

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WAHEBA DAIS,

Petitioner,

v.

Case No: 0:cv-25-1945

**Eric Tollefson, Sheriff, Kandiyohi County;
Kristi Noem, Secretary, Department of
Homeland Security; Pam Bondi,
Attorney General; Todd Lyons, Acting
Director, Immigration and Customs
Enforcement; Peter Berg, Field Office
Director, St. Paul Field Office,
Immigration and Customs
Enforcement,**

Reply

28 USC 2241

Respondents.

Petitioner, Waheba Dais, A043-502-633, submits the following in response to Respondents' 6/23/25 Supplemental Declaration of Thomas Murphy.

The Supplemental Declaration stated that a removal flight for Petitioner was scheduled for June 11, 2025. This did not occur, presumably because of the air attacks by Israel on Iran on June 12, and subsequent events, which included the closure of Israeli airspace. (ERO Dallas must have been informed on or before June 11 that the flight was canceled but the Declaration states that ERO St. Paul was not made aware of the cancelation until June 12.)

It is submitted that, even apart from the renewed conflict and the closure of

the airspace, removal flights are often canceled for a variety of reasons.

As of today, there is a tenuous ceasefire in place, which may or may not continue. Israeli airspace is starting to reopen, but flights have been very limited at first. It is not entirely clear when Petitioner's removal flight could be scheduled, without even taking into account logistical issues in the US.

Respondents claim that there is a significant likelihood that Petitioner will be removed in the reasonably foreseeable future. It is submitted that at this point, eight months from the time Petitioner completed her BOP sentence, more assurance is necessary.

Petitioner respectfully requests that the Court order that Respondents *provide a specific time frame of not more than four weeks from today* within which they expect removal to occur, and direct that if removal does not occur within that time period, Petitioner will be ordered released.

In addition, the Supplemental Declaration stated that on June 13, 2025, ERO Dallas told ERO St. Paul that Petitioner would be returned to ERO St. Paul pending the scheduling of another flight. However, Petitioner is *still* in the immediate custody of ERO Dallas, in the Prairieland Detention Center. She is having a very difficult time there, and has been unable to effectively communicate with family members or undersigned counsel.

Therefore, Petitioner respectfully requests that if a removal flight is not scheduled within *two weeks* of the filing of this Reply, and if Petitioner is still in Prairieland, that the Court Order her return to the Minneapolis area.

June 26, 2025

Respectfully submitted,

s/ Kathy Manley
Kathy Manley
NY 3935467
26 Dinmore Road
Selkirk, NY 12158
518-635-4005 (phone and fax)
Mkathy1296@gmail.com

Bruce Nestor
De Leon & Nestor LLC
3547 Cedar Avenue South
Minneapolis, MN 55407
Tel: 612-659-9019
Fax: 612-436-3664
nestor@denestlaw.com
(local counsel)

TO: Clerk, US District Court for the District of Minnesota
(filed electronically)

United States Attorney for the District of Minnesota
(filed electronically)

Waheba Dais
Address on file

CERTIFICATE OF SERVICE

On June 26 2025 I filed the foregoing Reply with the clerk of court for the U.S. District Court, District of Minnesota. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rules of Civil Procedure 5 (b)(2).

May 26, 2025.

s/ Kathy Manley
Kathy Manley
Attorney for Petitioner
26 Dinmore Road
Selkirk, NY 12158
(518) 635-4005 (phone and fax)
mkathy1296@gmail.com