

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

NYYNKPAO BANYEE,

Petitioner,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; PAMELA BONDI, in her official, in her official capacity as United States Attorney General; KRISTI NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; TODD LYONS, in his official capacity as Acting Director and Senior Official Performing the Duties of the Director, United States Immigration and Customs Enforcement; PETE HEGSETH, , in his official capacity as Secretary of Defense; PETER BERG, in his official capacity as the St. Paul Field Office Director for United States Immigration and Customs Enforcement; ERIC TOLLEFSON, in his official capacity as the Kandiyohi County Sheriff; and MATTHEW AKERSON, in his official capacity as Kandiyohi County Jail Administrator.

Respondents.

Case No. 25-cv-02748 (NEB/JFD)

**PETITIONER'S REPLY IN
SUPPORT OF PETITION FOR
HABEAS CORPUS**

1. Petitioner, Nyynkpao Banyee, respectfully submits this reply to the Government's response in opposition to his petition for a writ of habeas corpus. ECF 6. The Department of Homeland Security ("DHS") continues to hold Mr. Banyee in immigration custody at the Kandiyohi County Jail in Willmar, Minnesota. DHS has now held Mr. Banyee in civil incarceration for seven months and thirteen days since the Board

of Immigration Appeals (“BIA”) issued its administratively final order that he be removed to the Ivory Coast. ECF 2-6.

2. The Government’s declarant, Officer Van Der Vaart, states that one week after Mr. Banyee filed his habeas petition DHS “received a Liberian travel document valid to June of 2026.” ECF 7, ¶60. This could but does not necessarily rebut the good reasons Mr. Banyee provided in his habeas petition to believe that DHS is not significantly likely to effectuate his lawful removal in the reasonably foreseeable future. ECF 1, ¶¶ 65-72. Mr. Banyee asserts the Government’s response and supporting evidence, coupled with the most recent developments that Mr. Banyee documents with this reply, do still present the Court with good reasons to believe and conclude that DHS is not significantly likely to remove him in the reasonably foreseeable future. *See Hussein S.M. v. Garland*, No. CV 21-348 (JRT/TNL), 2021 WL 1986125 (D. Minn. May 18, 2021) (finding government had not demonstrated likelihood of removal, despite obtaining a travel document, where other intervening circumstances “introduced additional uncertainty into the timeline for Petitioner’s removal” to a particular country).

3. However, in the interests of judicial efficiency, Petitioner respectfully suggests this Court order the parties to file status reports within 21 days, with updates regarding the Reasonable Fear Interview that Mr. Banyee is now waiting for DHS to schedule, *see* Second Declaration of Benjamin Casper, ¶¶ 4-6, and any additional information DHS may have clarifying any actual likelihood and timeline of a removal to

Liberia.¹

4. The Government's response does not confront Mr. Banyee's key arguments regarding this Court's jurisdiction and its discretionary authority over his claims despite (and because of) developments in the *D.V.D.* litigation. He does not recede from them, but for the foregoing reasons suggests the Court order the parties to submit status reports within 21 days. Alternatively, Mr. Banyee respectfully requests that this Court grant the relief he requested in his petition, including a writ of habeas corpus directing Respondents to immediately release him from custody.

Dated: July 24, 2025

Benjamin Casper

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¹ On Tuesday July 22nd, undersigned counsel for Petitioner emailed Respondents' counsel, Ana Voss, regarding this proposal for 21-day status reports. Ms. Voss was away from work until Monday, July 28th, and unavailable to confer prior to this filing.