13205733.1.42-56

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 04 2026
JEFFREY P. COLWELL
CLERK

Pascal Karuhije
Petitioner

v.

TODD M. LYONS: Acting Director ICE
Robert Guadian: Field Director ICE
Juan Baltazar, WARDEN.
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. _____
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Pascal Karuhije
   (b) Other names you have used: none
2. Place of confinement:
   (a) Name of institution: Aurora ICE Processing Center
   (b) Address: 3130 North Oakland Street
   Aurora CO 80010
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you:
   (b) Docket number of criminal case:
   (c) Date of sentencing:
   ☒ Being held on an immigration charge
   ☐ Other *(explain)*:

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

13205733.1.43-56

☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*:

6. Provide more information about the decision or action you are challenging:
(a) Name and location of the agency or court: Aurora ICE Processing Center 3130 North Oakland Street, Aurora, CO 80010
(b) Docket number, case number, or opinion number:
(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Being held in custody for ICE longer than the time allowed by law.
(d) Date of the decision or action:

Your Earlier Challenges of the Decision or Action

7. **First appeal**
Did you appeal the decision, file a grievance, or seek an administrative remedy?
☐ Yes ☒ No
(a) If "Yes," provide:
(1) Name of the authority, agency, or court:
(2) Date of filing:
(3) Docket number, case number, or opinion number:
(4) Result:
(5) Date of result:
(6) Issues raised:
(b) If you answered "No," explain why you did not appeal: This is my 1st legal action regarding being in custody ICE after I lost my case of "Cancellation of Removal" in 11/26/2024.

8. **Second appeal**
After the first appeal, did you file a second appeal to a higher authority, agency, or court?
☐ Yes ☐ No

13205733.1.44-56

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

N/A

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

13205733.1.45-58

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised: N/A

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

❒ Yes ❒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result: N/A

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ❒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 02/06/2024

(b) Date of the removal or reinstatement order: 11/26/2024

(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ❒ No

13205733.1.46-56

If "Yes," provide:

(1) Date of filing: Around Jan 2025

(2) Case number:

(3) Result: "Completion of remand" was denied

(4) Date of result: 04/16/2025

(5) Issues raised: Appeal was denied on discretionary grounds because the respondent's "criminal history including multiple offenses involving sexual contact with minors," even though it was 2 counts, felony class 6. No dangerous, no repetitive. (See attach) "A"

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

13205733.1.47-56

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I am a D.R. CONGO citizen. [redacted] who entered in U.S.A. on 07/31/2014 as a refugee from UGANDA. I obtained a GREEN CARD on 03/06/2019 (See Attach "B")

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I was arrested by police on 09/17/2020 and charged with 2 counts of CHILD/VUL. ADULT ABUSE-INTENT: felony (e. Date of offenses 08/12/2019. NON DANGEROUS-NON REPETITIVE (see ATTACH "A")

10 years Probation. No time in Prison.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☒ No

GROUND TWO: After 3 years probation, living in Arizona, I was arrested in my house parking lot by ICE. They said they did not have a warranty of arresting order. I was arrested because I was a permanent Resident with a criminal record.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I did not received any document explaining the reason for the arrest. I was transferred to Florence Detention Center in Arizona where I was there for 1 month and then transferred to Aurora ICE Detention/Processing Center. (05/28/2024)

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No

GROUND THREE: During my detention in Aurora ICE Processing Center I was sent to Louisiana in 2 different times - for 2 months. In one of the three I was told I was going to be sent to Guantanamo-Cuba, without any explanation I was sent to Aurora.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I was not offered any 3rd country that will accept me legally and I did not sign any document. I requested for a credible fear interview which I did not get it. I do not have any travel document nor passport and there is not a significant likelihood of removal in the Reasonably-foreseeable future. (See attached)

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☒ No

13205733.1.48-56

GROUND FOUR: I do not pose a danger for community. During the 3 years probation I attended HOPE program successfully and I was recommended by the probation officer and SIU program for early termination. I'm a member of the [redacted].

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I am not a risk of flight. My whole family live in Arizona. Mother, Grandmother, Girlfriend, Sisters, uncle. All of them are USA citizens and they support me. Since I came to USA I've never traveled to other country. I work as a manager of Temp agency, providing job to others. If released the company will take me back.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: To order the defendants to show cause why the court should not grant me this habeas corpus. I also request the Court To Prohibit Respondents to move me again out of the jurisdiction of Colorado pending resolution of this petition. ICE must release in the next 20 days or I request immediate release from custody.

continue from pag 7 of 9. Ground three (a)

I received a Decision to Continue Detention on 10/17/2025

The document says that "This decision has been based on a review of your file, consideration of the information you submitted to ICE's reviewing officials..."

The Record of Personal interview was dated 11/13/2025 so the decision to continue Detention was made 1 month before the interview. Obviously ICE did not consider any information submitted by me to the ICE's officials

Today is 02/10/2026 and I have been under custody for 300 days after I lost my appeal for cancellation of removal.

13205733.1.49-56

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

_____

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 02/10/2026

_____
Signature of Petitioner

_____
Signature of Attorney or other authorized person, if any

MEMORANDUM OF LAW IN SUPPORT OF PETITION OF WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Name: Pascal Kavuhije

A [redacted]

Pro Se Petitioner-Detained

Detention Center: Aurora ICE Processing Center

Address: 3130 North Oakland Street
Aurora, CO 80010

INTRODUCTION

1. Petitioner, Basal Kanhiye petitions this Court for a Writ of Habeas Corpus to remedy Petitioner's indefinite detention by Respondents. Petitioner submits this Memorandum of Law in Support of the Petition for a Writ of Habeas Corpus.

2. As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), noncitizens cannot be detained indefinitely if the government is unable to carry out their removal. Instead, detention after a final order of removal is authorized only when removal is reasonably foreseeable. As a guide to courts, the Court in *Zadvydas* established a presumption that detention after a final order of removal was permissible for six months. Detention after a final order may be unlawful even when six months have not passed, particularly if it is clear that the United States will not be able to effect a noncitizens's removal. But after that six months period, once a noncitizen provides "good reason to believe that there is not significant likelihood of removal in he reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." And the longer a noncitizen has been detained, the stronger the government's showing must be.

3. Petitioner is entitled to release under the framework of *Zadvydas* unless the government promptly demonstrate that there is a significant likelihood of removal in the reasonably foreseeable future.

4. Petitioner respectfully request that the Court use its authority under 28 U.S.C. § 2243 To order the Respondents to file a return within three days, unless they can show good cause

for additional time. See 20 U.S.C. § 2243 (stating that an Order to Show Cause why a petition for a Writ of Habeas Corpus should be denied is returnable "within three days unless for good cause additional time, not exceeding twenty days, is allowed").

5. In order to permit full judicial review of the claim herein and requested relief, Petitioner respectfully requests that the Court orders Respondents not to transfer Petitioner outside the jurisdiction of this Court pending considerations of this petition.

STATEMENTS OF FACTS

6. Petitioner was born in: 04/12/1992.

7. Petitioner entered the United States on or about: 07/31/2014.

8. An Immigration Judge ordered Petitioner removed from the United States on or about: 11/26/2024.

9. Regarding Appeals: Being held in ICE custody for more than 300 days

10. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner. Petitioner has cooperated with ICE in the following ways: _____

11. Nonetheless, ICE has been unable to remove Petitioner from the United States. ICE is unlikely to remove Petitioner in the reasonably foreseeable future because: I have been more than 10 months in custody without traveling documents at all.

12. Regarding Petitioner Detention: To order Respondents to show cause why the court should not grant me this habeas corpus.

13. If release, Petitioner will be supported by family and friends in the United States. In particular: My whole family. Everybody is a USA Citizen. My mother, Grandmother, Girlfriend, Sisters, uncle. All of them support me. See family letters attached

ARGUMENT

14. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA") §§ 101-507, 8 U.S.C. § 1101-1537, amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-1570.

15. This Court has jurisdiction under 28 U.S.C. § 2241, The Suspension Clause, U.S. Const. Art. 1 § 9, cl 2, and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and Petitioner's custody is in violation of the Constitution, laws, or treaties of the United States. *See Zadvydas*, 566 U.S. 678. This Court may grant relief under 28 U.S.C. § 2241 (Habeas Corpus), 5 U.S.C. § 702 (establishing the right of review for a person suffering a legal wrong due to agency action), and 28 U.S.C. § 1651 (All Writs Act).

16. The Due Process Clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary or permanent." *Zadvydas*, 533 U.S. at 693. In *Zadvydas*, the Supreme Court emphasized, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical lies at the heart of the liberty that [the Due Process] Clause protects." 533 U.S. at 690 (citing Foucha v. Louisiana, 504 U.S. 71, 80 (1992). The Court noted, "[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem," *Id.; see also Plyer v. Doe, 457 U.S. 202, 210 (1982)* ("Aliens, even aliens whose presence in this country is unlawful, have long been recognized as "persons" guaranteed due process of law by the Fifth and Fourteenth Amendments").

17. Under 8 U.S.C. § 1231(a)(2), noncitizens subject to final orders of removal "shall" be detained during the first 90 days—the "removal period"--and they "shall" be removed during that period under § 1231(a)(1). Under 8 U.S.C. § 1231(a)(6), the government "may" continue detention beyond the 90-days removal period if a noncitizen falls within certain broad categories of removability or is determined "to be a risk to the community or unlikely to comply with the order of removal." 8 U.S.C. § 1231(a)(6).

18. In *Zadvydas*, the Supreme Court construed 8 U.S.C. § 1231(a)(6) to authorize detention only where it is significantly likely that removal will occur in the reasonably foreseeable future, in order to avoid the serious due process concerns that would be presented by permitting detention for an indefinite period of time. *Zadvydas*, 533 U.S. at CITE. After a noncitizen meets his o her initial burden to show that no such likelihood of removal exists, the burden shifts to the government to "respond with evidence sufficient to rebut [the alien] showing, "*Id.* At 701.

19. Courts have rejected conclusory claims by ICE agents which claim, without submitting concrete factual information about scheduled flights or repatriation agreements, that removal is imminent. "[A] theoretical possibility of eventually being removed does not satisfy the government's burden once the removal period has expired and the petitioner establishes good reason to believe his removal is not significantly likely in the reasonably foreseeable future." *Balza v. Barr, No. 6:20-CV-00866, 2020 WL 6143643, at *5 (W.D. La. Sept. 17, 2020)* (internal quotation and citation omitted). "[I]f [ICE] has no idea of when it might reasonably expect [Petitioner] to be repatriated, [a] Court certainly cannot conclude that [a] removal is likely to occur—or even that it might occur—in the reasonably foreseeable future." *Id. at* *5 (internal quotation marks and citation omitted). *See also, Gomez Barco v. Witte, No.* 6:20-CV-00497, 2020 WL 7393786 (W.D. La. Dec. 16, 2020) (ordering release of a petitioner who was detained longer than six months because ICE had not be able to secure necessary travel document, nothing that the ICE officer "clearly has no factual basis for his 'belief' that there is not foreseeable impediment of Petitioner's removal or that her removal is imminent," and that there was not foundation for the "expectation" that the COVID-19 related travel restrictions in place would soon be lifted); *Balza v. Barr,* No. 6:20-CV-00866,2020 WL 6064881 (W.D. La.

Oct. 14, 2020) (same).[1] In granting Ms. Balza's release, the Court considered and rejected a conclusory declaration by a local ICE Assistant Field Officer that removal was imminent. *Id.* at *5. In *Alexis v. Smith*, the Petitioner, Mr. Alexis, had been in detention for almost a year and subject to a removal order for over a year. An ICE official testified to an informal agreement that permitted removals but acknowledged that there were far fewer removals to Haiti in the aftermath of the 2010 hurricane. The Haitian government had an issue with identity documents and it was unknown when that would be resolved. The magistrate did not credit ICE's vague statements that it was "endeavoring to rectify the issue" and conclude there was no end in sight for detention, and recommended release. The District Court Judge agreed and ordered release. ICE then released Mr. Alexis on an Order of Supervised release and moved to get the judgment vacated on mootness, which it was. However, this does not invalidate the reasoning and conclusions of the Magistrate Judge and District Court Judge on this subject, and this case is still informative and persuasive to the body of law on this subject. *Alexis v. Smith*, No. CIV.A. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011) report and recommendations adopted, No. CIV.A 11-0309, 2011 WL 3954945 (W.D. La. Sept. 6, 2011), vacated, No. CV 11-0309, 2011 WL 13386020 (W.D. La. Sept. 15, 2011).

20. Courts in this Districts have—pursuant to *Zadvydas*—released individuals who have been detained for over six months. *See. e.g. Gomez Barco*, 2020 WL 7393786 (ordering released of an immigrant detained who was a native and citizen of Venezuela who was

1 Other districts courts in the Fifth Circuit and Elsewhere have similarly granted Habeas relief when the noncitizen has shown that there is no significant likelihood of removal in the reasonably foreseeable future. *See, e.g., Carreno v. Gillis*, No. 5:20-cv-44-KS-MTP, 2020 WL 8366735 (S.D. Miss. Dec. 16, 2020) (granting habeas relief to petitioner detained for approximately sixteen months due to a lack of diplomatic relations with Venezuela); *Ali v. Dep't of Homeland Sec.*, *451 F. Supp. 3D 703 (S.D. Tex. 2020)* (granting habeas relief to petitioner initially detained for three years, released and detained again for four months when petitioner could not be removed due to travel restrictions to Pakistan); *Saharifi v. Gillis*, No. 5:20-cv-5-DCB-MTP, 2020 WL 7379211 (S.D. Miss. Oct. 9, 2020) (granting habeas relief to petitioner detained for seventeen months after Iranian officials failed to respond a travel document request for more than seven months).

detained longer than six month because ICE had not been able to secure necessary travel documents); *Balza*, 2020 WL 6143643, at *5 (ordering release of petitioner and nothing that "[a]fter more than a year of detention, Petitioner's removal need not necessarily be imminent, but it cannot be speculative") (internal quotation marks omitted).

21. Under *Zadvydas*, courts have found that there is no significant likelihood of removal and granted relief where:

- No country will accept the petitioner. *See, e.g. Jabir v. Ashcroft*, No. 03-2480, 2004 WL 60318 (E.D. La. Jan. 8, 2004) (granting habeas relief to petitioner detained for more than fourteen months after numerous countries refused to repatriate the petitioner).[2]
- The Petitioner's country of origin refuses to issue a travel document, *See. e.g., Alexis v. Smith*, No. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011) (granting habeas release to petitioner detained for approximately one year due to the Haitian government rejecting the quality of identity documents provided); *Fermine v. Dir. Of Immigr. Custom Enf't*, No. 2:06-cv-1578, 2007 WL 2284606 (W.D. La. May 23, 2007) (granting habeas relief to petitioner detained for fifteen months due to Trinidad's refusal to issue travel documents); *Lijadu v. Gonzales*, No. 06-1208, 2006 WL 3933850 (W.D. La. Dec. 18, 2006) (granting habeas relief to petitioner detained nineteen months because Nigeria refused to issue travel documents due to petitioner's HIV status).[3]

2 *See also Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019 WL 78984, at *4 (W.D.N.Y. Jan. 2, 2019) (ordering release of petitioner detained fourteen months after petitioner showed "that the countries with he has any affiliation will not accept him"), *Yusupov v. Love*, No. 4:CV-06-1804, 2007 WL 5063231 (M.D. Pa. Jan. 12, 2007); *Abel-Muhti v. Ashcroft*, 314 F. Supp. 2d 418 (M.D. Pa. 2004) (ordering release of petitioner detained approximately two years after refusal of several countries to accept petitioner).

3 *See also Ka v. Bureau of Immigr. & Custom Enf't*, No. B-07-197, 2008 WL 11462867, at *8 (S.D. Tex. June 24, 2008) (ordering release of petitioner detained twelve months after Senegal "refuses to issue Ka a travel document because he d[id] not have proper identity documentation"); *Moreira v. Gonzales*, No. CIVA CV05-588 A, 2006 WL 3861972 (W.D. La. Nov. 2, 2006) (granting habeas relief to petitioner detained for three years because Cape Verde advised that it would not accept the petitioner for repatriation); *Khan v. Gonzales*, 481 F. Supp. 2d 638 (W.D. Tex. 2006).

- There is not removal agreement between the United States and a country. In this scenarios, courts have found that the lack of a normal agreement regarding repatriation, lack of diplomatic relationship, and lack of a functioning government support a finding that there is no significant likelihood of removal. *See, e.g. Negusse v. Gonzales*, No. 06-1382, 2007 WL 708615 (W.D. La. Mar. 1, 2007) (granting habeas relief to petitioner detained for approximately one year because the United States did not have a repatriation agreement with Ethiopia and Ethiopia would not issue travel documents because one of the petitioner's parents was not Ethiopian).[4]

- There is either no response from a country designated for removal or a significant delay in receiving a response. *See. e. g., Gonzales-Rondon v. Gillis*, 5:19-cv-109-DCB-MTP, 2020 WL 3428983 (S.D. *Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no response from Venezuelan officials.*[5]

- ICE fails to take action to secure travel documents for a prolonged period. *See, e.g. Senor*, 401 F. Supp. 3d at 430-31 (granting habeas relief after ICE initially requested travel documents but where "there [wa]s no identification from the record that anyone ha[d] taken

4 *See also Gomez Barco*, 2020 WL 7393786, *Islam v. Kane*, No. CV-11-515-PHX-PGR (LOA), 2011 WL 4374226, at *3 (D. Ariz. Aug. 30, 2011) (ordering release of petitioner detained ten months where petitioner presented evidence that Bangladesh "is one of fifteen countries identified by ICE as least likely to issue travel documents"); *Carreno*, 2020 WL 8366735, *Simoza Rangel v. Gillis*, No. 5:19-cv-118-DCB-MTP, 2020 WL 7223258 (S.D. Miss. Sept. 2, 2020) (granting habeas relief to petitioner detained for sixteen months due to lack of diplomatic relation with Venezuela); *Abduelle v. Gonzales*, 422 F. Supp. 2d 774 (W.D. Tex. 2006) (concluding that the petitioner met the burden to show removal was not reasonably foreseeable after being detained for more than one year when an injunction restricted the government's ability to remove the petitioner to Somalia).

5 *See also Sharif*, 2020 WL 7379211; *Aung v. Barr*, No. 20-CV-681-LJV, 2020 WL4581465 (W.D.N.Y. Aug. 10, 2020); *Edwards v. Barr*, No. 4:20cv350-WS-MAF, 2020 WL 6747737 (N.D. Fla. Oct. 14, 2020); *Rual v. Barr*, No. 6:20-CV-06215 EAW, 2020 WL 3972319 (W.D.N.Y. July 14, 2020); *Rodriguez Del Rio v. Price*, No. EP-20-CV-00217-FM, 2020 WL 7680560 (W.D. Tex. Nov. 3, 2020); *Singh v. Whitaker*, 362 F. Supp. 3d 93 (W.D.N.Y. 2019); *Butt v. Holder*, No. CA 08-0672-CG-C, 2009 WL 1035354 (S.D. Ala. Mar. 19, 2009) (holding that petitioner met his initial burden where he was held in ICE custody for more than ten months after the issuance of his removal order with no indication from the Pakistan Embassy that travel documents would be issued); *Lawrikov v. Kollus*, No. CV-08-1403-PHX-GMS (LOA), 2009 WL 2905549 (D. Ariz. July 27, 2009); *Reid v. Crawfort*, No. 06-02436 PHX-JWS (MEA), 2007 WL 1063413 (D. Ariz. Jan. 31, 2007); *Gui v. Ridge*, No. 3CV031965, 2004 WL 1920719 (M.D. Pa. Aug. 13, 2004); *Shefqet v. Ashcroft*, No. 02C 7737, 2003 WL 1964290 (N.D. Ill. Apr. 28, 2003).

any further action in the eight months since that time. . .to facilitate Senor's receipt of the necessary travel documents").[6]

22. As the length of detention grows, the period of time that would be considered the "reasonably foreseeable future" shrinks. *See e.g., Zadvydas*, 533 U.S. at 701 (stating that as the length of time in detention grows "what counts as the 'reasonably foreseeable future' conversely would be to shrink"); *Senor*, 401 F. Supp. 3d at 430 ("'[T]he passage of time combined with 'the' government [being] no closer to . . . repatriating [a detainee] than they were once they first took him into custody' [is] sufficient to meet that 'initial burden.'"); *Lawrikow*, 2009 WL 2905549, at *12.

23. Petitioner's continued detention is unlawful, and petitioner is unlikely to be removed in the reasonably foreseeable future. Therefore, Petitioner's detention violates the statute and s/he is entitled to immediate release.

24. Petitioner's detention also violates the Due Process Clause. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. Amend. V. "Freedom from imprisonment—from government custody, detention or other form of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See, id.* (*citing Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.* Petitioner's prolonged civil detention, which has lasted well beyond the end of the removal period, and

6 *See also Chun Yat Ma v. Asher*, No. C11-1797 MJP, 2012 WL 1432229, at *4 (W.D. Wash. Apr. 25, 2012) (ordering petitioner's release where the government failed "to provide any documentation of efforts. . . to effectuate removal . . . [for] nearly six months").

which is likely to continue indefinitely, is no longer reasonably related to the primary statutory purpose of ensuring imminent removal. Thus, Petitioner's detention violates Petitioner's right to due process.

CONCLUSION

25. In conclusion, Petitioner's indefinite detention violates the detention statute and is unconstitutional. Petitioner respectfully requests that this Court order Respondents to show cause why should not be granted "within three days unless for good cause additional time, not exceeding twenty days, is allowed," and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243 and grant the Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from their custody.

Respectfully submitted.

Signature: _____

Name: Pascal Karuhije

[redacted]

Detention Center: Aurora ICE Processing Center

Dear Sir/Madam,

My name is Madeline Karuhije, and I am writing to you as the grandmother of Pascal Karuhije, who is currently in custody. I want to take this opportunity to express my heartfelt support for him and to plead for his release. As I write this letter, I am in rehabilitation, facing serious health issues myself. The weight of my condition is heavy on my heart, especially knowing that my dear grandson, Pascal, is not here with me. I am reaching out to share our deep bond and the immense help he has provided me throughout our lives together.

Pascal has been a significant part of my life since he was a child. I had the privilege of raising him, and I watched him grow into a compassionate and caring young man. He has always been there for me, providing emotional support and physical assistance when I needed it most. Our shared experiences and the love we have for each other create an unbreakable bond, one that has brought light into my life during some of my darkest moments.

In the years we spent together, Pascal has shown tremendous loyalty and kindness. He has taken on responsibilities at a young age, always ensuring that I was taken care of, whether helping with daily tasks or simply keeping me company when I felt lonely. His commitment to family means the world to me, and now, being separated from him during my time of need feels unbearable. I find myself in a vulnerable position, and the absence of Pascal's support is profoundly felt.

As I undergo rehabilitation for my health issues, I am reminded of how important Pascal has been to my well-being. He has always been my rock, providing comfort and solace during challenging times. With him in custody, I feel a sense of loss and worry about my future. I fear for my health without him helping me navigate these difficult circumstances. The emotional and mental strain I feel in his absence is overwhelming.

Pascal is not just my grandson; he is a valuable member of our family and a loving individual who cares deeply for others. He has always aimed to make a positive impact on those around him. I believe he deserves a second chance to demonstrate that he can be a responsible and contributing member of society. I have faith in his ability to turn his life around, and I wholeheartedly support his rehabilitation and reintegration into our community.

I want to take a moment to emphasize that while Pascal may have made mistakes in the past, he has shown genuine remorse and growth. I have spoken to him during his time in custody, and he reflects profoundly on the choices he has made. Every conversation we share reveals his desire to learn from these experiences, to change, and to be a better person. His heart is genuine, and I truly believe he is capable of positive change.

Reuniting with Pascal would not only be a blessing for me but also an opportunity for him to show that he can rise above past challenges. My wish is to have him by my side as I navigate this difficult chapter of my life. I know that together, we can support each other and work toward healing. His compassion and care for me have always been a source of strength and joy, and I long to have that support once again.

Our family, though small, is incredibly close-knit. We have always been there for one another in times of need. Pascal's return would not only provide me with the support I crave but also allow him to rebuild and strengthen our family bond. I truly believe that he can become a positive role model and a source of inspiration for others if granted the opportunity.

In conclusion, I respectfully urge you to consider Pascal's release from custody, considering our family's deep connection and the unique circumstances of his situation. As I fight to regain my health, it would mean the world to me to have my grandson by my side. I believe that with his release, he has the potential to transform his life and contribute positively to

society while taking care of his family.

Thank you for your time and consideration. I hope you will consider my heartfelt plea and the significance of Pascal's presence in my life.

Sincerely,

11/11/24

/MK

Madeline Karuhije
6027611816
Phoenix Arizona

Dear Honorable Immigration Officer,

I hope this letter finds you well. My name is David Niyongabo, and I am writing to you in support of my dear friend, Pascal Karuhije. I have known Pascal since 2014 when he arrived in the United States. Since that time, we have developed a strong bond that has been further solidified through our shared experiences and friendships.

Pascal and I first met at our local church, where we would regularly attend services and participate in community gatherings. He quickly became known to me not just as an acquaintance, but as a true friend. His warm personality, kindness, and passionate spirit made him a beloved member of our church community. Pascal has always been a positive influence in my life and the lives of many others around him.

It is important for me to clarify that my family holds no animosity towards Pascal, despite the circumstances surrounding the situation. My sister Aline Niyogusenga the person Pascal was involved with leading to his charges. As a family, we have chosen to focus on healing, understanding, and support rather than harboring any ill feelings towards him.

In fact, our families have grown very close over the years, sharing moments of joy, sorrow, and community support. Pascal's family has always been there for us, and we have been there for them in return. We have celebrated birthdays, holidays, and many other significant events together, strengthening our ties and showing that we are united despite the challenges we have faced. The bond between our families is one of deep understanding and compassion, and this is indicative of the kind of person Pascal truly is.

Pascal has always demonstrated a genuine desire to help others. He is a friendly and charitable individual who often goes out of his way to assist those in need, whether through

volunteering at our church or offering support to friends facing hardships. It is tragic that he is currently incarcerated, as he deserves the opportunity to continue positively contributing to society and our community.

I understand that Pascal's situation is serious, and I understand that the incident affected Aline and our family. However, acknowledging that does not mean we should turn against a good friend. Pascal himself has been affected by my sister's situation, as he has always cared for our family and respected our shared history.

Releasing Pascal would allow him to resume his life and continue being a source of support not only for our family but for the wider community as well. He has much to offer and can play an important role in helping others with their challenges. In the years that I have known Pascal, I have witnessed his commitment to being a contributing member of society, showcasing his talents as a singer and community advocate.

Furthermore, our relationship exemplifies the power of forgiveness and understanding. It is vital that we remember that Pascal is more than just the circumstances surrounding his case. He is a human being deserving of compassion. While we must always stand by survivors of crime, we can also extend grace to those who have not caused harm.

In conclusion, I kindly ask you to consider my earnest appeal for Pascal Karuhije's release. He is a friend, a compassionate individual, and a valuable member of our community. There is much that he can do to inspire hope and healing, and I truly believe that freedom will allow him to achieve this.

Thank you for taking the time to read my letter and for considering my perspective.

11/11/24



Sincerely,

David Niyongabo

6028141894

IMMIGRATION SUPPORT LETTER

Dear Immigration Judge,

I write to you today with a heartfelt plea, advocating for my beloved brother, Pascal Jones Karuhije, whose [redacted] As his sister, I stand before you with unwavering conviction and a fervent desire to serve as his sponsor for immigration purposes.

Pascal and I share a bond forged by a lifetime of shared experiences, laughter, and unwavering support for one another. His character, integrity, and unwavering love for our family are qualities that have shaped my life in profound ways. Now, as he faces the complexities of the immigration process, I am compelled to offer him my unwavering support and guidance. I am a Permanent Resident of the United States, and I am committed to providing Pascal with the necessary support and guidance as he navigates this challenging journey.

Pascal is a man of integrity and compassion, always willing to help others and make a positive impact in our community. His absence has been deeply felt, not only by our family but by everyone who knows him. In particular, he was a pillar of strength and support to our grandmother. Before he was placed in detention, he would help her everyday with her medical and living needs, including her medications, bringing her to appointments, and helping her around the house. Now, it is taking the combined efforts of many of us to try and fill the hole left by him being gone. It is difficult for us to replace the help that he provided, and our grandmother misses him very much. I believe that, given the opportunity, he will continue to contribute positively to society and fulfill his aspirations in the United States.

Thank you for considering my request to grant Pascal a chance to remain in the United States to be with his family, and to continue to help our grandmother with her medical needs. With your support, he will have the opportunity to rebuild his life and continue being a source of strength and kindness to those around him.

Yours sincerely,

Esperance Karuhije
5419 N 64th Ave., Glendale, AZ 85301
esperancekaruhije@gmail.com
602-427-7958

Immigration support letter

Dear, Honorable Immigration judge,

My name is Nyirasafari Masengesho, I am a permanent resident of united states. I am currently residing in Grand rapids, Michigan. I am writing on behalf of my close friend Pascal Karuhije, to whom I have known for the past 6 years. I have been a close friend to Pascal since 2018. I still remember very well where we met during the hardest time of my life, I was introduced to him by my cousin who was his neighbor at the time. I remember talking to my cousin and he would always brag about how nice and kind Pascal was. He would always tell me how happy and grateful he was to get to know Pascal, which he was not lying at all because I got to experience it myself.

I was in phoenix where he lives, which at the time I lived in Tucson, Arizona, and I had missed my flight to Michigan to see my brother who was in a critical condition. I was really touched by his kindness. He went out of his way to make sure I got on the next flight by calling the airline for me because I did not speak English at the time. Pascal is a great man with a big heart I have never seen. One specific thing I like the most about him is his relationship with God, I don't recall any conversation to where Pascal does not talk about how great God is and how he believes in him. I like the fact that he is always positive not matter what the situation is.

I remember prior to be taken by ICE, He was working as an HR support where he was able to help people with interpreting in interviews, application process for people who are not able to speak English. People were so grateful for him. Him being in detention has been a nightmare not only for him but to his family and friends, especially his grandmother who is always in and out of hospital. He was his grandmother's primary caretaker, where he was

always in charge of all doctor's appointments, making sure she takes her medication on time. I just remember how hard it was for him when his grandmother had a surgery couple of weeks ago to where she was not able to speak for a while. I remember how excited he got when his sister put his grandma on a virtual call. He told me nothing felt better than seeing his grandma alive again because he was told she was not going to make it from the surgery room. Pascal being out will be a blessing for a lot of people especially his Family and Friends. And with that opportunity I know for a fact pascal will never take it for granted. All these years I have known him I know he is very responsible, always on time and tends to respect the rules and regulations. He was on probation for 3 years straight and he has never violated it in anyway. I can't talk for everyone but me personally I will do my best to make sure he stays on track by following the rules he will be given by an Immigration judge while he's maintaining his regular lifestyle.

I Nyirasafari Masengesho swear that the forgoing is true and correct to the best of my knowledge and collection. Thank You!

11/11/24



Nyirasafari Masengesho
letzyjessy12@gmail.com
520-390-9617

To whom it may concern,

My name is Benon Bizimana, and I am originally from the Democratic Republic of Congo. I relocated to Uganda at age eight and moved to the United States when I was fourteen. I am currently married and work at GMS LLC.

Pascal Karuhije is my cousin. Our mothers, Shantal Karuhije and Angelique Karuhije, are sisters, and my mother is the older sibling. Our grandmother is Madeline Karuhije, and our grandfather, Kauteni Karuhije, passed away a long time ago before I was born. We have a smaller family here in the US.

I have known Pascal since childhood. We have participated in numerous activities, including parties, sports, picnics, and travels in Africa and the US. I have always seen Pascal as responsible, hardworking, and compassionate. Although unmarried, he aspires to build a stable family and be a good provider. He has put in significant effort at various jobs to support himself and our family. In 2022, he joined SK. Food Group as a supervisor, and due to his dedication, he was soon promoted to manager. He earned the respect and admiration of his colleagues and was passionate about helping others find employment and feel welcomed. He even took the initiative to learn Spanish to better communicate with immigrant workers. His contributions were highly valued, and the company often inquired about his return to work.

Moreover, Pascal is vital to our family because he lived with Grandma after our grandfather's passing. He had been by her side since my childhood and had continued to live with her before he was arrested. When we embarked on our journey to America, he and Grandmother were on the same flight together, and they shared a two-bedroom apartment upon arrival. We joined them two weeks later and were placed in the same apartment complex. After a few months, Pascal secured a job and began commuting by bus, eventually purchasing a car and starting to drive. He took Grandma to her appointments and shared the household expenses with her.

Most importantly, Pascal covered the rent, as Grandma immigrated to the US at over 65 years old and could not work. I take great pride in Pascal for his determination to help Grandma navigate the challenges of a new country, securing employment, buying a car, and learning to drive within a year, which is no small feat. He has consistently been supportive of Grandma throughout this time. I, along with Pascal's other family members, have been trying to support Grandma now because Pascal is absent due to her current circumstances. Right now, she is in a rehabilitation center after undergoing heart surgery at the Banner University Center in August. Surgeons placed two Mitra clips in her heart, and she was close to death, but fortunately, she survived. Despite this, she was later moved to hospice care. Currently, she is in rehab and cannot perform daily activities on her own. She is feeling the strain of not having her grandson nearby, and I believe that if Pascal returns, it could help her recover. I am pretty sure that his absence is impacting her well-being, both physically and mentally, as he is the person she is most attached to. After a car accident in 2018, Pascal's mother, Angelique Karuhije, has not been able to drive. Pascal used to help her commute to work and assist with groceries. Now, she relies on public transportation, which is challenging as a single mother of three without a car. Managing without Pascal will become increasingly difficult as we transition from summer to winter. His presence significantly eases her daily life.

Pascal Karuhije has consistently demonstrated unwavering integrity, compassion, and responsibility throughout our acquaintance. He has portrayed honesty and truthfulness in all his interactions, consistently showing respect for others and treating individuals from all walks of life with dignity and kindness.

Furthermore, Pascal Karuhije has fulfilled his responsibilities with diligence and dedication, displaying a strong work ethic and a commitment to excellence. He is known for exceeding expectations and exhibiting reliability and dependability. Based on my knowledge of Pascal

 Karuhije, he is a person of integrity who made a mistake and is deeply remorseful for the

consequences it has caused. He will continue contributing positively to the community with appropriate guidance and support. Pascal Karuhije deserves an opportunity for redemption.

I talked to him, and he confessed to me that he loves his grandmother and the entire family, and his wish is only to be with them very soon.

Thanks for taking the time to review this character reference!

Best regards,

Benon Bizimana
davidmosesbkben@gmail.com
602-653-8246
4205 S 79th Dr Phoenix AZ 85043

To whom it may concern:

My name is Didier Tusiime , Please bear with me for the duration of this letter.

Pascal and I met at a shelter in Uganda. We immediately became close friends and that is the start of our story. Growing up, we talked about all our dreams and aspirations. Ignorance is bliss, right? To think life would be so easy. We quickly learned that life was, in fact, difficult and sometimes very cruel. But Pascal and I rolled with what life dished out to us. We grew up fast and founded a new love in soccer. Both of us played on the soccer team at Kyangwali, our secondary school.

Life swiftly went by, and we graduated, one of our many goals accomplished. Both Pascal and I being refugees, we anticipated when it would be our turn to come to America. Pascal and his family got the notice first. My best friend was moving to America while I stayed at camp, but I was very happy for him and his family. Pascal and I stayed in constant contact. He was placed in Arizona and started working as soon as he was able to.

Once my family and I received the approval to move, we were placed in New York. As soon as I got my first job, most of my money went into a savings account. My only goal in mind, to move to Ariona with Pascal.

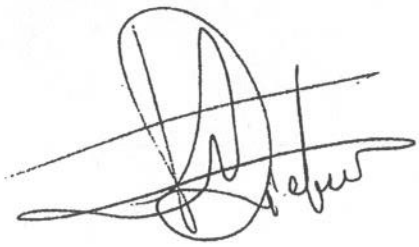
When I was able to move, and finally be reunited with my brother, we were ecstatic. Everything we went through, all the hard work and dedication finally started to pay off. Life was good. We have good jobs, we take care ofour families and contributing to society.

Everything was going exactly how it should, until Pascal was arrested. The news of that devastated everyone. You see your Honor; we are a tight knit community. We are bonded through our similar experiences, traumas and challenges.

The reason I laid our backstory out is for everyone to understand, we did not strive for a better life just to throw it away. And while I know this letter is for Pascal, I reference us throughout it because that's how close we are. You don't see Pascal without seeing me, and vice versa. We are brothers through and through. I feel that I can attest to his true character.

Pascal is full of love and life. He always has a smile on his face and puts a smile on the face of those around him. He's ambitious and humble. Outgoing and always views the glass as half full. His heart is huge and genuine. You can trust him completely, and he will always have your best interest in mind. I could continue to describe what a remarkable person Pascal is, but it would take too long.

So, I'll end with this... to know Pascal is to know strength, love and humility.
Thank you for taking your time to read this letter.



Dear Judge,

I am writing to express my sincere concern for Pascal's current situation. I have known Pascal Karuhije for 4 months, he was my 2nd Shift Coordinator, a very hard worker and skilled individual. I have had the pleasure of knowing him, he has consistently demonstrated his kindness, responsibility, and dedication to helping others. I am deeply saddened to learn of the challenges he is currently facing.

I humbly request that you give careful consideration to Pascal's circumstances and offer him an opportunity to reintegrate into society. His contributions as a gentleman of character and integrity would undoubtedly benefit the community at large. Should you require any further information, please do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,
Daniel S. Aguirre

909-524-5739
dsau2002@gmail.com

To whom it may concern,

I am writing on behalf of Pascal Karuhije. Pascal is a dear friend and coworker of mine. I have known him several years now and he has always been a source of light in my life and all of those around him. He is selfless in his actions to help the African community as far as assisting those who are unfamiliar or uneducated on technical devices in order to gain employment, and permanent resident/authorization cards by going with folks to act as interpreter, he has assisted in completing employment applications, some of those people have gained employment some full time.

Also, housing for people, by assisting with paperwork, gathering the requested documents for applications and credit checks, etc. He has never asked anyone for money, he does it because he wants to see people grow and succeed.

He is someone that the community needs, he is a bridge for them to communicate with people they do not understand due to language barriers (he speaks at least 5 languages). He is a caregiver for his elderly grandmother here in Arizona. He takes her shopping every Sunday to Costco for all her weekly needs, he takes her to all her Dr. appointments, immigration appointments, etc.

Every community needs a selfless leader/ambassador to represent them ethically, legally, respectfully & responsibly just as Pascal does for those around him.

I hope that this letter helps bring my friend home where he belongs.

Yours sincerely,
Jessie Thomas
253-666-2751

To whom it may concern.

My name is Caspari devon I've known pascal since 2021, pascal has been nothing but a good friend and brother to me, I met pascal in a birthday party and since then we have been very close to each other. pascal is someone I have trusted with my kids and family, pascal in so many occasions has baby sited and taken my boys out, pascal also took my boys to many soccer games. Pascal is a God fairing, hamble, caring, respectful, and family orientated man the situation his in now breaks my heart and many others.

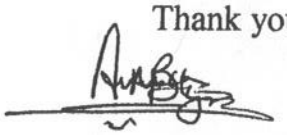
Thank you again.

Caspari Devon

To whom it may concern:

My name is Arianna Boyd. I am the human resource manager for a child day care. I've known Pascal since he came to America in 2015 and we have been very close friends since. To try and describe Pascal would be an injustice to him. Pascal is so many things, but the best word to sum it up would be golden hearted. There is nothing he wouldn't do to help someone in need. He works to support not only himself but also his mother, grandmother, siblings and his nieces/nephews. Pascal being in jail is having a major ripple affect on everyone close to him. It is heartbreaking to know where he is and there is nothing I can do to help him get free. It is my sincerest hope that he is granted his freedom, even if it's just a bond so he can have a fair chance to fight his case.

Thank you.



To whom it may concern:

My name is Yordanos Haddis, I am a Director for a day program that works with adults that have mental and physical disabilities. I met Pascal in 2019 at a soccer game. From the moment I met Pascal to this day, he has been someone I can rely on. Pascal takes care of his entire family. Grandma, mom and his siblings. Anytime someone needs help, Pascal is one of the first people to volunteer. He is a very positive, influential, caring, deep hearted, and loyal person. Pascal being in the position he's in is heartbreaking. Everyone who knows Pascal misses him. His family, friends, co-workers and anyone involved with Pascal is deeply affected by his absence, we pray for pascal to resume the life he works so hard for. If you have any questions, please do not hesitate to contact me. My number is 480-859-1487. I appreciate you taking the time to read about my experience with Pascal.

Thank you so much.