UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Mahamed Abdi Roble,

Petitioner

v.

Pamela Bondi, Attorney General; Kristi Noem, Secretary of Homeland Security; Todd M. Lyons, Acting Director of U.S. Immigration & Customs Enforcement; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; Peter Berg, Field Office Director for Enforcement and Removal Operations; U.S. Immigration & Customs Enforcement; U.S. Department of Homeland Security; Ryan Shea, Freeborn County Sheriff.

Respondents.

Case No.: _____

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Respondents are detaining Petitioner, Mahamed Abdi Roble (A[redacted]), in violation of law.

2. Roble is a citizen of Somalia who was ordered removed from the United States on May 18, 2018 and was concurrently granted withholding of removal as it pertains to Somalia.

3. The Department of Homeland Security ("DHS") appealed Roble's withholding

grant on June 14, 2018; Roble did *not* appeal the order of removal, rendering it administratively final on June 19, 2018.

4. On November 15, 2018, the Board of Immigration Appeals ("BIA") sustained DHS' appeal, vacating the withholding of removal grant, leaving the removal order in place, and remanding for further consideration of Roble's application for deferral of removal ("DCAT") under the Convention Against Torture ("CAT").

5. On January 10, 2019, the immigration judge denied Roble's DCAT application.

6. On February 11, 2019, Roble appealed to the BIA. In July 2019, the BIA reversed the immigration judge and granted Roble DCAT relief, preventing his removal to Somalia.

7. On June 7, 2019, Roble submitted a petition for a writ of habeas corpus. *See Roble v. Barr et al.*, No. 19-CV-1505 (JNE/KMM) (D. Minn.), ECF No. 1. The petition claimed that Roble was being detained unlawfully. *Id.*

8. The petition noted that, as of June 7, 2019, Roble had "already been detained for 781 days, over 25 months, following his apprehension by DHS on or about April 18, 2017. This detention is more than four times the presumptively reasonable period established in *Zadvydas* and the period of detention contemplated in *Demore*." *Id.*, ¶ 5 (citations omitted).

9. Though the first habeas petition did not explicitly note as much, the facts alleged indicate that at the time the first habeas petition was filed, Roble had already accrued 354 days confinement after his removal order had become administratively final

(*i.e.*, since June 18, 2018), 264 of which occurred after the 90-day "removal period" elapsed (*i.e.*, since September 16, 2018).

10. The Respondents (and/or their agency predecessors) contested the first habeas petition. *See Roble v. Barr et al.*, No. 19-CV-1505 (JNE/KMM) (D. Minn.), ECF No. 6 (opposition response), ECF No. 8 (Declaration of ICE Officer Angela Minner).

11. Roble was released from immigration custody on October 21, 2019 because it was determined that he had demonstrated to ICE's satisfaction that his removal would not occur in the reasonably foreseeable future.

12. It was also necessarily determined at that time that Roble did not present an ongoing danger or a flight risk. *See* 8 C.F.R. § 241.4(e)(2)-(6).

13. The first habeas petition was dismissed without prejudice on October 23, 2019 after a stipulation of dismissal was entered by the parties on October 22, 2019. *See id.*, ECF Nos. 13, 15.

14. On October 21, 2019, Roble was placed on an Order of Supervision ("OOS").

15. Some conditions of Roble's OOS included maintaining contact with ICE and complying with all check in requirements.

16. Roble was required to complete annual check ins with ICE from October 2019 through May 2025. Roble complied with all check in requirements and made sure to update his address with ICE every time he moved. Roble's most recent check in occurred in May 2025, and at that meeting, for the first time, Roble was switched a

6-month check in schedule and was told his next check in would occur in November 2025.

17. On July 18, 2025, Roble was picked up and redetained by ICE while Roble was on his way to his place of employment.

18. Roble saw an unmarked black SUV near his home when he was on his way to work; he thought the vehicle was a police officer. The vehicle followed him for approximately 25 minutes before pulling him over when he was 4-5 minutes away from his place of employment. The unmarked vehicle's occupants exited the vehicle, approached Roble, and asked him if his named was Mahamed. Roble responded in the affirmative and was immediately told to exit the vehicle. Roble was detained in a targeted immigration enforcement action in the absence of any allegations that he had committed a crime.

19. Roble remains detained at this time. He is housed in Freeborn County Jail, a facility designed to house and punish convicted criminals. Roble's conditions of confinement are totally indistinguishable from those of convicted criminals.

20. The government is not in possession of any credible or persuasive documents or evidence that Roble's removal is likely to occur in the reasonably foreseeable future. This was true at the time Roble was redetained, and it remains true at the time of this petition's filing.

21. It remains true at the time of this filing that Roble cannot be deported to his country of origin, Somalia, due to the prior DCAT grant which remains undisturbed.

22. The redetention of Roble serves no legitimate purpose. Instead, his detention is punitive. The redetention of Roble is designed to send a message to other individuals with final orders of removal that they need to leave the United States or they will be jailed indefinitely and without any process.

23. Federal statutes and regulations require ICE to follow certain procedures before they redetained Roble. ICE failed to comply with these laws prior to redetaining Roble.

24. To remedy this unlawful detention, Roble seeks declaratory and injunctive relief in the form of immediate release from detention.

25. Pending the adjudication of his Petition, Roble seeks an order restraining the Respondents from transferring him to a location where he cannot reasonably consult with counsel, such a location to be construed as any location outside of the geographic jurisdiction of the day-to- day operations of U.S. Customs and Immigration's ("ICE") Fort Snelling, Minnesota of the Office of Enforcement and Removal Operations in the State of Minnesota.

26. Pending the adjudication of this Petition, Petitioners also respectfully request that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Roble.

27. Roble requests the same opportunity to be heard in a meaningful manner, at a meaningful time, and thus requests 72-hours-notice prior to any removal or movement of him away from the State of Minnesota.

28. Roble requests an emergency preliminary order requiring Respondents to give

Roble due process prior to removing him to an allegedly safe third country in the form of a full merits hearing for asylum, withholding of removal, and DCAT before an immigration judge relating to the proposed country of removal with a right to an administrative appeal to the Board of Immigration Appeals, and further requests that this injunction be made permanent.

29. Roble requests an order compelling Respondents to release him pending the outcome of this petition.

30. Roble requests an order issuing a temporary statewide injunction preventing ICE from detaining certain aliens—*i.e.*, those who: (1) have already served 90 days or more in post-administratively-final-removal-order custody, (2) have already served 180 days or more in immigration custody (regardless of when the removal order issued or became administratively final), and (3) have subsequently been released on an Order of Supervision after demonstrating there is no significant likelihood of removal in the reasonably foreseeable future—prior to actually obtaining a valid travel document for the individual, potentially to be made permanent after further briefing and a hearing that complies with Fed. R. Civ. P. 65(a).

JURISDICTION AND VENUE

31. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the

Immigration and Nationality Act ("INA"), specifically, 8 U.S.C. § 1231(a)(1)-(3) and 8 C.F.R. §§ 241.4, 241.13.

32. Because Roble seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court.

33. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019); *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199, 1209-12 (11th Cir. 2016).

34. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Roble is detained within this District. He is currently detained at the Freeborn County Jail in Albert Lea, Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

PARTIES

35. Petitioner Roble is a citizen of Somalia. His Alien Registration Number ("A number") is A[redacted] Petitioner Roble is a resident of Minnesota. He is an alien with an administratively final removal order. Roble is currently in custody at the Immigration and Customs Enforcement ("ICE") detention center in Albert Lea, Minnesota. Roble's aggregate period of civil immigration confinement spans 941 days (917 days between 2017 and 2019 and 24 days thus far in 2025), and continues to grow. Roble's aggregate period of post-administratively-final-removal-order

confinement, in the aggregate, exceeds one-year.

36. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the BIA and the immigration judges through the Executive Office for Immigration Review. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Roble.

37. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to § 103(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Roble's detention and removal. As such, Respondent Noem is a legal custodian of Roble.

38. Respondent Department of Homeland Security ("DHS") is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

39. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

40. Respondent Immigration and Customs Enforcement ("ICE") is the subagency within the Department of Homeland Security responsible for implementing and

enforcing the Immigration & Nationality Act, including the detention of noncitizens.

41. Respondent Marcos Charles is the Acting Executive Associate Director for ICE Enforcement and Removal Operations ("ERO")

42. Respondent Peter Berg is being sued in his official capacity as the Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Berg has supervisory authority over the ICE agents responsible for detaining Roble. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

43. Respondent Sheriff Ryan Shea is being sued in his official capacity as the Sheriff responsible for the Freeborn County Jail. Because Petitioner is detained in the Freeborn County Jail, Respondent Shea has immediate day-to-day control over Petitioner.

EXHAUSTION

44. ICE asserts authority to jail Roble pursuant to the mandatory detention provisions of 8 U.S.C. § 1231(a)(1). No statutory requirement of exhaustion applies to Roble's challenge to the lawfulness of his detention. *See, e.g.*, *Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) ("There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention."); *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *11 (W.D. Wash. Apr. 24, 2025) (citing *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019) ("this Court 'follows the vast majority

of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a pending appeal.'"); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) ((citing *Portela-Gonzalez v. Sec'y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992)).

45. To the extent that prudential consideration may require exhaustion in some circumstances, Roble has exhausted all effective administrative remedies available to him as he has previously demonstrated to ICE's satisfaction that his removal is not substantially likely to occur in the reasonably foreseeable future. ICE has never rebutted this showing. Any further efforts would be futile.

46. Prudential exhaustion is not required when to do so would be futile or "the administrative body . . . has . . . predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992), *superseded by statute on other grounds as stated in Woodford v. Ngo*, 548 U.S. 81 (2006).

47. Prudential exhaustion is also not required in cases where "a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim." *McCarthy*, 503 U.S. at 147. Every day that Roble is unlawfully detained causes him and his family irreparable harm. *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016) ("Here, continued loss of liberty without any individualized bail determination constitutes the kind of irreparable harm which forgives exhaustion."); *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (explaining that "a

loss of liberty" is "perhaps the best example of irreparable harm"); *Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018) (holding that "detention has inflicted grave" and "irreparable harm" and describing the impact of prolonged detention on individuals and their families).

48. Prudential exhaustion is additionally not required in cases where the agency "lacks the institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute." *McCarthy*, 503 U.S. at 147–48. Immigration agencies have no jurisdiction over constitutional challenges of the kind Roble raises here. *See, e.g., Matter of C-*, 20 I. & N. Dec. 529, 532 (BIA 1992) ("[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations."); *Matter of Akram*, 25 I. & N. Dec. 874, 880 (BIA 2012); *Matter of Valdovinos*, 18 I. & N. Dec. 343, 345 (BIA 1982); *Matter of Fuentes-Campos*, 21 I. & N. Dec. 905, 912 (BIA 1997); *Matter of U-M-*, 20 I. & N. Dec. 327 (BIA 1991).

49. Because requiring Roble to exhaust administrative remedies would be futile, would cause him irreparable harm, and the immigration agencies lack jurisdiction over the constitutional claims, this Court should not require exhaustion as a prudential matter.

50. In any event, Roble has indeed exhausted all remedies available to him.

51. ICE has denied Roble release because: (A) it incorrectly believes Roble is responsible for reestablishing that removal is not substantially likely to occur in the reasonably foreseeable future, (B) ICE seeks to punish Roble for remaining in the

United States after previously having been ordered removed, and (C) ICE seeks to punish Roble to send a message to similarly situated persons who have not yet been detained as a way to encourage those similarly situated people to immediately leave the United States to avoid Roble's fate.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

52. Roble is a citizen of Somalia who was ordered removed from the United States on May 18, 2018 and was concurrently granted withholding of removal as it pertains to Somalia.

53. The DHS appealed Roble's withholding grant on June 14, 2018; Roble did *not* appeal the order of removal, rendering it administratively final on June 19, 2018.

54. On November 15, 2018, the BIA sustained DHS' appeal, vacating the withholding of removal grant, leaving the removal order in place, and remanding for further consideration of Roble's application for DCAT.

55. On January 10, 2019, the immigration judge denied Roble's DCAT application.

56. On February 11, 2019, Roble appealed to the BIA.

57. On June 7, 2019, Roble submitted a petition for a writ of habeas corpus. *See Roble v. Barr et al.*, No. 19-CV-1505 (JNE/KMM) (D. Minn.), ECF No. 1. The petition claimed that Roble was being detained unlawfully. *Id.*

58. As of June 7, 2019, Roble had "already been detained for 781 days, over 25 months, following his apprehension by DHS on or about April 18, 2017. This detention is more than four times the presumptively reasonable period established in *Zadvydas*

and the period of detention contemplated in *Demore*." *Id.*, ¶ 5 (citations omitted).

59. At the time the first habeas petition was filed, Roble had already accrued 354 days confinement after his removal order had become administratively final (*i.e.*, since June 18, 2018), 264 of which occurred after the 90-day "removal period" elapsed (*i.e.*, since September 16, 2018).

60. Roble was released from immigration custody on October 19, 2021 because it was determined that he had demonstrated to ICE's satisfaction that his removal would not occur in the reasonably foreseeable future. *See* 8 C.F.R. § 241.4(e)(1).

61. At the time of his release from custody, Roble had accrued 917 days of civil immigration confinement, 400 of which occurred after Roble's 90-day "removal period" ended on September 16, 2018, and 520 of which occurred after Roble was ordered removed by the immigration judge.

62. Following his release from custody in 2021, Roble was placed on an Order of Supervision ("OOS").

63. Some conditions of Roble's OOS included maintaining contact with ICE and complying with all check in requirements.

64. On July 18, 2025, Roble was picked up and redetained by ICE while Roble was on his way to his place of employment. He has remained detained in Respondents' custody since that date.

65. Between October 19, 2019 and July 18, 2025, Roble attended regular ICE check ins in compliance with the terms of his OOS. Roble also maintained an accurate address

with ICE at all times relevant to this petition.

66. Each time ICE has previously tried to obtain a travel document for Roble, it has failed.

67. On July 18, 2025, Roble was served with a Notice of Revocation of Release ("Notice"), revoking his OOS. The Notice claims in a conclusory manner that "ICE has determined there is a significant likelihood of removal in the reasonably foreseeable future in your case" based on unidentified "changed circumstances."

68. The Notice was signed by a deportation officer at 11:33 AM on July 18, 2025, more than three hours after Roble was arrested by ICE. Thus, Roble was detained by ICE *before* his Notice of Revocation of Release was issued.

69. The Notice does not provide a reasoned basis for believing that there is now a significant likelihood of removal in the reasonably foreseeable future.

70. The Notice does not provide Roble with sufficient information to be in a position to rebut the factual allegations underlying the Notice at an informal interview.

71. The Notice does not provide enough information or detail to allow this Court to meaningfully review the relevant claims made in the Notice.

72. Roble does not understand the reason ICE now believes that there is a significant likelihood he will be removed in the reasonably foreseeable future.

73. The Notice does not allege that Roble has failed to comply with any of the terms of his OOS.

74. The Notice does not allege that Respondents have obtained a travel document

allowing for Roble's immediate removal from the United States.

75. The Notice does not allege any new facts that might form an independent basis for taking Roble into custody.

76. On or around August 5, 2025, Roble spoke with an ICE officer at Freeborn County Jail. During this conversation, Roble was told that ICE was still trying to identify a third country that might accept him. Thus, at the time of Roble's arrest, up through the present, ICE has no information that could reasonably lead it to believe changed circumstances exist that justify redetention under 8 C.F.R. § 241.13(i)(2)-(3).

77. As of August 11, 2025, ICE has not yet begun the steps of having Roble apply for a travel document from detention for some other allegedly safe third country. In other words, although 24 days have elapsed since Respondents redetained Petitioner, no meaningful steps have been taken by Respondents to ensure Petitioner's removal from the United States.

78. Respondents maintain Roble is ineligible for release from custody.

79. On April 30, 2025, the Department of Homeland Security issued a press release entitled *100 Days of Fighting Fake News*.[1] In that document, DHS referenced civil immigration detention and the present administration's heavy reliance on civil detention to accomplish its political aims. Specifically, the document states:

> The reality is that **prison isn't supposed to be fun. It's a necessary measure to** protect society and **punish bad guys.** It is not meant to be comfortable. **What's more: prison can be avoided by self-deportation.**

[1] Available at: https://www.dhs.gov/news/2025/04/30/100-days-fighting-fake-news.

> CBP Home makes it simple and easy. If you are a criminal alien and we have to deport you, you could end up in Guantanamo Bay or CECOT. **Leave now.**
>
> (emphasis added).

80. Myriad courts around the country have granted habeas corpus petitions and/or enjoined the current administration's attempts to use civil detention punitively against noncitizens. *See, e.g.*, *Mohammed H. v. Trump*, No.: 25-CV-1576-JWB-DTS, --- F. Supp. 3d ---, 2025 WL 1692739, at *5 (D. Minn. June 17, 2025) ("Punishing Petitioner for protected speech or **using him as an example to intimidate other students into self-deportation is abusive and does not reflect legitimate immigration detention purposes**.") (emphasis added); *Mahdawi v. Trump*, --- F. Supp. 3d ---, 2025 WL 1243135, at *11 (D. Vt. Apr. 30, 2021) (recognizing that immigration detention cannot be motivated by the desire to punish speech or to deter others from speaking); *Ozturk*, --- F. Supp. 3d ---, 2025 WL 1145250, at *60 ("So long as detention is motivated by those goals, and not a desire for punishment, the Court is generally required to defer to the political branches on the administration of the immigration system."); *see also Fong Yue Ting v. United States*, 149 U.S. 698, 730 (1893) ("The order of deportation is not a punishment").

LEGAL FRAMEWORK

81. Petitioner's present detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. pt. 241.

82. Section 1231 mandates detention "[d]uring the removal period." *Accord* 8 U.S.C. § 1231(a)(1)(A), (a)(2). However, the same sections also require the government to

actually remove the alien during this removal period. 8 U.S.C. § 1231(a)(1)(A).

83. The "removal period" is "90 days." 8 U.S.C. § 1231(a)(1)(A). Petitioner's "removal period" ended on September 16, 2018.

84. Detention past the removal period can be lawful in circumstances not presented here. *See* 8 U.S.C. § 1231(a)(1)(C), (a)(6).

85. After a noncitizen has been detained past the removal period, they may seek and obtain their release by demonstrating "there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future." 8 C.F.R. § 241.13(a).

86. Once a noncitizen is released on an OOS, they are subject to certain conditions of release. *See* 8 C.F.R. § 241.13(h)(1).

87. Redetention is permitted where it is alleged a noncitizen violated the conditions of release. *See* 8 C.F.R. § 241.13(h)(2), (i).

88. Regulations also permit the government to withdraw or otherwise revoke release under specific circumstances. *See* 8 C.F.R. § 241.13(h)(4). One permissible reason to revoke release occurs when, "on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2). Once such a determination is made, the noncitizen must "be notified of the reasons for revocation of [their] release" and must be provided with "an initial informal interview… to afford the alien an opportunity to respond to the reasons for revocation stated in the

notification." 8 C.F.R. § 241.13(i)(3). "The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release." *Id.* If a noncitizen is not released following the informal interview, "the provisions of [8 C.F.R. § 241.4] shall govern the alien's continued detention pending removal." 8 C.F.R. § 241.13(i)(2). Once the provisions of § 241.4 take effect, it appears that the consequence is a total reset of the 90-day removal period under 8 U.S.C. § 1231(a). *See* 8 C.F.R. § 241.4(b)(4).

89. Under the Supreme Court's decision in *Zadvydas v. Davis*, a person subject to a final order of removal cannot, consistent with the Due Process Clause, be detained indefinitely pending removal. 533 U.S. 678, 699-700 (2001). "*Zadvydas* established a temporal marker: post-final order of removal detention of six months or less is presumptively constitutional."

90. *Zadvydas* also stated:

> After this 6-month period, once the alien 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. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink.**
>
> 533 U.S. at 701 (emphasis added).

91. *Zadvydas* further held that civil detention violates due process unless special, nonpunitive circumstances outweigh an individual's interest in avoiding restraint. 533 U.S. at 690 (**immigration detention must remain "nonpunitive in purpose**

and effect") (emphasis added).

REMEDY

92. Respondents' detention of Roble violates the Due Process Clause of the United States Constitution. Roble's ongoing detention violates the Fifth Amendment's guarantee that "[n]o person shall be . . . deprived of life, liberty, or property without due process of law." U.S. Const., amend. V.

93. Due Process requires that detention "bear [] a reasonable relation to the purpose for which the individual [was] committed." *Zadvydas, v. Davis*, 533 U.S. 678, 690 (2001) (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

94. Roble seeks immediate release to the extent that Respondents justify his detention on the idea that Petitioner has failed to demonstrate that there is no significant likelihood of his removal in the reasonably foreseeable future; Respondents bear the burden of rebutting the prior showing made by Petitioner. 8 C.F.R. § 241.13(i)(2)-(3). Respondents have failed to meet this burden.

95. Roble seeks immediate release to the extent that Respondents have redetained him for the purpose of punishing him for remaining in the United States despite his final order of removal.

96. Roble seeks immediate release to the extent that Respondents have redetained him for the purpose of punishing him to send a message to similarly situated individuals for the purpose of encouraging those similarly situated persons to leave the United States before they share Roble's fate.

97. Although neither the Constitution nor the federal habeas statutes delineate the

necessary content of habeas relief, *I.N.S. v. St. Cyr*, 533 U.S. 289, 337 (2001) (Scalia, J., dissenting) ("A straightforward reading of [the Suspension Clause] discloses that it does not guarantee any content to . . . the writ of habeas corpus"), implicit in habeas jurisdiction is the power to order release. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) ("[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.").

98. The Supreme Court has noted that the typical remedy for unlawful detention is release from detention. *See, e.g.*, *Munaf v. Geren*, 553 U.S. 674 (2008) ("The typical remedy for [unlawful executive detention] is, of course, release."); *see also Wajda v. United States*, 64 F.3d 385, 389 (8th Cir. 1995) (stating the function of habeas relief under 28 U.S.C. § 2241 "is to obtain release from the duration or fact of present custody.").

99. That courts with habeas jurisdiction have the power to order outright release is justified by the fact that, "habeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts "[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters 'as law and justice require.'" *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987) (quoting 28 U.S.C. § 2243). An order of release falls under court's broad discretion to fashion relief. *See, e.g.*, *Jimenez v. Cronen*, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) ("Habeas corpus is an equitable remedy. The court has the discretion to fashion relief that is fair in the circumstances, including to order an alien's release.").

100. Immediate release is an appropriate remedy in this case.

CAUSE OF ACTION

COUNT ONE: DECLARATORY RELIEF

101. Roble re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

102. Roble requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Roble is detained pursuant to 8 U.S.C. § 1231(a)(1).

103. Roble requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Roble has previously demonstrated to ICE's satisfaction that there is no significant likelihood of his removal in the reasonably foreseeable future ("NSLRRFF").

104. Roble requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that ICE did not rebut Roble's prior NSLRRFF showing prior to redetaining him.

105. Roble requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that until ICE rebuts Roble's prior NSLRRFF showing, Roble may not be redetained.

COUNT TWO: VIOLATION OF THE IMMIGRATION & NATIONALITY ACT – 8 C.F.R. § 241.13(i)(2)-(3)

106. Roble re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

107. Section 1231(a)(1)-(3) of Title 8 of the U.S. Code and 8 C.F.R. § 241.13(i)(2)-(3) governs the detention, release, and redetention of aliens with final orders of removal.

108. Respondents have failed to comply with these provisions prior to redetaining Petitioner after Petitioner's release on an OOS.

109. No independent alternative basis supports Respondents' decision to redetain Petitioner.

110. Petitioner is therefore detained in violation of the INA.

COUNT THREE: VIOLATION OF THE FIFTH AMENDMENT

111. Roble re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

112. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals. It further requires that detention cease when a noncitizen has established to the government's satisfaction that there is no significant likelihood of removal in the reasonably foreseeable future after the noncitizen has been ordered removed and has served six months in post-removal-order custody.

113. Roble is no longer subject to mandatory custody under the Immigration & Nationality Act. He has served more than six months in post-removal-order detention. In order to terminate his prior detention, he established to the government's satisfaction that there was no significant likelihood of removal in the reasonably foreseeable future. The government has not rebutted this with credible evidence. The government does not presently have a travel document for Roble. There are no new circumstances that otherwise justify Roble's redetention. Thus, Respondents have violated Roble's Fifth Amendment guarantee of due process.

114. Respondents have also independently violated Roble's Fifth Amendment due

process right by incarcerating him to punish him and to otherwise send a message to similarly situated individuals that they must leave the United States to avoid a similar fate.

COUNT FOUR: VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT – CONTRARY TO LAW AND ARBITRARY AND CAPRICIOUS AGENCY POLICY

115. Roble re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

116. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

117. Respondents have failed to articulate any reasoned explanation for redetaining Petitioner.

118. Respondents have failed to articulate any reasoned explanation for deviating from or otherwise ignoring or failing to comply with the plain language of 8 C.F.R. § 241.13(i)(2)-(3).

119. Respondents' decisions, which represent changes in the agencies' policies and positions, have considered factors that Congress did not intend to be considered, have entirely failed to consider important aspects of the problem, and have offered explanations for their decisions that run counter to the evidence before the agencies.

120. Respondents' decision to redetain Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Mahamed Abdi Roble, asks this Court for the following relief:

1. Assume jurisdiction over this matter.

2. Issue an emergency preliminary order restraining Respondents from attempting to move Roble from the State of Minnesota during the pendency of this Petition.

3. Issue an emergency preliminary order requiring Respondents to provide 72-hour notice of any intended movement of Roble.

4. Issue an emergency preliminary order requiring Respondents to give Roble due process prior to removing him to an allegedly safe third country in the form of a full merits hearing for asylum, withholding of removal, and DCAT before an immigration judge relating to the proposed country of removal with a right to an administrative appeal to the Board of Immigration Appeals.

5. Issue an emergency preliminary order enjoining ICE, at a statewide level, from detaining certain aliens—*i.e.*, those who: (1) have already served 90 days or more in post-administratively-final-removal-order custody, (2) have already served 180 days or more in immigration custody (regardless of when the removal order issued or became final), and (3) have subsequently been released on an Order of Supervision after demonstrating there is no significant likelihood of removal in the reasonably foreseeable future—prior to actually obtaining a valid travel document for the individual, potentially to be made permanent after further briefing and a hearing that complies with Fed. R. Civ. P. 65(a).

6. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an

action brought under 28 U.S.C. Ch. 153.

7. Order Roble's immediate release.

8. Declare that Respondents' action is arbitrary and capricious.

9. Declare that Respondents failed to adhere to binding regulations and precedent.

10. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

11. Permanently enjoin Respondents from redetaining Roble under 8 C.F.R. § 241.13(i)(2)-(3) unless and until Respondents have obtained a travel document allowing for Respondent's removal from the United States.

12. Permanently enjoin Respondents from redetaining Roble under 8 C.F.R. § 241.13(i)(2)-(3) for more than seven days after receiving a travel document.

13. Permanently enjoin Respondents from deporting Roble to an allegedly safe third country without first giving Roble due process in the form of a full merits hearing for asylum, withholding of removal, and DCAT before an immigration judge relating to the proposed country of removal with a right to an administrative appeal to the Board of Immigration Appeals.

14. Permanently enjoin ICE, at a statewide level, from detaining certain aliens—*i.e.*, those who: (1) have already served 90 days or more in post-administratively-final-removal-order custody, (2) have already served 180 days or more in immigration custody (regardless of when the removal order issued or became administratively final), and (3) have subsequently been released on an Order of Supervision after demonstrating there is no significant likelihood of removal in the reasonably

foreseeable future—prior to actually obtaining a valid travel document for the individual, potentially to be made permanent after further briefing and a hearing that complies with Fed. R. Civ. P. 65(a).

15. Grant Roble reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).

16. Grant all further relief this Court deems just and proper.

DATED: August 10, 2025

Respectfully submitted,

RATKOWSKI LAW PLLC

/s/ *Nico Ratkowski*

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Attorney for Petitioner

Verification by Petitioner Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that all of the factual allegations and statements in the Petition are true and correct to the best of my knowledge and belief.

/s/ Mahamed Abdi Roble
Mahamed Abdi Roble

Dated: August 11, 2025