

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BRANDIN L. SOUDOM,)	
)	
Petitioner,)	
)	
vs.)	Case No. 5:25-cv-03167-JWL
)	
CRYSTAL CARTER, Warden,)	
FCI-Leavenworth,)	
)	
Respondent.)	
<hr style="width: 45%; margin-left: 0;"/>		

RESPONSE TO § 2241 HABEAS PETITION AND ORDER TO SHOW CAUSE

This matter is before the Court on the pro se petition of Brandin L. Soudom (“Petitioner”) for a writ of habeas corpus under 28 U.S.C. § 2241 filed August 20, 2025. Pet., Doc. 1. Petitioner, a noncitizen, argued that his removal is not significantly likely in the reasonably foreseeable future because he alleges that South Africa refuses to recognize him as a citizen. *Id.* On October 8, 2025, Petitioner further argued that U.S. Immigration and Customs Enforcement (“ICE”) “has not satisfied its burden of proving that a travel document is in hand” and again that his South African citizenship cannot be confirmed. Petitioner’s Traverse, Doc. 7.

In compliance with the Court’s Order October 15 Order, Doc. 9, Crystal Carter, in her official capacity as the Warden of FCI Leavenworth (“Respondent”) respectfully submits this response.

STATEMENT OF FACTS

The following facts are based on the declaration of Aaron J. Wendler, a Deportation Officer for ICE Enforcement and Removal Operations (“ERO”) of the United States Department of Homeland Security (“DHS”). Exhibit 1, Wendler Decl. ¶¶ 1-2. Although not noted in Supervisory Detention and Deportation Officer Schilling’s Declaration, Petitioner’s brother was also interviewed by a South African representative in July 2025 to verify Petitioner’s identity and South

African citizenship. *Id.* ¶ 5. Although Petitioner’s travel document has been approved, it has not yet been issued. *See id.* ¶¶ 6-7. On or about October 8, 2025, ERO contacted the U.S. Embassy in South Africa for a status update on the issuance of Petitioner’s travel document. *Id.* ¶ 7. On or about October 9, 2025, Petitioner was fingerprinted, and those fingerprints were sent to the ERO Attaché to the U.S. Embassy in Pretoria. *Id.* ¶ 8. On or about October 21, 2025, ICE and Department of State officials visited the South African Embassy in Washington, D.C. and requested a written response on the status of Petitioner’s travel document. *Id.* ¶ 9.

Petitioner continues to assert that his removal is not significantly likely in the reasonably foreseeable future, but relies only on the fact that additional fingerprinting was requested after his travel document was approved and his belief that his citizenship cannot be confirmed. But, the existence of an additional step between the approval of the travel document and the issuance of the travel document does not satisfy Petitioner’s burden to show that removal is not significantly likely in the reasonably foreseeable future. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (“[A]n alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.”). Rather, as addressed in Respondent’s prior briefing, the evidence shows that ICE has diligently worked to secure Petitioner’s removal within the constraints of the identity verification process required by the South African government. This diligence has resulted in the approval of Petitioner’s travel document and a high likelihood of removal in the reasonably foreseeable future.

Because of Petitioner’s previous failure to appear, Respondent respectfully requests that the Court deny Petitioner’s habeas petition so that Petitioner can be removed expeditiously upon issuance of his travel document.

Respectfully submitted,

RYAN A. KRIEGSHAUSER
United States Attorney
District of Kansas

/s/ Audrey D. Koehler
Audrey D. Koehler, KS #28271
Assistant United States Attorney
United States Attorney's Office
District of Kansas
301 N. Main, Suite 1200
Wichita, Kansas 67226
PH: (316) 269-6481
FX: (316) 269-6484
Email: audrey.koehler@usdoj.gov
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that on October 27, 2025 the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will provide notice to all registered parties. I further certify that I caused a copy of the foregoing and the notice of electronic filing to be placed in the United States mail, postage prepaid, addressed to the following non-CM/ECF participant:

Brandin L. Soudom
I.D. # 
Leavenworth-FCI
Inmate Mail/Parcels
P.O. Box 1000
Leavenworth, KS 66048

/s/ Audrey D. Koehler
Audrey D. Koehler

