UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BARRINGTON CLIVE CAMPBELL,
(A# [redacted])
Petitioner,

-v-

JUDITH ALMODOVAR, New York Field Office Director, U.S. Immigration and Customs Enforcement;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S. Department of Homeland Security

Respondents.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a complaint for declaratory and injunctive relief on behalf of petitioner Barrington Clive Campbell ("Petitioner"), a gay man from Jamaica with a pending asylum application, who is currently in the custody of U.S. Immigration and Customs Enforcement ("ICE") within the Southern District of New York.

2. Upon information and belief, Petitioner entered the United States on or about August 4, 2021 by presenting himself to a port of entry, declaring his fear of returning to Jamaica to

a Border Patrol officer, and was thereafter paroled into the United States on humanitarian grounds pursuant to 8 U.S.C. § 1182(d)(5)(A). His Form I-94 identifies him as having been paroled into the United States in "DT" status with an admitted-until date of August 2, 2022.

3. After being paroled, the Department of Homeland Security ("DHS") issued Petitioner a Notice to Appear and placed him in removal proceedings under 8 U.S.C. § 1229a before the New York Immigration Court at 290 Broadway, New York, New York. Petitioner has a master hearing date in 2027 and does not have an order of removal.

4. Petitioner has applied for asylum, withholding of removal, and protection under the Convention Against Torture, filing a Form I-589 dated August 1, 2022. He fears persecution and torture in Jamaica on account of his sexual orientation as a gay man. Notably, Jamaica is one of the most dangerous countries in the world to be gay.

5. For years after his release on parole, Petitioner lived in the community under ICE supervision, attended his immigration hearings, and complied with the terms of his release. He built a life in New York, including in the Bronx neighborhood where he has resided with his romantic partner who suffers from severe mental disabilities. Petitioner is the sole breadwinner in the household.

6. On or about November 13, 2025, when Petitioner appeared as directed at the ICE office within the Southern District of New York, ICE agents abruptly arrested him, revoked his release, and re-detained him. He was not given prior written notice that his parole or supervision would be terminated, was not told on what basis ICE believed he should be

taken back into custody and was given no meaningful opportunity to contest his redetention before he was detained.

7. Upon information and belief, ICE is re-detaining Petitioner under an asserted theory that, as an "arriving alien" who was previously paroled following inspection under the CBP One process, his detention is now "mandatory" under 8 U.S.C. § 1225(b) and that the recent Board of Immigration Appeals ("BIA") decision in *Matter of Q- Li*, 29 I&N Dec. 66 (BIA 2025) deprives immigration judges of bond jurisdiction and authorizes his detention without any individualized custody hearing.

8. ICE's sudden redetention of Petitioner without written notice, without any stated reason, and without a prompt opportunity to be heard violates the Fifth Amendment's Due Process Clause, the Immigration and Nationality Act (INA), and DHS's own regulations, including 8 C.F.R. § 212.5(e)(2)(i), which require written notice to the noncitizen when parole is terminated.

9. Courts in this Circuit and around the country have recently held that ICE may not summarily re-detain people it previously released on parole or supervision under the guise of mandatory detention, without any individualized assessment, and have rejected the government's reliance on § 1225(b) and *Matter of Q- Li* to justify such redetention. *See, e.g., Savane v. Francis*, No. 1:25-cv-6666-GHW, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025); *Lopez Benitez v. Francis*, No. 25-cv-5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Valdez v. Joyce*, No. 25 Civ. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025); *Kelly v. Almodovar*, No. 25 Civ. 6448 (AT), 2025 WL

2381591 (S.D.N.Y. Aug. 15, 2025); *Orellana v. Francis*, No. 25-CV-04212 (OEM), 2025 WL 2402780 (E.D.N.Y. Aug. 19, 2025).

10. In these and similar cases, courts have held that once DHS has released a person from initial immigration custody, that person acquires a protected liberty interest in remaining free that cannot be revoked without due process, and that ICE must comply with its own regulations when terminating parole or an order of supervision.

11. Petitioner respectfully asks this Court to: (1) declare that his re-detention without notice or an opportunity to be heard violates the Due Process Clause and the INA; (2) declare that his parole and/or supervised release was not lawfully terminated; and (3) order his immediate release under appropriate conditions of supervision, if any.

JURISDICTION AND VENUE

12. This Court has subject-matter jurisdiction over this habeas petition pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2. Petitioner challenges the legality of his detention.

13. Sections 1252(g) and 1252(b)(9) of Title 8 do not strip this Court of jurisdiction over Petitioner's claims, which are independent of and collateral to any challenge to his removal proceedings. As numerous recent decisions have held, claims challenging immigration detention, parole termination, and the procedures used to revoke release do not "arise from" decisions to commence, adjudicate, or execute removal and therefore remain within district court jurisdiction.

14. This Court also has authority to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201-2202.

15. Venue lies in this District under 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241 because Petitioner is detained within this District. *See* Ex. A, Declaration of Jonathan Langer with ICE Detainee Locator Information.

PARTIES

16. Petitioner, Barrington Clive Campbell, is a citizen and national of Jamaica, a gay man, and an asylum seeker who suffered past persecution and fears future persecution and torture if returned to Jamaica. He has lived in the United States since at least August 4, 2021.

17. Respondent Judith Almodovar is the New York Field Office Director for ICE's Enforcement and Removal Operations (ERO). She has custody over Petitioner and is a proper respondent in this habeas action.

18. Respondent Todd M. Lyons is the Acting Director of ICE and is responsible for the administration and oversight of immigration detention and enforcement nationwide.

19. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS) and has ultimate responsibility for enforcement of the immigration laws and administration of ICE and CBP.

EXHAUSTION AND RIPENESS

22. There is no statutory exhaustion requirement applicable to habeas challenges to immigration detention under 28 U.S.C. § 2241, and any attempt to exhaust administrative remedies would be futile. Petitioner has not been given any process at all to challenge his sudden redetention.

23. To the extent Respondents argue that Petitioner should first seek review in immigration court, that assertion is foreclosed by 8 U.S.C. § 1225(b)(2)(A), which denies immigration judges jurisdiction over custody of arriving aliens. Other than this court and through habeas corpus, Petitioner has no mechanism to review his detention .District courts in this Circuit have repeatedly held that habeas petitions are the appropriate and necessary mechanism to challenge these types of redetentions. *See, e.g., Savane*, 2025 WL 2774452, at *3-4; *Kelly*, 2025 WL 2381591, at *3.

FACTUAL ALLEGATIONS

Entry, parole, and removal proceedings

24. Petitioner is a gay man from Jamaica. He identifies as both male and female (non-binary/transgender). As reflected in his asylum application, he fled Jamaica because of severe anti-LGBTQ+ persecution, including violence, threats, and societal and state-sanctioned homophobia.

25. On or about August 4, 2021, Petitioner arrived in the United States port of entry, expressed a fear of returning to Jamaica on the basis of his sexual orientation, was deemed inadmissible under the INA, and was nevertheless allowed to enter the United

States on humanitarian parole under 8 U.S.C. § 1182(d)(5)(A). His I-94 confirms that he was paroled, with "Class of Admission" "DT," and an "Admit Until Date" of August 2, 2022. *See* Ex. B, Form I-94. He was given a notice to appear in immigration court dated August 4, 2021 that was never properly filed with the immigration court, meaning his immigration court case was not then started. *See* Ex. C, 2021 Notice to Appear. There he was designated as an "arriving alien." *Id.*

26. On August 1, 2022, because he was not under the jurisdiction of the immigration court, Petitioner appropriately filed a Form I-589 seeking asylum, withholding of removal, and CAT protection with the United States Citizenship and Immigration Services ("USCIS"). *See* Ex. D, Asylum application and Receipt.

27. On September 15, 2025, ICE issued Petitioner a second Notice to Appear charging him as removable and placing him in removal proceedings under INA § 240 before the New York Immigration Court (290 Broadway). *See* Ex. E, 2025 Notice to Appear.

28. Petitioner was scheduled for a master calendar hearing on October 15, 2025, which was cancelled by the immigration court. *See* Ex. F, Notice of Cancellation of Immigration Hearing. He was then given a subsequent master calendar hearing for March 3, 2027. *See* Ex. G, Online Notice of Hearing.

29. While in the United States, Petitioner has resided in New York, including in the Bronx, where he has community ties and, upon information and belief, a support network that includes family, friends, and an attorney. Petitioner lives with his romantic partner who suffers from severe mental disabilities. Petitioner is the sole breadwinner in the household.

Redetention by ICE without notice or process

30. On October 22, 2025, ICE directed Petitioner to report to its office at 201 Varick Street, New York, New York on November 13, 2025 at 10 a.m. for a "case review". *See* Ex. H, ICE Call-In Letter. Petitioner believed this to be a routine appointment in connection with his parole and ongoing case and he complied.

31. When Petitioner arrived at the Varick Street office, ICE officers detained him and took him into custody. Upon information and belief, ICE did not provide Petitioner with any individualized assessment for his detention – not an interview, hearing, or any opportunity to present evidence regarding his continued eligibility for release, his long record of compliance, his strong asylum claim, or any other relevant factor.

32. Petitioner has never been found to be a danger to the community. He has no known criminal convictions, has complied with his court obligations, and has done everything DHS and the immigration court have asked him to do.

33. DHS has not alleged that Petitioner violated any condition of his parole or supervision, such as failing to appear for a check-in, missing a court hearing, or engaging in criminal conduct. Rather, ICE appears to be implementing a policy of summarily re-detaining parolees based on a generalized theory of mandatory detention, regardless of individualized circumstances.

34. Petitioner is thus currently imprisoned in civil immigration detention, solely because ICE changed its mind about his release and, without notice or a hearing, decided to re-

categorize him as subject to mandatory detention, despite years in the community and compliance with all requirements.

LEGAL FRAMEWORK

38. The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. The Due Process Clause applies to "all persons within the United States," regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

39. Although Congress has broad power over immigration, civil immigration detention is subject to constitutional limits. Civil detention must bear a reasonable relation to its purposes, such as preventing flight or protecting the community. *See Zadvydas*, 533 U.S. at 690–92; *Jennings v. Rodriguez*, 583 U.S. 281, 297–303 (2018).

40. The INA contains distinct detention provisions. 8 U.S.C. § 1225(b)(2)(A) ("§ 1225" or "§ 1225(b)") generally requires mandatory detention of certain noncitizens "seeking admission" to the country, known as "arriving aliens." Section 1225(b) provides that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained[.]" 8 U.S.C. § 1225(b)(2)(A) (emphasis added). "A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled 'for urgent humanitarian reasons or significant public benefit' pursuant to 8 U.S.C. § 1182(d)(5)(A)." *Gomes v. Hyde*, 25 Civ. 11571, 2025 WL 1869299, at *2 (D. Mass. July 7, 2025) (quoting *Jennings*, 583 U.S. at 300).

41. Even when noncitizens are subject to mandatory detention under section § 1225, courts in this circuit have routinely held that (a) such individuals have a protected liberty interest in remaining out of custody; (b) revocation of that liberty without basic notice and an opportunity to be heard violates procedural due process; and (c) § 1225(b) does not authorize such redetention or strip them of due process protections. *See Savane*, 2025 WL 2774452, at *6–9 ("Even assuming that § 1225 applies, as Respondents contend, Petitioner's due process rights were violated because Respondents did not afford Petitioner any process at all before detaining him"); *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), 2025 WL 2630826, at *13 (S.D.N.Y. Sept. 12, 2025) (citing *Kelly*, 2025 WL 2381591, at *4) ("Even if, arguendo, ICE had the 'statutory, discretionary authority' to detain Munoz Materano pursuant to § 1225, the question is whether, in exercising that authority, ICE is required to adhere to the basic principles of due process. There is no dispute that it is."); *Kelly*, 2025 WL 2381591, at *3-4 (internal citation and quotations removed and cleaned up) ("In light of the undisputed facts, there is no doubt that Respondents' ongoing detention with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond, violates his due process rights.")

CLAIMS FOR RELIEF

COUNT I

Fifth Amendment Procedural Due Process

(Redetention Without Notice or Hearing or Individualized Assessment)

47. Petitioner incorporates the foregoing paragraphs by reference.

48. Petitioner has a protected liberty interest in remaining at liberty after his initial release on parole and supervision. ICE's initially decision to release him reflected a determination that he could safely live in the community while his case proceeded. The government's decision to release a noncitizen from custody creates an implicit promise that liberty will not be revoked absent failure to comply with conditions or other good cause, and that revocation will be accompanied by fair procedures.

49. The Fifth Amendment requires that before the government deprives a person of this liberty, it must provide at least basic procedural protections, including notice of the reasons for the deprivation and a meaningful opportunity to be heard. *See Zadvydas*, 533 U.S. at 693–94.

50. ICE summarily re-detained Petitioner at 201 Varick Street without a meaningful and individualized opportunity to contest his redetention before or shortly after it occurred.

51. By re-detaining Petitioner without notice or a hearing, ICE violated Petitioner's procedural due process rights under the Fifth Amendment.

52. The harm to Petitioner is ongoing and irreparable. He remains detained, separated from his community and counsel, and unable to effectively pursue his asylum case while in custody.

COUNT II

Fifth Amendment Substantive Due Process

(Arbitrary, Punitive, and Excessive Detention)

54. Petitioner incorporates the foregoing paragraphs by reference.

55. Civil detention must be strictly limited and may not be excessive in relation to its purported non-punitive purposes.

56. ICE's re-detention of Petitioner bears no reasonable relationship to any legitimate governmental objective. Petitioner has lived in the community for years, has complied with his obligations, has attended his immigration hearings, and has no apparent criminal history or record of absconding. ICE has not alleged that he violated any condition of his parole or supervision.

57. ICE's asserted reliance on § 1225(b) to justify "mandatory" detention of a person who has already been paroled into the United States and lived here for years is contrary to the text and structure of the INA, as recognized by numerous district courts, including courts in this Circuit.

58. Petitioner's detention is, in practical effect, punitive. The government is using detention as a tool to coerce and punish someone who has done exactly what the immigration system has asked him to do: seek protection at a port of entry, apply for asylum, and attend his hearings.

59. By detaining Petitioner in these circumstances, without individualized assessment and without showing that less restrictive alternatives are inadequate, ICE is subjecting him to arbitrary and excessive detention in violation of substantive due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this matter;

B. Expedite consideration of this Petition under 28 U.S.C § 1657 ("the court shall expedite the consideration of any action brought under chapter 153", which includes petitions for habeas corpus)

C. Issue a writ of habeas corpus under 28 U.S.C. § 2241 ordering Petitioner's immediate release from ICE custody under appropriate conditions of supervision, and do so promptly as required by 28 U.S.C. § 2243 (mandating a writ or order to show cause be returned within 3 days from filing, or 20 days for good cause shown);

D. Declare that Respondents' re-detention without prior written notice and a meaningful opportunity to be heard violate the Fifth Amendment's Due Process Clause;

E. Enjoin Respondents from transferring Petitioner out of the jurisdiction of this Court during the pendency of these proceedings;

F. Award Petitioner reasonable attorneys' fees and costs under the Equal Access to Justice Act and any other applicable authority; and

G. Grant such other and further relief as the Court deems just and proper.

Dated: New York, New York

November 13, 2025

Respectfully submitted,

____/s/_____

Jonathan Langer, Esq.
Law Office of Jonathan Langer, PLLC
260 Madison Ave, 17th Floor
New York, NY 10016
phone: 646.801.9332
jonathan@jonathanlangerlaw.com

VERIFICATION BY SOMEONE ACTING ON PETITIONERS' BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: November 13, 2025

Respectfully submitted,

/s/Jonathan Langer
Jonathan Langer (NY 5572359)
Law Office of Jonathan Langer, PLLC
260 Madison Ave, 17th Floor
New York, NY 10016
(646) 801-9332
jonathan@jonathanlangerlaw.com