

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

Issa LY,	)	
	)	
<i>Petitioner-Plaintiff,</i>	)	Case No. _____
	)	
v.	)	PETITION FOR WRIT OF
	)	HABEAS CORPUS
	)	
RICHARD K. JONES , Sherriff, Butler County	)	
Jail,	)	
	)	
LARRY REYNOLDS , Jail Administrator, Butler	)	
County Jail,	)	
	)	
ROBERT LYNCH , Acting/Director, Detroit Field	)	
Office, Immigration and Customs Enforcement,	)	
	)	
TODD M. LYONS , Acting Director of U.S.	)	
Immigration and Customs Enforcement,	)	
	)	
KRISTI NOEM , Secretary of the U.S. Department	)	
of Homeland Security; and	)	
	)	
PAMELA BONDI , Attorney General of the	)	
United States,	)	
	)	
in their official capacities,	)	
	)	
<i>Respondents-Defendants.</i>	)	
	)	

INTRODUCTION

1. This case challenges the unlawful detention of Issa Ly (“Petitioner” or “Petitioner Ly”), who is currently in the custody of Immigration and Customs Enforcement (“ICE”) at Butler County Jail located at 705 Hanover St, Hamilton, OH 45011. Petitioner is neither a flight risk nor a danger to the community. On October 23, 2025 ICE detained him without notice or opportunity

to be heard, on the decision of an individual without authority to do so, without findings required by law, and in violation of agency rules.

2. ICE found that Petitioner Ly was neither a flight risk nor danger to the community when it previously issued Petitioner Ly the order of supervision during Petitioner Ly's ICE check-in. Since then, Petitioner Ly has fully abided by the order's terms, including attending regularly scheduled check-ins with ICE.

3. But at a regularly scheduled check-in with ICE on October 23, 2025, Respondents-Defendants suddenly revoked Petitioner Ly's order of supervision and arrested him. Petitioner Ly has been detained at Butler County Jail since then.

4. Respondents-Defendants' actions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and Nationality Act and implementing regulations, the Administrative Procedure Act, and the *Accardi* doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.

5. Accordingly, to vindicate Petitioner Ly's statutory, constitutional and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.

6. Petitioner Ly brings this action for injunctive, habeas, and declaratory relief ordering Respondents to release him.

JURISDICTION

7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 and the Suspension Clause of the Constitution because this action is a habeas corpus petition and under 28 U.S.C. § 1331 because this action arises under federal law, including the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and Administrative Procedure Act, 5 U.S.C. § 551, *et seq.*

VENUE

13. Venue is proper in this district because Respondent-Defendant Sherriff and Warden RICHARD K. JONES is Petitioner's immediate custodian and under 28 U.S.C. § 1391(e)(1) because Respondents-Defendants are officers of United States agencies, Petitioner currently resides within this District, and there is no real property involved in this action.

14. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

REQUIREMENTS OF 28 U.S.C. § 2243

15. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

16. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

17. Petitioner Ly has lived in the United States for 25 years. Prior to Petitioner Ly's detention on or about October 23, 2025, he was residing in Columbus, OH. Petitioner Ly is

currently detained at Butler County Jail in Hamilton, OH. He is in the custody, and under the direct control, of Respondents-Defendants and their agents.

18. Respondent-Defendant RICHARD K. JONES is the Sherriff and Warden of Butler County Jail, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner Ly.

19. Respondent-Defendant LARRY REYNOLDS is the Jail Administrator of Butler County Jail, and he has immediate physical custody of Petitioner Ly pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner Ly.

20. Respondent-Defendant ROBERT LYNCH is sued in his official capacity as the Acting Director of the Detroit Field Office of U.S. Immigration and Customs Enforcement (ICE). Respondent-Defendant Lynch is a legal custodian of Petitioner Ly and has authority to release him.

21. Respondent-Defendant TODD M. LYONS is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. In this capacity, Respondent-Defendant Lyons is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner Ly's detention and custody. Respondent-Defendant Lyons is a legal custodian of Petitioner Ly.

22. Respondent-Defendant KRISTI NOEM is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent-Defendant Noem is responsible for the implementation and enforcement of the Immigration and

Nationality Act, and oversees the component agency responsible for Petitioner's detention and custody. Respondent-Defendant Noem is a legal custodian of Petitioner Ly.

23. Respondent-Defendant PAMELA BONDI is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent-Defendant Bondi is a legal custodian of Petitioner Ly.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

24. Petitioner Ly is a 51-year-old citizen of Mauritania. Petitioner Ly has lived in the United States for over twenty-five years, during which time he has maintained consistent employment, served as a primary parental figure to his step-daughter, and remained entirely free of any arrests or criminal conduct. Prior to his arrival, he was the victim of violent attacks in Mauritania.

25. Petitioner Ly entered the United States on or about October 23, 2000 in New York, NY.

26. Petitioner Ly timely applied for political asylum on February 7, 2001 with the Immigration and Naturalization Service (INS) Chicago Asylum Office.

27. On August 11, 2001 the Chicago Asylum Office referred Petitioner Ly's asylum application to an immigration judge due to a fundamental change in circumstances in Petitioner Ly's country of nationality, Mauritania.

28. On August 11, 2001 DHS commenced removal proceedings against Petitioner Ly by serving him with a Notice to Appear (NTA) before an immigration judge, alleging that

Petitioner Ly was removable pursuant to INA § 237(a)(1)(A) of the Immigration and Nationality Act.

29. On January 23, 2008 Petitioner Ly appeared before the Immigration Judge (“IJ”) in Cincinnati, OH for his individual hearing.

30. On January 23, 2008 the Immigration judge denied Petitioner Ly’s applications for asylum, withholding or removal under sections 208 and 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158 and 1231(b)(3) and withholding pursuant to the Convention Against Torture (CAT).

31. On January 23, 2008 Petitioner Ly was issued a removal order ordering Petitioner Ly be removed from the United States to Mauritania.

31. On February 21, 2008 Petitioner Ly appealed the decision on the Immigration Judge to the Board of Immigration Appeals (BIA).

32. On October 13, 2009 the BIA dismissed Petitioner Ly’s appeal and the Immigration Judge’s removal order became final.

33. Petitioner Ly was instructed to appear at his ICE check-in on February 21, 2012.

34. On February 21, 2012 ICE placed Petitioner Ly under an Order of Supervision (OSUP).

35. Petitioner Ly complied with all of the conditions outlined in the Order of Supervision and reported to DHS/ICE at all scheduled check-ins from February 21, 2012 through October 23, 2025.

36. On October 23, 2025, at his scheduled ICE check-in, ICE suddenly revoked Petitioner Ly’s order of supervision and Petitioner Ly was arrested.

37. Petitioner Ly was issued a Notice of Revocation of Release, incorrectly asserting that Petitioner Ly was ordered removed to Venezuela on October 4, 2023 by an authorized U.S. DHS/DOJ official.

38. Petitioner Ly was then taken into ICE custody and has been detained at the Butler County Jail since October 23, 2025.

39. Upon information and belief, the official responsible for revoking Petitioner Ly's order of supervision did not first refer the case to the ICE Executive Associate Director, did not make findings that revocation was in the public interest and that circumstances did not reasonably permit referral to the Executive Associate Director, and had not been delegated authority to revoke an order of supervision.

40. Upon information and belief, at no time following Petitioner Ly's arrest did ICE explain why it revoked Petitioner Ly's order of supervision or give him an opportunity to respond to those reasons.

41. Upon information and belief, at the time ICE revoked Petitioner Ly's order of supervision, the agency had not secured travel documents necessary for removal from the United States.

LEGAL FRAMEWORK

Due Process Governs Decisions to Revoke an Order of Supervision

42. "The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.* at 690 (2001).

43. Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen's order of supervision is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. See *Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention).

44. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified).

Statute and Regulation Govern Procedures for Revoking an Order of Supervision

45. A non-citizen with a final order of removal "who is not removed within the [90-day] removal period . . . shall be subject to [an order of] supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3) (titled "Supervision after 90-day period").

46. A non-citizen may only be detained past the 90-day removal period following a removal order if found to be "a risk to the community or unlikely to comply with the order of removal" or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).

47. But even where initial detention past the 90-day removal period is authorized, if "removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances" *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

48. Regulations purport to give additional reasons, beyond those listed at § 1231(a)(6), that an order of supervision may be revoked and a non-citizen may be re-detained past the removal period: “(1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order . . . ; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.” 8 C.F.R. § 241.4(l)(2); see also *id.* § 241.13(i) (permitting revocation of an order of supervision only if a non-citizen “violates any of the conditions of release”). Because “[r]egulations cannot circumvent the plain text of the statute[,]” courts question whether these regulations are ultra vires of statutory authority. See, e.g., *You v. Nielsen*, 321 F. Supp. 3d 451, 463 (S.D.N.Y. 2018) (comparing regulations to 8 U.S.C. § 1231(a)(6), which authorizes detention past the removal period only if person is a risk to the community, unlikely to comply with the order of removal, or was ordered removed on specified grounds).

49. It is clear, however, that regulations permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official “delegated the function or authority . . . for a particular geographic district, region, or area.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the field office director or a delegated official intend to revoke an order of supervision, they must first make findings that “revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director].” 8 C.F.R. § 241.4(l)(2). And for a delegated official to have authority to revoke an order of supervision, the delegation order must explicitly say so. See *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (finding a delegation order that “refers only to a limited set of powers under part 241 that do not

include the power to revoke release” insufficient to grant authority to revoke an order of supervision).

50. Upon revocation of an order of supervision, ICE must give a non-citizen notice of the reasons for revocation and a prompt interview to respond. 8 C.F.R. § 241.4(l)(1).

The APA Sets Minimum Standards for Final Agency Action.

51. The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.

52. Final agency actions are those (1) that “mark the consummation of the agency’s decision-making process” and (2) “by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (citation modified).

53. ICE’s revocation of an order of supervision is a final agency action subject to this Court’s review.

54. The revocation here marked the consummation of ICE’s decision-making process regarding Petitioner Ly’s custody.

55. The revocation was also an action by which rights or obligations have been determined or from which legal consequences flowed because it led ICE to detain Petitioner Ly in violation of his rights under the Constitution, statute, and regulation.

The *Accardi* Doctrine Requires Agencies to Follow Internal Rules.

56. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings);

see also Morton v. Ruiz, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.”).

57. *Accardi* is not “limited to rules attaining the status of formal regulations.” *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials. See *Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Fifth Amendment of the U.S. Constitution Substantive Due Process

58. Petitioner Ly realleges all paragraphs above as if fully set forth here.

59. When ICE issued Petitioner Ly an order of supervision, it found that he is neither a danger to the community nor a flight risk.

60. When Respondents-Defendants revoked the order of supervision, Petitioner Ly had complied with every condition of the order and ICE had not secured necessary travel documents for removal. No change in circumstances warranted the order’s revocation.

61. Petitioner Ly’s detention therefore does not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal.

62. Because Respondents-Defendants had no legitimate, non-punitive objective in revoking Petitioner Ly's order of supervision, Petitioner Ly's detention violates substantive due process under the Fifth Amendment to the U.S. Constitution

COUNT TWO
Violation of the Fifth Amendment of the U.S. Constitution
Procedural Due Process

63. Petitioner Ly realleges all paragraphs above as if fully set forth here.

64. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

65. The first factor, the private interest at issue, favors Petitioner. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690.

66. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner. To safeguard against erroneous deprivations of liberty, statute specifies the limited number of reasons that an order of supervision can be revoked. Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and an opportunity to be heard. Respondents violated those laws here, leaving the risk of erroneous deprivation of liberty not just high, but certain. Requiring Respondents to give notice and an opportunity to respond prior to revoking an order of supervision

is of great value because it reduces the probability of needless detention of a person, like Petitioner, who is neither dangerous nor a flight risk.

67. The third factor, the government's interest, also favors Petitioner. When the government ignores law that ensures notice and an opportunity to respond to a person at risk of revocation of an order of supervision, it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous. This waste drags down the efficiency of the entire immigration system. And because the government must also spend resources defending against a habeas corpus petition in federal court to compel Respondents to comply with law, requiring Respondents to instead provide notice and a meaningful opportunity to respond prior to revoking an order of supervision reduces fiscal and administrative burdens on the government.

68. For these reasons, revoking Petitioner Ly's order of supervision without providing notice and a meaningful opportunity to respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

COUNT THREE
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B)
Contrary to Law and Constitutional Right

69. Petitioner Ly realleges all paragraphs above as if fully set forth here.

70. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B).

71. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, any law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

72. Respondents' revocation of Petitioner Ly's order of supervision was contrary to the agency's constitutional power under the Fifth Amendment's Due Process Clause, as explained above.

73. The revocation was also not in accordance with the INA and implementing regulations governing who may lawfully revoke an order of supervision and under what circumstances, as cited and discussed in the Statutory Framework section above.

74. Petitioner Ly's order of supervision was not revoked by the ICE Executive Associate Director. The officer who revoked the order did not first make findings that revocation was in the public interest and that circumstances did not reasonably permit referral to the Executive Associate Director. Nor had the officer been delegated authority to revoke an order of supervision.

75. Before revoking the order, Respondents-Defendants did not make findings that Petitioner Ly is dangerous or unlikely to comply with a removal order, as required by statute.

76. Even assuming that regulations purporting to offer additional justifications for revocation of an order of supervision are not ultra vires, Respondents-Defendants did not comply with them. Respondents-Defendants could not make findings that Petitioner Ly's conduct indicated release would no longer be appropriate or that Petitioner Ly violated any condition of release, because he had not. Nor could Respondents-Defendants make findings that the purposes of release had been served or that it was appropriate to enforce a removal order, because it had yet to make final arrangements for Petitioner Ly's removal.

77. Nor did the Respondents-Defendants give Petitioner Ly notice of the reasons for revocation and opportunity to be heard.

78. The revocation should be held unlawful and set aside because it was contrary to the agency's constitutional power and not in accordance with the INA and implementing regulations.

COUNT FOUR
Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)
Arbitrary and Capricious

79. Petitioner Ly realleges all paragraphs above as if fully set forth here.

80. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious.” 5 U.S.C. § 706(2)(A).

81. Respondents-Defendants’ revocation of Petitioner Ly’s order of supervision was arbitrary and capricious because it violated statute, regulation, and the Constitution, as described above.

82. An agency decision that “runs counter to the evidence before the agency” is also arbitrary and capricious. *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

83. Respondents-Defendants’ decision to revoke Petitioner Ly’s order of supervision ran counter to the evidence before the agency that Petitioner Ly would comply with a demand to appear for removal without detention. Petitioner Ly has never violated a condition of his order of supervision and no new facts or changed circumstances suggest he would.

84. The revocation also “failed to consider important aspects of the problem” before Respondents, making it arbitrary and capricious for multiple other reasons. *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1910 (2020).

85. First, Respondents-Defendants failed to consider the serious constitutional concerns raised by revoking Petitioner Ly’s order of supervision without notice and opportunity to respond.

86. Second, Respondents-Defendants failed to consider the increased administrative burden to the agency caused by revoking the order of supervision of Petitioner Ly, who is neither

a flight risk nor a danger to the community and for whom the agency does not have travel documents needed to effectuate removal, including financial and administrative costs incurred by the agency due to unnecessary detention.

87. Third, Respondents-Defendants failed to consider reasonable alternatives to revoking Petitioner Ly's order of supervision that were before the agency, like simply continuing release under the order of supervision and scheduling a future time and date to appear for removal. This alternative would vindicate the government's interests in effectuating a removal order and save it the expense of detention not needed to guarantee Petitioner Ly's appearance.

88. For these and other reasons, Respondents-Defendants' revocation of Petitioner Ly's order of supervision was arbitrary and capricious and should be held unlawful and set aside.

COUNT FIVE
Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(C)
In Excess of Statutory Authority

89. Petitioner Ly realleges all paragraphs above as if fully set forth here.

90. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C).

91. "An agency . . . literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute." *FEC v. Cruz*, 596 U.S. 289, 301 (2022) (internal quotation marks and citation omitted).

92. 8 U.S.C. § 1231(a)(6) only authorizes detention past the 90-day removal period for a person who is found to be a danger to the community, unlikely to comply with a removal order, or whose removal order is on certain grounds specified in the statute. Even then, if removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer

authorized by [§ 1231(a)(6)]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances" *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

93. Regulations that purport to give Respondents-Defendants authority to revoke an order of supervision on grounds other than those listed § 1231(a)(6) are ultra vires and in excess of statutory authority because "[r]egulations cannot circumvent the plain text of the statute." *You v. Nielsen*, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018).

94. Respondents-Defendants' revocation of Petitioner Ly's order of supervision was based on ultra vires regulations. So, it was in excess of statutory authority and should be held unlawful and set aside.

COUNT SIX Ultra Vires Action

95. Petitioner Ly realleges all paragraphs above as if fully set forth here.

96. There is no statute, constitutional provision, or other source of law that authorizes Respondents-Defendants to detain Petitioner Ly.

97. Petitioner Ly has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents-Defendants' ultra vires actions.

COUNT SEVEN Violation of the *Accardi* Doctrine

98. Petitioner Ly realleges all paragraphs above as if fully set forth here.

99. Under the *Accardi* doctrine, Petitioner Ly has a right to set aside agency action that violated agency procedures, rules, or instructions. See *United States ex rel. Accardi v.*

Shaughnessy, 16 347 U.S. 260 (“If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing”).

100. Respondents-Defendants violated agency regulations governing who and upon what findings it may properly revoke an order of supervision when it revoked Petitioner Ly’s order. “As a result, this Court cannot conclude that [the revoking officer] had the authority to revoke release” and Petitioner “is entitled to release on that basis alone.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (citing *Rombot v. Moniz*, 296 F. Supp. 3d 386, 386-89); see also, e.g., *Zhu v. Genalo*, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267 (D. Or. Aug. 21, 2025) (releasing habeas petitioner where revocation of an ICE order of supervision was ordered by someone without regulatory authority to do so).

101. Under *Accardi*, Respondents-Defendants’ revocation of the order of supervision should be set aside for violating agency procedures, rules, or instructions.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition.
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the INA and implementing regulations, the APA, and the *Accardi* doctrine;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

s/ Stephany A. Martinez
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Counsel for Petitioner-Plaintiff

Dated: December 22, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Issa Ly, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 22nd day of December, 2025.

s/Stephany A. Martinez
Stephany A. Martinez