

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**FILED**

AUG 20 2025

UNITED STATES DISTRICT COURT

for the

DISTRICT OF KANSAS

Clerk, U.S. District Court  
By: [Signature] Deputy Clerk

BRANDIN L. SOUDOM  
Petitioner

v.

Case No. 25-3167-JWL  
(Supplied by Clerk of Court)

CRYSTAL Carter, Warden  
Respondent  
(name of warden or authorized person having custody of petitioner)

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

Personal Information

1. (a) Your full name: Brandin Lee Soudom  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Leavenworth Federal Correctional Institution  
(b) Address: Leavenworth - FC1 P.O. BOX 1000 Leavenworth, KS 66048  
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:  
☒ Federal authorities ☐ State authorities ☐ Other - explain:  
ice detention
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☒ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_

Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention  
☒ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☐ Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: U.S. immigration and Customs enforcement refusal to release me from immigration detention  
 (b) Docket number, case number, or opinion number: NONE  
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
U.S. immigration and Customs enforcement refusal to release me from Immigration detention  
 (d) Date of the decision or action: \_\_\_\_\_

#### Your Earlier Challenges of the Decision or Action

##### 7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

##### 8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

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If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/8/2024

- (b) Date of the removal or reinstatement order: 9/8/2015

- (c) Did you file an appeal with the Board of Immigration Appeals? 9/12/2017

☐ Yes

☒ No

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If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

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**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of 8 U.S.C § 1231(a)(6)

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have been detained by ICE beyond the removal period authorized by statute. ICE is not likely to remove me in the near future. (See attached memorandum for details)

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

GROUND TWO: Violation of the due process clause of the Fifth Amendment to the U.S Constitution

(a) Supporting facts (Be brief. Do not cite cases or law.):

ICE is depriving me of my liberty. I have been detained by ICE for a prolonged period. (see attached memorandum for details)

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE: Detention is no longer reasonable. (see detached memorandum for details)

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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**GROUND FOUR:**

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: this is not applicable in this matter

**Request for Relief**

15. State exactly what you want the court to do: order my immediate release

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

8/18/25

  
\_\_\_\_\_  
*Signature of Petitioner*

\_\_\_\_\_  
*Signature of Attorney or other authorized person, if any*

(Memorandum of law supporting pro se petitioner)

Petitioner is fighting for his own freedom and apologizes for any instance of not addressing this court properly.

Petitioner asks this humble court to visit *Zadvydas v. Davis*, 533 U.S. 678. The issue addressed in [zadvydas] was "whether aliens that the government finds its self unable to remove are to be condemned to an indefinite term of imprisonment with in the Untied States" 533 US at 695. In the case of the aliens at issue in the two consolidated cases underlying the [zadvydas] decision, the United States was unable to secure travel documents to deport the aliens because it could not find countries willing to accept them due to citizenship and treaty issues. ID at 685-86

The supreme court held that the constitution does not permit indefinite detention and that continued detention is no longer authorized by the post-removal period statute where removal is not reasonably foreseeable. 533 US at 699-700. [zadvydas] therefore stands for the principle that the government may not continue to detain an alien where there is good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. 533 US at 701.

In [zadvydas], the supreme court limited detention beyond the 90-day removal period to a period "reasonable necessary to bring about the alien's removal from the United States" 533 US at 689. The court held that detention for six months is "presumptively reasonable" but beyond six months, if removal is no longer reasonably foreseeable, continued detention is not warranted. ID at 701.

Case at hand, Petitioner has been detained by ICE since 10/8/2024, as of now it has been over 10 months. Well over the 6 months authorized by *Zadvydas*, and it is on violation of 8 U.S.C. §1231(a)(6)

Furthermore please see (exhibit A), a letter /fax from the South African embassy, which is petitioner's native country addressed to US Department of Homeland Security, 101 West Congress Parkway, Chicago IL 60605. The letter was dated November 7th 2024.

The letter states that the application for petitioners travel document was "not approved" due to the fact that petitioner does not have a South African identity document . The letter further states that in order for petitioner to be registered as a South African citizen, he was supposed to apply for the identity book at the age of sixteen . The letter further states that petitioner does not appear in the South African population registry and it is "impossible" for petitioner to get the approval to travel to South Africa until the confirmation of Petitioner's

2. citizenship.

Petitioner entered the United States on April 15th 1999, at the age of 11. Petitioner has remained in the U.S ever since. It is required by South African law to apply for the ID book at the age of 16 in person in South Africa. As petitioner has remained continuously in the United States since the age of 11, it is self evident that he could not have been physically present in South Africa, therefore it is impossible for him to possess the ID that South Africa is demanding in order to issue a travel document.

Furthermore Petitioner has fully cooperated with ICE to take fingerprints and has truthfully and completely answered all the questions that have been asked. However, as of today, South Africa still does not recognize petitioner as its citizen.

Please see Zhou v. Ashcroft, Civ No CV-01-0863 (M.D.P.A. April 15 2002) and Shefget V. Ashcroft N.O 02c7737, 2003 WL 1964290, 4 (N.D, IL April 28 2003). In both these cases, aliens were both released under [zadvydas] after the consulates of their countries of origin had "notified INS by letter " that they wouldn't accept their removal.

Petitioner posits that south Africa does not recognize him as its citizen and has already denied his return. Due to the lack of the required identity document it is impossible to get the approval. Therefore petitioners removal became "potentially permanent" Zadvydas id at 691

Please see (exhibit B) a letter/application from the South African embassy in Washington D.C. The letter states that in order to complete petitioners "FIRST" ID book (since petitioner does not have an ID book), both parents ID books are required. Petitioner posits that both parents do not possess ID books, and never have, making it yet again "impossible" to complete and issue the ID book required for a travel document. This is another failed attempt at obtaining a travel document and is impossible now and obviously impossible in the foreseeable future. Further detention is not reasonable because ICE have exhausted more than enough time and steps needed to obtain a Travel document and still cannot do so after 10 months.

Further detention should not be warranted and is in violation of the due process clause of the 5th Amendment to the U.S Constitution because ICE is depriving petitioner of his liberty. Petitioner has been detained by ICE for to long of a period of time. It is not reasonable to keep petitioner detained through respondents failed attempts of trying to secure a Travel document. Petitioner believes that he has showed enough proof and reasons why a travel document will not be issued now or in the foreseeable future, therefore it is not reasonable to keep petitioner detained. Respondents are trying to look for information that does not exist. Respondents have been trying to obtain a travel document since 10/8/2024 and have been unsuccessful to date. Since it is impossible to obtain the necessary information needed to issue petitioners travel document, petitioner humbly asks the honorable court to grant petitioners release

3.

Ice has failed to obtain a travel document and never will, and is depriving petitioner of his freedom while trying to do so. 11 months is more than enough time, and respondents are still empty handed. Petitioners deportation is not only impossible, but is actually not foreseeable in the future. Detaining the petitioner is no longer reasonable and should not be permitted. His detention is violating the 5th amendment and depriving him of his liberty. Petitioner respectfully thanks the court for the opportunity to hear petitioners argument and humbly requests this honorable court to grant his release

(CONCLUSION)

- petitioner has been in custody over 10 months and its against [zadvydas]
- deportation is not possible/foreseeable in the future
- further detention is not reasonable
- violation of 8 U.S.C §1231 (a)(6)
- violation of due processs
- Information needed for travel document is impossible to achieve
- south Africa has denied travel document
- no amount of time or steps will produce a travel document

Respectfully submitted,



Brandin L. Soudom

I.D#

LEAVENWORTH- FCI

Inmate Mail/Parcels

P.O. BOX 1000

Leavenworth, KS 66048

Date:

8/18/25