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

IBRAHIMA CAMARA, Petitioner, v. KEVIN RAYCRAFT, Field Office Director of Enforcement and Removal Operations Detroit, United States Immigration and Customs Enforcement, Department of Homeland Security, Respondent.	Case No. 1:25-cv-00740 District Judge Jeffery P. Hopkins Magistrate Judge Peter B. Silvain, Jr.

REPLY TO RESPONSE TO RESPONDENT'S MOTION TO VACATE ORDER NOT TO REMOVE FROM THE DISTRICT AND TERMINATE CASE

Respondent hereby replies to Petitioner's Opposition to the Respondent's Motion to Terminate. (Response to Motion to Terminate, ECF 21.) The Petition is moot and must be terminated. Petitioner admits all relief has been granted. (*Id.* at PageID 184.) A continuing order prohibiting Petitioner's re-detention, as Petitioner now requests, would impermissibly interfere with Respondent's ability to execute Petitioner's valid removal order. Respondent does not plan on re-detaining Petitioner unless his removal to Mauritania is imminent. Respondent respectfully requests this

Court terminate the case.

I. Because the Court granted the requested release, the Petition no longer presents a live case or controversy under Article III.

The party invoking federal jurisdiction must establish three conditions to satisfy Article III's case-or-controversy requirement: (1) the aggrieved party must have suffered an injury in fact that is concrete and particularized; (2) the injury must be traceable to the challenged actions of the defendant; and (3) it must be likely that the injury will be redressed by a favorable decision. *Lujan v. Def. of Wildlife*, 504 U.S. 555, 560–61 (1992).

At the time of filing, the Petition satisfied these requirements: it alleged an injury—Petitioner's detention—that was traceable to the actions of the government and that would redressed by an order from this Court ordering his release. (*See* Petition, ECF 1, at PageID 1 ("This case challenges the unlawful detention of Ibrahima Camara"); *id.* at PageID 15 (requesting that this Court "[o]rder Petitioner's immediate release from ICE custody under appropriate supervision").) Because Petitioner has been granted a writ of habeas corpus and released from federal controversy, the injury as alleged in his Petition has now been redressed, and his Petition no longer presents a live case or controversy. As such, this Court no longer has a basis for continuing jurisdiction and must terminate the case.

A. The Court lacks jurisdiction to continue to enjoin Petitioner's removal.

In his response, Petitioner alleges a new hypothetical injury—based on the possibility of future detention—and asserts that this Court may continue to exercise

jurisdiction and "prohibit re-detention absent materially changed circumstances . . . by requiring Respondents to obtain valid travel documentation before taking further action against Petitioner." (Response, ECF 21, at PageID 187.) This claim fails for several reasons.

First, the new relief Petitioner requests—a permanent injunction barring future detention and removal except under certain conditions—was not identified in his Petition. Moreover, this type of injunctive relief is not available in habeas proceedings. *See Jennings v. Rodriguez*, 583 U.S. 281, 325 (2018) (Thomas, J., concurring) (noting that immigration law "has long drawn a distinction" between declaratory and injunctive relief, which is generally not available in district court proceedings, and habeas relief, which is directed toward the release of a petitioner from custody). Notably, in *Hamama v. Adducci*, 946 F.3d 875 (6th Cir. 2020), the Sixth Circuit held that a district court lacked jurisdiction to enjoin the future detention of immigrants, where the district court concluded that those future detentions would run afoul of *Zadvydas v. Davis*. The Sixth Circuit highlighted that this type of injunctive relief went beyond what was available in habeas proceedings. *Id.* at 877–78. Additionally, even if this could be construed as habeas relief, the district court's order was still improper because habeas relief covers only those individuals currently in custody and cannot be extended prospectively to future detentions. *Id.* at 878. So too here. Even if Petitioner had included a request for a prospective injunction banning future detentions in his Petition (which he did not),

this Court lacks jurisdiction to grant such relief, especially under the guise of a habeas petition.

Second, in any event, the possibility of Petitioner suffering a *Zadvydas*-type harm based on a re-detention is too speculative to provide the Court a basis to continue to exert jurisdiction in this case following Petitioner's release. *See Lujan*, 504 U.S. at 560 (noting that alleged injury must be "actual or imminent, not conjectural or hypothetical"). As such, under similar circumstances, district courts have repeatedly found that they lacked jurisdiction to rule on unripe claims regarding future detentions. *See Sy v. Immigration & Customs Enforcement*, 2020 WL 5821516, at *8 (N.D. Ohio Jan. 15, 2020) (collecting cases holding that claims of future detention were not ripe for review); *see also Warr v. Field Office Director*, No. 1:19-cv-218, 2020 WL 1814137, *2 (S.D. Ohio Apr. 9, 2020). As noted *infra*, any hypothetical future detention would occur under markedly different factual circumstances. And if such a detention were to occur under circumstances that Petitioner believed to be unlawful under *Zadvydas*, he could file a new habeas petition at that time in the district of his confinement.

Third, as noted in the government's initial motion, a continuing order or injunction from this Court barring the government from effectuating Petitioner's removal would be unlawful under 8 U.S.C. § 1252(g). This is especially true as to

Petitioner's request that the Court enjoin the government from "taking further action against Petitioner" unless certain preconditions are met.

B. The Capable-of-Repetition Doctrine does not apply.

Petitioner's reliance on the exception to mootness for cases that are capable of repetition yet evading review is misplaced. The doctrine applies in "only in exceptional situations," typically where some event has potentially mooted the issue prior to the completion of the judicial review in the case. *Spencer v. Kemna*, 523 U.S. 1, 17-18 (1998) (cleaned up); *see also Ashqar v. LaRose*, 2019 WL 1793000, at *11 (N.D. Ohio Mar. 26, 2019). If that occurs, a court may continue to exercise jurisdiction over the case, even though its ruling will no longer potentially redress a concrete injury, if two circumstances are simultaneously met: "(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." *Spencer*, 523 U.S. at 17-18 (cleaned up).

As a threshold issue, this is not a situation where review has been evaded. The Court has completed its review and ordered the requested relief. Thus, the doctrine, which permits a court to maintain jurisdiction until it rules on the contested issue, is inapplicable on its face. Rather than asking this Court to maintain jurisdiction to complete its review on the issue presented in the Petition, Petitioner is asking this Court to maintain jurisdiction indefinitely so that it might potentially rule on the lawfulness of a hypothetical future detention. As noted above, that is improper.

In any event, Petitioner's case satisfies neither of the conditions for the

doctrine. First, there is no argument by Petitioner that a new habeas petition could not be fully litigated prior to Petitioner being held in indefinite detention again without a significant likelihood of removal. Indeed, the fact that Petitioner was able to obtain review in this case indicates that he would likely be able to obtain review in the future. If Petitioner were to be re-detained by ICE without his removal scheduled, there will be plenty of time for Petitioner to receive review based on a new properly-filed habeas petition.

Second, because the factual circumstances have changed, there is no reasonable expectation that Petitioner will be detained in the future without removal being reasonably foreseeable. As previously reported, Respondent repatriated six Mauritania nationals to Mauritania on the March 29, 2026 charter flight. On March 2, 2026, prior to this Court ordering Petitioner's release, ICE had received notification that Mauritania would accept I-269s as travel documents for removals from the United States to Mauritania. (Declaration of Miguel Rodriguez, ECF 19-1, PageID 174, ¶4.) A charter flight was scheduled on March 29, 2026, to effect removal of individuals from the United States to Mauritania. A *laissez-passer*, which is itself a travel document, was issued by the Mauritanian Embassy on March 28, 2026 for the repatriation of those six individuals to Mauritania. (April 13, 2026, Declaration of Richard Tiruchelvam, *Amadou Ly v. Raycraft*, No. 1:26-cv-262-JPH, ECF No. 13-1, at 2, ¶9 (S.D. Ohio) (emphasis added).[1] While Petitioner claims he "was detained twice

[1] Petitioner's Counsel also represents the Petitioner Amadou Ly, and Judge Hopkins is also assigned to this case.

based on speculative efforts to effect [his] deportation." (Response, ECF 21), the scheduled charter proceeded as planned and successfully removed six individuals to Mauritania. Given this, the factual circumstances surrounding the original Petition and this Court's order granting release are very unlikely to occur.[2] Rather, it is now significantly likely that future Mauritanians will be repatriated to Mauritania on future charter flights where any necessary travel documentation will be issued just prior to departure. *Cf. Diallo v. Adduci*, 444 F. Supp.3d 815, 822 (N.D. Ohio 2020) (granting motion to dismiss on jurisdictional grounds following petitioner's release from custody where it was unlikely that ICE would take Petitioner back into custody for lengthy detention after his refusal to board flight to Mauritania). Under these circumstances, any future requirement from this Court regarding travel documentation is not necessary and will directly interfere with a removal order.

C. The voluntary cessation exception to mootness does not apply.

For the same reasons that the capable-of-repetition-yet-evading-review exception to the mootness doctrine does not apply, the voluntary cessation exception to mootness is also inapplicable. *See Ashqar v. LaRose*, 2019 WL 1793000, at *11 (N.D. Ohio Mar. 26, 2019) (citing *Danh Thay v. Nielsen*, 2018 WL 3979684, at *3 (D. Minn. July 30, 2018) ("[I]f Petitioner were to be brought back into custody, it would

[2] Petitioner also claims the Respondent is shifting positions and contradicting prior representations. (Petitioner's Response, ECF 21, PageID 185.) However, any shift in a "position" by the Respondent is based on the change in factual circumstances occurring since this Court released the Petitioner on March 19, 2026. (Order Granting Habeas Relief, ECF 14.)

be under a new set of circumstances and facts, and [it] would be impossible for the government to repeat the *same* unlawful conduct that [Petitioner] challenged, and thus this case does not fall into the voluntary-cessation exception to the mootness doctrine."), report and recommendation adopted sub. nom. 2018 WL 3978123 (D. Minn. Aug. 20, 2018).

As discussed above, it is very unlikely for the Respondent to repeat the same conduct. When this Court issued its Order Granting Habeas Relief on March 19, 2026, it found that Petitioner's removal was unlikely in the reasonably foreseeable future, in violation of *Zadvydas v. Davis*. (Order, ECF 14, PageID 146-52.) This Court found "ICE requested travel documents for Camara to return to Mauritania on September 17, 2025, and has yet to receive them from that country going on six months later." (*Id.* at PageID 151.) The Respondent has no plans to re-detain Petitioner unless his removal to Mauritania is imminent. *Accord Djadju v. Vega*, 32 F.4th 1102 (11th Cir. 2022) (discussing rebuttable presumption that a *governmental entities* will not resume objectionable behavior); *Diallo v. Adduci*, 444 F.Supp.3d 815 (N.D. Ohio March 11, 2020) (ICE unlikely to take Petitioner back into custody for lengthy detention after his refusal to board flight to Mauritania).

D. Petitioner's failure to assist Respondent in obtaining a Judgment of Parentage tolls the six-month presumptively reasonable period of detention.

This Court also found that, "Camara has shown that he has made a substantial effort to obtain travel documents for his return to Mauritania on at least three prior occasions without success and that no fault to him, his removal is unlikely in the

"reasonably foreseeable future." (*Id.*)

However, Petitioner's three prior requests for travel documents occurred between about 8 to 10 years ago, in 2016, 2017, and 2018. (Exhibits, ECF 10-2, 10-3, and 10-4.) In 2018, Petitioner's application for a passport was denied because *Petitioner* was required to produce an official document entitled a "Judgment of Parentage." (Ex., ECF 10-4.) The Court relied upon this to conclude Petitioner's removal was no longer reasonably foreseeable. (*Id.*) This Court failed to consider Petitioner's obligations when it concluded that, "it appears to the Court that Camara will not be permitted to re-enter Mauritania without the same." (March 22, 2026 Notation Order.) Significantly, it is the *Petitioner's* responsibility to assist in his removal, including to assist in obtaining a travel document such as a passport. A Petitioner's obligation to cooperate in removal is based on 8 U.S.C. § 1231(a)(1)(C) ("The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period 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.") (emphasis added); *see also* 8 U.S.C. § 1324d (civil penalties for failure assist in obtaining travel or other documents); 8 C.F.R. § 241.4 (g)(1)(ii) (extending removal period where "the alien fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure . . . ."); 8 C.F.R. § 241.4 (g)(5) (same).

Here, there is no evidence that Petitioner even attempted to obtain the correct

documentation for a travel document after 2018, despite being on notice that Mauritania requested a Judgment of Parentage. Indeed, there is no evidence in the record that Petitioner made any effort to obtain or request a Judgment of Parentage.

Petitioner's failure to request the proper documentation for the issuance of a travel document, such as the Judgment of Parentage, is in violation of the above references statutes and regulations requiring Petitioner to assist in obtaining travel and other documentation. Any obstruction of removal by an alien will toll the six-month period under *Zadvydas*, because there is "no meaningful way to ascertain the likelihood of removal." *Mohamed v. Atty Gen'l.*, No. 1:17-cv-573, 2018 WL 1904293 (S.D. Ohio March 8, 2018) (citing *Ndenge v. Gonzales*, No. 07-1726, 2008 WL 682091, *2 (D. Minn Mar. 6, 2008)) (citations omitted); *see also Kanu v. Sheriff Butler County*, No. 1:16-cv-756, 2016 WL 6601565, *5-*6 (S.D. Ohio Nov. 7, 2016) (refusal to cooperate with ICE officials, refusing to sign I-229(a) Warning for Failure to Depart, to permit fingerprinting, and to schedule removal date); *Al Rawahna v. Atty Gen'l.*, No. 1:18-cv-175, 2018 WL 3023438, *3 (S.D. Ohio Jun. 18, 2018) (refusal to board removal flight). Petitioner's failure to assist in obtaining travel or other documents could require this Court to extend the removal period under *Zadvydas*.

E. Respondent did not violate this Court's prior orders.

Respondent complied with this Court's Order and certified compliance the following day. (Notice of Certification, ECF 15.) In its Notice of Certification, Respondent informed the Court of the change in factual circumstances, that Petitioner's was scheduled for removal to Mauritania, providing a declaration by an

ICE official made under penalty of perjury and a letter requesting that Petitioner report the following Monday to ICE offices. (*Id.*; Ex. A., ECF 16-1.) Specifically, Petitioner's removal to Mauritania was imminent. *Id.* As such, Petitioner's claim that Respondent violated this Court's Orders is without merit.

F. This Court cannot prevent re-detention for Petitioner's imminent removal to Mauritania.

As this Court is well aware, it lacks jurisdiction to prevent the execution of a removal order. The Secretary of Homeland Security's decision to *execute removal orders*, including the decision to detain an alien pending such removal, squarely falls within this jurisdictional bar. *See Hamama v. Adducci*, 912 F.3d 869, 876 (6th Cir. 2018).

Here, there is no evidence that ICE intends to re-detain Petitioner unless his removal is imminent. Thus, the duration of any future detention will be no longer than necessary to effectuate Petitioner's removal baseless.

CONCLUSION

This case is moot. This Court is without jurisdiction to prevent the execution of Petitioner's removal order. This case must be terminated.

Respectfully submitted,

DOMINICK S. GERACE II
United States Attorney

s/William B. King II
WILLIAM B. KING II (0094046)
Assistant United States Attorney
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
Office: (513) 684-3711
Fax: (513) 684-6972
E-mail: Bill.King@usdoj.gov

s/Adam C. Tieger
ADAM C. TIEGER (0093932)
Assistant United States Attorney
200 W. Second Street, Suite 600
Dayton, Ohio 45402
Office: (937) 531-6795
Fax: (937) 225-2564
E-mail: adam.tieger@usdoj.gov

Attorneys for Respondents