

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

**Abdellatif Adam Doud Aso,**

**Petitioner,**

**v.**

**Warden, Freeborn County Adult Detention  
Center;**

**Kristi Noem, in her official capacity as  
Secretary of the United States Department of  
Homeland Security;**

**Pamela Bondi, in her official capacity as  
Attorney General of the United States.**

**Respondents.**

**Civil Action No.: 25-4172**

**VERIFIED PETITION FOR WRIT OF  
HABEAS CORPUS AND COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

**ORAL ARGUMENT REQUESTED**

**PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR EMERGENCY  
RELIEF**

Petitioner Abdellatif Adam Doud Aso, by and through undersigned counsel, hereby petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner seeks immediate release from immigration detention, or in the alternative, an order directing that he receives an individualized bond hearing within 14 days at which the government bears the burden of proving by clear and convincing evidence that his continued detention is necessary. Petitioner further requests emergency relief to prevent his transfer outside the District of Minnesota and to ensure prompt compliance with any bond hearing order. In support of this Petition, Petitioner states as follows:

**JURISDICTION AND VENUE**

1. **Jurisdiction:** This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 and Art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause) to consider Petitioner's claim that his continued civil detention violates the Due Process Clause of the Fifth Amendment. Petitioner is in custody under color of the laws of the United States, and he challenges the lawfulness of that custody.
2. **Venue:** Venue is proper in the District of Minnesota because Petitioner is detained in this District at the Freeborn County Adult Detention Center in Albert Lea, Minnesota. The immediate custodian responsible for Petitioner's detention is within this District.

#### **PARTIES**

3. **Petitioner:** Abdellatif Adam Doud Aso is a Sudanese national who has been detained by U.S. Immigration and Customs Enforcement ("ICE") at the Freeborn County Adult Detention Center since July 2, 2024. Petitioner was placed in removal proceedings and has remained in ICE custody pending the outcome of those proceedings. Petitioner has not been afforded any individualized bond hearing during his detention.
4. **Respondent Warden, Freeborn County Adult Detention Center:** The warden of the Freeborn County Adult Detention Center is the immediate custodian of Petitioner. The Warden is sued in his/her official capacity and has direct legal custody over the Petitioner. The Freeborn County Adult Detention Center is a federal immigration detention facility under the administration of the U.S. Department of Homeland Security.
5. **Respondent Kristi Noem:** Secretary Noem is sued in her official capacity as Secretary of the United States Department of Homeland Security (DHS), is responsible for the enforcement of the immigration laws of the United States, including the detention of noncitizen.

6. ***Respondent Pamela Bondi:*** Attorney General Bondi in her official capacity as Attorney General of the United States Department of Justice (DOJ), is the chief law enforcement officer of the federal government and oversees matters related to immigration courts and legal interpretations of immigration law.

#### **FACTUAL BACKGROUND**

7. Removal Proceedings and Relief Granted: Petitioner was apprehended and placed in removal proceedings under the Immigration and Nationality Act.
8. Petitioner applied for protection from removal due to fear of persecution and torture in Sudan.
9. On January 6, 2025, an Immigration Judge granted Petitioner withholding of removal under 8 U.S.C. § 1231(b)(3) and protection under the Convention Against Torture, finding that Petitioner more likely than not would face persecution or torture if removed to Sudan.
10. This decision meant that although Petitioner was otherwise removable, he could not be removed to Sudan in light of the risk of harm.
11. ***Government's Appeal and Ongoing Detention:*** The Department of Homeland Security appealed the Immigration Judge's grant of relief.
12. On or about May 15, 2025, the Board of Immigration Appeals ("BIA") vacated the Immigration Judge's decision in part and remanded the case for further analysis of Petitioner's claims.
13. The BIA's remand has prolonged Petitioner's proceedings and, by extension, his detention.
14. To date, Petitioner has been detained for approximately sixteen (16) months (since July 2, 2024) with no end in sight. Petitioner remains in ICE custody pending the outcome of the remanded removal proceedings.

15. **No Bond Hearing Provided:** Petitioner has never received an individualized bond hearing before an immigration judge to determine whether his detention is justified.
16. Upon Petitioner's detention in July 2024, ICE deemed him ineligible for release on bond or parole – either because he is subject to the mandatory detention provisions of 8 U.S.C. § 1226(c) or otherwise classified such that no bond hearing has been afforded.
17. Petitioner's requests for release have been denied or not entertained on the grounds that no bond determination is available in his case.
18. Consequently, for the entire 16-month period of his confinement, Petitioner has had no opportunity to have a neutral decision-maker assess whether he poses a flight risk or danger that would necessitate continued detention.
19. **Conditions of Confinement:** Petitioner's civil immigration detention is functionally indistinguishable from penal incarceration.
20. He is held in a county jail facility (the Freeborn County Adult Detention Center) where he is commingled with or treated similarly to individuals serving criminal sentences.
21. Petitioner is subject to lockdowns, restrictions on movement, and other jail conditions typical of a punitive custodial setting, despite the purely civil nature of his detention.
22. He wears jail attire, is confined in a secure jail unit, and lacks freedom of personal activity. In short, the conditions of Petitioner's civil detention "resemble penal confinement," undermining any argument that his prolonged imprisonment is merely a benign administrative hold.
23. **Hardship of Continued Detention:** Petitioner's prolonged detention has caused and continues to cause significant hardship.

24. He has been separated from his community and any family or support network in the United States for well over a year.
25. Petitioner has limited ability to communicate with or assist in the preparation of his legal case due to his incarceration. Petitioner has not engaged in any conduct warranting punitive confinement, yet he remains jailed with no adjudication of any danger he might pose.
26. Absent court intervention, Petitioner could remain detained for many additional months while the immigration courts reconsider his case and potentially while further appeals are pursued.

### **CLAIM FOR RELIEF**

#### **COUNT I: PETITIONER'S DETENTION VIOLATES DUE PROCESS UNDER THE FIFTH AMENDMENT OF THE U.S CONSTITUTION**

27. Plaintiff repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
28. Petitioner's continued detention for 16 months without any bond hearing or individualized review violates the Due Process Clause of the Fifth Amendment.
29. Respondents' unlawful detention of Petitioner without a judicial custody determination causes Petitioner to suffer significant pain and suffering and substantial prejudice without affording him an opportunity to be heard in violation of the Due Process Clause of the Fifth Amendment.
30. As a proximate result of Respondents' unconstitutional detention, Petitioner is suffering and will continue to suffer a significant deprivation of their liberty without due process of law as well as physical, emotional, and psychological harm.
31. Due process forbids the government from depriving a person of liberty indefinitely without a meaningful hearing to determine if that detention is justified.

32. While Congress has given the Executive broad authority to detain noncitizens during removal proceedings, that authority is not unlimited.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully prays that this Court grant the following relief:

(A) **Issue** a Writ of Habeas Corpus or an order directing Respondent to immediately RELEASE Petitioner from immigration detention, under appropriate conditions of supervision, on the grounds that his continued detention violates the Fifth Amendment; OR, in the alternative:

(B) **Order** Respondent to provide Petitioner with an individualized bond hearing before an Immigration Judge within 14 days of the Court's order. At that hearing, the immigration authorities must bear the burden of proof and must demonstrate by clear and convincing evidence that Petitioner's continued detention is necessary because he poses a flight risk or a danger to the community that cannot be mitigated by reasonable conditions of release. If the government fails to meet this heavy burden, Petitioner should be released forthwith.

(C) Pending such hearing, **enjoin** Respondent from transferring Petitioner outside the jurisdiction of the District of Minnesota, and ensure Petitioner remains detained at a facility within this District so that the Court's jurisdiction is maintained and Petitioner can meaningfully access the Court and his counsel.

(D) **Grant** any further relief that the Court deems just and proper, including any appropriate injunctive or declaratory relief to protect Petitioner's constitutional rights during the pendency of this action.

Dated: October 31, 2025

Respectfully submitted,

/s/ Youssef Malouche

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