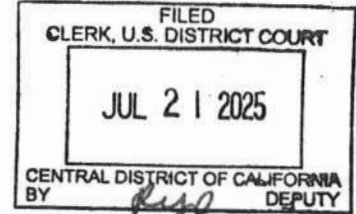


UNITED STATES DISTRICT COURT  
FOR THE  
CENTRAL DISTRICT OF CALIFORNIA



Abdikadir Diini Talaso A 

Petitioner, (Pro Se)

V.

Pam Bondi,  
ATTORNEY GENERAL  
Kristi Noem,  
SECRETARY OF THE DEPARTMENT OF  
HOMELAND SECURITY;  
Ernesto Santa Cruz,  
U.S. ICE FIELD OFFICE DIRECTOR FOR THE  
LOS ANGELES FIELD OFFICE  
Feretí Semaia,  
WARDEN OF ADELANTO ICE PROCESSING  
DETENTION FACILITY

Respondents,

Civil Action No. \_\_\_\_\_

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

Petitioner, Abdikadir Diini Talaso, hereby petitions this court for a writ of habeas corpus to remedy petitioners unlawful detention by respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges the following.

### **CUSTODY**

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the ADELANTO ICE PROCESSING CENTER in ADELANTO CALIFORNIA.: ICE has contracted with ADELANTO ICE PROCESSING CENTER (Run By GEO Group). Petitioner is under the direct control of Respondents and their agent.

### **JURISDICTION**

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. Seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), pub. L. No. 104-208, 110 Stat. 1570, and Administrative Procedure Act ("APA"), 5 U.S.C § 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. § 2241; art. I § 9, 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States, and such custody is in violation of the Constitution, laws or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 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 Central District of California, the judicial district in which Petitioner resides.

### **PARTIES**

6. Petitioner is a native of Somalia, who resided in a refugee camp in Kenya and came to the U.S. from Kenya, Petitioner was first taken into ICE custody on July 18<sup>th</sup> 2018 after having served a 2 ½ yr. State sentence, Petitioner was released from state custody and transferred to ICE on said Date, Petitioner was ordered removed on May 16, 2018 while still in state custody. Petitioner waived his appeal from the order of deportation, thereby making it final on that same date Petitioner was released after six (6) weeks of Detention in Sept. 2018 on ICE Supervision as ICE was not able to obtain travel documents from Kenya (being that Petitioner Did reside at a Refugee Camp in Kenya), despite that fact Kenya Denied issuing a Travel Document. Petitioner was most recently Detained At his home in Buffalo NY as ICE showed up and Detained Petitioner on January 27, 2025 Petitioner has remained in ICE custody continuously since that date.

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 & Naturalization Act (INA). As such the present Attorney General has ultimate custodial authority over Petitioner.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA.

As such the present Secretary of DHS is the legal custodian of Petitioner.

9. Respondent Ernesto Santa Cruz is the ICE Field office Director of the Los Angeles Field Office of ICE and is Petitioner's immediate custodian. See Vásquez v. Reno, 233 F.3d 688,690 (1<sup>st</sup> Cir.2000) cert. Denied, 122 S. Ct. 43 (2001).

10. Respondent Fereti Semaia Warden of ADELANTO ICE PROCESSING 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, ABDIKADIR DIINI TALASO is a native of Somalia who's family was relocated to a refugee camp In Kenya Because of persecution and Turmoil in Somalia. Petitioner has been in ICE custody since January 27, 2025. An Immigration Judge ordered the Petitioner removed on May 16<sup>th</sup> 2018.

12. Petitioner first arrived in the United States as a refugee on September 03, 2004, Prior to coming to the U.S. Petitioner resided in a refugee camp in Kenya. Petitioner obtained lawful Permanent Resident Status While majority of family members obtained Citizenship Johora Talaso (Sister) Ismaciil Talaso (Brother) Jamal Hasan (Nephew) Nasteho Hasan (Niece) Mohamed Hasan (Nephew).

13. Petitioner Served a 2 ½ yr. Sentence for a state conviction and was released Into ICE custody on July 18<sup>th</sup> 2018, Petitioner was released on ICE Supervision six (6) weeks later after being transferred to ICE custody in September of 2018 and has been on Supervision with no Incidents Since.

14. Petitioner was most recently Detained At his home in Buffalo NY as ICE showed up and Detained Petitioner on January 27, 2025 Petitioner has remained in ICE custody continuously since that date.

15. To date, However, ICE has been unable to remove the Petitioner to Kenya or any other country, ICE has not satisfied its burden of showing that the petitioner is significantly likely to be removed in the reasonably foreseeable future. Already, Petitioner has been detained for (6) months. This period of detention exceeds the six-month presumptively reasonable period of detention authorized by Zadvydas. Zadvydas v. Davis, 533 U.S. 678, 701 (2001). Although ICE states that it has made a request for travel documents from Kenya, the fact is that no travel documents have been issued to date. Because the consulate has not issued travel documents, and there is no evidence when, if ever, travel documents will be issued, ICE has not satisfied its burden and Petitioner must be released See Shefqet v. Ashcroft, No 02 C 7737, 2003 WL 1964290, \*5 (N.D.III. Apr. 28, 2003) (INS failed to carry burden of proof where no travel documents had been issued, Yugoslavian alien had been detained for 17 months, and INS had been able to remove other aliens to Yugoslavia during that period); Okwilagwe v. INS, No 3-01-CV-1416-BD, 2002 WL 356758, \*2-3 (N.D. Tex. Mar. 1, 2002) (INS failed to sustain its burden of showing aliens removal to Nigeria would occur in reasonably foreseeable future where alien was detained for 11 months, travel documents not issued and no certainty as to when they might be issued); See also Seretse-Khama v. Ashcroft, 215 F. Supp.2d 37, 53 (D.D.C. 2002) (finding that Respondents failed to meet their burden of proof under Zadvydas where they have not demonstrated to this court that any travel documents are in hand, nor have they provided any evidence, or even assurances from the Liberian government, that travel documents will be issued in a matter of days or weeks or even months")

16. Petitioner has cooperated fully with all efforts by ICE to remove Petitioner from the United States. On June 28<sup>th</sup> Petitioner had an ICE interview where Petitioner signed for ICE to request Travel Documents from the Kenyan Embassy on my behalf, was fingerprinted & had photo Taken I also was Issued & signed Forms I-229(a) "Warning for failure to Depart" & Form I-294 "Warning to Alien Ordered Removed or Deported" Petitioner has not refused to apply for travel documents or provided untruthful information to ICE or conspire or act to prevent his removal subject to an order of removal.

Petitioner has made a timely application in good faith for travel documents from the Kenyan Consulate. Petitioner also has provided truthful information to ICE concerning his place of birth and citizenship. The Government cites no cases in support of its position that it may indefinitely detain an alien who truthfully admits he is a national of the country to which ICE seeks to remove him, where there is no allegation that he has provided false or misleading information, and where the alien has done whatever has been asked of him to facilitate his removal.

17. Petitioner's custody status was first reviewed on April 27, 2025 while detained at Buffalo ICE in Batavia NY. Petitioner was called down to processing and told to sign so ICE could obtain documents, then told to wait for response, Last communication Petitioner had with Deportation Officer In Batavia was Done Through Facility Tablet where D.O Stated "They were waiting on Headquarters.

#### **LEGAL FRAMEWORK FOR RELIEF SOUGHT**

18. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. 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 admissible aliens. Department of Homeland Security administrative regulations also recognize that HQPDU has a six-month period for determining whether there is a significant likelihood of an aliens removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2) (ii).

19. Petitioner was ordered removed on May 16<sup>th</sup> 2018 and the removal order became final on May 16<sup>th</sup> 2018 being that petitioner waived his appeal. Therefore, the six-month presumptively reasonable removal period for petitioner ended July 27, 2025 six months after Petitioner's most recent ICE detainment which occurred on January 27, 2025

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **STATUTORY VIOLATION**

20. Petitioner re-alleges and incorporates by reference paragraphs 1 through 19 above.

21. Petitioner's continued detention by respondents is unlawful and contravenes 8 U.S.C. § 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 Somalia or any other country is not significantly 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**

22. Petitioner re-alleges and incorporates by reference paragraphs 1 through 21 above.

23. 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.

24. 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 significantly likely to occur in the reasonably foreseeable future.

### **COUNT THREE**

### **PROCEDURAL DUE PROCESS VIOLATION**

25. Petitioner re-alleges and incorporates by reference paragraphs 1 through 24 above.

26. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has 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. Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates *Zadvydas*.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief

- 1) Assume Jurisdiction over this matter;
- 2) Order Respondents not to move/transfer Petitioner outside this District Courts Jurisdiction;
- 3) Grant Petitioner a writ of habeas corpus directing the respondents to immediately release Petitioner from custody;
- 4) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412 and on any other basis justified under law; and
- 6) Grant any other and further relief that this Court deems just and proper. I affirm, under penalty of perjury, that the foregoing is true and correct.



Talaso, Abdikadir  
Petitioner

07/01/25  
Date

Abdikadir Diini Talaso A#



Adelanto ICE Processing Center  
10250 Rancho Road  
Adelanto, CA 92301  
Dorm: 4 D- 202 01 L

Abdikadir Diini Talaso  
Adelanto ICE Processing Center  
10250 Rancho Road  
Adelanto, CA 90012  
A# [REDACTED] Dorm: [REDACTED]

7/15/2025

Central District of CA  
Clerk of The U.S. District of California  
U.S. Courthouse  
312 N. Spring St.  
Los Angeles, CA 90012

Dear Clerk of Court:

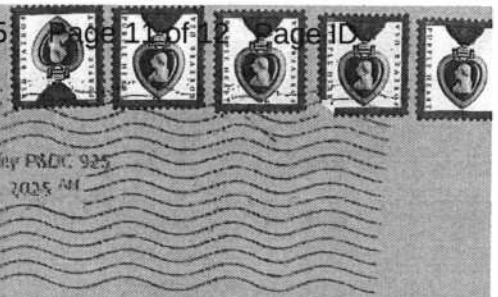
Please note I have submitted my Habeus Corpus without a notary because I have made numerous attempts at my current facility (Adelanto ICE Detention Facility) with staff by filling out request forms (Kites) and speaking to Sergeants in order to get the Notary, however as of the mailing date of my petition I still have not been called for a Notary.

I am respectfully requesting that the Court Accept my petition without a notary being that my six month post final order date of being detained is fast approaching on July 27, 2025. While on ICE Supervision from September 2018- January 2025 I successfully completed State probation with no Incidents, again I would greatly appreciate This Courts Discretion in accepting my Petition.

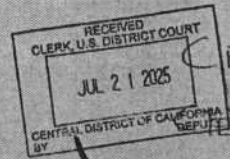
Respectfully Submitted,

*Talaso, Abdikadir*  
A# [REDACTED]

Adelanto ICE Processing Center  
10250 Rancho Road  
Adelanto, CA 90012



A# [REDACTED]



C✓

CENTRAL DISTRICT OF CALIFORNIA  
Clerk of U.S. District of California  
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LOS ANGELES, CA 90012



