

FILED

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

UNITED STATES DISTRICT COURT
for theSEP 23 2025
Clerk, U.S. District Court
By: [Signature] Deputy ClerkYohana Gabriel Amom
Petitioner

v.

Case No.

25-3205-JWL
(Supplied by Clerk of Court)C. Carter, Warden, Leavenworth-FCI
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: Yohana Gabriel Amom
(b) Other names you have used: NA
2. Place of confinement:
(a) Name of institution: FCI-Leavenworth
(b) Address: Box Metropolitan Ave
Leavenworth, Kansas 66048 PO Box 1000
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
Department of Homeland Security / Immigration Custom Enforcement
4. Are you currently: being detain in custody of ICE
☐ 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): Respondent are unlawfully detaining Petitioner and Violating his due Process

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

(a) Name and location of the agency or court: U.S. Department of Homeland Security
2345 Grand Boulevard, Suite 500 Kansas City, Missouri 64108

(b) Docket number, case number, or opinion number: A# [REDACTED]

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I was ordered removed over six months ago and still haven't been deport. It's past my statutory period for removal challenging my detention

(d) Date of the decision or action: March 20, 2025

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:

was rejected by the BIA Board of Immigration Appeals

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: Jun 10, 2025

- (b) Date of the removal or reinstatement order: March 20, 2025

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

☐ 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: unlawful detention

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 Do not cite cases or law.):

respondent continued Petitioner detention without cause and it's passed the removal period that was authorized by 1231

See Petition arguments for 2241

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

☐ Yes

☐ No

GROUND TWO: Violation of due process under 1231
and the 5th Amendment clause

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 Do not cite cases or law.):

respondents are violating Petitioner's due process by removing Petitioner to a third country that is against the convention with due process and does not apply to Petitioner. See Petition Arguments

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

☐ Yes

☐ No

GROUND THREE: Past the Statutory Removal Period that
was authorized by 1231 it's been over 90-day
removal ~~1231~~ days

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

Petitioner has been detained beyond the removal period. See Petition arguments

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

☐ Yes

☐ No

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GROUND FOUR:

removal is not free & able in the future to his home country of Sudan

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

The government of Sudan said no to permitting Petitioner's return and respondents still held him without valid reasons

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

☐ Yes

☐ No

See Petition arguments

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

Respondents are illegally attempting to remove Petitioner without due process it's a violation to his procedures

Request for Relief

15. State exactly what you want the court to do:

There is no removal to my home country of Sudan the government would not permit my return there is no reason to keep me in detention respondents are or have already past the removal period and are going against the due process it's a violation I seek justice or release from this unlawful detention because respondents continuing Petitioner's detention to commence violation is against the law

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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:

September 15, 2025

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:

Sep 15, 2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Argument to 2241 Petition

At this moment Petitioner would like to humbly and respectfully ask the Honorable Court not to deny his Petition as Pre-mature and give Petitioner a full fair chance to explain and state his claims because respondent's might ask to deny Petition on there Claims of being Pre-mature and not yet reached 180-day's mark cause, the fact that the 2241 Petition doe's not have a time limit of when to file, Only stating that Petition should be used when you are alleging that you are being illegally detained in immigration custody. Petition is a immigration matter, and under title 8 U.S.C, 1231(c)(2) directive's which states that DHS shall remove the alien within a 90-day Statutory removal Period and only authorizes the attorney general to further detain an alien "If the alien fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal, otherwise 1231(c)(3). If the alien doe's not leave or is not removed within the removal Period the alien Pending removal shall be Subject to Supervision.

Zadvydas V. Davis 533 U.S 678 (2001) States that in his case (when the alien remained in custody after the 90-day removal period expired, he filed a habeas corpus action to challenge his continued detention and with all do respect Petitioner has past his 90-day statutory removal period.

Before the court is Yohana Gabriel Amom, Petitioner for a writ of habeas corpus under 28 U.S.C section 2241 against C. Carter, Warden, Leavenworth-FCI Respondents. On the claims that Petitioner's detention is unconstitutional and in violation of due process under the 5th Amendment by being detain unlawfully, Petitioner has reached all the remedies, and past the point of exhaustion due to his incarceration. Petitioner is also claiming that respondents are illegally trying to remove him which by law it's a violation of his due process, a new order of removal was never provided advance notice, all respondents did is give Petitioner an oral brief which is a violation to the administrative procedure Act to remove a noncitizen to a third country without advance notice or the opportunity to file or raise claims.

Respondents under the convention violated the immigration law the regulations implementing the convention and the fifth Amendment's due process clause.

Petitioner is a native and a citizen of Khartoum, Sudan who was admitted to the United States at New York, NY on or about September 21, 1999 as a refugee. See Exhibit E. and adjusted his status to that of a lawful permanent resident on March 26, 2003 under Section 209 of the act. On September 2, 2009 petitioner was convicted of two crimes involving moral turpitude not arising out of a single scheme of criminal misconduct and. On January 10, 2025. See Exhibit A Immigration and Custom Enforcement (ICE) officials picked up petitioner from the Missouri Department of Corrections (D.O.C.) because the United States Department of Homeland Security (DHS) issued a warrant for arrest, See Exhibit C. On the authority of the attorney general determination on his case, petitioner would be detained and placed in custody.

Following his detention Petitioner was served with a notice to appear (NTA) in front of an immigration judge (IJ) See Exhibit B. On March 20, 2025 Petitioner was denied of all relief under the Immigration and Nationality Act (INA) by the judge who came to conclusion that Petitioner was not in the favor of the courts discretion, ordered Petitioner deported and removed to Sudan. See Exhibit D 1, 9, 10: On April 19, 2025 Petitioner's removal order became administratively final when the board of immigration appeals rejected his appeal on May 27, 2025 for failing to notify the appealing party.

Generally, once an alien is ordered removed, he must be removed from the United States within a 90-day "removal period" See. 8 U.S.C. Section 1231(a)(1)(A) the removal ~~period~~ period begins on the latest ("the date the order of removal becomes administratively final") Petitioner's removal became administratively final on April 19, 2025 approximately 151 days ago beyond the removal period, and where continued detention is warranted unless the subject fails to comply Petitioner has made timely application in good faith for travel documents to the Country of Sudan.

Petitioner also has provided truthful information to ICE concerning his place of birth and citizenship by complying to every demand's to facilitate his removal therefore 1231(a)(1)(C) provisions cannot be applied to Petitioner, without cause.

On June 27, 2025 Petitioner had a Phone interview with the Consulate of Sudan the country where he's a Subject, native and a citizen of in order to obtain a travel document. The interview was via telephone at the facility where Petitioner is being held at, the interview was brief Petitioner was asked quick simple questions with ICE officer "Aaron J. Wendler." Present during the interview, after completing the interview Petitioner was told "that's it" Petitioner left the room, was never told the conclusion of the interview that day. All ICE agent Wendler said is that he doesn't know anything yet. But when Petitioner got impatient he called a family member to contact the Embassy of Sudan at 2210 Massachusetts Avenue, Washington, DC 2008

Petitioner's family member explained to him that a Representative, he spoke with informed him that if Petitioner had a phone interview with the Consulate, the Consulate notifies and informs ICE on the same day whether they or they would permit the alien's return or not, the Consulate will give ICE answers that particular day and that their just an Embassy and Embassies can not give or make those types of Decisions! to a Person or ICE themselves because all the Embassy does is facilitate. That following week ICE agent "Wendler" told Petitioner Sudan said "no" without an explanation just "NO" so Petitioner took that as Sudan is not permitting his return and not issuing ICE a travel document

On July 10, 2025 respondents proceeded to violate Petitioner's Due Process with no valid reason Petitioner cooperated, the Consulate of Sudan gave Respondents the answer of not issuing travel document. To suspend Petitioner's removal period at that point in time, Petitioner would either had to have a 1231(c) "Failure to Comply" or respondents had to be waiting for Consulate's decision or some type of delay.

But they already had there answers on June 27, 2025 over 2 weeks before petitioner's 90-day removal period ended it was a violation of "due process" because respondents extended his petitioner's removal period to post-removal before his 90-day period end respondents already had received the answers they were looking or waiting for from the designated country of removal, his continued detention became unlawful at that moment because deportation was not foreseeable at that point or at all the consulate of Sudan said "No" according to ICE agent respondents own employee statements so removal to Sudan was not significantly likely to occur in the foreseeable future because the consulate said no thus makes it a violation to continue detention

In order to place Petitioner in Post-removal Petitioner had to be waiting on a third country or on or placed under constant administrative review or without valid reasons

Petitioner understands that he has a removal order against him and must be removed from the United States and respondents must move him. But respondents have a procedure they must follow § U.S.C section 2231(b)(2) states four consecutive removal commands that Congress gave the attorney general for aliens order removed Command one (i): respondents were spouse to remove Petitioner to a country of his choice unless a condition eliminating that command is satisfied Petitioner was never given or asked that option the judge just ordered Petitioner deportation to Sudan Khartoum, Sudan the country of origin and where he's a native of. respondents never appealed that decision or given an alternative

Command two (ii) Otherwise the alien shall be removed to the country of which he is born citizen. Subject or national unless a condition eliminating that command is satisfied

Respondents already attempted to obtain travel documents to Sudan and the government or Consulate said 'No' because deportation to the designated removal was already rejected.

Put's Petitioner at Command three (iii) otherwise Petitioner shall be removed to a country where he resided before entering the United States, Petitioner was a resident in Syria for 5 years after leaving Sudan as a refugee he even attended elementary school in Damascus before coming to America in 1999. See Exhibit E. But ICE agent told Petitioner deportation to Syria was impossible because the United States does not have treaties with Syrian government.

Removal to Command 1-3 were all impracticable, inadvisable and impossible to command so deportation to either one of those previous subparagraph mentioned were eliminated and there were no possible removal or significant likely to occur in the foreseeable future to those countries named in the previous subclause.

In Command four (iv) 1231(b)(2)(c)(iv) specifically states (A country with a government that will accept the alien into the country's territory if removal to each country described in the previous clause of this Subparagraph is impracticable, inadvisable, or impossible. No countries accepted Petitioner at that stage so removal was impracticable because there was no more directives and they reached that point before deciding to continue Petitioner's detention on July 10, 2025. Making it a violation of due process to continue detention when Petitioner didn't believe a failure to comply, there were no delay in the process and Petitioner was not a danger to the community he was subjected to release at that moment.

The only other option was 1231(b)(2)(F) removal country when the United States is at war and the attorney general decides that it is impossible to remove an alien under this subsection because of the war ~~for~~ the attorney general may remove the alien to the country that is a host to a government of the country which the alien is a citizen or subject of the government of the host country will permit the alien's return.

The only time respondents were allowed to make a decision to ~~remove~~ move on in removal proceedings was when and only when removal was impracticable, inadvisable or impossible to the countries directed in the SubParagraphs even when there was no more directives and the United States is at war respondents still have a "directive" to remove petitioner to the host government of the country where the alien is a citizen or subjected if and even then respondents can't just choose countries they please because Congress gave them directives. Third country is sparse to be a last resort but even then the directives always lead back to the alien's origin where he last left because no country is going to accept an alien criminal getting deported unless it's their own citizen.

The United States is not at war and respondents are violating petitioner's "due process" by attempting to remove petitioner to a third country "South Sudan" even though petitioner has a removal order against him for petitioner to be placed into the third country category is if petitioner had C.A.T, deferral or withholding or removal.

Petitioner was denied of all relief and is not a Stateless Person his country of birth where he's a Subject Citizen and national is Sudan, Khartoum, Sudan also known as North Sudan where Petitioner's designated country of removal is when the immigration judge ordered Petitioner deported and removed to Sudan on March 20, 2025 at the hearing Respondents never contested or appealed the decision

Respondents proceeded and are attempting to illegally remove Petitioner to a third country which is a violation of due process without giving Petitioner a chance to raise a claim under the convention against torture and other cruel inhuman, degrading treatment or punishment because respondents can not guarantee Petitioner's ~~safety~~ safety in South Sudan 1158(a)(2)(A) States that respondents must provide a safe third country in which the aliens life or freedom would be threatened. Petitioner originally came to the United States as a refugee from Syria fleeing the country of Sudan from war before it was divided into two countries in 2011 when South Sudan took or gained independence and formed its own country and government

Since South Sudan has it's own country and it's own government that make's it a third country because another or any country besides Petitioner's own country is considered a third country removal and removal to South Sudan would be improper and illegal violating Petitioner's due process without a chance to state a claim or reopening process to commence new removal proceedings

Petitioner came to the United States due to an going war in Sudan and there is still on going war South Sudan has ben reported and posted information on the website of South Sudan Embassy alerting the public not to travel to South Sudan even the United State's department of state has issued a level 4 Do not travel advisory for South Sudan due to crime, kidnapping and armed conflicts respondents them self know that the country has been deemed unsafe by their own department of state. and the Supreme Court ruling stopped deportation to South Sudan as a third country removal because of it being against due process polizeys. Petitioner is a northerner and removing him to South Sudan would be putting him in danger even death because of being from North.

Petitioner knows that he was denied or relief to his own country but not South Sudan is a different country now and not his own respondents must give Petitioner a chance to raise claims or speak to an asylum officer about his third country removal to South Sudan because respondents can't guarantee the safety of Petitioner respondents may claim they have a track record of deportation to South Sudan or Sudanese removals but it's unknown whether how many or when have the removals occurred or whether any repatriation ever occurred there before if respondent deport Petitioner or attempt to remove Petitioner to South Sudan without due process is a violation Petitioner must get chance to seek claims from persecution and well-founded fear to a third country removal

Respondents are violating Petitioners due process. Congress specified two default options, noncitizens arrested while entering the country must be returned to the country from which they arrived and nearly everyone else may designate a country of choice 1231(b)(1)(A), (b)(2)(A) if these options prove infeasible Congress specified which possibilities the executive should attempt these alternatives include not just a government that ~~will~~ will accept them and noncitizens facing removal of any sort are entitled under inter and domestic law to raise a claim under the Convention against torture and other cruel, inhuman or degrading treatment or punishment in Article 3 of the Convention prohibits returning any person to another state where there are substantial grounds for believing that he would be in danger or being subjected to torture Congress passed the foreign affairs Act to implement its commands the Convention 2242(b) regulations provide among other things that a removal order shall not be executed in circumstances that would violate Article 3 28 CFR 2001 (2024)

Petitioner has made and justified his arguments of no deportation is foreseeable to his country and that respondents continually continued to violate his due process by attempting to remove petitioner to a third country which is a violation of due process because respondents are supposed to first issue a new order or removal-re-open prior proceeding or provide advance notice so petitioner can raise claims it's ~~an~~ an administrative procedure act (APA) that is a violation removing a non citizen to a third country without advance notice or the opportunity to raise claim. Respondents under the convention violated the immigration law, the regulations implementing the convention and the fifth Amendment's due process clause. Petitioner also made valid point of his continued detention being unlawful by respondents to continue his detention to commence violation is not a reasonable to detain petitioner. Respondents might claim that it's a deviation and harmless error but any error committed ~~is~~ to violate procedures is not harmless but unconstitutional and unlawful to the petitioner's 5th Amendment and liberty.