

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

IBRAHIMA CAMARA

Petitioner,

vs.

**KEVIN RAYCRAFT**, in his official capacity  
as Acting Field Office Director, Enforcement  
and Removal Operations Detroit, U.S.  
Immigration and Customs Enforcement,  
Department of Homeland Security,

Respondent.

Case No. 1:25-cv-740

District Judge Jeffery P. Hopkins

Magistrate Judge Peter B. Silvain, Jr.

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**PETITIONER'S OPPOSITION TO THE RESPONDENT'S MOTION TO  
TERMINATE**

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Petitioner (Mr. Camara), by and through undersigned Counsel, respectfully opposes Respondent's to terminate (ECF 20).

Respondents move to terminate this case on the grounds that it is moot, asserting that all relief requested in the petition has already been granted and that this Court lacks the ability to prevent Petitioner's removal.

Petitioner disagrees. While Respondents are correct that the specific relief requested has been granted, that fact alone does not render this case moot. As Respondent itself acknowledges, citing *Spencer v. Kemna*, 523 U.S. 1, 7 (1998), federal courts retain jurisdiction only over ongoing cases or controversies. The quoted standard requires that "throughout the litigation, the plaintiff must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision." Here, that requirement is plainly

satisfied. Petitioner remains under a continuing threat of actual injury. Within a single year, Petitioner was detained twice based on speculative efforts to effectuate deportation. Moreover, Respondents have already violated this Court's order, demonstrating both a willingness and a capacity to disregard judicial constraints. If this case is terminated, nothing prevents Respondents from re-detaining Petitioner under the same unchanged circumstances namely, without the actual procurement of valid travel documents. The prejudice to Petitioner from dismissal is therefore substantial and immediate.

Respondents' factual assertions further underscore why this matter is not moot. Respondents claim that no charter flight is currently scheduled and that six individuals were deported using Form I-269 and a *laissez-passer*. These assertions are unsupported by the record and contradict Respondent's prior representations. Respondents previously indicated that a charter flight was scheduled to depart with many more individuals yet now claims that only six were removed. This discrepancy raises serious questions about whether Respondents' purported removal process is viable or merely speculative.

Additionally, during the telephonic conference on March 23, 2026, Respondents represented that a Form I-269 alone was sufficient to effectuate removal. Now, Respondents assert that it has obtained a *laissez-passer*, without any clarification as to its origin or authenticity, including whether it was issued by the Mauritanian government. These shifting positions highlight a pattern of inconsistency that undermines Respondents' credibility.

In sum, Respondents' repeated contradictions and prior violations of this Court's order demonstrate that Petitioner remains at real and ongoing risk of unlawful detention and

deprivation of constitutional liberties. This case therefore presents a live controversy, and dismissal on mootness grounds would be improper.

Respondents argue that because the requested relief has been granted, no live controversy remains, and any future detention would be speculative and require a new petition. On that basis, they contend the case is moot. This argument is incorrect.

Even where the immediate relief sought has been provided, a case is not moot if it falls within a recognized exception to the mootness doctrine, most notably, where the harm is “capable of repetition, yet evading review.” Respondents themselves rely on *Spencer v. Kemna*, 523 U.S. 1, 7 (1998), which expressly articulates this exception:

“[T]he capable-of-repetition doctrine applies only in exceptional situations... where the following two circumstances [are] simultaneously present: (1) the challenged action [is] in its duration too short to be fully litigated prior to cessation or expiration, and (2) there [is] a reasonable expectation that the same complaining party [will] be subject to the same action again.” (quoting *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 481 (1990), and *Murphy v. Hunt*, 455 U.S. 478, 482 (1982)).

In Mr. Camara’s case there is more than a reasonable expectation that Petitioner will be subjected to the same action again. In fact, that risk is not hypothetical, it has already materialized. Petitioner was re-detained within days of release, demonstrating a concrete pattern rather than mere speculation.

Respondents also cite *Cooley v. Strickland*, 588 F.3d 924, 926 (6th Cir. 2009), for the proposition that a case becomes moot when intervening events make it impossible for the Court to grant effective relief. That principle does not apply here because meaningful relief remains available. This Court can prohibit re-detention absent materially changed circumstances and enforce its prior order by requiring Respondents to obtain valid travel documentation before taking further action against Petitioner.

The record demonstrates that Respondents have previously disregarded both their own procedures and this Court's order, detaining Petitioner for extended periods without a foreseeable removal. This pattern places Petitioner at ongoing risk of repeated unlawful detention, with significant emotional and familial consequences.

Respondents' reliance on cases holding that release from custody generally moots a habeas petition is misplaced because those cases are readily distinguishable on their facts. Respondents cite *Ikaro v. Attorney General*, No. 1:19-cv-175, 2020 WL 59662, as well as *Ventura-Pineda v. Secretary, DHS*, No. 1:18-cv-570, 2019 WL 3227980, and *Willix v. Holder*, No. 1:11-cv-894, 2012 WL 463825 (W.D. Mich. Feb. 13, 2012). While those cases reflect the general rule, they do not control here because they lack the critical circumstances present in this case. Specifically, none of those cases involve: (1) immediate re-detention following release; (2) the same factual record giving rise to repeated custody; or (3) Respondents' disregard of a prior judicial determination that removal was not reasonably foreseeable. Those distinctions are dispositive.

Here, by contrast, this case presents a clear pattern of repeated detention despite a prior habeas ruling. Petitioner was not merely released and left free from further restraint; he was re-detained within days under the same operative facts and speculative removal theory. This repeated

conduct, particularly in the face of a prior court order, demonstrates that the alleged harm is ongoing and likely to recur.

Accordingly, the authorities cited by Respondents do not support dismissal. Instead, they underscore the general rule, which does not apply where, as here, the case falls within a well-established exception and presents a continuing, live controversy.

Finally, and the court has already addressed this point in granting the petition, Respondents' second argument, that this Court lacks jurisdiction to prevent removal under 8 U.S.C. § 1252(g), is legally correct in the abstract but fundamentally misapplied to the claims at issue in this case.

The Sixth Circuit has made clear that a critical distinction exists between challenges to removal and challenges to detention. In *Hamama v. Adducci*, 912 F.3d 869, 877 (6th Cir. 2018), the court held that “[t]he district court’s jurisdiction over... detention-based claims is independent of its jurisdiction over removal-based claims.” The same decision explains that § 1252(g) is narrowly limited to “three discrete actions”, namely, the decision or action to commence proceedings, adjudicate cases, or execute removal orders. *Id.* at 876. This distinction is dispositive. A challenge to immigration detention is not equivalent to a challenge to the execution of a removal order. Accordingly, a habeas petition contesting the legality of detention does not implicate § 1252(g) simply because removal is the ultimate objective of the government.

That is precisely the situation here. Petitioner does not challenge the validity of the removal order, nor does he seek to enjoin or otherwise prevent his removal. Instead, Petitioner challenges Respondents' statutory authority to detain him under *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001), which expressly recognizes that habeas corpus provides a mechanism for courts to review the legality of post-removal-period detention.

Thus, contrary to Respondents' assertion, this Court need not, and does not, exercise jurisdiction over removal itself in order to grant relief. The Court may adjudicate the legality of Petitioner's detention and impose appropriate limitations on that detention without interfering with the government's authority to execute a valid removal order.

In short, Respondents conflate two distinct legal questions: the authority to remove and the authority to detain. Because Petitioner challenges only the latter, § 1252(g) poses no jurisdictional bar, and Respondents' argument for termination on this basis fails.

**I. CONCLUSION**

For all the foregoing reasons, the Court should deny Respondents' motion to terminate. Doing so is necessary to ensure that the Court's prior orders are respected, to prevent further unlawful detention, and to protect Petitioner's statutory and constitutional rights. Termination at this stage would reward repeated violations and leave Petitioner exposed to ongoing harm, contrary to the purposes of habeas review.

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Respectfully submitted,

s/ Julie Nemecek

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