

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

UNITED STATES DISTRICT COURT  
for the

SEDIK MOHAMMED ABUBAKARI

Petitioner

v.

DHS,ICE,WARDEN

Case No. \_\_\_\_\_  
(Supplied by Clerk of Court)

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: SEDIK MOHAMMED ABUBAKARI
- (b) Other names you have used: \_\_\_\_\_
2. Place of confinement:
  - (a) Name of institution: FOLKSTON ICE PROCESSING CENTER
  - (b) Address: P.O.BOX 248  
FOLKSTON,GEORGIA 31537. 3026 HIGHWAY 252 EAST
  - (c) Your identification number: 
3. Are you currently being held on orders by:
 

Federal authorities       State authorities       Other - explain: \_\_\_\_\_
4. Are you currently:
 

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): \_\_\_\_\_

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

(a) Name and location of the agency or court: STEWART IMMIGRATION COURT

(b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~

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

(d) Date of the decision or action: 08/08/2025

**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: BIA

(2) Date of filing: 05/09/2026

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: Pending

(5) Date of result: \_\_\_\_\_

(6) Issues raised: Immigration Judge order of removal.

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

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: 01/14/2024
- (b) Date of the removal or reinstatement order: 08/08/2025
- (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: 05/09/2025

(2) Case number: [REDACTED]

(3) Result: Pending

(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: STATUTORY VIOLATIONS**

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 Do not cite cases or law.*):

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

Yes  No

**GROUND TWO: SUBSTANTIVE DUE PROCESS VIOLATIONS**

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 Do not cite cases or law.*):

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

Yes  No

**GROUND THREE: PROCEDURAL DUE PROCESS VIOLATIONS**

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 Do not cite cases or law.*):

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

Yes  No

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**GROUND FOUR: FIFTH AMENDMENT VIOLATIONS**

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

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

Yes  No

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

**Request for Relief**

15. State exactly what you want the court to do: I am asking the Honorable Court to Order ICE for immediate release from Custody.

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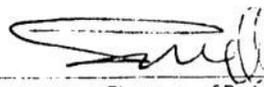
**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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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: 10-15-2025



*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*

COUNT ONE

PROCEDURAL DUE PROCESS VIOLATION

Under the Due Process Clause of the Fifth Amendments , an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decision concerning alien' custody status in a neutral and impartial manner. The failure of Respondent to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. Respondent have failed to acknowledge or act upon Petitioner's administration request for release in a timely manner.

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

The petitioner continued detention violates Petitioner right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. *See Tom v. INS*, 14 F. Supp2d 1184 (E.D. Cal 1998)(aliens retain substantive due process right).

Under the Due process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest . While Respondent would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S Supreme court in *Zadvydas* thus interpreted 8 U.S.C Ss 1231 (a) to allow continued detention only for a period reasonably necessary to secure the alien's removal , because any other reading would go beyond the government's interest – to effect the Alien's removal. See *Kay v. Reno*, 94 F. Supp. 546,551 ( M.D. Pa 2000) (granting writ of habeas corpus because petitioner's substantive due process right were violated, and nothing that “if deportation can never occur, the government primary legitimate purpose in detention-executing removal- is nonsensical.”)

COUNT THREE

5<sup>th</sup> AMENDMENT VIOLATIONS

Immigration Judge Abuse discretion to grant Petitioner's Asylum Application disregarding the threat on his life when he is deported to Ghana. The immigration Judge did not give the Petitioner opportunity violate his 5<sup>th</sup> Amendments Protective Right he is entitled to. Petitioner is facing multiple life threatening consequences if he is deported back to Ghana.

COUNT FOUR

STATUTORY VIOLATIONS

Petitioner's continued detention by Department of Homeland Security(DHS) Immigration and Custom Enforcement ( ICE) is unlawful and contravenes 8 U.S.C Ss 1231(a) (b) as interpreted by the U.S supreme Court in Zadvydas. Six month presumptively reasonable period for continued removal effort has expired . Petitioner still has not been removed, and for the reasons outline above in the previous paragraphs . Petitioner removal is not reasonably foreseeable. The Supreme Court held in Zadvydas and Martinez that ICE continue detention of someone after six months without deportation is not reasonable foreseeable unreasonably and in violations of U.S.C. Ss 1231 (a)533 U.S. At 701

**PRAYER FOR RELIEF**

WHEREFORE: Petitioner prays that this Honorable Court to grant the following relief

1. Declaring that petitioner continue detention is not authorized by the D.H.S and / or violates the Fifth Amendments.
2. Enter preliminary and permanent injunctive relief enjoining Petitioner from further unlawful detention of Petitioner .
3. Grant any other and further relief that this Court deems just and proper .

Respectfully Submitted

By: \_\_\_\_\_

Sedik Mohammed Abubakari

Folkston Processing Center

P.O Box 248

Folkston,GA 31537

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

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**Instructions**

1. **Who Should Use This Form.** You should use this form if
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
  - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
  - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
  - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
  - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
  - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and \_\_\_\_\_ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

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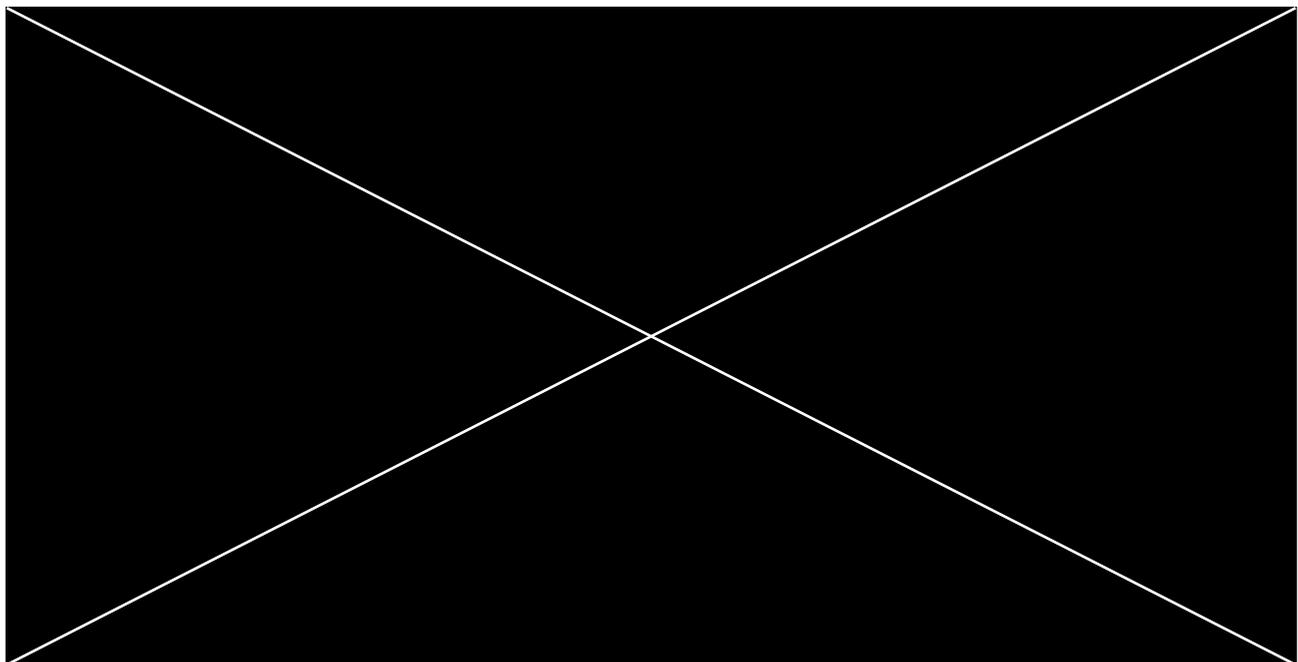
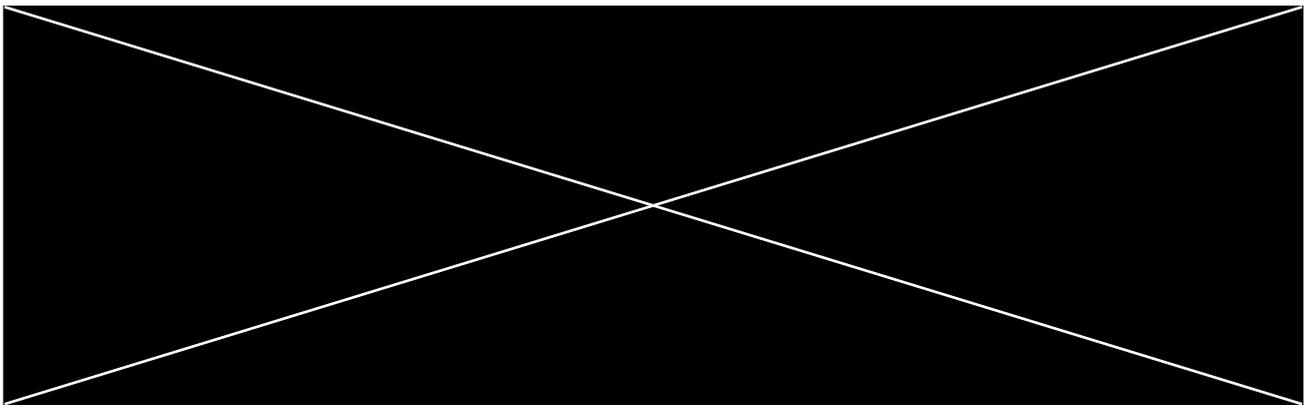
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My name is Mohammed Abubakari Sedik, I was born on  1990. I am self employed trader who sells refurbished phone, laptops and other gadgets. I graduated from Islamic University College in Accra .I have lived in places like Bolga,Tamale, Kumasi, and Greater Accra. I am unmarried with no children. My father has passed away and I take care of my mother who lives in Kokomlemle Accra.

I come from a royal family and am the nephew of the Dagomba Chief in Accra who is the president of the Zongo Chiefs Committee in Ghana. Growing up in a strict Islamic and cultural environment there were high expectation for me to follow traditional values.



On 20 August [REDACTED]. I went out with my partner for a celebration and on our way back home a group of people attack us and my partner manage to escape. I was hit on my head and manage to run away and fell somewhere unconscious and I was admitted to the hospital and I was discharged on 24 August. When I was admitted at the hospital a friend of mine who heard the incident came to visit me and seeing me in my terrible condition he couldn't allow me to go back to the where I stay because of fear of further attacks from people. He took me to his home and made me hid there for two weeks. Unfortunately his family found out I was living with him, they eventually sacked me away.

After the incident, life became unbearable for me . I was constantly threaten and harassed. People discriminated against me and I was refused service at public places like restaurant, mosque and recreational facilities. Many tried to bully me and I felt unsafe wherever I went. I became deeply depressed and suicidal, unable to see a future for myself.

I could not report the attack or the threat to the police because my uncle advised me not to involve them. Knowing they would not protect me in Ghana. The police often side with Anti-LGBTQ+ group leaving people like me defenseless. I was living in constant fear that the aggressive Anti-LGBTQ+ group would find me again. I was scared they would beat or even kill me . I was unable to live freely. I had no choice but to leave Ghana.

I am asking for Asylum in the United States because I want to live in safety, free from fear, violence and discrimination. I hope to rebuild my life and live with dignity in a place where I am not targeted for who I am.

**Part A.III. Information About Your Background**

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
KOKOMLE MLE	ACCRA	GREATER ACCRA	GHANA	20/08/90	22/10/24

2. Provide the following information about your residences during the past 5 years. List your present address first.  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
<del>XXXXXXXXXX</del>	FOLKSTON	GEORGIA	UNITED STATES	24/01/25	PRESENT
KOKOMLE MLE	ACCRA	GREATER ACCRA	GHANA	29/08/20	22/10/24

3. Provide the following information about your education, beginning with the most recent school that you attended.  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

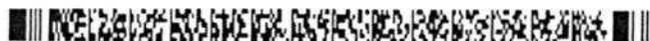
Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
ISLAMIC UNIVERSITY	UNIVERSITY	ACCRA	09/2013	05/2017
BOLGATANGA TECHNICAL	SECONDARY SCH	BOLGATANGA	09/2002	06/2005
PRESBYTERIAN	JUNIOR SCHOOL	BOLGATANGA	09/1992	05/2000

4. Provide the following information about your employment during the past 5 years. List your present employment first.  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
SELF EMPLOYED ACCRA	PHONE, LAPTOPS	06/2000	02/2024
NASONA OIL COMPANY	TRANSPORT OFFICER	04/2017	05/2020

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location	
		<input type="checkbox"/> Deceased	
Mother HALIMATU ABUBAKAR	ACCRA GHANA	<input type="checkbox"/> Deceased	GHANA
Father HARUNA IBRAHIM	TAMALE GHANA	<input checked="" type="checkbox"/> Deceased	
Sibling IBRAHIM RAFLA	ACCRA GHANA	<input type="checkbox"/> Deceased	KUMASI
Sibling HAFIZ HARUNA IB	ACCRA GHANA	<input type="checkbox"/> Deceased	ACCRA
Sibling		<input type="checkbox"/> Deceased	
Sibling		<input type="checkbox"/> Deceased	



**Part B. Information About Your Application**

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

- Race
- Political opinion
- Religion
- Membership in a particular social group
- Nationality
- Torture Convention

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

- No
- Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

1. I was physically tortured by a group of people in my community.

2. ~~XXXXXXXXXX~~ was when the harm was caused to me.

3. Anti-Lgbtq group in my community.

4. They found out I was bisexual.

B. Do you fear harm or mistreatment if you return to your home country?

- No
- Yes

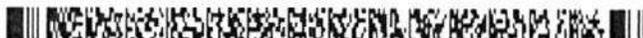
If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

1. Torture, Death, Jail. There is a bill passed in parliament against people like me (LGBTQ BILL) on the February 2024. It only awaits the signature of the president and in just ended election both candidates pledge to sign it into law.

2. Any member of my community and the anti-lgbtq group because everybody dislikes or openly dislikes Lgbtq members.

3. Because I have being harmed before and they still want to harm me for being a bisexual.



**Part C. Additional Information About Your Application**

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

No  Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

No  Yes

2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

No  Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

My route to the United States border was through Colombia, Panama, Costa-rica, Nicaragua, Honduras, Guatemala and Mexico. The reason for leaving was language barrier and I didn't have the freedom to express myself the way I want. I didn't applied for any refugee status or asylum while here. My intention was to come to United States to ask for asylum because I want to live in safety free from fear, violence and discrimination, to rebuild my life and live with dignity in a place where I am not targeted for who I am.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

No  Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

