UNITED STATES DISTRICT COURT

for the

Northern District of New York

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
Oct 13 - 2026
John M. Domurad, Clerk

Dieuline Labaricux by Daphney E Joseph
Petitioner
Proposed Next Friend

v.

Case No. 9:26-cv-2097 (AJB)
(Supplied by Clerk of Court)

Respondent
(name of warden or authorized person having custody of petitioner)

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

Personal Information

1. (a) Your full name: Dieuline Labaricux
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: U.S Border Patrol
   (b) Address: Champlain, New York
   (c) Your identification number: A number: A-[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)

- ☐ 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: U.S Borden Patrol. Champlain New York.

(b) Docket number, case number, or opinion number: A-[redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Continued detention by US Border Patrol and I've been reported to be deported with my family to Haiti and I've not received an asylum offic

(d) Date of the decision or action: 10-12-2026

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: I did not appeal because me and my husband were not aware that we had a notice to appear before a judge we have never received

8. **Second appeal**

After the first appeal, did you file a second 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:

(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:

(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

If "Yes," provide:
(1) Name of court:
(2) Case number:
(3) Date of filing:
(4) Result:
(5) Date of result:
(6) Issues raised:

(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:
(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: 10-03-2020

(b) Date of the removal or reinstatement order: 07-16-2023

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

☐ Yes ☐ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(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:

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: Continued immigration detention with 2 Minor Children including a [redacted] US Citizen

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 Do not cite cases or law.)*:

I have been in the custody of the U.S border Patrol for about a week, I have been informed that me and my family may be deported to Haiti. the legal basis and review procedures for my continued detention have not been explained to me.

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

☐ Yes ☑ No

GROUND TWO: Fear of returning to Haiti with my family

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

My Husband and I left Haiti over a decade ago. We were not safe there, Now we have children It is absolute worse ; Where we are from. if we returned, we are really scared we might Get Killed. We are even more scared for our daughters

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

☐ Yes ☑ No

GROUND THREE: Difficulty Accessing legal Review due to my removal order. It has been difficult.

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

I have asked my niece to help me seek legal assistance on my behave while being in custody of U.S Border Patrol.

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

☐ Yes ☑ No

GROUND FOUR: Good Moral Character

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

I am a devoted wife and mother. I have no Criminal Record, I have dedicated myself to caring to my children. I maintained strong family ties to this beautiful Country

(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: I did not previously raise this ground because I was not aware that a removal order had been issued against me and my family and I was unaware of the court hearing on needed to file an appeal

Request for Relief

15. State exactly what you want the court to do: I respectfully request that the Court review my immigration detention and grant any other relief within the Court authority to be able to have time to get representation with an attorney to seek legal pathway to legal status

Declaration Under Penalty Of Perjury

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

N/A

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: 10-10-2026

Signature of Petitioner

Daphney Courlaneo Joseph.

Signature of Attorney or other authorized person, if any