



MORIAH IMMIGRATION CENTER

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CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JJM SCANNED BY: *jm* / *1/8*

JONATHAN C. SAMPAIO

President & Executive Director (*Non-Attorney Representative*)

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501(c)(3) Public Charity | Humanitarian Immigration Support

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1:26-cv-68

Hala Y. Jarbou- US District Judge

Attorney for Petitioner

UNITED STATES DISTRICT COURT

DISTRICT OF MICHIGAN

Western Division

C- H- R-, an adult,

Petitioner,

ROBERT LYNCH, Detroit Field Office Director, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO"); TODD LYONS, Acting Director of Immigration and Customs Enforcement ("ICE"); U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; KRISTINOEM, Secretary of the Department of Homeland Security ("DHS"); U.S. DEPARTMENT OF HOMELAND SECURITY; and PAMELA BONDI, Attorney General of the United States, in their official capacities,

Respondents.

Case No.

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

Expedited Hearing Requested



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INTRODUCTION

1. Moriah Immigration Center Corp (“MICC”), a federally recognized 501(c)(3) public charity, respectfully petitions this Honorable Court for a Writ of Habeas Corpus on behalf of **Carlos Henrique Rodrigues (A# [REDACTED])**, who is currently detained at **North Lake Correctional Facility, Baldwin, Michigan**, under the custody and authority of U.S. Immigration and Customs Enforcement (ICE).

2. M.I.C.C. is not a law firm and does not provide legal representation. This petition is filed in its organizational capacity pursuant to its statutory mission to assist vulnerable immigrants and victims of human trafficking.

3. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ of habeas corpus.

4. The petitioner asks this Court to find that the detention of the Petitioner is completely illegal and violated their Constitutional rights, and to order their immediate release.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

6. This Court has jurisdiction under 28 U.S.C. § 2241, as Petitioner challenges the legality of Mr. Rodrigues’s continued civil immigration detention without a bond hearing, without a Notice to Appear properly filed with EOIR, and without any legitimate governmental justification.

7. Also, this Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to



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determine whether Petitioner is a noncitizen victim of human trafficking under 8 U.S.C. § 1158.

8. 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.

VENUE

9. The venue is proper because the Petitioner is detained within the jurisdiction of the Western District of Michigan, at the North Lake Correctional Facility in Baldwin, Michigan.

REQUIREMENTS OF 28 U.S.C. § 2243

10. 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).

11. 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

12. Petitioner is **Carlos Henrique Rodrigues**, a Brazilian national and victim of severe labor trafficking, represented herein by Moriah Immigration Center Corp, a 501(c)(3) nonprofit providing humanitarian immigration assistance. Petitioner is currently detained at **North Lake Correctional Facility in Baldwin, Michigan**, and is in the custody and under the direct control



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of Respondents and their agents.

13. Respondent Robert Lynch is the Field Office Director for the Detroit Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Detroit Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Detroit Field Office’s area of responsibility includes, among others, Michigan. Respondent Lynch is a legal custodian of Petitioner.

14. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Robert Lynch and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

15. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

16. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

17. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

18. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

19. This action is commenced against all Respondents in their official capacities.



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STATEMENT OF FACTS

20. Petitioner is a 47-year-old Brazilian citizen. Mr. Rodrigues entered the United States legally and later fell victim to severe labor exploitation and trafficking, which violates the Trafficking Victims Protection Act (TVPA).

21. **On September 25, 2025**, Mr. Rodrigues filed a Form I-914, Application for T Nonimmigrant Status, based on substantial evidence of coercion, exploitation, and labor trafficking.

22. The T Visa filing was received by USCIS on **September 30, 2025**, as documented by USPS tracking ([REDACTED]), and the complete copy of the application is included with this petition.

23. On **October 23, 2025**, Mr. Rodrigues was arrested by ICE while traveling as a passenger. He has no criminal charges or convictions.

24. A **Master Calendar Hearing scheduled before the Immigration Court was canceled due to the Immigration Judge's illness.**

25. Upon inquiry, Immigration Court staff confirmed that the EOIR record reflects only **basic biographical information and an allegation of overstay**, without any custody-related or humanitarian context.

26. A previously scheduled **bond hearing was canceled**, and no new custody or bond hearing has been scheduled.

27. Up to the present moment, **no EOIR forum is providing custody review**, and ICE has not exercised its own discretionary authority to adjudicate the humanitarian parole request submitted on the Respondent's behalf.

28. Thus, Respondent remains detained in a **jurisdictional and procedural void**, with



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no meaningful opportunity to challenge his continued custody.

29. Mr. Rodrigues has now been detained for over **73 days** without:

- a Notice to Appear filed with EOIR;
- a custody redetermination hearing;
- a decision from ICE on the humanitarian parole request submitted on his behalf;
- any assessment of individualized risk factors.

30. These developments underscore the core habeas claim: Respondent's detention is **purely administrative, prolonged, and unsupported by any functioning review mechanism.**

31. The absence of a viable administrative remedy renders continued detention unconstitutional and warrants immediate judicial intervention.

LEGAL FRAMEWORK

32. **The Continued Detention of Mr. Rodrigues Violates the Due Process Clause Under *Zadvydas* and *Clark***

In *Zadvydas v. Davis*, the Supreme Court held that the Due Process Clause prohibits indefinite detention of noncitizens absent a "special justification." 533 U.S. at 690. The Court imposed a presumptive six-month limit on post-removal detention, emphasizing that prolonged detention without meaningful process is unconstitutional.

In *Clark v. Martinez*, 543 U.S. 371 (2005), the Court reaffirmed that immigration detention must not be arbitrary or indefinite, even for noncitizens deemed inadmissible. The statutory interpretation in *Zadvydas* applies to all detainees held under the same authority.



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Although Mr. Rodrigues is not subject to a final order of removal, the reasoning of *Zadvydas* applies with even greater force here. He has:

- no charges pending before EOIR;
- no NTA filed to vest EOIR jurisdiction;
- no removal pathway available, because a **pending T Visa petition legally bars removal** under 8 C.F.R. § 214.11(p)(1); and
- no individual assessment of flight risk or danger.

Detention without process, without judicial oversight, and without a removal purpose violates the Fifth Amendment.

33. ICE's Failure to Adjudicate the Humanitarian Parole Request or Provide Custody Review Is Arbitrary and Capricious

ICE policies mandate that officers exercise favorable discretion for victims of trafficking. **ICE Directive 11005.2 (Victims of Crime, 2021)** requires the agency to minimize immigration enforcement actions involving victims with pending humanitarian relief.

Mr. Rodrigues submitted a complete humanitarian parole request based on his T Visa filing. **73 days** have passed with no action or review, violating:

- due process;
- ICE's own internal directives; and
- the principle articulated in *Judulang v. Holder*, 565 U.S. 42, 53 (2011), that immigration decisions must not be "arbitrary, capricious, or untethered to the purposes of the immigration laws."



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34. The Sixth Circuit Has Repeatedly Recognized Limits on Prolonged Immigration Detention

The Sixth Circuit has affirmed that prolonged immigration detention without adequate procedural protections violates due process.

- *Rosales-Garcia v. Holland*, 322 F.3d 386 (6th Cir. 2003) (en banc): The court applied *Zadvydas* to inadmissible noncitizens, holding that immigration detention cannot be indefinite or arbitrary.
- *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003): The Sixth Circuit held that prolonged detention of noncitizens in removal proceedings violated due process where detention exceeded the time reasonably necessary for removal.
- *Hamama v. Adducci*, 912 F.3d 869 (6th Cir. 2018): While addressing classwide detention, the court reaffirmed that habeas corpus remains available for unconstitutional civil detention.

Under *Ly*, detention becomes unlawful when it “no longer serves the purposes for which it was designed.” 351 F.3d at 268. Mr. Rodrigues’s detention serves **no purpose**: he cannot be removed due to his pending T Visa, and he lacks any scheduled proceedings.

35. Victims of Trafficking Are Entitled to Heightened Protection Under Federal Law

The **Trafficking Victims Protection Act (TVPA)**, 22 U.S.C. § 7101 et seq., mandates that trafficking victims receive protection and access to immigration relief without fear of retaliation or removal.



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Federal agencies must treat victims humanely and avoid actions that undermine their access to relief. The prolonged detention of Mr. Rodrigues is inconsistent with Congress's intent in enacting the TVPA and violates DHS's statutory responsibilities.

36. Removal Is Legally Barred During the Pendency of the T Visa Application

Under 8 C.F.R. § 214.11(p)(1), USCIS must safeguard trafficking victims from removal while a bona fide T Visa application is pending. The government cannot justify continued detention on grounds of removal when removal is, by regulation, impermissible.

Therefore, the detention is neither permissible nor rationally related to any lawful governmental objective.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

37. The allegations in the above paragraphs are realleged and incorporated herein.

38. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent."

39. The government may not detain a noncitizen indefinitely without justification. See *Zadvydas v. Davis*, 533 U.S. 678 (2001). Civil immigration detention must be reasonably related to its purpose. Here, "Mr. Rodrigues's detention serves no rational purpose: he has a pending





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humanitarian case, no criminal record, and no procedural path currently available.” (emphasis added).

40. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

41. Due process requires that government action be rational and non-arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

COUNT TWO

Violation of 8 C.F.R. § 214.11(p)(1) and Implementing Regulations

Pending T Visa Application Prohibits Removal

42. The allegations in the above paragraphs are realleged and incorporated herein.

43. Under 8 C.F.R. § 214.11(p)(1), removal actions must be stayed during the pendency of a bona fide T Visa petition. Continuing detention under a removal rationale is therefore unlawful.

COUNT THREE

ICE’s Failure to Act Violates Its Own Regulations and Policies

44. The allegations in the above paragraphs are realleged and incorporated herein.

45. Under ICE Directive 11005.2, the agency must exercise favorable discretion for victims of trafficking and crime. ICE’s refusal to adjudicate the parole request or provide a bond opportunity constitutes an arbitrary and capricious action.



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COUNT FOUR

Deprivation of a Bond Hearing Violates Constitutional Requirements

46. The allegations in the above paragraphs are realleged and incorporated herein.

47. Due process requires an individualized determination of danger or flight risk.

Mr. Rodrigues has been denied any such hearing. Continued detention without process violates constitutional protections afforded to civil detainees.

PRAYER FOR RELIEF

48. Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner's detention without an individualized determination violates the Due Process Clause of the Fifth Amendment, 8 C.F.R. § 214.11(p)(1);
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from custody;
- (5) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;
- (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.



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Respectfully submitted,

Dated: December 5th, 2025



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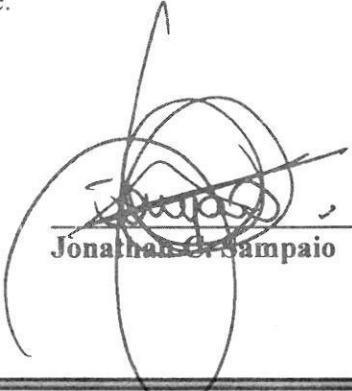
Telephone: (727) 738-1028

Counsel for Petitioner

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

I represent Petitioner, Carlos Henrique Rodrigues, 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: December 5th, 2025.



Jonathan L. Sampaio