam Bondi, who as Attorney General oversees the Executive Office of Immigration Review that employs immigration judges, has overseen the implementation of policies of categorically denying bond hearings to individuals such as Petitioner. There is no avenue for administrative review, and assuming arguendo any such review existed, it would be futile.

8. Petitioner's only remedy is by way of this judicial action in seeking protection from having her Procedural Due Process rights violated.

STATEMENT OF FACTS

9. Petitioner is a national and citizen of Jamaica who turned herself in at the border on or about January 31, 2023. She was placed in immigration proceedings and released under 236 and 1226 authority.

10. Since her entry into the United States petitioner's case has remained pending as she seeks counsel.

11. On or about November 7, 2025, petitioner appeared at his scheduled hearing, and at the conclusion of the hearing, she was arrested by ICE/DHS with no explanation and without the presentation of any legal documents that would warrant the arrest.

12. Petitioner was whisked away and placed in a holding tank with others that had been similarly arrested as herself.

13. The officers for ICE or DHS began to detain numerous people exiting the courtroom that day without any individualized assessments as to whether petitioners posed a flight risk or a danger to the community.

14. Petitioner was then placed in the holding area and continues to be detained under respondents' custody. Petitioner was not provided and opportunity to call counsel or provided with information on relief available or challenges he could make to these Procedural Due Process Violations.

15. Petitioner was not notified by DHS/ICE of any availability to file bond or a habeas corpus petition and was denied the opportunity seek release. The Holding area at Federal Plaza fails to provide any material with which petitioner could have filed her own habeas.

16. Petitioner did not receive any notice or opportunity to be heard as to whether a change of custody was warranted or given a means to provide evidence that her arrest was not necessary as she had shown up to court repeatedly and had never had and issue.

17. Petitioners have not been allowed to call any nonprofit nor have any opportunity to seek representation given strict limitations on call time.

18. Respondents' violations of Petitioner's Procedural Due Process rights are very serious. First, they detained her without justification; second, they denied her access to counsel which is guaranteed under Due Process; and third, they subjected her to conditions that violated the basic principles of Due Process.

19. Respondents' ongoing detention of petitioner with no due process at all, and much less a prior notice, no showing of changed circumstances, or an opportunity o respond is a clear violation of his Due process rights," Valdez v. Joyce, No. 25cv4627, 2025 WL 1707737, *4 (S.D.N.Y. June 18, 2025).

20. Respondents' decision to violate petitioners Due Process rights and subject her to these violations is a grave violation of the Fifth Amendment's right to Procedural Due Process.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

21. Petitioners alleges and incorporates by reference paragraphs 1 through 21 above.

22. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

23. Petitioners alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates the Immigration and Nationality Act, The Administrative Procedure Act, and the U.S. Constitution's Fifth Amendment Procedural Due Process Clause.

COUNT THREE

25. If she prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter.
2. Enjoin the Respondents from transferring Petitioner away from the jurisdiction of this district pending these proceedings.
3. Issue an order directing Respondents to show cause why the writ should not be granted within 7-15 days to safeguard her Procedural Due Process rights.

4. Issue a writ of habeas corpus ordering Respondents to release Petitioner on her own recognizance or under parole, a low bond or reasonable conditions of supervision show.

5. Award Petitioner reasonable costs and attorney's fees; and,

6. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

Date: 11/7/25

Chattara Kelly
ciokelly1989ck@gmail.com
On Behalf of
Shawnet Nickesha Mcdonald
[redacted]