

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ALEM WOLDEGHERGISH,

Petitioner,

v.

ROBERT LYNCH, ICE Field Office
Director, Enforcement and Removal
Operations Detroit, *et al.*,

Respondents.

Case No. 1:25-cv-00461

District Judge Susan J. Dlott

Magistrate Judge Karen L. Litkovitz

**RESPONDENT'S RESPONSE TO THIS COURT'S
DECEMBER 17, 2025 ORDER**

On December 17, 2025, this Court ordered the Government to “provide by December 24, 2025 (1) documents establishing the number of aliens removed from the United States to Eritrea this year and (2) travel documents for Petitioner Woldeghergish to Eritrea or Malta.” (December 17, 2025 Minute Entry.)

On, December 23, 2025, Respondents provided the Court with the following information regarding Petitioner's removal:

- Woldeghergish's removal to Eritrea is tentatively scheduled for the first week of January pending receipt of a travel document which remains under review for issuance by the Government of Eritrea;
- According to ICE Removal and International Operations Division (RIO), the Government of Eritrea is reviewing travel document requests and issuing travel documents upon confirmation of Eritrean nationality/citizenship;

- Seven Eritrean nationals/citizens were successfully removed on 12/5/25 – all were issued travel documents;
- Two additional travel documents were issued by the Embassy of Eritrea on 12/11/25;
- RIO recently provided a list of pending Travel Document requests to the Embassy of Eritrea which need immediate attention and Woldeghergish is included on that list; and
- ICE's Law Enforcement Systems and Analysis unit (LESA) is currently in the middle of the end of year review. Official reports and statistics concerning removals to Eritrea removals are unable to be provided right now.

(Motion to Vacate, ECF 28.)

Respondents moved this Court for ten-day extension of time to comply with this Court's December 17, 2025 Order and it was granted. (Order, ECF 29.)

The Government provides the following information supported by the January 5, 2026 Declaration of Luke Affholter:

- (1) The Government removed 7 individuals to Eritrea on December 7, 2025 with travel documents. Eritrea issued two additional travel documents on December 11, 2025; and
- (2) As of January 4, 2026, the Government's request for a travel document from Eritrea for Petitioner Woldeghergish remains pending.

(Declaration of Luke H. Affholter, Exhibit A, at 2, ¶¶5-7.)

Further, the Government of Eritrea is reviewing travel document requests and issuing travel documents for individuals confirmed to be citizens of Eritrea.

(Affholter, Decl., Ex. A, at 1, ¶3.)

Petitioner Remains Lawfully Detained Pending Removal

Respondents reiterate that Petitioner's detention is statutorily and constitutionally permissible. Petitioner's removal to Eritrea remains significantly likely to occur in the reasonably foreseeable future. ICE is unaware of any institutional barriers that will prevent the issuance of a travel document once issued, or prevent his removal from the United States in the reasonably foreseeable future. (*Id.* at 2, ¶¶8-9.) Indeed, nothing prevents Petitioner's removal from the United States in the reasonably foreseeable future except a travel document. (Affholter Decl., Ex. A, at 2, ¶8-9.)

ICE has confirmed that Petitioner's travel document request with Eritrea is pending and Eritrea is issuing travel documents to Eritreans, like Petitioner. (*Id.* at 1, ¶¶3, 7.) Indeed, seven individuals were removed to Eritrea last month and two additional individuals were issued travel documents. (*Id.* at ¶¶5-6.)

Because Petitioner's travel document request with Eritrea remains pending, there is no good reason to believe that there is no significant likelihood of his removal in the reasonably foreseeable future. A travel document request from Malta also remains pending

Based upon the above, Petitioner remains lawfully detained pending removal from the United States. Therefore, the Petition should be denied and dismissed.

Respectfully submitted,

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