

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Ed Yayo v. Warden

Yayo · No. 3:26-CV-100-CCB-SJF · Decided May 5, 2026

SUMMARY

The court denied Ed Yayo’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention and removal. The court concluded that Yayo’s Temporary Protected Status had been withdrawn, that alleged unlawful arrest and medical concerns did not authorize habeas relief, and that the court lacked jurisdiction to review the merits or execution of his removal order.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	May 5, 2026
DOCKET	3:26-CV-100-CCB-SJF
DISPOSITION	other
PROCEDURAL POSTURE	A federal immigration detainee proceeding pro se petitioned for a writ of habeas corpus under 28 U.S.C. § 2241, challenging his detention and asserting that Temporary Protected Status barred his detention and removal. The Warden answered with immigration records, and the petitioner replied.
STANDARD OF REVIEW	The court evaluated whether Yayo was lawfully detained and whether he was entitled to habeas relief under § 2241. The opinion does not state a separate formal standard-of-review formulation.
PRECEDENTIAL VALUE	Unknown; district-court opinion with no reported citation identified
PARTIES	Ed Yayo v. Warden

TOPICS

immigration detention

federal habeas corpus

temporary protected status

removal proceedings

subject matter jurisdiction

PRACTICE AREAS

immigration law

federal habeas corpus

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QUESTIONS PRESENTED

1. Whether Yayo's detention was unlawful when his Temporary Protected Status had been withdrawn.
2. Whether an allegedly unlawful prior arrest invalidated Yayo's subsequent immigration detention.
3. Whether the district court could review the merits of Yayo's removal order or second-guess the Department of Homeland Security's decisions concerning execution of the removal order through a § 2241 habeas petition.
4. Whether Yayo's health concerns and fear of inadequate treatment in Haiti entitled him to release or an order stopping his removal.

HOLDINGS

1. Because USCIS had withdrawn Yayo's Temporary Protected Status, he no longer had TPS-based protection from immigration detention or removal and was not entitled to habeas relief on that ground.
2. An allegedly unlawful arrest does not invalidate a subsequent detention that is otherwise legally authorized.
3. The district court lacked jurisdiction under 8 U.S.C. § 1252(g) to review the merits of the removal order or to second-guess the Department of Homeland Security's discretion concerning when or whether to execute the order.

KEY QUOTATIONS

“An alleged unlawful arrest does not invalidate a subsequent detention that is otherwise authorized.” (at 2)

“Yayo has not presented a reason outside of his now-withdrawn TPS to find his detention is unauthorized.”
(at 2)

FACTUAL BACKGROUND

Yayo, a Haitian citizen, entered the United States in 2006 on a B-2 visitor visa and overstayed. USCIS initially granted him Temporary Protected Status in 2010 but withdrew it in 2021 after identifying potentially disqualifying criminal-history information and receiving no response to its request for additional evidence. ICE detained Yayo in December 2024, and he was ordered removed to Haiti in August 2025. He argued that his detention and removal were unlawful and also cited an allegedly wrongful local arrest, mental-health concerns, and an MRSA infection.

PROCEDURAL HISTORY

Yayo filed a § 2241 habeas petition alleging that his detention was unlawful because he had Temporary Protected Status. The Warden demonstrated that USCIS had withdrawn Yayo's TPS in 2021 after determining that he was ineligible based on his criminal record. Yayo was later detained by ICE, ordered removed to Haiti, and appealed to the Board of Immigration Appeals. The district court denied the habeas petition and directed the clerk to close the case.

DISPOSITION

other

CASES CITED

- *Arias v. Rogers*, 676 F.2d 1139, 1143 (7th Cir. 1982)
- *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1039 (1984)
- *U.S. ex rel. Bilokumsky v. Tod*, 263 U.S. 149, 158 (1923)
- *Morales-Ramirez v. Reno*, 209 F.3d 977, 979 (7th Cir. 2000)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION ED YAYO, Petitioner, v. CAUSE NO. 3:26-CV-100-CCB-SJF WARDEN, Respondent. OPINION AND ORDER Immigration detainee Ed Yayo, representing himself, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, alleging that he is unlawfully confined in violation of the laws or Constitution of the United States.

ECF 1. The Warden has answered the petition, and Yayo filed a reply. ECF 6, ECF 7. The petition is ready to be decided. Yayo, a Haitian citizen, filed this habeas petition alleging that he cannot be removed from the United States because he has Temporary Protected Status (TPS). A noncitizen who has been granted TPS shall not be removed from the United States while the status is in effect and is authorized to work in the United States.

See 8 U.S.C. § 1254a(a)(1). Further, “[a]n alien provided temporary protected status under this section shall not be detained by the Attorney General on the basis of the alien's immigration status in the United States.” 8 U.S.C. § 1254a(d)(4).

The Warden answered the petition and provided evidence that Yayo does not have TSP. According to Yayo’s immigration records, he entered the United States in 2006 on a B-2 visitor’s visa with authorization to stay up to six months. ECF 6-1 at 3. He overstayed his visa. Yayo was initially granted TPS on May 27, 2010. ECF 6-2 at 2. But United States Citizenship and Immigration Services (USCIS) withdrew that status on September 27, 2021, after finding that Yayo was not, in fact, eligible for TPS based on his criminal record.

Id. Specifically, a noncitizen is ineligible for TPS if he “has been convicted of any felony or 2 or more misdemeanors committed in the United States.” 8 U.S.C. § 1254a(c)(2)(B)(i). USCIS identified eight arrests that might disqualify Yayo for TPS and asked him to submit additional evidence, showing those arrests are not disqualifying. ECF 6-2 at 4-8. He did not respond, and his TPS was withdrawn.

Id. at 8. Yayo was taken into the custody of Immigration and Customs Enforcement (ICE) on December 26, 2024, and he was ordered removed to Haiti on August 21, 2025. ECF 1 at 4; ECF 6-3 at 2-5. Yayo appealed to the Board of Immigration Appeals. ECF 6-4 at 2-4. Based on the information provided by the Warden, Yayo is not entitled to the relief he seeks because his TPS has been withdrawn and no longer provides him protection from detention or removal.

In reply, Yayo does not contest that he no longer has the protection of TPS. Instead, he asks this court to release him because he was wrongfully arrested and detained by local police officers and because he suffers from mental health issues and a Methicillin-resistant *Staphylococcus aureus* (MRSA) infection that will not be properly treated in Haiti and may cause his death.

These are not reasons that allow this court to grant habeas relief. An alleged unlawful arrest does not invalidate a subsequent detention that is otherwise authorized. See *Arias v. Rogers*, 676 F.2d 1139, 1143 (7th Cir. 1982) (“In the criminal law, if there is probable cause to hold an accused he cannot gain his freedom by showing that the arrest was illegal, although he may be able to suppress at his trial evidence seized as an incident to his arrest.

This court has applied the same principle, distinguishing illegal arrest from illegal detention, in deportation cases.”); see also *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1039 (1984) (“The ‘body’ or identity of a defendant or respondent in a criminal or civil proceeding is never itself suppressible as a fruit of an unlawful arrest, even if it is conceded that an unlawful arrest, search, or interrogation occurred.”); *U.S. ex rel.*

Bilokumsky v. Tod, 263 U.S. 149, 158 (1923) (“A writ of habeas corpus is not like an action to recover damages for an unlawful arrest or commitment, but its object is to ascertain whether the prisoner can lawfully be detained in custody; and if sufficient ground for his detention by the government is shown, he is not to be discharged for defects in the original arrest or commitment.”) (quotation marks omitted).

Yayo has not presented a reason outside of his now-withdrawn TPS to find his detention is unauthorized. Finally, this court’s jurisdiction over habeas petitions does not extend to reviewing the merits of a removal order or second guessing the Department of Homeland Security’s discretion over when or whether to execute a removal order. See 8 U.S.C. § 1252(g); *Morales-Ramirez v. Reno*, 209 F.3d 977, 979 (7th Cir.

2000) (concluding § 1252(g) prevents a district court from exercising jurisdiction over a habeas petition that challenges the merits of an order of removal). Yayo's fears about his return to Haiti are not a basis for this court to order his release or otherwise stop his removal.

For these reasons, the court DENIES the habeas petition (ECF 1) and DIRECTS the clerk to close this case. SO ORDERED on May 5, 2026. /s/Cristal C. Brisco CRISTAL C. BRISCO, JUDGE
UNITED STATES DISTRICT COURT