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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HASSAN AHMED,

Petitioner,

v.

KRISTI NOEM, Secretary
of the U.S. Department of Homeland
Security; NICHOLAS J. GANJEI,
U.S. Attorney Of Southern District
Of Texas; PAM BONDI, Attorney General
of the United States; BRET BRADFORD,
Director of the Houston Field Office
of U.S. Immigration and Customs
Enforcement; and RAYMOND
THOMPSON, Warden,
Joe Corley Processing Center
in their official capacities,

Respondents.

Case No. 4:25-cv-2985

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241

ORAL ARGUMENT REQUESTED

INTRODUCTION

1. Petitioner Ahmed Hassan Ahmed has been incarcerated since June 11, 2024, over twelve (12) months ago. Petitioner's detention became unconstitutional six months after the denial in his case became administratively final on July 29, 2024, because removal is not reasonably foreseeable. Accordingly, to vindicate Petitioner's statutory and constitutional rights and to put an

end to his continued arbitrary detention, this Court should grant the instant petition for a writ of habeas corpus.

2. Petitioner appears *prima facie* eligible for Temporary Protected Status (TPS) as a Somali national who has maintained continuous physical presence in the United States since September 18, 2024, and has no record of criminal convictions domestically or abroad. Petitioner has already applied for Temporary Protected Status. *See* Exhibit A. Absent an order from this Court, Petitioner will likely remain detained for many more months, if not years.

3. Petitioner asks this Court to find that his prolonged incarceration is unreasonable and to order his immediate release.

JURISDICTION

4. Petitioner is detained in civil immigration custody at Joe Corley Processing Center in Conroe, Texas. He has been detained since on or about June 11, 2024.

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper because Petitioner is detained at Conroe, Texas, which is within the jurisdiction of this District.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e), because Respondents are officers, employees, or agencies of the United States, a substantial part of the

events or omissions giving rise to his claims occurred in this district, and no real property is involved in this action.

PARTIES

9. Petitioner is a citizen of Somalia, who received a denial after an IJ review that took place on July 29, 2024, following proceedings under 8 U.S.C. § 1229a. He has been detained for over 12 months and is currently detained at Joe Corley Processing Center. He is in custody, and under the direct control of Respondents and their agents.

10. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Noem is empowered to carry out any administrative orders against Petitioner and is a legal custodian of Petitioner.

11. Defendant Nicholas J. Ganjei is sued in his official capacity as the U.S. Attorney of the Southern District Court of Texas. In this capacity, he is responsible for the administration and enforcement of immigration laws pursuant to 8 U.S.C. § 1104(a)(b).

12. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA. DHS oversees ICE and the detention of noncitizens. DHS is a legal custodian of Petitioner.

13. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States. In that capacity, she has the authority to adjudicate removal cases and oversees the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA.

14. Respondent Bret Bradford is sued in his official capacity as the Director of the

Houston Field Office of U.S. Immigration and Customs Enforcement. Respondent Bradford is a legal custodian of Petitioner and has authority to release him.

15. Respondent Raymond Thompson is the Warden of Joe Corley Processing Center, and he has immediate physical custody of Petitioner pursuant to a contract with ICE to detain noncitizens and is a legal custodian of Petitioner.

STATEMENT OF FACTS

16. Petitioner is a 26-year-old citizen of Somalia. Petitioner's wife, Nafisa Muhamed Aadan, is currently residing in the United States and has applied for Temporary Protected Status as a Somali citizen. Petitioner also has the support of his wife's cousin, Rashid Kosar, and his family who reside in the state of Ohio.

Proceedings Before the Department of Homeland Security

17. Petitioner entered the United States on or about June 11, 2024, and was subsequently detained by immigration authorities. Following a Credible Fear Interview, the Asylum Officer issued a negative determination. Petitioner then requested review by an Immigration Judge, who affirmed the negative finding on July 29, 2024, thereby rendering the removal order final.

18. On May 15, 2025, Petitioner, through undersigned counsel, submitted a request for Humanitarian Parole to the ICE Deportation Officers at the Joe Corley Processing Center. Despite multiple follow-ups attempts by counsel, there has been no response, acknowledgment, rejection or decision from ICE regarding the request. *See* Exhibit B.

LEGAL FRAMEWORK

19. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not

entitled to relief. If the Court issues an order to show cause, Respondents must file a response “within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed.” 28 U.S.C. § 2243 (emphasis added).

20. “It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

21. This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) (“[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious.”). It also protects noncitizens who have been ordered removed from the United States and who face continuing detention. *Id.* at 690.

22. Furthermore, 8 U.S.C. § 1231(a)(1)-(2) authorizes detention of noncitizens during “the removal period,” which is defined as the 90-day period beginning on “the latest” of either “[t]he date the order of removal becomes administratively final”; “[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court’s final order”; or “[i]f the [noncitizen] is detained or confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement.”

23. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period” of noncitizens who have been ordered removed and are deemed to be a risk of flight or danger, the Supreme Court has recognized limits to such continued detention. In *Zadvydas*, the Supreme Court held that “the statute, read in light of the Constitution’s demands, limits [a noncitizen’s] post-

removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States." 533 U.S. at 689. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699.

24. In determining the reasonableness of detention, the Supreme Court recognized that, if a person has been detained for longer than six months following the initiation of their removal period, their detention is presumptively unreasonable unless deportation is reasonably foreseeable; otherwise, it violates that noncitizen's due process right to liberty. 533 U.S. at 701. In this circumstance, if the noncitizen "provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.*

25. The Court's ruling in *Zadvydas* is rooted in due process's requirement that there be "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

26. The first justification of preventing flight, however, is "by definition . . . weak or nonexistent where removal seems a remote possibility." *Zadvydas*, 533 U.S. at 690. Thus, where removal is not reasonably foreseeable and the flight prevention justification for detention accordingly is "no longer practically attainable, detention no longer 'bears [a] reasonable relation to the purpose for which the individual [was] committed.'" *Id.* (quoting *Jackson v. Indiana*, 406

U.S. 715, 738 (1972)). As for the second justification of protecting the community, “preventive detention based on dangerousness” is permitted “only when limited to specially dangerous individuals and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.

27. Thus, under *Zadvydas*, “if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699–700. If removal is reasonably foreseeable, “the habeas court should consider the risk of the [noncitizen’s] committing further crimes as a factor potentially justifying the confinement within that reasonable removal period.” *Id.* at 700.

28. At a minimum, detention is unconstitutional and not authorized by statute when it exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533 U.S. at 701 (stating that “Congress previously doubted the constitutionality of detention for more than six months” and, therefore, requiring the opportunity for release when deportation is not reasonably foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

29. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

30. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.

31. Petitioner has been detained by Respondents for over 12 months. Over 11 months of this prolonged detention has taken place *after* his removal period began.

32. Petitioner's removal order became administratively final on July 29, 2024. The removal period began on that day and thus elapsed on January 29, 2025.

33. Petitioner's prolonged detention is not likely to end in the reasonably foreseeable future, as there has been no recent action to carry out Petitioner's removal and Petitioner's detention has been prolonged and has already surpassed the one-year mark, as of June 11, 2025. Where, as here, removal is not reasonably foreseeable, detention cannot be reasonably related to the purpose of effectuating removal and thus violates due process. *See Zadvydas*, 533 U.S. at 690, 699–700.

34. For these reasons, Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
Violation of 8 U.S.C. § 1231(a)

35. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

36. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention “beyond the removal period” only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6); *see also Zadvydas*, 533 U.S. at 699 (“[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.”). Because Petitioner's removal is not reasonably foreseeable, his detention does not effectuate the purpose of the statute and is accordingly not authorized by § 1231(a).

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;

- (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted,



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