

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
COLUMBUS DIVISION

FILED 2025 JUN 23 10:59 AM  
USDC-CDL

A No.:



Mohamed A. Kouyate  
Petitioner,

Case No.: 4:25-CV-184

v.

PAM BONDI,  
ATTORNEY GENERAL;  
ALEJANDRO N. MAYORKAS,  
SECRETARY OF THE DEPARTMENT  
OF HOMELAND SECURITY;  
PATRICK J. LECHLIETNER  
U.S IMMIGRATION AND CUSTOMS ENFORCEMENT;  
RUSSELL WASHBURN, U.S. ICE FIELD OFFICE  
DIRECTOR FOR THE GEORGIA FIELD OFFICE; and  
WARDEN OF IMMIGRATION DETENTION FACILITY,  
Respondents.

**PETITIONER FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. SECTION 2241**

Petitioner, Mohamed Kouyate appearing hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In writ habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

**CUSTODY**

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs

1.

Enforcement (“ICE”). Petitioner is detained at the Stewart Detention Center Lumpkin, Georgia, pursuant to a contractual agreement with the Department of Homeland Security. Petitioner is under the direct control of Respondents and their agents.

### JURISDICTION

2. This action arises under the constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.S.C. Section 1101 et seq., as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (“IIRIRA”) Pub. L. No. 104 – 208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. Section 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. Section 2241; art. I Section 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. Section 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in the violation of the Constitution, laws, all treaties of the United States. This court may grant relief pursuant to 28 U.S.C. Section 2241, 5 U.S.C. Section 702, and the All Writs Act, 28 U.S.C. Section 1651.

4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

### VENUE

5. Pursuant to *Braden v. 30<sup>th</sup> Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493 – 500

(1973), venue lies in the United States District Court for the Georgia, the judicial district in which Petitioner resides.

### PARTIES

6. Petitioner is a native and citizen of Guinea. Petitioner was first taken into ICE custody on 12/21/2022 and has remained in ICE custody continuously since that date. Petitioner was ordered removed on 03/17/2023

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7. Respondent PAM BONDI is the Attorney General of the United States and is responsible for the administration of ICE and the Implementation and Enforcement of the Immigration and Naturalization Act (INA). As such PAM BONDI has ultimate custodial authority over Petitioner.

8. Respondent Alejandro Majokos is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such Alejandro Majokas is the legal custodian of Petitioner.

9. Respondent Russell Washburn is the Field Officer Director of the Atlanta Field Office of ICE and is Petitioner's immediate custodian. *See Vasquez v. Reno, 233 F.3d 688, 690 (1<sup>st</sup> Cir. 2000), cert. Denied, 122 S.Ct. 43 (2001).*

10. Respondent Warden of Stuart Detention Center, where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, Mohamed Lamine Kouyate is a native and citizen of Guinea.

Petitioner has been in ICE custody since 12/21/2022. An Immigration Judge ordered the Petitioner removed on March 17<sup>th</sup>, 2023.

After my removal order, I had then appealed to the BIA. The BIA had also denied my petition. Following that, my lawyers made an appeal to the 4<sup>th</sup> Circuit Court of Appeals. I was also denied their as well.

12. My deportation became final on November 27<sup>th</sup> 2024. I have been sitting ever since in ICE custody waiting to be removed. The issue has been that Guinea has no government presently, due to military junta. The military faction that is governing the

13. country, has dissolved the government. Guinea has no government or senate as we speak. So the embassy is not functioning. That is a huge reason why a travel document is unobtainable. After my six months have passed my deportation officer shows me a copy of a travel document, stating that it was issued from my country, yet I never had an interview with my consulate.

14. We have also looked into the matter and the embassy confirms that they have never issued a single document and are not able to, due to the junta in Guinea. I am now facing this dilemma, for this is the second time

they try to remove me without an original document provided by my country. I have necessary proof from my country's embassy that nothing can be issued until elections.

15. To date, however, ICE has been unable to remove Petitioner to Guinea or any other country. For the reason that the country is under military junta after disposing of our former president. Therefore nothing can be issued until elections are done in my country and a new government is formed.

16. Petitioner has fully cooperated with all the efforts ICE regarding his removal from the United States.

I have never obstructed my deportation officer to get the document. They are the ones who also informed me that I was un deportable due to the situation happening in the country. Now that my six months are over due all of a sudden he has documentation. My embassy confirms not issuing a single thing and I never had an interview.

17. Petitioner's custody status was first reviewed on 10/13/2023. Petitioner was served a written decision ordering his/her continued detention.

18. On N/A, Petitioner was served with a notice transferring authority over his/her custody status to ICE Headquarters Post-Order Detention Unit ("HQPDU"). I was never served with a notice. I was only told that Headquarters was to make a decision on my temporary release. My officer

had told me only that headquarters were working on my case and reviewing it to make a decision when it came to my release because I could not be removed due to the current situation in Guinea. In other words I am undeportable yet I have sitting in custody still after my six months period has gone by.

#### LEGAL FRAMEWORK FOR RELIEF SOUGHT

19. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens. Department of Homeland Security Administrative regulations also recognize that the HQPDU has a six month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 U.F.R. Section 241.13(b)(ii).

20. Petitioner was ordered removal on 03/17/2023, and the removal order became final on 11/27/2024. Therefore, the six-month presumptively reasonable removal period for Petitioner ended on 05/27/2025.

#### CLAIMS FOR RELIEF

##### COUNT ONE

##### STATUTORY VIOLATION

21. Petitioner's re-alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. Section 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and Petitioner continues to languish in detention. Petitioner's removal to Guinea or any other country is not significant likely to occur in the reasonably foreseeable future. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

**COUNT TWO**  
**SUBSTANTIVE DUE PROCESS VIOLATION**

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

25. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. *Zadvydas* recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which

ICE may detain an alien is only six months. Petitioner has already been detained in excess of six months and Petitioner's removal is not significant likely to occur in the reasonably foreseeable future.

**COUNT THREE**  
**PROCEDURAL DUE PROCESS VIOLATION**

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case had been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. \_\_\_\_\_  
\_\_\_\_\_  
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**PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner prays that this Court grant the following relief:

- ① Assume jurisdiction over this matter;
- ② Grant Petitioner a Writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody;
- ③ Enter preliminary in permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;



- (4) Award Petitioner Attorney's fees and cost under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. Section 504 and 28 U.S.C. Section 2412, and on any other basis justified under law; and
- (5) Grant any other and further relief that this Court deems just and proper.

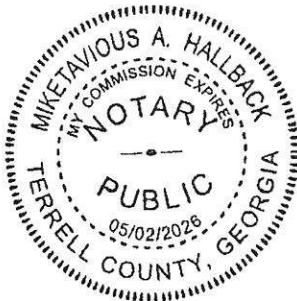
I affirm, under penalty of perjury, that foregoing is true and correct.

Signature: [Signature]  
Name: \_\_\_\_\_

Date: 06/14/2025

Petitioner's Name: Mohamed A. Kouyate  
A No. [REDACTED]  
146 CCA Road  
P.O. Box 248  
Lumpkin, Georgia 31815

**PUBLIC NOTARY**



6/16/2025  
[Signature]  
Signature

**CERTIFICATE OF SERVICE**

I Mohamed A. Kouyate hereby certify that on 06/16/2025 a copy of this  
Petition for Writ Habeas Corpus which it was send via priority mail to:

United States District Court  
For the Middle District of Georgia  
Columbus Division  
P.O. Box 124  
Columbus, Georgia 31902

Executed on this 16<sup>th</sup> day of June 2025 under penalty of perjury pursuant to 28  
U.S.C. Section 1746.

Mohamed L. Kenyate  
Name: