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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

FILED

OCT 08 2025

BRANDON L. Soudom
Petitioner,

VS.

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

Case No. 5:25-CV-03167-JWL

CRYSTAL CARTER, warden
FCI-Leavenworth,
Respondent.

Response to Respondents reply/show cause

Petitioner asks this humble court to bare with him, he does all his legal work and research himself, and uses the only resources available to him. He is fighting for his own freedom and to reunite with his children. Petitioner appologizes for any instance of offending or not addressing this Court properly.

After viewing respondents declaration, petitioner still challenges that his detention is unreasonable and is seeking his release under the governing [Zadvydas] framework. Petitioner states that he has been in detention for 12 months, which is 6 months longer than the 6 months authorized by [Zadvydas]. Petitioner also argues that ICE still has not yet "secured" a travel document for petitioner to travel to South Africa. Even though respondents claim that on September 16, 2025 the United States E.R.O division was notified by an E.R.O attaché in Pretoria (which is the same U.S department) that a travel document application has been approved, it does not justify or prove that the South African government has issued a travel document. Petitioner is arguing that simply

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an approved application is not a travel document. Just because an "application" has met the appropriate parameters to make it a "good" application, does not mean anything will be issued. Also an agreement inside one U.S. agency that just an application is approved does not prove that the South African government has or will issue a travel document either, or even when. Petitioner stresses that I.C.E. does not have a travel document in hand, and there has been no statements made from the South African embassy or any South African government agency stating that a travel document has or will be issued.

Petitioner would like to state that the E.R.O. division and its attaché is the same entity, and a notice that an application has been "approved" within the same entity still leaves the question as to "when" and "if" a travel document will be issued unanswered. For example: If you and your brother live in a house together, (E.R.O.) you and him can speculate as much as you want as to what you think or know about your neighbors. (South Africa) But until your neighbors inform you about themselves or what goes on in their house, nothing that you said is a fact. An E.R.O. attaché is not the U.S. E.R.O.'s opposing government counterpart, and any information discussed between the two, does not represent information provided from South Africa.

I.C.E. has not satisfied its burden of proving that a travel document is in hand or any evidence as to when. Petitioner would like to respectfully remind the Court that he has been in detention for 12 months. This period of detention exceeds the 6

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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 a Travel document the fact is that no Travel document has been issued to date from any South African government agency, and there is still no evidence as to when. Because South Africa has not issued a Travel document and there is no evidence as to when, if ever Travel documents will be issued, ICE has not satisfied its burden and petitioner must be released. Please see Steliger v. Ashcroft NO. 02C7737, 2003 WL 1904290, *5 (N.D. ILL. 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 the reasonably foreseeable future where alien 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 3753 (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 from the Liberian government that travel documents will be issued in a matter of days or weeks or even months

Merely a statement made from

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an attaché that an application is approved does not foreclose the argument that South Africa has issued a travel document, or will in a reasonable amount of time. It could be months, if not years, if ever, and considering that the petitioner is arguing that he has been detained over the 6 months authorized by [Zadvydas] and there is no answer as to when a travel document will be issued this makes petitioner a candidate for release under the governing [Zadvydas] framework.

Petitioner would like to point out that attachment / exhibit A of the docket text is the letter from South Africa, and in summary it states that without petitioners confirmation of citizenship, a travel document will be impossible to issue. Petitioner argues that there has been no proof or evidence presented that shows his citizenship has been confirmed and I.C.E. has shown no evidence rebutting that fact. Petitioner believes and argues that his citizenship has yet to be confirmed and that is why no TD has been issued. I.C.E. has shown no proof rebutting that fact either. Merely an "approved application" is not a travel document or citizenship confirmation, nor does it provide a timeline as to when a travel document will be issued. For example: If you complete a job application correctly and it is "approved" it does not mean you will get the job. The fact of the matter is that no travel document is in hand. Petitioner would like to again, respectfully stress to the court that I.C.E. should have physical proof from the South African government that a travel document is in hand but has failed to do so, and once again, if the U.S. E.R.O. department was informed

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that only an application has been approved from the same E.R.O department at a different location it is not enough grounds to prove that a travel document is in hand and to keep petitioner detained for an unknown or indefinite amount of time and that violates the [Zedvydas] framework.

If petitioners removal has not been accomplished in the 6 months authorized by [Zedvydas], or longer, and I.C.E still has no travel document in hand, Petitioners detention should be deemed unreasonable and petitioner is eligible for release under [Zedvydas]

Conclusion Points

1. There is no proof or guarantee a Travel document will be, or has been issued
2. It could take years, if ever.
3. Petitioners detention has exceeded [Zedvydas]'s 6 months by 6 months.
4. Petitioners detention is unreasonable.
5. I.C.E has no travel document in hand
6. Petitioner could be detained indefinitely and that violates [Zedvydas].
7. An application being approved only means it has been

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"accepted" and "accepted" does not mean a travel document will be issued.

8. Communication within the E.R.O does not mean South Africa has said or issued anything
9. No proof has been shown proving that petitioner has met the citizenship guidelines needed to issue a travel document
10. No South African government agency has made any statement regarding the travel document or has not issued one.

Closing

Petitioner would like to thank this humble Court for hearing his facts and arguments and respectfully asks this Court to grant this writ of habeas Corpus and ultimately grant petitioners release.

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Certificate of Service

I, Brandin Lee Soudom certify that on October 1, 2025 I entered this document into the FCI- Leavenworth mail System.



Brandin L. Soudom

ID: 

Leavenworth - FCI

Inmate mail/Parcels

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