

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 25-cv-3082 (JWB-JFD)

Somah Roberts,

Petitioner,

v.

**FEDERAL RESPONDENTS'  
SUPPLEMENTAL ANSWER  
TO PETITION**

Pamela Bondi, et al.,

Respondents.

**INTRODUCTION**

The Federal Respondents submit this Supplemental Answer at the Court's request to update the record regarding recent developments in Petitioner Somah Roberts' (Roberts) Immigration Court proceedings. As discussed further below, since the government filed its initial Answer in this action on September 23, 2025, the Immigration Judge issued a removal order in Roberts' removal proceedings, and Roberts has waived appeal of that order. Roberts' removal order is now final, and his detention is mandatory under 8 U.S.C. § 1231. The government respectfully requests dismissal of the Petition.

**UPDATED BACKGROUND**

The government's initial brief (Dkt. No. 7) describes the full background of this matter. In that filing, the government alerted the Court that a Decision in Roberts' remanded removal proceedings before the Immigration Judge was expected in mid-October. *See id.* at 4. That Decision has now been issued.

On October 6, 2025, the Immigration Judge issued a Decision in Roberts' removal proceedings, ordering him removed from the United States to Liberia, or, in the alternative to Ghana. Supplemental Declaration of Deportation Officer William J. Robinson (Suppl. Robinson Decl.) ¶ 6, Ex. 8 at 16. The Immigration Judge denied Roberts' applications for withholding of removal and deferral of removal from Liberia under the Convention Against Torture. *Id.* This Decision differed from the Immigration Judge's prior Decision dated September 16, 2024, because it no longer granted Roberts deferral of removal to Liberia under the Convention Against Torture. *See* Declaration of Deportation Officer William J. Robinson Ex. 6; Suppl. Robinson Decl. Ex. 8.

The Immigration Judge certified Roberts' case to the Board of Immigration Appeals (BIA) because the BIA had previously remanded it to the Immigration Judge for further proceedings. Suppl. Robinson Decl. ¶ 6, Ex. 9.

On October 16, 2025, the Department of Homeland Security withdrew its appeal in Roberts' immigration proceedings given the Immigration Judge's October 6, 2025 Decision ordering removal and denying relief from removal. Suppl. Robinson Decl. ¶ 8, Ex. 10. On October 16, 2025, Roberts, through his counsel in his immigration proceedings, waived his right to appeal, stating: "Please note that I have confirmed that my client, Somah Kouch Roberts, would like to waive his right to appeal the Immigration Judge's decision ordering removal and denying all relief issued on October 7, 2025."<sup>1</sup> Suppl. Robinson Decl. ¶ 8, Ex. 10 at 5.

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<sup>1</sup> The removal order was dated October 6, 2025, and served on October 7, 2025. Suppl. Robinson Decl. Ex. 8 at 17.

Accordingly, Roberts' order of removal is now final, and ICE has requested a travel document for Roberts from the Embassy of Liberia. *Id.* ¶ 9.

On September 24, 2025, before the Immigration Judge's October 6, 2025, removal order, Roberts had a bond hearing before an Immigration Judge. His request for bond was denied under 8 U.S.C. § 1226(c) "due to his aggravated robbery conviction, which has been sustained as an aggravated felony." Suppl. Robinson Decl. ¶ 5, Ex. 11 at 3. Roberts reserved appeal and has until the date of the filing of this brief (October 24, 2025) to file one; no appeal had been docketed at the time of this filing. *See id.*

### **ARGUMENT**

With the Immigration Judge's recent removal order, which neither party appealed, Roberts' removal order is final. Consequently, the legal underpinning of his detention has changed – Roberts is now detained under 8 U.S.C. § 1231, and that detention is currently mandatory for the 90-day removal period under that statute. Roberts' argument that his removal order became final in 2024 remains incorrect for the reasons stated in the government's initial brief, but the parties now agree that Roberts is in post-final order of removal custody under § 1231. The operative question is whether his removal is reasonably foreseeable. Because it is, the Petition should be dismissed.<sup>2</sup>

Roberts' removal order is now final and became so when the parties waived appeal of that removal order. *See* 8 C.F.R. § 1241.1(a), (b); 8 U.S.C. § 1101(a)(47)(B). The legal

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<sup>2</sup> It is unclear at this juncture if Roberts is pursuing the Petition. He did not respond to the government's Answer by the due date (October 14, 2025), and waived appeal of the Immigration Judge's recent removal order denying him relief.

basis for Roberts' detention has, therefore, changed from 8 U.S.C. § 1226(c) (pre-final removal order) to 8 U.S.C. § 1231(a)(1)(A) (post-final removal order).

Under § 1231(a)(1)(A), and (a)(2)(A), the government is required to detain Roberts during the "removal period" – the 90-day period after the removal order becomes administratively final. Calculating that period from October 16, 2025, the date Roberts waived appeal and the agency withdrew appeal, Roberts remains within the mandatory 90 days of removal period detention, during which the government is required to detain him to effectuate his removal. *See Zadvydas v. Davis*, 533 U.S. 678, 682 (2001). The government has requested a travel document for Roberts and is working to remove him. Suppl. Robinson Decl. ¶ 9. Circumstances have changed since Roberts filed his Petition – his detention remains required but for different statutory reasons. His Petition should be dismissed.

The Petition sought relief based on Roberts' argument that the Immigration Judge's prior removal order issued on September 16, 2024, was final even though it was the subject of a BIA appeal and ultimately remanded for further proceedings. The government argued that the 2024 order was not final due to the ongoing proceedings in Immigration Court. *See* Dkt. No. 7. Regardless, the order is now final. The Court need not reach the question Roberts originally posed. *See e.g., Goaner W. v. Secretary of Homeland Security, et al.*, 18-cv-1811 (NEB/BRT), 2019 WL 11648600, at \*3 (D. Minn. May 10, 2019).

The bottom-line question now, as this case has evolved, is whether removal is "reasonably foreseeable." *See Zadvydas*, 533 U.S. at 699. It is. Roberts' detention is currently *required* because he is in the 90-day removal period under § 1231. But even if

the Court countenanced Roberts' argument that he has been detained longer under § 1231, the record reflects that a travel document has been requested for Roberts, removals to Liberia are occurring, and there is a significant likelihood of Roberts' removal in the reasonably foreseeable future. *See* Suppl. Robinson Decl. ¶¶ 9, 10. Roberts has made no showing, as is his burden, that his removal is unlikely to be effectuated. *See Zadvydas*, 533 U.S. at 701. Even if he had, the government has rebutted it based on the above. His Petition should be dismissed.

### CONCLUSION

The government respectfully requests that the Court recommend denial of the Petition.

Dated: October 24, 2025

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