

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

IBRAHIMA CAMARA,



Petitioner,

vs.

Case No. 1:25-cv-740

ROBERT K. LYNCH, in his official capacity
as Field Office Director, Enforcement and
Removal Operations Detroit, U.S.
Immigration and Customs Enforcement,
Department of Homeland Security,

Respondent.

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Petitioner, by and through undersigned Counsel, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful detention by Respondent, Robert K. Lynch, Field Office Director, Enforcement and Removal Operations Detroit, U.S. Immigration and Customs Enforcement (“ICE”), Department of Homeland Security (“DHS”).

INTRODUCTION

1. This case challenges the unlawful detention of Ibrahim Camara (Petitioner or Mr. Camara), who is currently in the custody of ICE at the Butler County Correctional Complex. It is unclear why ICE revoked Mr. Camara’s order of release on supervision, and subsequently detained Mr. Camara.

2. Petitioner is neither a flight risk nor a danger to the community. But on September 3, 2025, ICE detained him without notice or the opportunity to be heard, on the decision of an individual without authority to do so, without findings required by law, and in violation of agency rules.
3. ICE found that Petitioner was neither a flight risk nor a danger to the community when it previously released Petitioner from ICE detention in September of 2010 under an Order of Supervision (“OSUP”). Since then, Petitioner has fully abided by the order’s terms, including attending regularly scheduled check-ins with ICE.
4. On September 3, 2025, Mr. Camara attended his regularly scheduled check-in appointment with ICE. Respondent suddenly revoked Petitioner’s order of supervision and arrested him. Petitioner has been detained at Butler County Correctional Complex since his arrest.
5. Respondent’s actions violate the Due Process Clause of the Fifth Amendment to the United States Constitution, the Immigration and Nationality Act and implementing regulations, and the Administrative Procedure Act, which obligates administrative agencies to follow their own rules, procedures, and instructions.

PARTIES

6. Petitioner, Mr. Camara, is a national and citizen of Mauritania. Petitioner entered the United States in 1998, after fleeing his country. Petitioner is currently detained at the Butler County Correctional Complex. Petitioner has been in the custody of ICE since September 3, 2025.
7. Respondent, Robert K. Lynch, is named in his official capacity as the Director of Enforcement and Removal Operations for the ICE Field Office in Detroit, and within the

United States Department of Homeland Security (DHS). In this capacity, he is responsible for the administration of immigration laws and the execution of detention and removal determinations and is the immediate custodian of Petitioner. The ICE Field Office Director for the district in which the noncitizen is detained is the immediate custodian and proper respondent in a habeas action. *Roman v. Ashcroft*, 340 F.3d 314, 322 (6th Cir. 2003).

JURISDICTION AND VENUE

8. The Court has subject matter jurisdiction under 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, § 9, cl. 2 (the Suspension Clause) and Article III of the U.S. Constitution, the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.* This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
9. The Court has jurisdiction to review Petitioner's petition for writ of habeas corpus because Petitioner is incarcerated within Ohio's southern federal judicial district. *See* 28 U.S.C. § 2241; *see also Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) ("The plain language of the habeas statute ... confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.").
10. The use of the writ of habeas corpus to challenge detention by ICE is not foreclosed by the REAL ID Act. The REAL ID Act of 2005 only deprives the district court of habeas jurisdiction to review orders of removal, not challenges to detention. *See* REAL ID Act of 2005, Pub. L. 109-13, 119 Stat. 231 (May 11, 2005), Title I, Section 106(c) (amending INA §§ 242(a)(2)(A), (B), (C) and § 242(g)); *see also Kellici v. Gonzales*, 472 F.3d 416, 419-20 (6th Cir. 2006) (remanding to the district court); *accord INS v. St. Cyr*, 533 U.S. 289, 305

(2001) (“The writ of habeas corpus has always been available to review the legality of executive detention.”). Here, Petitioner challenges his continued detention.

11. Venue is proper in the United States District Court for the Southern District of Ohio, specifically in the Western Division at Cincinnati, because Petitioner is currently detained in the Butler County Correctional Complex in Hamilton, Ohio. *See* 28 U.S.C. § 1391, 28 U.S.C. § 2241, S.D. Ohio Civ. R. 82.1(b).

STATEMENT OF FACTS

12. Petitioner, Mr. Camara, is a 55-year-old citizen and national of Mauritania who entered the United States over 25 years ago. Within one year of his entry, Mr. Camara submitted an application for asylum and withholding of removal to remain in this country based on his fear of returning to Mauritania. He was subsequently issued a Notice to Appear before an Immigration Court.
13. The Immigration Judge denied Mr. Camara’s asylum application and ordered his removal **9,086 days ago**, on November 28, 2000. Mr. Camara appealed his case. The case appeal was dismissed on February 11, 2003, **8,281 days ago**.
14. Subsequently, ICE issued Form I-220B, Order of Release on Supervision (OSUP). Mr. Camara has fully complied with the conditions of his OSUP. He also regularly attended ICE check-in appointments.
15. On or around September 3, 2025, Respondent Robert K. Lynch and his agents arrested Mr. Camara during a routine ICE check-in appointment. Mr. Camara has now been in ICE custody for approximately **41 days** pending his removal.
16. Respondent continues to detain Mr. Camara even though it is clear that Respondent cannot remove him in the reasonably foreseeable future. **8,281 days** have passed since the

Mr. Camara's removal order became final. To date, ICE has not been able to effectuate his removal from the United States.

17. Mr. Camara is not a danger to the community or a flight risk. He does not have any pending criminal cases.
18. Prior to his arrest, Mr. Camara had valid work authorization and provided for his family. He has consistently pursued gainful employment and faithfully paid taxes to this country.
19. The United States is Mr. Camara's home. Mr. Camara has deep roots in his community. He has been married to Mrs. Fatimata Ly, his United States citizen wife, for over 18 years. Mr. Camara has five children who are all United States citizens. Two of his children are younger than 18 years old. His continued detention deprives his family of his companionship and income.
20. Respondent's decision to detain Mr. Camara is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. Camara's request for release.

LEGAL FRAMEWORK

Due Process Governs Decisions to Revoke an Order of Supervision

21. "[T]he Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects." *Id.* at 690.

22. Under substantive due process doctrine, a restraint on liberty, like revocation of a non-citizen's order of supervision, is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations of civil detention).
23. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. *See Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time in a meaningful manner." *Id.* at 333.

Statutes and Regulations Govern Procedures for Revoking an Order of Supervision

24. A non-citizen with a final order of removal "who is not removed within the [90-day] removal period . . . shall be subject to [an order of] supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3) (titled "Supervision after 90-day period").
25. A non-citizen may only be detained past the 90-day removal period following a removal order if found to be "a risk to the community or unlikely to comply with the order of removal" or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).
26. But even where initial detention past the 90-day removal period is authorized, if "removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien's

release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances” *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

27. Regulations purport to give additional reasons, beyond those listed at § 1231(a)(6), that an order of supervision may be revoked and a non-citizen may be re-detained past the removal period: “(1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order . . . ; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.” 8 C.F.R. § 241.4(l)(2); *see also id.* § 241.13(i) (permitting revocation of an order of supervision only if a non-citizen “violates any of the conditions of release”). Because “[r]egulations cannot circumvent the plain text of the statute[.]” courts question whether these regulations are ultra vires of statutory authority. *See, e.g., You v. Nielsen*, 321 F. Supp. 3d 451, 463 (S.D.N.Y. 2018) (comparing regulations to 8 U.S.C. § 1231(a)(6), which authorizes detention past the removal period only if person is a risk to the community, unlikely to comply with the order of removal, or was ordered removed on specified grounds).

28. It is clear, however, that regulations permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official “delegated the function or authority . . . for a particular geographic district, region, or area.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the field office director or a delegated official intend to revoke an order of supervision, they must first make findings that “revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive

Associate [Director].” 8 C.F.R. § 241.4(l)(2). And for a delegated official to have authority to revoke an order of supervision, the delegation order must explicitly say so. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (finding a delegation order that “refers only to a limited set of powers under part 241 that do not include the power to revoke release” insufficient to grant authority to revoke an order of supervision).

29. Upon revocation of an order of supervision, ICE must give a non-citizen notice of the reasons for revocation and a prompt interview to respond. 8 C.F.R. § 241.4(l)(1).

The APA Sets Minimum Standards for Final Agency Action

33. The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.
34. Final agency actions are those (1) that “mark the consummation of the agency’s decisionmaking process” and (2) “by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 178 (1997).
35. ICE’s revocation of an order of supervision is a final agency action subject to this Court’s review.
36. The revocation here marked the consummation of ICE’s decisionmaking process regarding Petitioner’s custody.
37. The revocation was also an action by which rights or obligations have been determined or from which legal consequences flowed because it led ICE to detain Petitioner in violation of his rights under the Constitution, statute, and regulation.

CLAIMS FOR RELIEF

COUNT 1

Violation of the Fifth Amendment of the United States Constitution Substantive Due Process

30. Petitioner alleges and incorporates by reference all paragraphs above as if fully set forth here.
31. When ICE issued Petitioner an order of supervision, it found that he is neither a danger to the community nor a flight risk.
32. When Respondent revoked the order of supervision, Petitioner had complied with every condition of the order. No change in circumstances warranted the order's revocation.
33. Petitioner's detention therefore does not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal.
34. Because Respondent had no legitimate, non-punitive objective in revoking Petitioner's order of supervision, Petitioner's detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

COUNT 2
Violation of the Fifth Amendment of the United States Constitution
Procedural Due Process

35. Petitioner realleges and incorporates by reference all paragraphs above as if fully set forth here.
36. Petitioner's continued detention violates his right to procedural due process guaranteed by the Fifth Amendment to the United States Constitution.
37. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the

probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

38. The first factor, the private interest at issue, favors Petitioner. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690.

39. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner. To safeguard against erroneous deprivations of liberty, statute specifies the limited number of reasons that an order of supervision can be revoked. Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and an opportunity to be heard. Respondent violated those laws here, leaving the risk of erroneous deprivation of liberty not just high, but certain. Requiring Respondent to give notice and an opportunity to respond prior to revoking an order of supervision is of great value because it reduces the probability of needless detention of a person, like Petitioner, who is neither dangerous nor a flight risk.

40. The third factor, the government's interest, also favors Petitioner. When the government ignores law that ensures notice and an opportunity to respond to a person at risk of revocation of an order of supervision, it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous. This waste drags down the efficiency of the entire immigration system. And because the government must also spend resources defending against a habeas corpus

petition in federal court to compel Respondent to comply with law, requiring Respondent to instead provide notice and a meaningful opportunity to respond prior to revoking an order of supervision reduces fiscal and administrative burdens on the government.

41. For these reasons, revoking Petitioner's order of supervision without providing notice and a meaningful opportunity to respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

COUNT THREE

Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B) Contrary to Law and Constitutional Right

53. Petitioner realleges and incorporates by reference all paragraphs above as if fully set forth here.
54. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B).
54. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, *any* law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003).
55. Respondent's revocation of Petitioner's order of supervision was contrary to the agency's constitutional power under the Fifth Amendment's Due Process Clause, as explained above.
56. The revocation was also not in accordance with the INA and implementing regulations governing who may lawfully revoke an order of supervision and under what circumstances, as cited and discussed in the Statutory Framework section above.

58. Before revoking Petitioner's order of supervision, Respondent did not make findings that Petitioner is dangerous or unlikely to comply with a removal order, as required by statute.
59. Even assuming that regulations purporting to offer additional justifications for revocation of an order of supervision are not ultra vires, Respondent did not comply with them. Respondent could not make findings that Petitioner's conduct indicated release would no longer be appropriate or that Petitioner violated any condition of release, because he had not. Nor could Respondent make findings that the purposes of release had been served or that it was appropriate to enforce a removal order, because it had yet to make final arrangements for Petitioner's removal.
60. Nor did the Respondent give Petitioner notice of the reasons for revocation and opportunity to be heard.
61. The revocation should be held unlawful and set aside because it was contrary to the agency's constitutional power and not in accordance with the INA and implementing regulations.

COUNT FOUR

**Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)
Arbitrary and Capricious**

62. Petitioner realleges and incorporates by reference all paragraphs above as if fully set forth here.
63. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

64. Respondent's revocation of Petitioner's order of supervision was arbitrary and capricious because it violated statute, regulation, and the Constitution, as described above.
65. An agency decision that "runs counter to the evidence before the agency" is also arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).
66. Respondent's decision to revoke Petitioner's order of supervision ran counter to the evidence before the agency that Petitioner would comply with a demand to appear for removal without detention. Petitioner did not violate the conditions of his order of supervision and no new facts or changed circumstances suggest he would.
67. The revocation also "failed to consider important aspects of the problem" before Respondent, making it arbitrary and capricious for multiple other reasons. *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1910 (2020).
68. First, Respondent failed to consider the serious constitutional concerns raised by revoking Petitioner's order of supervision without notice and opportunity to respond.
69. Second, Respondent failed to consider the increased administrative burden to the agency caused by revoking the order of supervision of Petitioner, who is neither a flight risk nor a danger to the community, and for whom the agency does not have travel documents needed to effectuate removal, including financial and administrative costs incurred by the agency due to unnecessary detention.
70. Third, Respondent failed to consider reasonable alternatives to revoking Petitioner's order of supervision that were before the agency, like simply continuing release under the order of supervision and scheduling a future time and date to appear for removal.

This alternative would vindicate the government's interests in effectuating a removal order and save it the expense of detention not needed to guarantee Petitioner's appearance.

72. For these and other reasons, Respondent's revocation of Petitioner's order of supervision was arbitrary and capricious and should be held unlawful and set aside.

COUNT FIVE

**Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(C)
In Excess of Statutory Authority**

73. Petitioner realleges and incorporates by reference all paragraphs above as if fully set forth here.

74. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C).

75. "An agency . . . literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute." *FEC v. Cruz*, 596 U.S. 289, 301 (2022) (internal quotation marks and citation omitted).

76. 8 U.S.C. § 1231(a)(6) only authorizes detention past the 90-day removal period for a person who is found to be a danger to the community, unlikely to comply with a removal order, or whose removal order is on certain grounds specified in the statute. Even then, if removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances . . ." *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

77. Regulations that purport to give Respondent authority to revoke an order of supervision on grounds other than those listed § 1231(a)(6) are ultra vires and in excess of

statutory authority because “[r]egulations cannot circumvent the plain text of the statute.”

You v. Nielsen, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018)

78. Respondent’s revocation of Petitioner’s order of supervision was based on ultra vires regulations. So, it was in excess of statutory authority and should be held unlawful and set aside.

COUNT SIX
Ultra Vires Action

79. Petitioner realleges and incorporates by reference all paragraphs above as if fully set forth here.

80. There is no statute, constitutional provision, or other source of law that authorizes Respondent to detain Petitioner.

81. Petitioner has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondent’s ultra vires actions.

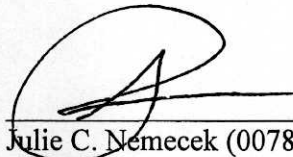
PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. **Assume jurisdiction** over this Petition pursuant to 28 U.S.C. §§ 2241 and 1331;
2. **Issue an Order to Show Cause** requiring Respondent to justify why the writ should not be granted within three (3) days, or another timeframe the Court deems just;
3. **Enjoin** Respondent from transferring the Petitioner from the jurisdiction of this District pending the adjudication of this Petition;
4. **Declare** that Respondent’s actions to arrest and detain Petitioner violate the Due Process Clause of the Fifth Amendment;
5. **Order Petitioner’s immediate release** from ICE custody under appropriate supervision pursuant to 8 U.S.C. § 1231(a)(3);

6. **Award attorneys' fees and costs** to Petitioner pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, or other applicable authority; and
7. **Grant such further relief** as this Honorable Court deems just, necessary, and appropriate to preserve Petitioner's statutory and constitutional rights.

Respectfully submitted,



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