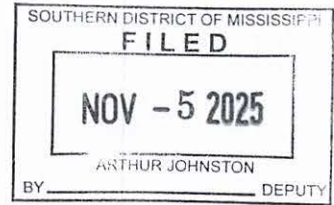


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION



FARUK ATIK ADIR,

*Petitioner,*

v.

Civil Action No.: *5:25-cv-123-DCB-BWR*

RAFAEL VERGARA, Warden of Adams County Correctional Center, MELLISSA HARPER, Director of U.S. Immigration and Customs Enforcement New Orleans Field Office, TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement, KRISTI NOEM, Secretary of the Department of Homeland Security, and PAMELA BONDI, U.S. Attorney General, *in their official capacities,*

*Respondents.*

**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS**  
**PURSUANT TO 28 U.S.C. § 2241**

**INTRODUCTION**

1. Petitioner Faruk Atik Adir (“Petitioner” or “Mr. Adir”) fled his native Turkey and sought protection in the United States after being persecuted and imprisoned for his affiliation with the Gülen Movement, a transnational social, educational, and religious network that has faced a sustained and targeted crackdown in Turkey over the past decade. He came to the United States to seek asylum and reunite with his wife and their two young sons, who are U.S. lawful permanent residents living in Athens, Georgia. Mr. Adir turned himself in to immigration authorities near San Diego, California in January 2025, and has been in immigration detention ever since, despite being granted relief from removal to Turkey. He is currently detained in the

Adams County Correctional Center, a privately-run U.S. Immigration and Customs Enforcement (“ICE”) detention center in Natchez, Mississippi.

2. On May 6, 2025, an Immigration Judge granted Mr. Adir withholding of removal to Turkey based on the threats to his life or freedom he faces if deported there. The government is thus legally barred from deporting Mr. Adir to Turkey. And while the government may—under certain circumstances, and in accordance with applicable laws and rules and core due process principles—attempt to deport Mr. Adir to another country, it has not yet done so, and it is unlikely to do so within the reasonably foreseeable future.

3. Mr. Adir’s indefinite civil detention thus violates the Immigration and Nationality Act (“INA”), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and his rights under the Due Process Clause of the Fifth Amendment. He is entitled to a writ of habeas corpus ordering his immediate release from ICE custody.

4. Upon filing of this Petition and payment of the required filing fee, Mr. Adir asks this Court to forthwith order Respondents “to show cause why the writ should not be granted . . . **within three days** unless for good cause additional time, not exceeding twenty days, is allowed,” as required by statute. 28 U.S.C. § 2243 (emphasis added).

### JURISDICTION AND VENUE

5. Jurisdiction is proper under 28 U.S.C. §§ 1331 (federal question), 1651 (All Writs Act), 2201-02 (declaratory relief), and 2241 (habeas corpus), and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, because Mr. Adir is presently in custody under or by color of the authority of the United States in violation of the Constitution and laws of the United States.

6. District courts have jurisdiction to hear habeas petitions brought pursuant to 28 U.S.C. § 2241 by individuals in ICE custody who challenge the lawfulness of their detention

under federal law. *Zadvydas*, 533 U.S. at 687; *Ali v. Dep't of Homeland Sec.*, 451 F. Supp. 3d 703, 706 (S.D. Tex. 2020).

7. Venue is proper in the Southern District of Mississippi pursuant to 28 U.S.C. §§ 1391(b) and 2241(d) because Mr. Adir is confined within this district, his immediate custodian is located in this district, and a substantial part of the events or omissions giving rise to his claims occurred in this district.

### **PARTIES**

8. Petitioner Faruk Atik Adir is a Turkish citizen who is currently detained in the custody of Respondents at the Adams County Correctional Center in Natchez, Mississippi, despite being granted withholding of removal. He has been in ICE custody for over nine months, and he has been subject to a final order of removal since June 5, 2025.

9. Rafael Vergara is the Warden of the Adams County Correctional Center, an ICE detention center run by the private prison corporation CoreCivic, Inc. Accordingly, Respondent Vergara is Mr. Adir's immediate custodian; he is also a legal custodian of Mr. Adir. He is named in his official capacity.

10. Respondent Mellissa Harper is the Field Office Director of ICE's New Orleans Field Office, which has administrative jurisdiction over Mr. Adir's case and the Adams County Correctional Center. She is a legal custodian of Petitioner and is named in her official capacity.

11. Respondent Todd M. Lyons is the Acting Director of ICE, a component of the Department of Homeland Security ("DHS") that is responsible for enforcing the nation's immigration laws. He is a legal custodian of Petitioner and is named in his official capacity.

12. Respondent Kristi Noem is the Secretary of DHS. She is a legal custodian of Petitioner and is named in her official capacity.

13. Respondent Pamela Bondi is the Attorney General of the United States. She leads the Department of Justice, which has jurisdiction over the immigration court system and shares responsibility with DHS for enforcement of immigration laws. She is a legal custodian of Petitioner and is named in her official capacity.

### FACTS

14. Mr. Adir is a 39-year-old native and citizen of Turkey.

15. Mr. Adir is currently detained in the Adams County Correctional Center (“Adams”) in Natchez, Mississippi—an ICE detention center run by the private prison corporation CoreCivic, Inc.<sup>1</sup> Adams is the largest ICE detention center in the country, imprisoning over 2,000 people on any given day.<sup>2</sup> In 2021, the DHS Office of Inspector General issued a report documenting numerous violations of ICE detention standards at Adams that “threatened the health, safety, and rights of” people detained there.<sup>3</sup> Adams has also been the subject of numerous complaints of civil rights violations and abusive treatment, including torture.<sup>4</sup>

16. Mr. Adir’s wife and their two young sons, ages fourteen and eight, are U.S. lawful permanent residents. They reside in Athens, Georgia.

17. Mr. Adir fled Turkey after he was targeted, arrested, interrogated, threatened, and imprisoned for his association with the Gülen Movement.

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<sup>1</sup> CoreCivic, Adams County Detention Center, <https://bit.ly/49ATES6>.

<sup>2</sup> Transactional Records Access Clearinghouse, *Immigration Detention Quick Facts*, <https://bit.ly/4qJ5X4Z>.

<sup>3</sup> Dep’t of Homeland Security, Office of the Inspector General, *Violations of ICE Detention Standards at Adams County Correctional Center*, July 14, 2021, <https://bit.ly/4hIcCbz>.

<sup>4</sup> See, e.g., Physicians for Human Rts. et al., *Deadly Failures: Preventable Deaths in U.S. Immigration Detention* 9 (2024), <https://bit.ly/3WE6yqQ> (reporting detained person who died of heart attack at Adams who was not discovered by staff until 45 minutes after his heart attack); *id.* at 17 (reporting two deaths at Adams between 2017 and June 2024); Scott Hawkins, *SPLC files complaint against Adams County Correctional Facility, ICE, alleging inmate abuse*, THE NATCHEZ DEMOCRAT, Oct. 28, 2020, <https://bit.ly/4qPpy3F>; Alissa Zhu, *‘Treated like hell’: Mississippi ICE detainees say they don’t get enough food, medical care*, CLARION LEDGER, Dec. 20, 2019, <https://bit.ly/4j1TbLb>.

18. Mr. Adir worked as a police officer in Istanbul from 2007 to 2016. During that time, he first learned about the Gülen Movement through a neighbor and a family member. He was drawn to the movement by its emphasis on education and the commitment to nonviolence and nondiscrimination. He would attend monthly gatherings at friends' homes to read Fethullah Gülen's books and listen to his sermons. He never engaged in any sort of violent, armed, or subversive activity.

19. In or around November 2016, Mr. Adir was dismissed from the police force as part of President Recep Tayyip Erdoğan's mass crackdown on civil society in the wake of a failed coup attempt in July 2016. President Erdoğan declared a State of Emergency and issued decrees resulting in thousands of arrests of people perceived as being affiliated with the Gülen Movement as well as the dismissal of hundreds of thousands of civil servants, including Mr. Adir.

20. On or around March 14, 2017, government officials arrested Mr. Adir. His wife was pregnant with their second son at the time. He was detained in harsh conditions and interrogated and threatened by his jailers. He was charged with membership in an armed terrorist organization—an all-purpose charge routinely leveled against individuals perceived to be associated with the Gülen Movement. Mr. Adir was jailed for nine months before being released under judicial supervision and a prohibition on traveling outside of Turkey. His younger son was born during his time in detention in Turkey.

21. In 2024, a criminal court sentenced Mr. Adir to a term of imprisonment. His case is still pending before the appellate court, and his sentence has not been finalized. He faces the risk of being rearrested and imprisoned and subjected to abusive treatment and torture, or possibly even killed, if he is forced to return to Turkey.

22. While Mr. Adir's trial was ongoing, his wife applied for and was granted a U.S. visa through the diversity visa lottery. In August 2024, she and their two young sons moved to the United States, settling in Athens, Georgia. Mr. Adir was not able to accompany them because of the travel ban the Turkish government had imposed on him.

23. Fearing for his life and freedom, Mr. Adir made the decision to flee Turkey in December 2024 and seek asylum in the United States. Over the course of several weeks, he traveled through Asia, South and Central America, and Mexico, arriving at the U.S.-Mexico border in January 2025.

24. On or around January 10, 2025, Mr. Adir crossed the border, promptly turned himself in to U.S. Customs and Border Protection officials, and requested asylum. He was taken into custody and has remained in immigration custody ever since. He was initially detained in U.S. Customs and Border Protection custody in San Diego and then transferred to ICE custody in Arizona several weeks later.

25. On or around February 13, 2025, ICE transferred Mr. Adir to Adams.

26. After an initial credible fear interview, immigration officials concluded that Mr. Adir had shown a credible fear of returning to Turkey and placed him in removal proceedings in immigration court where he would be able to pursue relief from removal to Turkey based on his fear claims.

27. Based on the persecution he experienced in Turkey and the risk of torture and persecution he would face if he were forced to return there, Mr. Adir applied for asylum and other fear-based forms of relief from removal under the Immigration and Nationality Act and the Convention Against Torture.

28. On May 6, 2025, Immigration Judge (“IJ”) Alberto Depuy of the LaSalle Immigration Court in Jena, Louisiana denied Mr. Adir’s application for asylum and ordered him removed to Turkey, but granted him withholding of removal to Turkey under Section 241(b)(3) of the INA, which requires a finding that his “life or freedom would be threatened in that country because of [his] race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1231(b)(3). The IJ did not designate any alternative countries for removal in his order. Mr. Adir and the government both reserved the right to appeal the order. *See Exhibit 1, IJ Order.*

29. As a result of the IJ’s order granting Mr. Adir withholding of removal, the government is legally barred from deporting him to Turkey. *See Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1018 (2025).

30. Neither Mr. Adir nor the government appealed the IJ’s order. Thus, his removal order became administratively final on June 5, 2025, when the 30-day deadline for filing an appeal expired. *See* 8 C.F.R § 1241.1(c).

31. Instead of releasing Mr. Adir from custody after he was granted withholding of removal and allowing him to reunite with his wife and children in Georgia, Respondents continued his detention.

32. On May 16, 2025, ICE issued a one-page, unsigned “Notice of Removal” stating their intent to deport Mr. Adir to Spain—a country where he has never been, and to which he has no ties whatsoever. **Exhibit 2, “Notice of Removal” to Spain.**

33. Since receiving the notice, Mr. Adir has not received any additional information from ICE officials or anyone else about ICE’s supposed plans to deport him to Spain, or to any other country.

34. Mr. Adir has no ties to any country other than the United States and Turkey. While he briefly transited through several countries before arriving in the United States, he did not spend more than a few days or weeks in any of those countries, and he has never held any legal status in any other country.

35. On August 21, 2025, undersigned counsel Ben Thorpe submitted a request to ICE to review Mr. Adir’s custody and release him. The request included detailed information and supporting documents demonstrating that Mr. Adir—who has no criminal record in the United States or Turkey (other than the pending charge against him in Turkey that is the basis for his fear-based claims and withholding order), *see Exhibit 3, Criminal Record Check from Turkish Ministry of Justice*, and who has significant family and community ties in the U.S. through his wife and school-aged children in Georgia—is neither a flight risk nor a danger to the community.

36. On September 15, 2025, ICE issued Mr. Adir a Decision to Continue Detention letter. The letter is largely pro forma, with a single short paragraph stating, without explanation or evidence, and without acknowledging the extensive evidence submitted by Mr. Adir, that he has failed to demonstrate that he is not a flight risk, and claiming that “ICE is in receipt of or expects to receive necessary travel documents to effectuate your removal . . . .” *See Exhibit 4, September 15, 2025 Decision to Continue Detention Letter*. The letter does not indicate where ICE intends to deport him, and ICE has not since communicated with Mr. Adir about any ongoing removal efforts.

37. An ICE deportation officer at Adams has told Mr. Adir multiple times orally and in writing, including with the last month, that he would be deported to a third country and that he will be detained for a year or more until he is deported to a third country.

38. Mr. Adir’s detention is impacting him and his family greatly. The fear that he may never leave detention as well as reminders of his time in Turkish detention have caused Mr. Adir to suffer depression and memory loss. He is also struggling to manage his diabetes on the diet provided at Adams.

39. Mr. Adir’s wife and older son have sought and received mental health care, including medication, for the depression they are experiencing as a result of Mr. Adir’s detention.

40. If released from ICE custody, Mr. Adir will reside with his wife and children in Athens, Georgia. He is willing to comply with any requirements imposed on him as a condition of his release.

## LEGAL FRAMEWORK

### I. Post-Removal Order Detention Under 8 U.S.C. § 1231

41. Section 1231 of Title 8 of the U.S. Code governs the detention of individuals who are subject to a legally final order of removal. *See* 8 U.S.C. § 1231(a).

42. Detention under Section 1231 is only mandatory during the initial ninety-day “removal period,” 8 U.S.C. § 1231(a)(1)(A)—the time window during which the government is typically required to effectuate removal. The removal period “begins on the latest of the following:”

- (i) The date the order of removal becomes administratively final.
- (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order.
- (iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

*Id.* § 1231(a)(1)(B).

43. When an individual is ordered removed by the IJ and does not pursue an appeal to

the BIA, his removal order becomes administratively final when the 30-day deadline for appeal expires, or immediately if he waives appeal. *See* 8 C.F.R. § 1241.1(b) and (c).

44. After the 90-day removal period, detention is no longer mandatory detention, and the individual should generally be released under conditions of supervision, such as periodic reporting. *See* 8 U.S.C. § 1231(a)(3); *see also id.* §1231(a)(6) (providing that certain inadmissible and removable noncitizens “may be detained beyond the removal period” if they are determined “to be a risk to the community or unlikely to comply with the order of removal”); 8 C.F.R. § 241.4 (detailing criteria and procedures for release of individuals detained beyond the removal period who do not pose a threat to the community or a significant flight risk).

45. The 90-day removal period may be extended if the individual “fails or refuses to make timely application in good faith for travel or other documents necessary to [his] departure or conspires or acts to prevent [his] removal.” *Id.* § 1231(a)(1)(C). Under these circumstances, the regulations require ICE to serve the individual with a Notice of Failure to Comply, advising her that the removal period has been extended and explaining the steps she must take in order to demonstrate compliance. *See* 8 C.F.R. § 241.4(g)(5)(ii). Detention is also discretionary during the time(s) when an individual’s removal period is extended pursuant to § 1231(a)(1)(C).

## **II. Constitutional Limitations on Detention under Section 1231**

46. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

47. The Constitution imposes strict limits on the government’s post-removal period discretionary detention authority under Section 1231. In *Zadvydas*, the Supreme Court construed Section 1231(a)(6) to contain an “implicit ‘reasonable time’ limitation” in light of the “serious

constitutional problem” raised by potentially indefinite civil detention under the INA. 533 U.S. at 682, 690; *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005) (extending *Zadvydas*’s holding to inadmissible noncitizens).

48. These limitations are rooted in the Due Process Clause of the Fifth Amendment. *See Zadvydas*, 533 U.S. at 690; *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008) (“Applying the doctrine of constitutional avoidance, the court held [in *Zadvydas*] that ‘once removal is no longer reasonably foreseeable, continued detention is not authorized by the statute.’” (quoting 533 U.S. at 699)).

49. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). The Supreme Court recognized that the statutory purpose of Section 1231 was to detain non-citizens with final orders of removal in order to effectuate removal. *Id.* at 697 (Section 1231’s “basic purpose” is to “effectuat[e] an alien’s removal.”). The government’s claim that post-order detention is justified to prevent flight and ensure compliance with a removal order is “weak or nonexistent” where removal is not foreseeable. *Id.* at 690. Even detention based on dangerousness is only permissible “when limited to specially dangerous individuals and subject to strong procedural protections.” *Id.*

50. The *Zadvydas* Court adopted a “presumptively reasonable period of detention” of six months, inclusive of the 90-day removal period. *Id.* at 701. “After this 6-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.* After that point, the government must release the individual unless it can show some “sufficiently strong special justification” for continuing his detention. *Id.* at 690-91,

701.

51. The core inquiry under *Zadvydas* is whether there is a “significant likelihood of removal in the reasonably foreseeable future.” *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006) (quoting *Zadvydas*, 533 U.S. at 701). The Court adopted the six-month presumptive period as a matter of practical necessity and “for the sake of uniform administration in the federal courts.” *Zadvydas*, 533 U.S. at 701. It is a rebuttable presumption—not a jurisdictional requirement or a required element of a *Zadvydas* claim. *See Ali v. Dep’t of Homeland Security*, 451 F. Supp. 3d 703, 707-08 (S.D. Tex. 2020) (holding that the “six-month presumption is not a bright line” and that *Zadvydas* “did not require a detainee to remain in detention for six months ... before a habeas court could find that the detention is unconstitutional”); *Jabir v. Ashcroft*, No. Civ.A. 03-2480, 2004 WL 60318, at \*8 (E.D. La. Jan. 8, 2004) (“While the shifting scales of reasonableness weigh heavily in favor of the authority of the Executive to detain a removable alien during the initial six-months of detention, those scales increasingly shift in favor of a detainee as the period of detention extends beyond six months and the likelihood of removal remains remote.”).

52. Under the *Zadvydas* standard, a habeas petitioner is not required to show that her removal is “impossible,” but rather only that it is unlikely; conversely, a mere claim by the government that “good faith efforts to effectuate . . . deportation continue” is not sufficient to justify continued detention after six months. *See Zadvydas*, 533 U.S. at 702 (vacating Fifth Circuit judgment employing these standards because they “demand[] more than our reading of the statute can bear”); *see also Sharifi v. Gillis*, No. 5:20-CV-5-DCB-MTP, 2020 WL 7379211, at \*3 (S.D. Miss. Oct. 9, 2020) (“[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.” (quotations and citations omitted)), *report and recommendation adopted*, 2020 WL 7364984 (S.D. Miss. Dec. 15, 2020).

53. Release is the proper remedy for unlawfully prolonged post-removal-order detention. *See Zadvydas*, 533 U.S. at 699–700 (explaining that supervised release is the appropriate relief when “the detention in question exceeds a period reasonably necessary to secure removal” because, at that point, detention is “no longer authorized by statute”); *see also*, e.g., *Carreno v. Gillis*, No. 5:20-CV-44-KS-MTP, 2020 WL 8366735, at \*3 (S.D. Miss. Dec. 16, 2020), *report and recommendation adopted*, 2021 WL 310971 (S.D. Miss. Jan. 29, 2021) (granting *Zadvydas* habeas petition and ordering petitioner’s release).

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **Violation of The Immigration and Nationality Act – 8 U.S.C. § 1231**

54. Mr. Adir repeats and realleges each allegation contained above.

55. Mr. Adir is confined in Respondents’ custody pursuant to the INA’s discretionary post-removal period detention provision, 8 U.S.C. § 1231(a)(6), because more than 90 days have elapsed since his removal order became administratively final on June 5, 2025. *See* 8 U.S.C. § 1231(a)(1)(A), (2); 8 C.F.R. § 1241.1.

56. In *Zadvydas*, the Supreme Court construed Section 1231(a)(6) to contain an implicit reasonableness limitation in order to prevent indefinite civil detention in violation of due process. 533 U.S. at 690, 701. “[O]nce removal is no longer reasonably foreseeable, continued detention is not authorized by the statute.” *Tran*, 515 F.3d at 482 (quoting *Zadvydas*, 533 U.S. at 699).

57. There is no significant likelihood of Mr. Adir’s removal in the reasonably foreseeable future. With respect to Turkey, Mr. Adir’s country of birth and citizenship, and the only country in the world other than the United States to which he has any ties, the government is legally barred from deporting him there. *See Abrego Garcia*, 145 S. Ct. at 1018 (“The United States acknowledges that Abrego Garcia was subject to a withholding order forbidding his removal to El Salvador, and that the removal to El Salvador was therefore illegal.”). Accordingly, “the circumstances of [Mr. Adir’s] status [and] the existence of the particular individual barriers to his repatriation to his country of origin”—namely, the Immigration Judge’s withholding order—“are such that there is no significant likelihood of removal in the foreseeable future.” *Sharifi*, 2020 WL 7379211, at \*1 (quoting *Galtogbah v. Sessions*, No. 6:18-cv-00880, 2019 WL 3766280, at \*2 (W.D. La. June 18, 2019)).

58. Nor have Respondents provided information to Mr. Adir regarding any specific plans to deport him to another country or sought Mr. Adir’s cooperation in any third-country deportation efforts. Thus, there is no significant likelihood of his removal to any other country. *See id.* at \*3 (explaining that a “theoretical possibility of eventually being removed does not satisfy the government’s burden” under *Zadvydas*); *Zavvar v. Scott*, No. CV 25-2104-TDC, 2025 WL 2592543, at \*5 (D. Md. Sept. 8, 2025) (finding removal not reasonably foreseeable where petitioner had been granted withholding and government had no concrete plan for third-country removal).

59. Thus, Mr. Adir’s continued detention violates Section 1231, and he is entitled to immediate release from Respondents’ custody.

## **COUNT TWO**

### **Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution**

60. Mr. Adir repeats and realleges each allegation contained above.

61. 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 forms 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)).

62. 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)). The Supreme Court recognized that the statutory purpose of Section 1231 is to detain noncitizens with final orders of removal to effectuate removal. *Id.* at 697.

63. Prolonged civil detention also violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Id.* at 690–91.

64. Mr. Adir’s prolonged civil detention has extended well beyond the 90-day removal period and will continue into the indefinite future. His detention is no longer reasonably related to the primary statutory purpose of effectuating removal.

65. Nor have Respondents afforded Mr. Adir minimally adequate procedural protections against the erroneous deprivation of his liberty.

66. Thus, Mr. Adir’s detention violates both substantive and procedural due process.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner Faruk Atik Adir prays that the Court grant the following relief:

- A. Assume jurisdiction over this matter;
- B. Issue an order to show cause to be returned within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243;

- C. Enjoin Respondents from transferring Petitioner outside of this judicial district pending litigation of this matter;
- D. Declare that Petitioner’s detention violates the Immigration and Nationality Act;
- E. Declare that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment;
- F. Order the immediate release of Petitioner;
- G. Award Petitioner reasonable costs and attorneys’ fees pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- H. Grant any other relief that this Court deems just and proper.

Dated: November 5, 2025

Respectfully submitted,

  
s/ Korbin Felder

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*\*pro hac vice application forthcoming*

*Pro Bono Counsel for Petitioner*

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

Undersigned counsel submits this verification on behalf of the Petitioner. Undersigned counsel has discussed with Petitioner the events described in this Petition for Writ of Habeas Corpus and, on the basis of those discussions, verify that the statements in the Petition are true and correct to the best of our knowledge.

Dated: November 5, 2025

*s/ C.J. Sandley*

*Counsel for Petitioner*

# EXHIBIT 1



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
LASALLE IMMIGRATION COURT

Respondent Name:

ADIR, FARUK ATIK

To:

Bayram, Aaron Murat  
619 River Drive  
Suite 340  
Elmwood Park, NJ 07407

A-Number:

221-391-438

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

05/06/2025

**ORDER OF THE IMMIGRATION JUDGE**

- This is a summary of the oral decision entered on 05/06/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent  removable  inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(6)(A)(i)

The immigration court found Respondent  not removable  not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- Asylum was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Special Rule Cancellation of Removal under INA § 240A(b)(2) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

C. Waiver

- A waiver under INA § was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

D. Adjustment of Status

- Adjustment of Status under INA § was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

E. Other

III. Voluntary Departure

- Respondent's application for  pre-conclusion voluntary departure under INA § 240B(a)  post-conclusion voluntary departure under INA § 240B(b) was  denied.
- Respondent's application for  pre-conclusion voluntary departure under INA § 240B(a)  post-conclusion voluntary departure under INA § 240B(b) was  granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
  - Further information regarding voluntary departure has been added to the record.
  - Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set  the presumptive civil monetary penalty amount of \$3,000.00 USD  \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### IV. Removal

- Respondent was ordered removed to TURKEY
- In the alternative, Respondent was ordered removed to
- Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### V. Other

- Proceedings were  dismissed  terminated with prejudice  
 terminated without prejudice  administratively closed.
- Respondent's status was rescinded under INA § 246.
- Other:

Immigration Judge: DEPUY, ALBERTO 05/06/2025

Appeal:	Department of Homeland Security:	<input type="checkbox"/>	waived	<input checked="" type="checkbox"/>	reserved
	Respondent:	<input type="checkbox"/>	waived	<input checked="" type="checkbox"/>	reserved

Appeal Due:06/05/2025

**Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable  
 To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [ E ] Noncitizen's atty/rep. | [ E ] DHS  
 Respondent Name : ADIR, FARUK ATIK | A-Number : 221-391-438

Riders:

Date: 05/07/2025 By: Hebert, Leishone, Court Staff

# EXHIBIT 2

U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

Alien Name: Adir, Faruk Atik

Alien Number (A#): 221 391 138

Date: 05/16/2025

**NOTICE OF REMOVAL**

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) intends to

remove you to Spain

# EXHIBIT 3



0000-2025-3091441018 / 21:29

REPUBLIC OF TÜRKİYE  
TÜRKİYE CUMHURİYETİ  
MINISTRY OF JUSTICE  
ADALET BAKANLIĞI

DIRECTORATE GENERAL OF CRIMINAL RECORDS AND STATISTICS  
ADLİ SİCİL VE İSTATİSTİK GENEL MÜDÜRLÜĞÜ

DOCUMENT NUMBER : 0000-2025-3091441018 / 21:29  
SAYI  
SOURCE / DATE OF DOCUMENT : İNTERNET (www.turkiye.gov.tr) / 18.01.2025  
YER / TARİH  
TYPE OF CRIMINAL RECORD CHECK : YABANCI DİL  
SORGU TÜRÜ  
INTENDED USE : U.S.A  
KULLANIM AMACI  
TYPE OF PERSONAL IDENTIFICATION : MERNİS  
KİMLİK TÜRÜ

IDENTITY INFORMATION SUBJECT TO CRIMINAL RECORD CHECK  
SORGULAMAYA ESAS KİMLİK BİLGİLERİ

IDENTITY NUMBER : 45487213734  
KİMLİK NUMARASI  
NAME , SURNAME : FARUK ATİK, ADIR  
AD, SOYAD  
MOTHER'S NAME / FATHER'S NAME : HATİCE / KAZI  
ANNE ADI / BABA ADI  
PLACE OF BIRTH / DATE OF BIRTH : MERSİN / 31.10.1986  
DOĞUM YERİ / TARİHİ

+-----+

RESULTS OF THE CRIMINAL RECORD CHECK  
ADLİ SİCİL KAYDI SORGULAMASI SONUÇLARI

THE PERSON WITH THE ABOVE IDENTITY INFORMATION HAS NO CRIMINAL RECORD.  
YUKARIDA KİMLİK BİLGİLERİ BULUNAN KİŞİNİN ADLİ SİCİL KAYDI YOKTUR.

THE PERSON WITH THE ABOVE IDENTITY INFORMATION HAS NO ARCHIVAL CRIMINAL RECORD.  
YUKARIDA KİMLİK BİLGİLERİ BULUNAN KİŞİNİN ADLİ SİCİL ARŞİV KAYDI YOKTUR.

+-----+

NOTE: THIS CHECK IS BASED ON THE ABOVE IDENTITY INFORMATION SUBJECT TO THE CRIMINAL  
RECORD CHECK. (ENGLISH)

NOT : BU SORGULAMA YUKARIDAKİ "SORGULAMAYA ESAS KİMLİK BİLGİLERİ" NE GÖRE YAPILMIŞTIR. (İNGİLİZCE)



# EXHIBIT 4

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security  
1010 E. Whatley Road  
Oakdale, LA 71463



**U.S. Immigration  
and Customs  
Enforcement**

ADIR, Faruk Atik  
c/o Immigration and Customs Enforcement  
New Orleans Field Office

A221 391 438

### **Decision to Continue Detention**

This letter is to inform you that your custody status has been reviewed, and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, consideration of the information you submitted to ICE's reviewing officials on February 10, 2020, and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

As explained below, after such review, ICE has determined to maintain your custody because:

You have not demonstrated that, if released, you will not: Pose a significant risk of flight pending your removal from the United States. ICE is in receipt of or expects to receive the necessary travel documents to effectuate your removal, removal is practicable, likely to occur in the reasonably foreseeable future and in the public interest.

ICE has made such determination based upon: A review of your immigration history and a review of your criminal history. ICE has determined to continue detention pursuant to 8 CFR 241.4 (e) (f) due to the risk of flight.

Based on the above, you are to remain in ICE custody pending your removal from the United States as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

If you have not been released or removed from the United States at the expiration of the three-month period after this 90-day review, jurisdiction of the custody decision in your case will be transferred to the ICE Headquarters (ERO Removal Division), Potomac Center North, 500 12<sup>th</sup>

**Decision to Continue Detention**

ADIR, Faruk Atik A221 391 438

Page 2

Street SW, Washington, DC 20536. The ERO Removal Division will thereafter conduct a custody review and will make a determination regarding whether you will continue to be detained pending removal or may be released.

To assist in the ERO Removal Division custody review, you will be afforded a personal interview. You and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any, will be notified of the date and time of the interview approximately 30 days prior to the scheduled interview date. This interview may be in person or through a video teleconference. If ERO needs to change the date of the interview, ERO will provide notice to you and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any.

You may be accompanied during the interview by a person of your choice, subject to security requirements at the detention facility, as long as this person is able to attend the interview at the scheduled time.

You may submit any additional documentation in English you wish to be considered in support of your release at the time of the interview or via mail service up to five business days prior to the scheduled time of your interview to the following address:

Appear\*  
DHS/ICE  
1010 E. Whatley Road  
Oakdale, LA 71463

Such documentation should contain a cover letter indicating that the material is submitted in support of your Post Order Custody Review personal interview. An attorney or other person may submit materials on your behalf.

You are required to complete the information below.

I do  do not \_\_\_\_\_ want a personal interview.

If you do want an interview, please check the appropriate box(es) below:

Check this box if you need an interpreter for your interview.  
Language/Dialect: TURKISH

I will be assisted at this interview by a representative of my own choosing.

Name: \_\_\_\_\_

Appear\*  
If your representative has not filed a G-28, Notice of Entry of Appearance, on your behalf, you are responsible for notifying any other person you have selected to assist you of the date, time, and location of the interview. The representative must be at least 18 years of age.

**Decision to Continue Detention**

ADIR, Faruk Atik A221 391 438

Page 3

You will be sent a separate Notice to Alien of Interview for Review of Custody Status approximately 30 days before the interview is scheduled. If you wish to request additional time to prepare for the interview, you must notify your deportation officer within five business days of receipt of the Notice of Interview. If ERO agrees to postpone the interview at your request, you will be deemed to have waived its completion prior to jurisdiction over your case transferring to the ERO Removal Division.

You will be notified of the decision in your case when the custody review has been concluded by the ERO Removal Division.

Brian Acuna  
Brian Acuna, New Orleans Deputy Field Office Director

SEP 15 2025  
Date

**PROOF OF SERVICE**

(Officer to complete both (a) and (b) below.)

(a) I DO #8247 DO  
Name of ICE Officer Title  
certify that I served Faruk Atik ADIR with a copy of  
Name of detainee  
this document at ACDC on 9/17/2025 at 0818 hrs  
Institution Date Time

(b) I certify that I served the custodian \_\_\_\_\_  
Name of Official  
\_\_\_\_\_ at \_\_\_\_\_, on \_\_\_\_\_  
Title Institution  
\_\_\_\_\_ with a copy of this document.  
Date

Detainee Signature: [Signature] Date: 9/17/2025

- ( ) cc: Attorney of Record or Designated Representative
- ( ) cc: A-File

JS 44 (Rev. 03/21)

**CIVIL COVER SHEET** 5:25-cv-123-DCB-BWR

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b></p> <p>FARUK ATIK ADIR</p> <p><b>(b) County of Residence of First Listed Plaintiff</b> <u>Adams</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b> D. Korbin Felder, MS Bar No. 106643 (see attached)</p>	<p><b>DEFENDANTS</b></p> <p>RAFAEL VERGARA et al. (see attached)</p> <p>County of Residence of First Listed Defendant <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p> <p>U.S. Attorney for the Southern District of Mississippi ARTHUR JOHNSTON BY _____ DEPUTY</p>
---	--

SOUTHERN DISTRICT OF MISSISSIPPI  
**FILED**  
**NOV - 5 2025**

<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

**IV. NATURE OF SUIT** (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <p style="text-align: center;"><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p style="text-align: center;"><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align: center;"><b>INTELLECTUAL PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p style="text-align: center;"><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p style="text-align: center;"><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p><b>REAL PROPERTY</b></p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p><b>CIVIL RIGHTS</b></p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p><b>PRISONER PETITIONS</b></p> <p><b>Habeas Corpus:</b></p> <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p><b>Other:</b></p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District (specify)     6 Multidistrict Litigation - Transfer     8 Multidistrict Litigation - Direct File

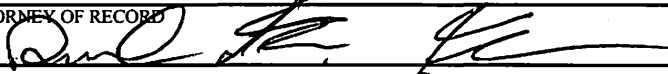
**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 2241; 8 U.S.C. § 1231; and U.S. Const. Amend. 5

Brief description of cause:  
Non-citizen challenging indefinite immigration detention

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ \_\_\_\_\_    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: 11/05/2025    SIGNATURE OF ATTORNEY OF RECORD:  /s/ D. Korbin Felder

FOR OFFICE USE ONLY:    RECEIPT # 12872 AMOUNT \_\_\_\_\_    APPLYING IFP \_\_\_\_\_    JUDGE \_\_\_\_\_    MAG. JUDGE \_\_\_\_\_

***Faruk Atik Adir v. Rafael Vergara et al.***

**Civil Cover Sheet Attachment**

**I.(a)**

**DEFENDANTS/RESPONDENTS**

RAFAEL VERGARA, Warden of Adams County Correctional Center (official capacity)

MELLISSA HARPER, Director of U.S. Immigration and Customs Enforcement New Orleans Field Office (official capacity)

TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement (official capacity)

KRISTI NOEM, Secretary of the Department of Homeland Security (official capacity)

PAMELA BONDI, U.S. Attorney General (official capacity)

**I.(c) PLAINTIFF/PETITIONER'S ATTORNEYS**

D. Korbin Felder, MS Bar No. 106643  
Center for Constitutional Rights  
P.O. Box 12046  
Jackson, MS 39236  
Tel: 601-228-610  
Fax: 212-614-6497  
kfelder@ccrjustice.org

C.J. Sandley\*  
Jessica Myers Vosburgh\*  
Center for Constitutional Rights  
P.O. Box 486  
Birmingham, AL 35201  
csandley@ccrjustice.org  
jvosburgh@ccrjustice.org

Ben W. Thorpe\*  
Bondurant Mixson & Elmore LLP  
1201 W. Peachtree Street NW, Suite 3900  
Tel: (404) 881-4100  
Fax: (404) 881-4111  
bthorpe@bmelaw.com

*\*pro hac vice application forthcoming*