UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DOROTHY NKAFU,

Petitioner,

v.

ROBERT LYNCH, Field Office Director, Detroit Field Office, U.S. Immigration and Customs Enforcement; **Richard K. Jones**, Sheriff of Butler County, Ohio; **David J. Venturella**, Acting Director of ICE; **Markwayne Mullin**, Secretary of the United States Department of Homeland Security ("DHS"),

Respondents.

Case No. 1:26-cv-827

Judge _____

Magistrate Judge _____

A# [redacted]

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

EMERGENCY RELIEF REQUESTED - TRANSFER FOR REMOVAL IMMINENT - REMOVAL TO EQUATORIAL GUINEA SCHEDULED FOR AUGUST 19, 2026

INTRODUCTION

1. Petitioner Dorothy Nkafu, A# [redacted] is a Cameroonian national presently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Butler County Jail in Butler County, Ohio. ICE has identified Equatorial Guinea as the intended third country of removal and has reserved a seat for Ms. Nkafu on an August 19, 2026 removal flight. She seeks narrow emergency habeas and injunctive relief to prevent her imminent transfer for removal and removal before the Government provides the country-specific process triggered by her expressly stated fear of persecution and torture in Equatorial Guinea and a meaningful opportunity for judicial review.

2. The immigration record is unusually clear. On November 25, 2025, Immigration Judge William Mabry III denied asylum, granted withholding of removal under INA § 241(b)(3), granted withholding of removal under the Convention Against Torture ("CAT"), and ordered Ms. Nkafu removed to Cameroon. The written order designates no alternative country of removal. Both parties reserved appeal, with an appeal deadline of December 26, 2025. Neither party timely appealed, and the order became administratively final on December 27, 2025.

3. This Petition does not contend that the grants of withholding categorically prohibit removal to every third country. Withholding is country-specific, and the regulations recognize that a grant of withholding does not prevent removal to a third country other than the country to which removal has been withheld. See 8 C.F.R. § 1208.16(f) (see also 8 C.F.R. § 208.16(f)). The claim presented here is different: before forcibly removing Ms. Nkafu to Equatorial Guinea - a country not designated in her removal order - the Government must provide the process required by the Fifth Amendment so that she has a meaningful opportunity to raise her individualized fear of persecution or torture there and to obtain judicial review before removal occurs.

4. The need for immediate relief is concrete. On August 14, 2026, Ms. Nkafu appeared for an ICE appointment in Ohio accompanied by attorney Alexis B. Collins. ICE detained Ms. Nkafu and served her with a Notice of Revocation of Release. Deportation Officer J. Santora informed Ms. Collins that the intended country of removal is Equatorial Guinea, and an ICE supervisory officer informed Ms. Collins that a seat had been reserved for Ms. Nkafu on a flight scheduled for August 19, 2026. During an ICE "informal interview" that same day, Ms. Nkafu expressly stated that she feared removal to Equatorial Guinea because [redacted] and also expressed concern that Equatorial Guinea could return her onward to Cameroon. The ICE officer recorded the statement and read it back in Ms. Collins's presence. See Declaration of Alexis B. Collins ("Collins Decl.") ¶¶ 3-18; Notice of Revocation of Release.

5. This is not Ms. Nkafu's first habeas proceeding. In February 2026, while she remained detained in Arizona after the removal order became final, she filed a § 2241 petition challenging continued detention. The Government acknowledged in that case that a referral for third-country removal had been sent on December 31, 2025 and received by the responsible deportation officer on January 7, 2026. The District of Arizona later ordered the Government to provide evidence regarding removal efforts. After the presumptively reasonable detention period expired and the Government failed to provide evidence showing a significant probability of removal in the reasonably foreseeable future, the court granted habeas relief and ordered Ms. Nkafu immediately released on June 30, 2026. Nkafu v. Cantu, No. 2:26-cv-00678-KML-JFM, ECF No. 21 (D. Ariz. June 30, 2026) (filed July 1, 2026).

6. The present case concerns a distinct injury arising after the Arizona judgment: ICE now asserts an imminent ability to remove Ms. Nkafu to Equatorial Guinea and has reserved a seat for her on an August 19 flight. Because that flight is scheduled to depart from Louisiana, Petitioner reasonably fears an imminent removal-related transfer from Ohio. Removal or transfer for removal before the legally applicable country-specific process is completed would irreparably impair the practical value of this habeas action.

PARTIES

7. Petitioner Dorothy Nkafu is a native and citizen of Cameroon. She is presently in ICE custody at the Butler County Jail, 705 Hanover Street, Hamilton, Ohio 45011.

8. Respondent Robert Lynch is the Field Office Director for ICE Enforcement and Removal Operations ("ERO"), Detroit Field Office, which oversees ICE enforcement operations in Ohio. He is sued in his official capacity and is an appropriate federal custodian and official responsible for the challenged removal conduct.

9. Respondent Richard K. Jones is the Sheriff of Butler County, Ohio, and is named in his official capacity solely to the extent the Court determines that the official with immediate physical control over Petitioner is a necessary or proper habeas respondent. Petitioner understands that ICE retains legal custody and removal authority.

10. Respondent David J. Venturella is the Acting Director of ICE and is sued in his official capacity.

11. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security ("DHS") and is sued in his official capacity.

JURISDICTION AND VENUE

12. This Court has habeas jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody within this District and challenges the lawfulness of an imminent transfer/removal that would defeat her ability to obtain meaningful habeas review. See Trump v. J.G.G., 604 U.S. 670, 672-73 (2025) (recognizing habeas as the vehicle for an in-custody challenge to removal and identifying the district of confinement as the proper district for core habeas review).

13. The Court also has federal-question jurisdiction under 28 U.S.C. § 1331 over Petitioner's Fifth Amendment claims and authority under 28 U.S.C. § 1651 to preserve the status quo while determining its jurisdiction and the merits of the habeas petition. See United States v. United Mine Workers of Am., 330 U.S. 258, 290 (1947).

14. Petitioner does not ask this Court to review or vacate the Immigration Judge's final order of removal. She accepts, for purposes of this emergency action, the existence and finality of that order. Nor does she ask this Court to prohibit third-country removal categorically. She challenges only the constitutionality of executing removal to Equatorial Guinea before she is

afforded adequate notice, a meaningful opportunity to present her country-specific fear, and a meaningful opportunity to seek judicial review.

15. The jurisdiction-channeling provisions of 8 U.S.C. § 1252 do not eliminate the Court's authority to consider this individualized habeas challenge to the manner and timing of an imminent removal, particularly where the requested interim relief is necessary to preserve the Court's ability to decide its own jurisdiction. In Marfo v. Acting Dir. of Enforcement & Removal Operations, the court granted individualized preliminary relief in a materially similar third-country-removal habeas case while recognizing the court's authority to preserve the status quo pending jurisdictional determination. Marfo v. Acting Dir. of Enforcement & Removal Operations, Detroit Field Office, ICE, No. 3:26-cv-01293, ECF No. 18, at 8-9 (N.D. Ohio July 13, 2026).

16. Section 1252(f)(1) does not bar the individualized relief requested here. See Garland v. Aleman Gonzalez, 596 U.S. 543, 554 (2022) (explaining that § 1252(f)(1) leaves district courts with authority to enjoin or restrain operation of the covered statutory provisions with respect to an individual noncitizen against whom proceedings have been initiated).

17. Venue is proper in this District under 28 U.S.C. § 2241 and 28 U.S.C. § 1391(e) because Petitioner is confined in Butler County, Ohio, within the Western Division of this District, and the challenged custody and removal preparations are being carried out against her here.

FACTUAL BACKGROUND

A. Removal Proceedings and Protection From Cameroon

18. Ms. Nkafu entered the United States near San Ysidro, California on February 13, 2025 and was taken into immigration custody. DHS initially issued an expedited removal order. She expressed fear of returning to Cameroon; after a credible-fear process, DHS placed her in removal proceedings under INA § 240.

19. On November 25, 2025, after merits proceedings before the Eloy Immigration Court, Immigration Judge William Mabry III entered an order finding Ms. Nkafu removable, denying asylum, granting withholding of removal under INA § 241(b)(3), and granting withholding of removal under CAT. The IJ ordered removal to CAMEROON and did not designate any alternative country. A true and correct copy of the IJ's summary order is submitted with this Petition.

20. Both DHS and Ms. Nkafu reserved appeal. The order stated that any appeal was due December 26, 2025. Neither party timely appealed, and the order became administratively final on December 27, 2025.

B. The Prior Arizona Habeas Action

21. ICE continued to detain Ms. Nkafu after the order became final. On February 4, 2026, she filed a petition for writ of habeas corpus in the District of Arizona challenging the duration and purpose of her post-order detention. Nkafu v. Cantu, No. 2:26-cv-00678-KML-JFM (D. Ariz.).

22. In its February 11, 2026 response, the Government represented that a referral for third-country removal had been sent on December 31, 2025 and that the responsible deportation officer received the third-country-removal email on January 7, 2026. The Government did not identify Equatorial Guinea in that response.

23. On April 14, 2026, Ms. Nkafu supplemented her habeas petition after Mexico had arisen as a potential destination. She placed on the record that she did not consent to removal to Mexico and asserted that Mexico had never been designated in her removal proceedings. She also stated at that time that she did not possess a passport, only a Cameroonian national identification card, and that the Government had not obtained a travel document for her. Those statements described the record as it existed in April 2026; Petitioner does not rely on

them to establish the Government's current ability or inability to obtain travel documents for Equatorial Guinea.

24. On April 17, 2026, the District of Arizona observed that because removal to Cameroon had been withheld, the only then-available possibility was removal to a third country, and the record then contained no evidence that a third country had been identified, agreed to accept Ms. Nkafu, or issued travel documents. The court ordered the Government to provide a further status report by June 26, 2026.

25. The Government did not file the required June 26 status report. On June 30, 2026, the District of Arizona found that the presumptively reasonable detention period had expired and that Respondents had provided no evidence of a significant probability of removal in the reasonably foreseeable future. The court granted the habeas petition as to release and ordered Ms. Nkafu immediately released. A copy of the order is submitted with this Petition. Ms. Nkafu was released on July 3.

C. ICE Re-Detention and Proposed Removal to Equatorial Guinea

26. Following the Arizona court's release order, Ms. Nkafu was living in the United States under ICE supervision.

27. On August 14, 2026, Ms. Nkafu appeared for an ICE appointment in Ohio accompanied by attorney Alexis B. Collins. During that appointment, ICE officers detained Ms. Nkafu and served her with a Notice of Revocation of Release. The Notice reflects that ICE conducted an informal interview on August 14, 2026. Ms. Nkafu is now confined at the Butler County Jail in Ohio. See Collins Decl. ¶¶ 3-5, 10; Notice of Revocation of Release.

28. During the August 14 appointment, Deportation Officer J. Santora informed Ms. Collins that ICE intended to remove Ms. Nkafu to Equatorial Guinea. An ICE supervisory officer separately informed Ms. Collins that a seat had been reserved for Ms. Nkafu on a flight

scheduled for August 19, 2026. Equatorial Guinea was not designated by the Immigration Judge as Ms. Nkafu's country of removal or as an alternative country. Collins Decl. ¶¶ 7-9; Ex. A.

29. During ICE's August 14 informal interview, Ms. Nkafu expressly stated that she feared removal to Equatorial Guinea because [redacted] She also expressed concern that, after transfer to Equatorial Guinea, she could be removed onward to Cameroon. Ms. Nkafu stated that she knew individuals who had been removed to Equatorial Guinea and subsequently returned to Cameroon, where they were detained, and referenced her understanding of similar events involving persons from Angola. Collins Decl. ¶¶ 10-15.

30. The ICE officer recorded Ms. Nkafu's statement and read it back. Ms. Collins personally reviewed the statement as it was read back and confirmed that it reflected both Ms. Nkafu's sexual orientation and her concern regarding onward removal and refoulement. Collins Decl. ¶ 16. Thus, ICE has had actual notice of Ms. Nkafu's affirmative fear of Equatorial Guinea since August 14, 2026. Counsel is also memorializing and reiterating that fear to ICE in writing and requesting immediate country-specific screening before removal.

31. During the appointment, Ms. Collins asked whether additional evidence could be submitted because the Notice of Revocation of Release states that evidence or information may be submitted. An ICE supervisory officer responded, in substance and to the best of Ms. Collins's recollection, that no additional evidence could be submitted because the decision had already been made. Collins Decl. ¶¶ 17-18. To counsel's present knowledge, USCIS has not conducted a country-specific protection screening concerning Equatorial Guinea. If DHS contends that it may dispense with such screening because it possesses diplomatic assurances, Petitioner requests that the Government identify that position promptly so it can be subjected to meaningful judicial review.

32. The risk asserted by Ms. Nkafu is not abstract. Ms. Nkafu's asserted fear is individualized and concrete. During ICE's August 14, 2026 informal interview, she expressly informed ICE that she fears removal to Equatorial Guinea because [redacted] and also expressed concern that she could be removed onward to Cameroon. Petitioner seeks a meaningful opportunity to present evidence supporting those fears through the legally applicable country-specific protection process before Respondents effectuate her removal. Collins Decl. ¶¶ 10–16.

LEGAL FRAMEWORK

33. The Fifth Amendment applies to persons facing removal. Trump v. J.G.G., 604 U.S. 670, 673 (2025), reaffirmed that notice and an opportunity to challenge removal must be provided in sufficient time and manner to permit meaningful judicial review before removal in the context before the Court. The Government's March 30, 2025 Guidance Regarding Third Country Removals likewise provides that, absent qualifying diplomatic assurances, an immigration officer who receives an affirmative expression of fear of the third country will refer the person to USCIS for screening for protection under 8 U.S.C. § 1231(b)(3) and CAT.

34. The Supreme Court has long treated notice and an opportunity to be heard as the core of procedural due process. See Mathews v. Eldridge, 424 U.S. 319, 335 (1976); Mullane v. Cent. Hanover Bank & Tr. Co., 339 U.S. 306, 313 (1950).

35. In Marfo, another Ohio district court applied these principles to materially similar facts: an LGBTQIA+ noncitizen with withholding protection from Ghana faced imminent removal to Sierra Leone. The court first entered a TRO after ICE transferred him from Ohio to Louisiana and manifested him for a removal flight, ordering his return to Ohio; it later entered a preliminary injunction barring removal from the United States and removal from Ohio pending resolution of his § 2241 petition. Marfo v. Acting Dir. of Enforcement & Removal

Operations, Detroit Field Office, ICE, No. 3:26-cv-01293, ECF No. 18, at 4-5, 18 (N.D. Ohio July 13, 2026).

36. Marfo is persuasive rather than binding, but it is particularly relevant because it arose within the Sixth Circuit, involved the Detroit ERO field office, addressed individualized relief notwithstanding the broader current D.V.D. litigation (D.V.D. v. U.S. Dep't of Homeland Sec., No. 26-1212 (1st Cir. 2026)), and analyzed the same immediate problem presented here: whether a person may be physically removed to an undesignated third country before receiving meaningful process concerning the risk of persecution or torture there.

CLAIMS FOR RELIEF

COUNT I - FIFTH AMENDMENT PROCEDURAL DUE PROCESS

37. Petitioner incorporates the preceding allegations.

38. Petitioner has a substantial liberty interest in avoiding forcible transfer to a country where she claims she will face persecution, torture, or other grave harm, and in retaining a meaningful opportunity to invoke the legal protections available against such removal.

39. Equatorial Guinea was not designated in the Immigration Judge's order, and the prior removal proceedings did not adjudicate any claim concerning the danger Ms. Nkafu would face there. On August 14, however, Ms. Nkafu expressly raised a country-specific fear during ICE's own informal interview.

40. Despite that affirmative expression of fear, ICE has reserved a seat for Ms. Nkafu on an August 19 removal flight. To counsel's present knowledge, no USCIS country-specific screening has been completed. Removal before completion of the process applicable to her expressed fear, and before meaningful judicial review, creates an intolerable risk of erroneous and effectively irreversible deprivation.

41. The additional process necessary to preserve those rights imposes comparatively little burden: a short pause sufficient to complete the legally applicable country-specific process and permit meaningful review before physical removal.

42. Under the Fifth Amendment, the Government's own third-country-removal framework, and the authorities discussed above, Respondents should not execute the proposed removal to Equatorial Guinea on the present record before Ms. Nkafu's expressly stated fear has been addressed through the legally applicable process.

COUNT II - FIFTH AMENDMENT SUBSTANTIVE DUE PROCESS (IN THE ALTERNATIVE)

43. Petitioner incorporates the preceding allegations.

44. To the extent Respondents claim authority to remove Ms. Nkafu summarily to Equatorial Guinea based solely on generalized third-country arrangements or assurances, without individualized consideration of her asserted risk, such action would be arbitrary in the constitutional sense and would threaten a protected liberty interest of the most serious kind. See Marfo, ECF No. 18, at 13-16.

45. Petitioner pleads this claim in the alternative and does not contend that substantive due process creates a categorical right to remain in the United States or prohibits lawful third-country removal following constitutionally sufficient process.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Issue an immediate temporary restraining order prohibiting Respondents, their officers, agents, employees, and persons acting in concert with them from removing Petitioner from the United States, including to Equatorial Guinea, pending further order of this Court;

2. Prohibit any transfer of Petitioner out of Ohio for the purpose of effectuating removal while this Court considers the emergency application and the § 2241 petition;
3. Order Respondents promptly to disclose whether removal to Equatorial Guinea remains scheduled for August 19, 2026 and whether DHS relies on diplomatic assurances or any completed individualized fear determination concerning Equatorial Guinea;
4. After appropriate proceedings, enter preliminary and permanent relief sufficient to ensure that Petitioner is not removed to Equatorial Guinea or another previously undesignated third country without constitutionally adequate notice, a meaningful opportunity to present a country-specific protection claim, and a meaningful opportunity for judicial review;
5. Award costs and reasonable attorney fees if authorized by law; and
6. Grant such other relief as the Court deems just and proper.

DATED: August 17, 2026

Respectfully submitted,

/s/ Payam Yazdani
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