

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

**KARIM SANOGOHO,**

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-787**

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

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Petitioner, by and through undersigned Counsel, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful detention by Respondent, Kevin Raycraft, Acting 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 Karim Sanogoh (Petitioner or Mr. Sanogoh), who is currently in the custody of ICE at the Butler County Correctional Complex. ICE has contracted with the facility to house detainees such as Petitioner. Petitioner is under the direct control of the Respondents and their agents.
2. Petitioner was ordered removed on December 9, 2008 and granted an order of supervision on September 27, 2010.

3. ICE detained Petitioner on or around August 5, 2025 during a routine ICE check-in appointment. It is unclear why ICE revoked Mr. Sanogoh's order of release on supervision, and subsequently detained Mr. Sanogoh.
4. Petitioner contends that he is unlawfully detained under 8 U.S.C. § 1231(a) because removal is not reasonably foreseeable, and that 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.

#### **PARTIES**

5. Petitioner, Mr. Karim Sanogoh, entered the United States in 2002 after fleeing Mauritania. Petitioner is currently detained at the Butler County Correctional Complex. Petitioner has been in the custody of ICE since August 5, 2025.
6. Respondent, Kevin Raycraft, is named in his official capacity as the Acting 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.

#### **JURISDICTION AND VENUE**

7. 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. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

8. Under 28 U.S.C. § 2241, district courts have the authority to grant a writ of habeas corpus to any petitioner “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).
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 Karki v. Jones*, Case No. 1:25-cv-281, 2025 WL 1638070, at \*8 (S.D. Ohio June 9, 2025) (McFarland, J.) (finding that 8 U.S.C. § 1252(g) does not suspend habeas review of post-removal-order detention under Sixth Circuit precedent). Petitioner is not challenging the removal order itself or the Attorney General’s decision to execute it. Instead, Petitioner challenges his continued detention when removal is not reasonably foreseeable.
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).

## EXHAUSTION

12. Exhaustion is not statutorily required for *Zadvydas* relief. See *Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018), *vacated on other grounds*, *Hamama v. Adducci*, 946 F.3d 875 (6th Cir. 2020); *Shurney v. I.N.S.*, 201 F. Supp. 2d 783, 788 (N.D. Ohio 2001) (“Under the INA, exhaustion of administrative remedies is only required for appeals of final orders of removal.” (citing 8 U.S.C. § 1252(d)(1)); *Nassar v. Clausen*, No. 1:07-cv-1066, 2008 WL 314698, at \*1 (W.D. Mich. Feb. 4, 2008) (“[T]here is no administrative exhaustion requirement as to this kind of habeas challenge.” (citation omitted)). Petitioner is not appealing a final order of removal. Instead, Petitioner challenges his post-removal order detention when removal is not reasonably foreseeable.
13. When, as here, exhaustion is not statutorily required, courts must examine whether exhaustion should be required as a matter of prudence. See, e.g., *Salad v. Department of Corrections*, 769 F. Supp. 3d 913, 921 (D. Alaska 2025) (“Administrative exhaustion is prudential rather than a jurisdictional requirement for habeas review under § 2241.”) (citing *Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 541 (9th Cir. 2004)). The Supreme Court has recognized three “broad sets of circumstances in which the interests of an individual weigh heavily against requiring administrative exhaustion: (1) where such requirement would subject an individual to an unreasonable or indefinite time frame for administrative action; (2) where the administrative agency lacks competence to resolve the particular issue presented; or (3) the exhaustion of administrative remedies would be futile because the administrative body is shown to be biased or has predetermined the issue before it.” *McCarthy v. Madigan*, 503 U.S. 140, 146-48 (1992); see also *Shurney*, 201 F. Supp. 2d at 788-89.

14. On December 9, 2008, approximately **6,169 days ago**, the Immigration Judge ordered Petitioner's removal. Petitioner appealed his case. On September 7, 2010, approximately **5,532 days ago**, the appeal was dismissed. On September 27, 2010, approximately **5,512 days ago**, ICE issued Form I-220B, Order of Release on Supervision (OSUP). Petitioner is unable to access administrative remedies due to the facts that his removal order was finalized over 15 years ago. Accordingly, requiring exhaustion would impose undue delay.

#### STATEMENT OF FACTS

15. Petitioner, Mr. Karim Sanogoh, entered the United States over 20 years ago, on or around May 15, 2002. Mr. Sanogoh submitted an application for asylum and withholding of removal to remain in this country based on a fear of returning to Mauritania.
16. He is a black Fulani man, born in Mauritania. Since departing from Mauritania, Mr. Sanogoh has been unable to obtain travel documents. For all intents and purposes Mr. Sanogoh is stateless.
17. The Immigration Judge denied Mr. Sanogoh's asylum application and ordered his removal **6,169 days ago**, on December 9, 2008.
18. The Immigration Judge ordered removal to Mauritania, with no designated alternative country for removal. Mr. Sanogoh appealed his case. The case appeal was dismissed on September 7, 2010, **5,532 days ago**.
19. On September 27, 2010, **5,512 days ago**, ICE issued an OSUP. Mr. Sanogoh has fully complied with the conditions of his OSUP.

20. On or around August 5, 2025, Respondent and his agents arrested Mr. Sanogoh during a routine ICE check-in appointment. Mr. Sanogoh has now been in ICE custody for approximately **86 days** pending his removal.
21. Respondent continues to detain Mr. Sanogoh even though it is clear that Respondent cannot remove him in the reasonably foreseeable future. Over 15 years have passed since Mr. Sanogoh's removal order became final. In these 15 years, despite requests, Mauritania did not issue travel documents. To date, ICE has not been able to effectuate his removal from the United States.
22. Mr. Sanogoh is not a danger to the community or a flight risk. He has deep roots in his community. His continued detention deprives his family of his companionship and income. Prior to his arrest, Mr. Sanogoh had valid work authorization and provided for his family. Additionally, he is a dedicated employee and his employers have expressed deep care and concern for him over the course of the past few months.
23. Respondent's decision to detain Mr. Sanogoh is not legally justifiable because he cannot be removed to Mauritania in the reasonably foreseeable future. Mr. Sanogoh is stateless. Mauritania will not accept him into the country. For this reason, Mr. Sanogoh's detention may be indefinite and potentially permanent. There is no better time for the Court to consider the merits of Mr. Sanogoh's request for release.

## **LEGAL FRAMEWORK**

### **Due Process**

24. "[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.

25. 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).
26. “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.
27. In *Jama v Immigration & Customs Enforcement*, 543 U.S. 335, 347 (2005), the Supreme Court found that the petitioner had satisfied his burden of showing that a significant likelihood of removal is not reasonably foreseeable because the petitioner had definitively established that no country would accept him. Aliens under those circumstances are deemed “removable-but-unremovable” because their detention would be indefinite and potentially permanent in defiance of the letter and spirit of *Zadvydas*. (citations omitted). See also *Denmore v. Kim*, 538 U.S. at 527 (touchstone inquiry is whether removal was “(n)o longer practically attainable.”); *Miranda v. Garland*, 34 F.4th 338, 361 (4th Cir. 2022) (“[*Zadvydas* should not be expanded beyond the context of the indefinite and potentially permanent detention involved here.” (emphasis added)).

### **Statutes and Regulations**

28. 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”).
29. 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).
30. 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.
31. 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”).

### **CLAIMS FOR RELIEF**

#### **COUNT 1 CONSTITUTIONAL CLAIM Substantive Due Process**

32. Petitioner alleges and incorporates by reference all paragraphs above as if fully set forth here.
33. When ICE issued Petitioner an order of supervision, it found that he was neither a danger to the community nor a flight risk. At the time Respondent revoked the order of supervision, Petitioner had complied with every condition of the order. No change in circumstances warranted the order's revocation. 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.
35. Petitioner is stateless, therefore, there is no significant likelihood of removal in the reasonably foreseeable future. As such, Petitioner is effectively "removable-but-unremovable". Respondent's detention of Petitioner would be indefinite and potentially permanent.

**COUNT 2  
CONSTITUTIONAL CLAIM  
Procedural Due Process**

36. Petitioner realleges and incorporates by reference all paragraphs above as if fully set forth here.
37. Petitioner's continued detention without a significant likelihood of removal in the reasonably foreseeable future violates his due process rights guaranteed by the Fifth Amendment to the United States Constitution. *See Zadvydas v. U.S.*, 533 U.S. 678.

38. *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.
39. 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. Petitioner is currently detained.
40. 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, the 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.
41. 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.

42. 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.
43. The government's action in detaining Petitioner pending his removal profoundly impacts his private interest in physical liberty and could result in indefinite detention because his removal is not reasonably foreseeable.

**COUNT 3  
STATUTORY CLAIM**

44. 8 U.S.C. § 1231(a)(6) 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.

**COUNT 4  
FEES AND COSTS**

45. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. **Assume jurisdiction** over this Petition pursuant to 28 U.S.C. § 2241;
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 8 U.S.C. § 1231(a) and 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.

DATED: 10/29/2025

Respectfully submitted,



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