UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

PHILLIP MICHAEL THOMAS JAMES,

Petitioner,

v.

WARDEN, MARKWAYNE MULLIN, TODD BLANCHE,

Respondents.

CAUSE NO. 3:26cv1225 DRL-SJF

ORDER TO SHOW CAUSE

Phillip Michael Thomas James, a/k/a Felibi Biladi Siagha-Coke, is being held at Miami Correctional Facility at the direction of United States Immigration and Customs Enforcement (ICE) while removal proceedings against him are pending. Through counsel, he filed this petition for a writ of habeas corpus under 28 U.S.C. § 2241, arguing that his immigration detention is unlawful because he is a United States citizen who was born in Florida to an American mother and Jamaican father.

He explains that he has been diagnosed with schizophrenia and delusional disorder, and his prior *pro se* habeas petitions, filed under the name Felibi Siagha-Coke, inaccurately claimed he was a citizen of Lebanon and native of Jamaica. *See Siagha-Coke v. USCIS*, No. 3:26cv200 (N.D. Ind. decided May 12, 2026); *Siagha Coke v. English*, No. 3:26cv503 (N.D. Ind. decided Apr. 20, 2026); *Siagha-Coke v. DHS*, No. 3:26cv706 (N.D. Ind. decided May 26, 2026). Mr. James argues that his detention is not authorized by the immigration statutes, 8 U.S.C. §§ 1225, 1226, or 1231, because those apply only to an

"alien," not to a United States citizen. He further argues that as a United States citizen, his current detention violates the Non-Detention Act, 18 U.S.C. § 4001(a), which prohibits the detention of citizens unless pursuant to an Act of Congress.

Upon review of the petition, the court finds that Mr. James has raised sufficient issues to require a response from the government, including whether a habeas petition is the proper vehicle to raise the issue of his citizenship. *See, e.g., Gonzalez-Alarcon v. Macias*, 884 F.3d 1266, 1268 (10th Cir. 2018). He asks the court to order a response within three days, as specified in 28 U.S.C. § 2243. Section 2243 is not controlling, however, as it has been superseded by the Rules Governing 2254 Cases, which also applies to habeas corpus petitions filed under § 2241. *See* Rule 1(b) of the Rules Governing Section 2254 Cases in the United States District Courts; *see also Bleitner v. Welborn*, 15 F.3d 652, 653–54 (7th Cir. 1994) (discussing how Rule 4's grant of discretion to district judges to set deadlines supersedes the deadlines in § 2243). Nevertheless, a short deadline is warranted given the pressing nature of today's claims.

Finally, Mr. James includes respondents who are not his "immediate custodian" and who do not exercise "day-to-day control" over Miami Correctional Facility, where he is being held. *Kholyavskiy v. Achim*, 443 F.3d 946, 953 (7th Cir. 2006). Relying on *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), the court of appeals there concluded the proper respondent in an immigration habeas case challenging the constitutionality of a petitioner's confinement is the warden of the facility where the petitioner is being held, not a supervisory official who has the authority to free the petitioner. *See also Doe v. Garland*, 109 F.4th 1188, 1192 (9th Cir. 2024); *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17

F.4th 434, 444 (3rd Cir. 2021); *Vasquez v. Reno*, 233 F.3d 688, 696 (1st Cir. 2000). Therefore, the court will dismiss the noncustodial respondents as improper under *Kholyavskiy*. Though recent experience in immigration habeas cases informs that federal counsel will represent the Warden and ensure compliance with orders, the dismissal will be without prejudice to allow for reinstatement should it become necessary to effectuate any relief ordered by the court.

For these reasons, the court:

(1) DISMISSES WITHOUT PREJUDICE Markwayne Mullin, Secretary of the Department of Homeland Security, and Attorney General Todd Blanche;

(2) DIRECTS the clerk to serve a copy of this order and the petition (ECF 1) on the Warden of Miami Correctional Facility at the Indiana Department of Correction;

(3) DIRECTS the clerk to email a copy of this order and the petition (ECF 1) to the Indiana Department of Correction; the Warden of Miami Correctional Facility at Miami Correctional Facility, and the United States Attorney for the Northern District of Indiana;

(4) ORDERS the IDOC, the Warden, and the United States Attorney to acknowledge receipt of the petition to the clerk and DIRECTS the clerk to make a notation on the docket upon receiving confirmation of receipt of those deliveries;

(5) ORDERS the respondent to file an answer to the petition by **September 24, 2026**, addressing petitioner's arguments that he is being illegally detained and providing relevant immigration records; and

(6) GRANTS the petitioner until **October 1, 2026**, to file a reply in support of his petition.

SO ORDERED.

September 14, 2026

s/ Damon R. Leichty
Judge, United States District Court