

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

Saad OSMAN, Applicant,  
Full Name (under which you were convicted or detained)

A [REDACTED]  
Prisoner or "A" Number ("Alien Registration Number")

Dodge County Detention Facility  
Custodial Location

vs.

Dale J. SCHMIDT, Sheriff, Dodge County Respondent(s).  
Name of Warden, Superintendent, Sheriff, or  
Authorized Person Having Custody of the Applicant.<sup>1</sup>

Docket No. \_\_\_\_\_  
(to be supplied by Clerk)

APPLICATION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241  
BY A PERSON IN CUSTODY

Caution: THIS IS NOT THE FORM TO BE USED IF YOU CLAIM THAT YOU ARE INNOCENT OF THE CRIME(S) FOR WHICH YOU WERE CONVICTED; IF YOU CLAIM YOU WERE FOUND GUILTY BY A STATE COURT IN VIOLATION OF THE LAWS OR CONSTITUTION OF THE UNITED STATES; OR, IF YOU CLAIM THAT YOUR FEDERAL SENTENCE OR CONVICTION IS UNLAWFUL, UNLESS 28 U.S.C. § 2255 IS INADEQUATE OR INEFFECTIVE TO TEST THE LEGALITY OF YOUR DETENTION.

<sup>1</sup>If the applicant is confined, the proper respondent is the officer who has custody of the applicant.

I. GENERAL INFORMATION

A. Your name (under which you were convicted or detained)

Saad OSMAN

Other names used \_\_\_\_\_

B. Address of custodial location \_\_\_\_\_

II. SUBJECT OF THIS APPLICATION

A. Check the type of decision or action that you are challenging:

Denial of parole

Revocation of parole

Disciplinary matter

Revocation/calculation of good time credits

Detainer/illegal pretrial detention

Detention by Immigration and Customs Enforcement (ICE)

Other (describe briefly the type of decision or action involved)

B. Who made the decision or took the action? Immigration and Customs Enforcement

C. Date of decision or action Detained on February 5, 2025

D. Was there a hearing of any kind?

Yes  No

SUBJECT OF THIS APPLICATION - continued

If yes,

1. First Hearing:

- a. Date \_\_\_\_\_
  - b. Location \_\_\_\_\_
  - c. Conducted by \_\_\_\_\_
  - d. Result \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

2. Second Hearing:

- a. Date \_\_\_\_\_
  - b. Location \_\_\_\_\_
  - c. Conducted by \_\_\_\_\_
  - d. Result \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

3. Future Hearings:

- a. Date \_\_\_\_\_
- b. Location \_\_\_\_\_

If no, and you are an immigration detainee, state why you are not in removal proceedings:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SUBJECT OF THIS APPLICATION - continued

4. If you are an immigration detainee, what is your current custody determination?

- Ordered detained without bond
- Ordered released upon posting a bond in the amount of \$ \_\_\_\_\_
- Other: \_\_\_\_\_

Attach a copy of the Notice of Custody Determination [Form I-286]

a. Did you request a bond before the immigration judge?

- Yes       No

If yes, attach a copy of the immigration judge's decision to your petition.

b. How long have you been detained as an immigration detainee? \_\_\_\_\_

c. Have you been ordered removed or given voluntary departure by an Immigration Judge?

- Yes       No

If yes, attach a copy of the order of removal or order of voluntary departure to your petition.

E. Were you represented by an attorney, counselor, or by a staff representative at any hearing?

- Yes     No

If yes, give name and address

\_\_\_\_\_  
\_\_\_\_\_

F. If you are challenging your illegal pretrial detention, complete the following:

1. Charge(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Name and location of court(s) in which charge(s) is/are pending  
\_\_\_\_\_  
\_\_\_\_\_
3. Case or docket number(s) \_\_\_\_\_
4. Date of arrest or date that you were initially confined on charge(s)  
\_\_\_\_\_

PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES - continued

B. Have you filed any previous lawsuit(s) related to your present application?

Yes  No

If yes, attach the decision(s) that resolved your previous suit and answer the following questions.

1. Name and location of court \_\_\_\_\_  
\_\_\_\_\_
2. Date of filing \_\_\_\_\_
3. Case or docket number(s) \_\_\_\_\_
4. Nature of suit \_\_\_\_\_
5. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Result \_\_\_\_\_
7. Date \_\_\_\_\_

C. If your application concerns a federal parole matter (for example, denial, modification, or revocation of parole), complete the following:

Did you appeal the decision to the Regional Commissioner?

Yes  No

If yes, attach the Regional Commissioner's decision on your appeal and answer the following questions.

1. Date of filing appeal \_\_\_\_\_
2. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Result \_\_\_\_\_
4. Date \_\_\_\_\_

SUBJECT OF THIS APPLICATION - continued

G. If you are in custody after conviction and sentencing, complete the following:

1. Offense(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Name and location of court which imposed the sentence \_\_\_\_\_  
\_\_\_\_\_
3. Case or docket number(s) \_\_\_\_\_
4. Date of conviction \_\_\_\_\_
5. Date of sentencing \_\_\_\_\_
6. Length of sentence \_\_\_\_\_
7. Did you appeal the conviction?  
 Yes     No

If yes, attach a copy of the decision(s) that resolved your appeal and answer the following questions.

a. First appeal:

1. Court \_\_\_\_\_
2. Case or docket number(s) \_\_\_\_\_
3. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Result \_\_\_\_\_
5. Date \_\_\_\_\_

b. Second appeal:

1. Court \_\_\_\_\_
2. Case or docket number(s) \_\_\_\_\_
3. Grounds raised \_\_\_\_\_  
\_\_\_\_\_

SUBJECT OF THIS APPLICATION- continued

\_\_\_\_\_

\_\_\_\_\_

4. Result \_\_\_\_\_

5. Date \_\_\_\_\_

8. Have you challenged this sentence in any other post conviction proceeding?

Yes  No

If yes, attach a copy of the decision(s) that resolved your challenge and answer the following questions.

a. Court \_\_\_\_\_

b. Case or docket number(s) \_\_\_\_\_

c. Grounds raised \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d. Result \_\_\_\_\_

e. Date \_\_\_\_\_

III. PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES

A. Did you appeal the decision or action listed in Section II(A) to a federal court previously?

Yes  No

If yes, attach the decision(s) that resolved your appeal and answer the following questions.

1. Date of filing appeal \_\_\_\_\_

2. Grounds raised \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Result \_\_\_\_\_

4. Date \_\_\_\_\_

PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES - continued

D. Did you appeal the decision to the National Appeals Board/U.S. Parole Commission?

Yes  No

If yes, attach the National Appeals Board/U.S. Parole Commission's decision on your appeal and answer the following questions.

1. Date of filing appeal \_\_\_\_\_
2. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Result \_\_\_\_\_
4. Date \_\_\_\_\_

E. If your application concerns an immigration matter, complete the following:

1. If the immigration judge rendered a decision on your custody, did you appeal the immigration judge's decision to the Board of Immigration Appeals?

Yes  No

If yes, state the status of the appeal.

Not applicable. Petitioner is not challenging his custody during his removal proceedings, which ended on January 22, 2024. This petition challenges his present detention by Immigration and Customs Enforcement ("ICE"), which is unlawful because he has a pending application for Temporary Protected Status

If no, state why you did not appeal the immigration judge's decision:

N/A

2. Do you have any pending appeals before the Board of Immigration Appeals?

Yes  No

If yes, please describe each appeal:

PREVIOUS APPEALS/ADMINISTRATIVE REMEDY PROCEDURES - continued

F. If your application concerns something other than parole or an immigration detention, (for example, a disciplinary matter), complete the following about administrative remedy procedures. (If you are a federal prisoner, see 28 C.F.R. § 542.10.)

1. Did you attempt to resolve your complaint informally?

Yes       No

2. Did you file a formal complaint?

Yes       No

3. Did you appeal to the warden?

Yes       No

4. Did you appeal to the Secretary of Corrections or to the Regional Commissioner?

Yes       No

5. Did you appeal to the General Counsel (if applicable)?

Yes       No

6. If you did not use the available administrative remedy procedure, explain why you did not.

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G. Attach copies of your incident report or parole rationale (where appropriate), your request(s) for an administrative remedy or notice of appeal to the Board of Immigration Appeals and any response(s) or decision(s) of the Board of Immigration Appeals or any other administrative entity that you received. If you cannot do so, explain why the materials are unavailable.

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IV. GROUND(S) FOR RELIEF

State concisely every ground supporting your contention that you are being confined unlawfully. Provide a short and plain statement of facts setting forth in numbered paragraphs each ground you are presenting for relief without citing law. If the space provided is insufficient to set forth your grounds for relief and/or supporting facts, you may attach extra page(s) to this form.

However, as stated in paragraph seven (7) of the Instructions, you should not cite to legal authority (i.e., case law or statutes) on this form. If you want to cite to legal authority, you must do so in a separate memorandum no longer than fifteen (15) pages.

Ground One Petitioner's detention and threatened removal from the United States violates the Temporary Protected Status statute (8 U.S.C. § 1254a).

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

Petitioner, Saad Osman ("Mr. Osman"), is a citizen of Somalia with a pending application for Temporary Protected Status ("TPS), a form of nationality-specific status established by 8 U.S.C. § 1254a that protects its holders from detention and removal from the United States for as long as TPS remains in effect. TPS is available to Somalis, including Mr. Osman, who have previously received final orders of removal.

As a person with a pending application for TPS who is facially eligible for TPS status, Mr. Osman is entitled to temporary treatment benefits as a TPS holder under 8 U.S.C. § 1254a(a)(4)(B).

Mr. Osman has been under a final order of removal since January 22, 2024. On August 20, 2024, he filed an application for TPS, which remains pending. In mid-October, Immigration and Customs Enforcement ("ICE") released Mr. Osman from custody based on his pending TPS application. On February 5, when Mr. Osman appeared for an ICE check-in appointment--his second since his release--ICE abruptly redetained him, offering no justification other than the fact that he was under a final order of removal. ICE is now threatening imminently to remove Mr. Osman from the United States.

Ground Two Petitioner's detention is arbitrary in violation of his substantive due process rights.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

18. Mr. Osman's TPS application is still pending, under receipt number [REDACTED] he has no criminal record and has done nothing since his release to justify this new detention.



GROUND FOR RELIEF - continued

Ground Four \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supporting FACTS (Briefly summarize the facts without citing cases or law.)  
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V. REQUEST FOR RELIEF

State exactly what you want the court to do for you.

Petitioner requests that the Court:

- (1) Assume jurisdiction over this matter;
- (2) Pursuant to 28 U.S.C. § 2241 issue an order directing Respondent to show cause why the writ of habeas corpus should not be granted;
- (3) Issue a writ of habeas corpus requiring Respondent to release Petitioner forthwith;
- (4) Enjoin Respondent from removing Petitioner from the United States for as long as his application for TPS remains pending and, if approved, for so long as TPS for Somalia shall remain in effect;
- (5) Declare that Petitioner's present detention was and is contrary to law;
- (6) Award Petitioner reasonable costs and attorney's fees; (7) Grant any other relief the Court may deem proper.

VI. DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, hereby declare under penalty of perjury that the foregoing information is true and correct.

Signed this 26th day of February, 2025.

\_\_\_\_\_  
Signature of Applicant



\_\_\_\_\_  
(Signature of Lawyer, if any)

If you are signing the application and are not the applicant, state your relationship to the applicant and explain why the applicant is not signing this application.

I am signing this application on behalf the Petitioner because I am Petitioner's attorney.

I have discussed I have discussed with the Petitioner the events described in this Petition.

On the basis of those discussions, I hereby verify that the statements made above are true and correct to the best of my knowledge.

\_\_\_\_\_  
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\_\_\_\_\_