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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

HABEN KIDANE #A   
Petitioner

CIVIL DOCKET NO. 1:25-CV-01152  
SEC P

VERSUS

JUDGE EDWARDS

U S IMMIGRATION & CUSTOMS  
ENFORCEMENT ET AL,  
Respondents

MAGISTRATE JUDGE PEREZ-MONTES

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**REPORT AND RECOMMENDATION**

Before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 filed by pro se Petitioner Haben Kidane (“Kidane”). Kidane is an immigration detainee at River Correctional Center in Ferriday, Louisiana. He seeks release from detention.

Because Kidane cannot establish entitlement to relief, the Petition should be DENIED.

**I. Background**

Kidane is a native and citizen of Eritrea. ECF No. 1-2 at 3. He alleges that he was detained upon entering the United States on June 15, 2024. *Id.* Kidane was ordered removed on July 24, 2024, and he did not appeal. *Id.* Kidane remains detained, and asserts that there is no likelihood of his removal in the reasonably foreseeable future. Accordingly, he seeks release from detention.

On September 8, 2025, the embassy of Sweden issued a travel document for Kidane's removal under his acknowledged alias, Ghirmay Filimon. ECF No. 13 at 6; 13-1 at 2.

## II. Law and Analysis

Once an alien is ordered removed, DHS must physically remove him from the United States within a 90-day "removal period." 8 U. S. C. § 1231(a)(1)(A); *see also Johnson v. Guzman Chavez*, 594 U.S. 523, 528 (2021). The removal period begins on the latest of three dates: (1) the date the order of removal becomes "administratively final"; (2) the date of the final order of any court that entered a stay of removal; or (3) the date on which the alien is released from non-immigration detention or confinement. *Id.* at § 1231(a)(1)(B).

However, § 1231 permits the detention beyond 90 days, for a period reasonably necessary to bring about that alien's removal from the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Detention for up to six months is presumptively reasonable. *Id.*

After six months, if an 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. The six-month presumption does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701.

After Kidane's Petition was filed, the Government obtained travel documents for his removal to Sweden, which expire on March 22, 2026. ECF No. 13-1 at 2. The Government asserts that it is in the process of scheduling Kidane's departure. Accordingly, Kidane cannot establish that there is no significant likelihood of removal in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701.

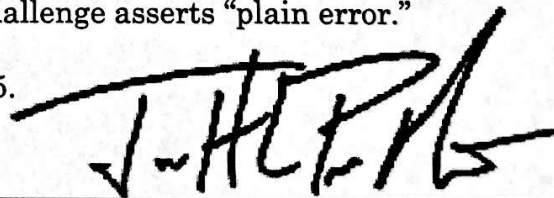
### **III. Conclusion**

Because Kidane is not entitled to habeas relief, IT IS RECOMMENDED that the Petition be DENIED and DISMISSED, WITHOUT PREJUDICE.

Under 28 U.S.C. § 636(b)(1)(c) and Fed. R. Civ. P. 72(b), a party may file written objections to this Report and Recommendation within 14 days of service, unless the Court grants an extension of time to file objections under Fed. R. Civ. P. 6(b). A party may also respond to another party's objections to this Report and Recommendation within 14 days of service of those objections, again unless the Court grants an extension of time to file a response to objections.

No other briefs may be filed without leave of court, which will only be granted for good cause. A party's failure to timely file written objections to this Report and Recommendation will bar a party from later challenging factual or legal conclusions adopted by the District Judge, except if the challenge asserts "plain error."

SIGNED on Friday, November 21, 2025.



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JOSEPH H.L. PEREZ-MONTES  
UNITED STATES MAGISTRATE JUDGE