

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

MOMOHU KARAGA,

Petitioner,

v.

KEVIN RAYCRAFT,  
Field Office Acting Director of  
Enforcement and Removal Operations  
Detroit,  
United States Immigration and Customs  
Enforcement,  
Department of Homeland Security,

Respondents.

Case No. 1:25-cv-00735

District Judge Susan J. Dlott

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**RESPONDENTS' REPLY TO PETITIONER'S OPPOSITION TO  
RESPONDENTS' MOTION TO VACATE COURT'S ORDER**

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Respondents respectfully reply to Petitioner's Opposition to Respondent's Motion to Vacate Court's Order (Petitioner's Response, ECF 12, PageID 64.)

The Petitioner has not demonstrated that he is entitled to habeas relief in violation of the laws of the United States, including 8 U.S.C. § 1231 and the Fifth Amendment to its Constitution. As a result, this Court lacks jurisdiction to prevent Petitioner's removal to The Gambia. The Petition must be denied and dismissed and Order not to remove the Petitioner from the district vacated. The status conference scheduled for Wednesday, January 11, 2026 at 12:00pm is not necessary for the reasons set forth below. (Jan. 6, 2026 Notation Order.)

**Petitioner is Not Entitled to Habeas Relief.**

Petitioner has failed to provide “good reason to believe that there is no significant likelihood of [Petitioner’s] removal in the reasonably foreseeable future” under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). As a result, the Petition for habeas corpus must be denied and dismissed.

Even assuming Petitioner has demonstrated a good reason to believe that there is no significant likelihood of Petitioner’s removal in the reasonably foreseeable future, Respondents have demonstrated that such likelihood exists because ICE ERO Deportation Officer Parker confirmed the following:

- The Gambia is reviewing travel document requests and is issuing travel documents for individuals confirmed to be citizens of The Gambia;
- That removals are taking place to The Gambia via commercial air travel once a travel document is issued;
- She is unaware of any institutional barriers that would prevent ICE from removing Petitioner to The Gambia; and
- She is unaware of any institutional barriers that would prevent the petitioner’s removal from occurring in the reasonably foreseeable future.

(Parker Decl., ECF 9-1, PageID 46, ¶¶14-16.)

Even more, a travel document was issued for Petitioner Karaga on December 9, 2025, which expires on June 9, 2026.<sup>1</sup> (TD, ECF 11-1.)

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<sup>1</sup> In Respondents’ Motion to Vacate, the undersigned counsel inadvertently provided the incorrect expiration date for the issued travel document for Petitioner. The correct date is June 9, 2026. (Motion to Vacate, ECF 11, PageID 59; TD, ECF 11-1.)

In a similar recent habeas case in New Jersey, the district court judge denied the habeas petition because there was a valid travel document for Petitioner and that ICE intended to remove Petitioner imminently. *Li v. Bondi*, No. 25-cv-17139, 2026 WL 25821, at \*2 (D. N.J. Jan. 5, 2026) (slip copy). Indeed, the district court recognized that, “the existence of a travel document issued by the People’s Republic of China is powerful evidence that Petitioner’s removal is practically attainable and forthcoming. *Id.* Importantly, the district court observed that the petitioner’s “speculative assertions regarding the timing of the removal, [] are insufficient to satisfy [the] initial burden under *Zadvydas*.” *Id.* Moreover, the district court also “dissolved” its order preventing the petitioner from being transferred outside New York or New Jersey. *Id.*

Petitioner claims that there is a requirement for ICE to show material plans and timelines by which it intends to remove Petitioner. (Petitioner’s Response, ECF 12, PageID 65-66.) However, this is no such requirement. Although ICE is required to show that Petitioner is not in indefinite detention under *Zadvydas*, that was demonstrated when ICE ERO Deportation officer Parker declared that (1) The Gambia is reviewing travel document requests and is issuing travel documents for individuals confirmed to be citizens of The Gambia; (2) travel documents were requested from The Gambia; (3) removals are taking place to The Gambia; and (4) nothing known will prevent Petitioner’s removal to The Gambia in the reasonably foreseeable future. (Parker Decl., ECF 9-1, PageID 46, ¶¶14-16.) Nothing else is

required. Thus, Petitioner's removal is significantly likely to occur in the reasonably foreseeable future.

Petitioner's "speculative assertions" regarding concrete, material plans, and timing to execute Petitioner's removal order, and the authenticity of the travel document issued by The Gambia because it has redactions, are insufficient to shift the burden under *Zadvydas*. Indeed, a requirement from this Court for ICE ERO to demonstrate concrete, material plans and a timeline, would necessarily interfere with Petitioner's removal order, where this Court has no jurisdiction.

Further, Respondent doesn't just assert that it has a valid travel document, that Emergency Travel Document has been submitted to this Court as an Exhibit to its Motion to Vacate. (TD, ECF 11-1.) Petitioner speculates as to the authenticity of the Travel Document because "material portions" are redacted, preventing him from verifying the document's validity. (Petitioner's Response, ECF 12.) The identification number, Emergency Travel Document No.  is not redacted. (TD, ECF 11-1.) Also, Petitioner's counsel has not made any request to the undersigned for a copy of the Emergency Travel Document without redactions. Further, there is no evidence that he attempted to contact The Gambian Embassy or its Consular Section in Washington, D.C. for verification. The enquiries telephone number is +1-202-785-1399. See <https://gambiaembassydc.gm/consular-services/#emergency-travel-document>. Last visited January 12, 2026.

Importantly, a travel document is not required for ICE to demonstrate that a petitioner's removal is significantly likely to occur in the reasonably foreseeable future under *Zadvydas*. For example, judges of this district to consider the issue, have repeatedly observed that, "mere delay by the foreign government in issuing travel documents, despite reasonable efforts by United States authorities to secure them, does not satisfy a detainee's burden under *Zadvydas* to provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." See e.g., *Woldeghergish v. Lynch*, No. 1:25-cv-461, 2026 WL 71290 (S.D. Ohio January 9, 2026) (Litkovitz, Mag. J.), *report and recommendation adopted*, 2018 WL 4031062 (Aug. 23, 2018) (Black, J.) (habeas petition denied where only impediment to removal is *future* issuance of travel document) (emphasis added) (quoting *Estenor v. Holder*, No. 1:11-cv-743, 2011 WL 5572596, at \*3 (W.D. Mich. Oct. 24, 2011), *report and recommendation adopted*, 2011 WL 5589279 (Nov. 16, 2011); see also *Boachie-Danquah v. U.S. Att'y Gen.*, No. 1:17-cv-641, 2018 WL 868769 (S.D. Ohio Feb. 14, 2018) (Bowman, Mag. J.), *report and recommendation adopted*, 2018 WL 4031062 (Aug. 23, 2018) (Black, J.) (same); *Alhousseini v. Whitaker*, No. 1:18-cv-848, 2019 WL 1439905 (S.D. Ohio April 1, 2019) (Bowman, Mag. J.), *report and recommendation adopted*, 2020 WL 728273 (Feb. 13, 2020) (Black, J.); *Al Rawahna v. Att'y Gen. of the United States*, No. 1:18-cv-175, 2018 WL 3023438 (S.D. Ohio June 18, 2018) (Litkovitz, Mag. J.), *report and recommendation adopted*, 2018 WL 3348993 (Jul. 9, 2018) (Barrett, J.); *Mohamed v. U.S. Att'y Gen.*, No. 1:17-cv-573, 2018 WL 1904293 (S.D. Ohio Mar. 8, 2018) (Bowman, Mag. J.), *report and recommendation adopted*,

2018 WL 1901801 (Apr. 20, 2018) (Dlott, J.); *Ahmad v. U.S. Att’y Gen.*, No. 1:17-cv-359, 2017 WL 4271704 (S.D. Ohio Aug. 29, 2017) (Bowman, Mag. J.), *report and recommendation adopted*, 2017 WL 4250526 (Sept. 22, 2017) (Dlott, J.); *Yahya v. Att’y Gen.*, No. 1:17-cv-1021; 1:17-cv-1073, 2018 WL 3145172 (S.D. Ohio Jun. 27, 2017) (Vascura, Mag. J.), *report and recommendation adopted*, 2018 WL 3496412 (Jul. 20, 2017) (Marbley, J.); *Ali v. Lynch*, No. 1:16-cv-1182, 2017 WL 1535116 (S.D. Ohio Apr. 27, 2017) (Litkovitz, Mag. J.), *report and recommendation adopted*, 2017 WL 2191047 (May 17, 2017) (Barrett, J.); *Mahad-Mire v. United States Att’y, Gen.*, No. 1:16-CV-921, 2017 WL 124362, at \*2 (S.D. Ohio Jan. 12, 2017) (Litkovitz, Mag. J.), *report and recommendation adopted sub nom*, 2017 WL 773638 (S.D. Ohio Feb. 27, 2017) (Black, J.).

These decisions demonstrate that this is should now be denied and dismissed. They also demonstrate that ICE need not show material plans and timelines for removal to demonstrate a significant likelihood of removal in the reasonably foreseeable future. And, because a travel document was issued for the Petitioner on December 9, 2025, the Court’s October 21, 2025 Order is preventing his removal. (October 21, 2025 Order, ECF 2.)

**This Court Lacks Authority to Prevent Petitioner’s Removal.**

Because Petitioner is not entitled to habeas relief, this Court is without jurisdiction to prevent the execution of his removal order. Further, the decision to detain to execute his removal order falls within this jurisdictional bar of 8 U.S.C. § 1252(g). *See Hamama v. Adducci*, 912 F.3d 869, 876 (6th Cir. 2018); *see also Tazu v.*

*Att’y Gen. U.S.*, 975 F.3d 292, 298 (3d Cir. 2020) *Reno v. Am.-Arab Anti-Discrimination Comm.* (“AADC”), 525 U.S. 471, 485 n.9 (1999). Moreover, this Court’s Order not to remove Petitioner from the district is not necessary to aid its jurisdiction for the reasons stated in its Motion to Vacate. (Motion to Vacate, ECF 11, PageID 61-62.)

As a result, the Petition should be denied and dismissed and Order not to remove Petitioner from the district vacated.

Respectfully submitted,

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