

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

OMAR MOHAMED,

Petitioner,

v.

WARDEN, Prairieland Detention Center;
KRISTI NOEM, in her official capacity as
Secretary of the United States Department of
Homeland Security;
PAMELA BONDI, in her official capacity
as Attorney General of the United States.

Respondents.

Civil Action No.: 3:25-cv-00885

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

ORAL ARGUMENT REQUESTED

COMES NOW the Petitioner, Omar Mohamed, by and through undersigned counsel, and files this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking immediate release from unlawful and prolonged detention by the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and states as follows:

I. INTRODUCTION

1. Petitioner is a national of Yemen, a country suffering from ongoing armed conflict and extraordinary humanitarian conditions.
2. The Petitioner has been detained by the U.S. government for over six months following his order of removal.
3. The US government cannot remove the Petitioner to Yemen because of an ongoing armed conflict in Yemen which has created one of the world's most severe humanitarian crises.

4. Since 2015, the country has been engulfed in violence involving multiple factions, including the Houthi movement and the internationally recognized Yemeni government, compounded by foreign interventions and a US bombing campaign that has targeted airports.
5. This conflict has led to widespread civilian casualties, the collapse of essential infrastructure, and the displacement of millions. According to international humanitarian organizations, large portions of the country remain inaccessible due to security concerns, and conditions continue to deteriorate due to food shortages, lack of medical care, and ongoing hostilities.
6. Given these conditions, the likelihood of the U.S. government effectuating the removal of a Yemeni national is extremely low.
7. The U.S. Department of Homeland Security has consistently recognized Yemen as a country facing extraordinary and temporary conditions, which prevent nationals from returning safely. As a result, Yemen has been designated for Temporary Protected Status (TPS), and ICE itself rarely carries out removals to Yemen due to both logistical constraints and human rights concerns.
8. Therefore, any attempt to detain a Yemeni national for removal purposes under these circumstances would be impractical, inhumane, and pose an extreme danger to U.S. government employees and agents.
9. There is no likelihood of removal of the Petitioner in the foreseeable future due to the government's inability to repatriate Yemeni nationals to Yemen, therefore, the Petitioner must be released.

10. The petitioner's continued detention violates his Fifth Amendment right to due process

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701.
6. This Court has authority to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, 5 U.S.C. §§ 702 and 706 and Rule 57 of the Federal Rules of Civil Procedure III.
7. This Court has authority to grant injunctive relief in this action pursuant to 5 U.S.C. §§ 702 and 706, and Rule 65 of the Federal Rules of Civil Procedure.
8. Petitioner's current detention as enforced by Respondents constitutes a "severe restraint on Petitioner's individual liberty," such that Petitioner is "in custody in violation, of the laws of the United States." *Hensley v. Municipal Ct*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241.
9. While the courts of appeals have jurisdiction to review removal orders directly through petitions for review, *see* 8 U.S.C. § 1252(a)(1), (b), the federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of Immigration and Customs Enforcement's ("ICE") conduct. *See, e.g., Demore v. Kim*, 538 U.S. 510, 516-517 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
10. This Court has jurisdiction over all Respondents, each of whom is a proper respondent under 28 U.S.C. § 2243.
11. Pursuant to 28 U.S.C. § 1391(e), venue is proper within this district on the following grounds: this is a civil action in which (1) Respondents are officers of the United States acting in their official capacity or an agency of the United States; (2) Petitioner resides in this judicial district; and (3) a substantial part of the acts or omissions giving rise to the

claim occurred in this judicial district.

12. No binding precedent applicable to immigration detainees, nor the habeas statute, indicate that venue is not proper in the Northern District of Texas. *See* 28 U.S.C. § 2241.

III. EXHAUSTION OF REMEDIES

13. No exhaustion requirement applies to the constitutional claims raised in this Petition, because no administrative agency exists to entertain the Petitioner's constitutional challenges. *See Howell v. INS*, 72 F.3d 288, 291 (2d Cir. 1995); *Arango-Aradondo v. INS*, 13 F.3d 610, 614 (2d Cir. 1994).

IV. PARTIES

14. Petitioner, Omar Mohamed ("Petitioner") is a Yemeni national residing in Praireland Detention Center in Texas.
15. Respondent Warden, Praireland Detention Center, is the warden of the Praireland Detention Center and is the immediate custodian of Petitioner. The Warden is sued in his/her official capacity and has direct legal custody over the Petitioner. The Praireland Detention Center is a federal immigration detention facility under the administration of the U.S. Department of Homeland Security and operated by a private contractor.
16. Respondent Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security (DHS), is responsible for the enforcement of the immigration laws of the United States, including the detention of noncitizens.
17. Respondent Pamela Bond, in her official capacity as Attorney General of the United States Department of Justice (DOJ), is the chief law enforcement officer of the federal government and oversees matters related to immigration courts and legal interpretations of immigration law.

V. FACTUAL BACKGROUND

18. Yemen has been embroiled in a civil war since 2015, leading to widespread violence, famine, and a humanitarian catastrophe. The U.S. State Department has deemed Yemen unsafe for return, and DHS has repeatedly extended TPS for Yemeni nationals due to these extraordinary conditions.
19. The war in Yemen and the collapse of basic infrastructure have made repatriation difficult and dangerous. U.S. authorities have been reluctant to deport people into an active conflict zone.
20. On March 15, 2025, the United States commenced a series of airstrikes in Yemen. These operations were authorized by President Donald Trump and involved extensive aerial bombardments across multiple governorates, including the capital, Sanaa. Additionally, the Hodeida International Airport, situated in the port city of Al Hudaydah, was targeted.
21. One significant target was the Al-Dailami Air Base, located approximately 15 kilometers north of Sana'a. This base shares its runway with Sana'a International Airport and serves as a major military facility for the Houthi forces.
22. There have been **no routine repatriation flights** directly to Yemen due to safety concerns and the lack of a functioning Yemeni government to accept removals. In some cases, deportations of Yemenis have had to be routed through third countries, or postponed entirely, because of the "*ongoing armed conflict*" and humanitarian disaster.
23. In fact, the current administration has not flown any deportation flights to Yemen and no plans are reasonably foreseeable or feasible.
24. Official data show that **very few Yemeni nationals have been deported from the U.S. in recent years**, generally only a few dozen or fewer per year. For example, U.S. Immigration

and Customs Enforcement (ICE) removed **24 Yemeni nationals in Fiscal Year (FY) 2018, 46 in FY 2019**, and this dropped to **14 in FY 2020**.

25. Removals fell even further during the pandemic and early post-pandemic period – by **FY 2021 only around 6 Yemeni nationals were deported**, and about **15 in FY 2022** (with a similar single-digit level in FY 2023). These numbers are extremely low compared to deportations of nationals from many other countries, reflecting special circumstances and policies affecting Yemen.

26. Petitioner has been detained by ICE, with no realistic possibility of removal to Yemen, as repatriation flights to Yemen remain unavailable and the Yemeni government is unable to accept deportees.

27. There is no scheduled plans or efforts to remove the petitioner from the United States.

28. This demonstrates the practical impossibility of removal.

VI. LEGAL ARGUMENT

29. The Fifth Circuit follows *Jennings v. Rodriguez* strictly, meaning mandatory detention under INA § 235(b) is enforced. However, if removal is not realistically possible, release should be granted under due process grounds and is unconstitutional.

30. DHS can grant parole under INA § 212(d)(5), which is the most practical avenue for release if detention becomes prolonged.

31. Petitioner's continued detention without a realistic prospect of removal violates his Fifth Amendment right to due process. The Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), held that indefinite detention without a significant likelihood of removal is unconstitutional.

32. The Fifth Circuit's application of *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), supports mandatory detention under INA § 235(b), 8 U.S.C. § 1225(b), however, when removal is not reasonably foreseeable — as is the case for Yemen — continued detention violates due process, and habeas corpus relief is appropriate.

33. DHS may grant parole under INA § 212(d)(5), 8 U.S.C. § 1182(d)(5) for “urgent humanitarian reasons” or “significant public benefit.” Given the impossibility of Petitioner's removal, parole is a legally sound and humane alternative to detention.

34. In addition, given the absence of any conduct by the Petitioner detrimental to public safety of any person and the unlikelihood of success, the US government cannot demonstrate that the Petitioner is a flight risk or a danger the community.

35. DHS's failure to exercise this authority, despite Petitioner's prolonged detention constitutes an abuse of discretion and is constitutionally impermissible.

VII. CAUSES OF ACTION

COUNT ONE: MANDAMUS ACT, 28 U.S.C. § 1361

36. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

37. Under 28 U.S.C. § 1361, “[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”

38. Plaintiff has fully complied with all statutory and regulatory requirements for obtaining TPS relief, including proper filing of the Form I-821.

COUNT TWO: PETITIONER'S DETENTION VIOLATES DUE PROCESS UNDER THE FIFTH AMENDMENT OF THE U.S CONSTITUTION

39. Plaintiff repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
40. Respondents' unlawful detention of Petitioner without a judicial custody determination causes Petitioner to suffer significant pain and suffering and substantial prejudice without affording him an opportunity to be heard in violation of the Due Process Clause of the Fifth Amendment.
41. As a proximate result of Respondents' unconstitutional detention, Petitioner is suffering and will continue to suffer a significant deprivation of their liberty without due process of law as well as physical, emotional, and psychological harm.
42. Petitioner has no adequate or complete remedy at law to address the wrongs described herein. Petitioner's detention violates the Fifth Amendment Due Process Clause of the U.S. Constitution.
43. Accordingly, the injunctive and declaratory relief sought by Petitioner is necessary to prevent continued and future injury.

COUNT THREE: PETITIONER'S DETENTION VIOLATES *ZADVYDAS V. DAVIS*, 533 U.S. 678 (2001)

44. Plaintiff repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
45. Continued detention becomes unconstitutional when it exceeds a "reasonable period" (often cited as six months under *Zadvydas*).
46. After six months, the burden shifts to the government to prove that removal is significantly likely in the **reasonably foreseeable future**. If they can't, continued detention violates constitutional limits.

47. INA's purpose behind mandatory detention is to facilitate removal. When removal is no longer feasible, detention becomes **punitive**, not administrative — conflicting with *Jennings v. Rodriguez* and constitutional principles.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

A. Issue a writ of habeas corpus commanding Respondent, his or her agents, employees, and all persons acting under their direction or control, to immediately release Petitioner from the custody of U.S. Immigration and Customs Enforcement (ICE);

B. Enter a declaratory judgment finding that Petitioner's continued detention is unlawful, unconstitutional, and contrary to the Immigration and Nationality Act (INA) § 244(a)(1)(A), the Due Process Clause of the Fifth Amendment to the United States Constitution, and controlling judicial precedent;

C. Award such other and further relief as this Court may deem just, equitable, and appropriate, including but not limited to attorneys' fees, costs, and any other relief necessary to protect Petitioner's constitutional and statutory rights.

Dated: April 7, 2025

Respectfully Submitted,

/s/ Jana Al-Akhras

Jana Al-Akhras, Esq. (OH: 0096726)

Phone: (929) 988-0912

Email: ja@urenaesq.com

URENA & ASSOCIATES

42 West St. Suite 136

Brooklyn, NY 11222

Lead Counsel for Petitioners

Certificate of Service

I hereby certify that on April 7, 2025, service of the foregoing was mailed via certified USPS on:

WARDEN, *Prairieland Detention Center*;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
Office of the Principal Legal Advisor
500 12th St. SW, Mail Stop 5900
Washington, DC 20536-5900

KRISTI NOEM, *in her official capacity as Secretary of the United States Department of Homeland Security*;
c/o Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

PAMELA BONDI, *in her official capacity as Attorney General of the United States*.
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

US ATTORNEY, NORTHERN DISTRICT OF TEXAS
United States Attorney's Office – Civil Processing
Earle Cabell Federal Building
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699

/s/Jana Al-Akhras
Urena & Associates, PLLC