

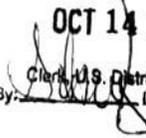
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

FILED

OCT 14 2025

Clerk, U.S. District Court
By:  Deputy Clerk

BRANDIN L. SOUDOM

Petitioner,

Vs.

CRYSTAL CARTER, Warden
FCI-Leavenworth

Respondent.

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

Memorandum of Law Supporting Pro Se petitioner

Petitioner adds this memorandum of Law to his existing response because of newly discovered evidence that could not have presented itself sooner.

Petitioner asks this humble court to please revisit attachment 1 exhibit A of the docket text. It is a letter from the South African embassy addressed to petitioner stating specifically that without petitioners "ID BOOK" it is "impossible" to issue a travel document to travel to South Africa. It goes further and states that petitioner does not have an ID BOOK because he is not recognized as a South African citizen and is to assist I.C.E in taking fingerprints and completing forms to help confirm petitioners citizenship. Petitioner has done so on Oct. 31, 2024, Dec. 19, 2024, and on Oct. 8, 2025, and as of today petitioner still has not been issued an ID Book needed to issue a travel document and petitioner has proof that no ID BOOK has been issued to date, rendering a travel document application impossible to approve.

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Case at hand, respondents claim that on Sep. 16, 2025 an E.R.O attaché in Pretoria notified the E.R.O in the U.S that a travel document application for petitioner has been approved. Petitioner claims that according to newly discovered evidence petitioner still does not have an ID BOOK or approval for one so respondents couldn't possibly have a Travel document in hand and is impossible to obtain one. Please see exhibit 3, an I.C.E request form confirming by I.C.E officer Wendler that on October 8, 2025 I.C.E gave petitioner an application to fill out to approve his "FIRST ID BOOK" as well as took fingerprints. Petitioner argues that if he is filling out an application again, and now on Oct. 8th for his "first ID BOOK" how is it possible to approve a travel document application on September 16th without an ID BOOK? If petitioner is still filling out an applications for an ID BOOK now, it means that a ID BOOK still has not been issued. Keep in mind that respondents have already admitted that petitioner has already given a "good" application and fingerprints for an ID BOOK in December 2024 and was obviously denied because still no travel document has been issued to date and considering petitioner has been asked to fill out another ID BOOK application recently means the first ones were denied or not approved.

Again, exhibit 3 is Confirmation from I.C.E officer Wendler that another "ID BOOK" application and fingerprinting was conducted on Oct. 8, 2025 which is almost a whole month after respondents claim they have an approved travel document application. Petitioner respectfully argues to this court that it is impossible to issue a

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travel document without an ID BOOK and proving that respondents are taking petitioner through the ID BOOK approval process again and now confirms that it was impossible for I.C.E to have possessed the ID BOOK needed on Sep. 16th to approve a travel document.

Exhibit A proves that a travel document application cannot be approved unless the application contains a South African Issued ID BOOK from the applicant/petitioner, and Exhibit 3 proves that petitioner obviously does not possess an ID BOOK because I.C.E is still giving petitioner applications to get an ID BOOK approved. Without an ID BOOK how was a Travel document application approved on Sep. 16, 2025 or ever going to be approved?

Petitioner respectfully again points out to this court that 1.) No travel document has been issued to date. 2.) No ID BOOK has been issued to date and I.C.E is still trying to get one approved. 3.) With no ID BOOK, and numerous previously failed attempts to get one means respondents have failed to "secure" an ID BOOK and ultimately meaning they have failed to secure a travel document. Respondents have had over one year to secure an ID BOOK and a travel document for petitioner and has obviously been unsuccessful to date.

Petitioner argues that he is flat out not a Citizen of South Africa and has been told so before (Exhibit A), and believes that is the reason for the multiple failed application attempts for an ID BOOK. With the evidence presented in this memorandum petitioner has met his burden of proving an ID BOOK or travel document has not been issued to date, and won't be.

Once again petitioner claims that his detention has become unreasonable because I.C.E has failed to successfully conduct his removal over the course of one year

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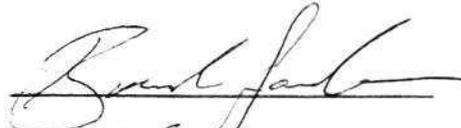
and still has not done so as of today. Respondents have not and cannot get the South African embassy to issue an ID BOOK or a Travel document for petitioner after 1 year of being in I.C.E custody, again making his detention unreasonable, and his removal not likely to occur in the near future, and ultimately once again making petitioner eligible for release under the [Zadvydas] framework.

Petitioner has also recently learned that an "approved application" only means that all criteria on that application has been met, it does not mean that a travel document will be issued. Whether or not a travel document is to be issued is still to be decided. How many more failed application attempts does the petitioner have to be in custody for? The repeated failed application attempts is only resulting in Petitioner's loss of freedom. After 12 months of being in custody Petitioner's removal is still unlikely to occur in the reasonably foreseeable future because I.C.E has continued to fail to obtain an ID BOOK and a travel document for petitioner. and for these foregoing reasons, petitioner humbly asks this Court to grant petitioner writ of habeas Corpus.

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CERTIFICATE OF SERVICE

I, BRANDIN Soudom certify that on
October 8, 2025 the foregoing was entered
it the FCI-Leaven worth mail system


Brandin Soudom.

BRANDIN L. Soudom

I. D# 

Leavenworth FCI

inmate mail/Parcels

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