

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

KOSSI DEGBE
Petitioner

#A097-619-142

vs.

KEITH DEVILLE, Warden, Winn Correctional
Center;
DIANE L. WITTE, Director,
New Orleans Field Office,
Enforcement and Removal Operations,
U.S. Immigration and Customs Enforcement;
COREY A. PRICE¹, Executive Associate
Director, Enforcement and Removal
Operations, U.S. Immigration and Customs
Enforcement;
TAE JOHNSON, Senior Official
Performing the Duties of the Director,
U.S. Immigration and Customs Enforcement;
DAVID PEKOSKE, Senior Official Performing
the Duties of the Deputy Secretary, Department of
Homeland Security;
MONTY WILKINSON, Acting Attorney
General

Respondents-Defendants

Civil No. 1:21-cv-00241-DCJ-JPM

J. David C Joseph
M.J. Joseph H L Perez-Montes

PETITIONER'S MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, Petitioner Kossi Degbe, by and through his undersigned counsel, respectfully moves this Court for a preliminary injunction against Respondents Keith Deville, Diane L. Witte, Corey A. Price, Tae Johnson, David Pekoske, and Monty Wilkinson. In support thereof, Petitioner states as follows:

¹ Previous filings named Henry Lucero in his official capacity as Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement. Dkt. Nos. 1-5. He has since been replaced in this position by Corey A. Price.

1. On January 29, 2021, Petitioner filed a Petition for Writ of Habeas Corpus (ECF No. 1) alleging that, contrary to *Zadvydas v. Davis*, 533 U.S. 678 (2001), he is being indefinitely detained. For more than five years now, Togo has refused to supply the United States with the necessary papers to remove Mr. Degbe. Accordingly, there is no prospect that he will be removed within the reasonably foreseeable future.
2. Petitioner seeks a preliminary injunction ordering his immediate release from custody under reasonable conditions of supervision and enjoining the respondents from any further detention of his person.
3. Federal Rule of Civil Procedure 65(a) provides for the issuance of a preliminary injunction under the circumstances present here.
4. Petitioner submits a Memorandum in Support of his Motion for a Preliminary Injunction, together with supporting exhibits and declarations, addressing all necessary elements for the entry of a preliminary injunction.

WHEREFORE, Petitioner respectfully requests the Court grant his Motion and issue a preliminary injunction pending a decision on the merits of Petitioner's claims in this matter.

Respectfully submitted this 1st day of February, 2021.

/s/ Paul Scott

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*petition for admission *pro hac vice* forthcoming