

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

UNITED STATES DISTRICT COURT

for the Northern District of Texas

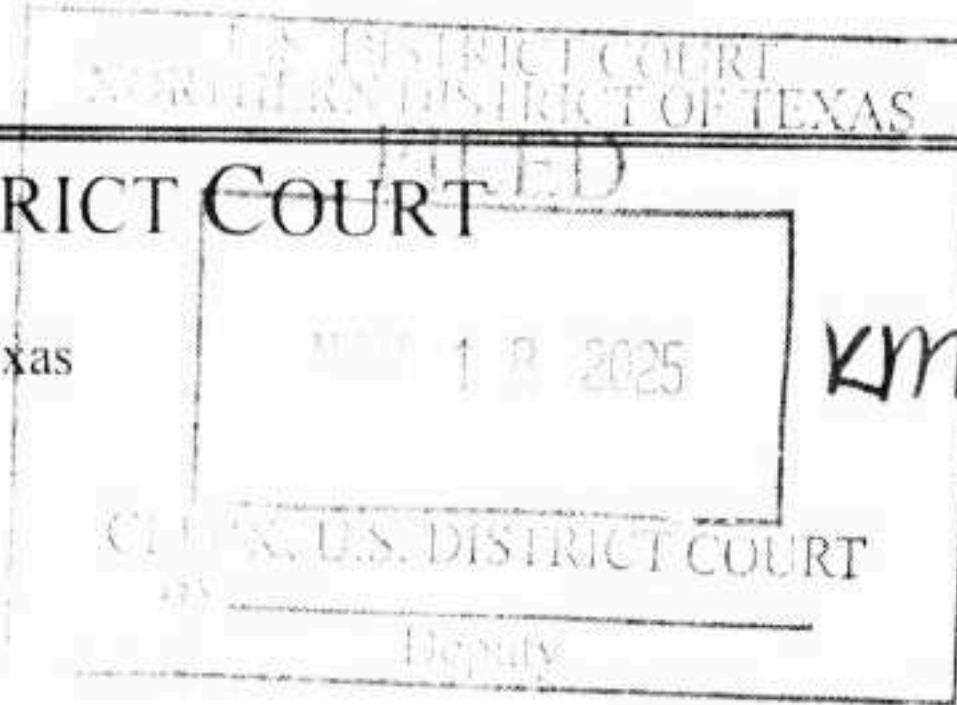
Emmanuel Johnson

Petitioner

v.

KRISTI NOEM, Secretary of the Department of Homeland Security, PAMELA JO BONDI, Attorney General, TODD M. LYONS, Acting Director, ICE, Warden Respondent

(name of warden or authorized person having custody of petitioner)



Case No. 3-25-CV-3151-K (Supplied by Clerk of Court)

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

Personal Information

- 1. (a) Your full name: Emmanuel Johnson
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: PRAIRIELAND DETENTION CENTER
(b) Address: 1209 Sunflower Lane, Alvarado, TX 76009
(c) Your identification number: A-Number: [redacted]
3. Are you currently being held on orders by:
[checked] Federal authorities [] State authorities [] Other - explain: Immigration Detention
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
[checked] Other (explain): Detained on a Final Order of Removal in violation of regulations and due process.

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: ICE

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

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

I was on order of supervision for 20 years without any violations. I was re-detained by ICE in violation of regulations. I was re-detained when there was no significant likelihood of removal. Sierra Leone does not accept me.

(d) Date of the decision or action:

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:

(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 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:
- (b) Date of the removal or reinstatement order:
- (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:

(2) Case number:

(3) Result:

(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: 21 USC 2241

(b) Name of the authority, agency, or court: Filed it in 2004 in Southern District of California

(c) Date of filing: 02/01/2005

(d) Docket number, case number, or opinion number: 05-cv-00194-WQH-LSP

(e) Result: Order dismissed as moot because released on Order of Supervision. See attached

(f) Date of result: 04/28/2005

(g) Issues raised: Indefinite Detention. I was ordered removed on July 20, 2004. I filed the habeas petition after being detained for over 6 months. I was released on an order of supervision on April 13, 2005. (Pleadings Attached)

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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: ICE redetained me in violation of regulations 8 C.F.R. § 241.13: ICE had not determined that there was changed circumstances that there was significant likelihood that I would be removed in the reasonable future. I did not get notice of the reasons for revocation and I was not given a prompt interview.

The violation of regulation is a violation of the Due Process Clause. I was re-detained on August 21, 2025.

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

In the 20 years since I have been on supervision, I have never violated the law, I have never missed an appointment, and I complied with ICE requests to try to get travel documents. I was re-detained on August 21, 2025.

They did not tell me the reasons for revocation. They did not have travel documents for Sierra Leone. I did not receive a prompt interview. The first time I talked to an immigration officer was on Sept 26, told me they still did not have travel docs. There were no changed circumstances He did not know where or when I would be removed.

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

Yes No

GROUND TWO: *Zadvydas v. Davis*, 533 U.S. 678 (2001) -No significant likelihood of removal in the reasonably foreseeable future. Continued detention is a violation of the Due Process Clause.

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

I was previously detained for 9 months after the final order of removal. For 20 years, I have cooperated when ICE tried to get travel documents to Sierra Leone. They did not have travel documents when I was re-detained.

Around Oct 23, I had a video meeting with Sierra Leone Consulate and my deportation officer. Sierra Leone denied me. DO told me that they will now try to find a third country to accept me.

During 20 years on supervision, married a USC wife and have three USC children. I have been good person.

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

Yes No

GROUND THREE: This Court should enjoin ICE from removing Petitioner to a third country without providing an opportunity to assert fear of persecution or torture before an immigration judge.

D.V.D. v. U.S. Dep't of Homeland Sec., 778 F. Supp. 3d 355 (D. Mass. 2025)

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

ICE has told me that because I am stateless they will try to move me to another country. They have not told me what my rights are. I fear that they will remove me to a country I have never been to and that I will not be able to make a fear of persecution claim.

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

Yes No

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GROUND FOUR:

(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: 1-Immediate release from detention 2-Enjoin redetention until ICE has travel documents 3-Enjoin ICE from redetaining me without first following regss 4-Enjoin ICE from removing to third country unless ICE provides me with: (a) written notice, (b) meaningful opportunity, and a min of 10 days, to raise a fear-based claim for CAT protection prior to removal (c) if found to have a reasonable fear, ICE must reopen immig proceeding (d) if not found to have reasonable fear, a meaningful opportunity, and a min of 15 days, for me to seek reopening of proc.

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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:

11-12-2025

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:

11-12-2025

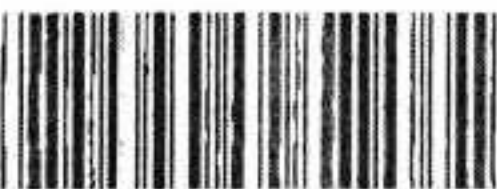


Signature of Petitioner

pro se

Signature of Attorney or other authorized person, if any

Exhibit A



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3:05-CV-00194 JOHNSON V. RIDGE
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ANS.

ORIGINAL

FILE

05 APR 18 PM 2:34

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

1 CAROL C. LAM
United States Attorney
2 ROBERT H. PLAXICO
Assistant U.S. Attorney
3 California State Bar No. 054953
Office of the U.S. Attorney
4 Federal Office Building
880 Front Street, Room 6293
5 San Diego, CA 92101-8893
Telephone: 619.557-7157

6 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 EMMANUEL JOHNSON)
(~~XXXXXXXXXXXX~~))
11)
Petitioner,)

CASE NO. 05CV0194-WQH (LSP) ^{SF}

GOVERNMENT'S RETURN

12 v.)

13)
14 TOM RIDGE, Secretary of the)
Department of Homeland)
Security; ALBERTO GONZALES¹,)
15 Attorney General;)
RON SMITH, Director of)
16 San Diego Field Office,)
U.S. Immigration and)
17 Customs Enforcement;)
HECTOR NAJERA, Office-In-)
18 Charge,)

19 Respondents.)
20)

21 Petitioner, an alien under a final order of removal, has filed
22 a Petition for a writ of habeas corpus seeking release from the
23 Department of Homeland Security (formerly INS) custody on the
24 ground that there is no reasonable likelihood that he can be
25 repatriated to his native Sierra Leone.

26 _____
27 ¹Alberto R. Gonzales became the Attorney General of the
28 United States of America on February 3, 2005. Pursuant to Rule
25(d)(1) of the Federal Rules of Civil Procedure, Attorney
General Alberto R. Gonzales should be substituted, therefore, for
the former Attorney General John Ashcroft as the defendant in
this suit.

CP

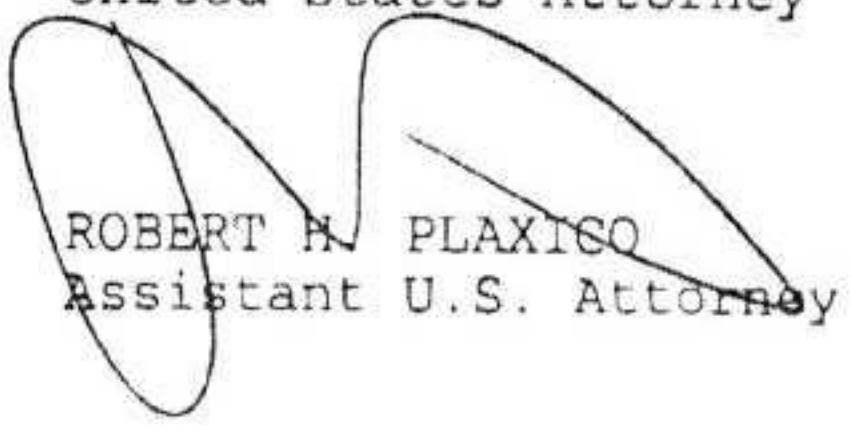
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The government has determined that Petitioner in fact has been released from custody on or about April 13, 2005 (Exhibit 1). Accordingly, the Petition should be dismissed as moot.

DATED: April 18, 2005

CAROL C. LAM
United States Attorney



ROBERT H. PLAXICO
Assistant U.S. Attorney

1 CAROL C. LAM
United States Attorney
2 ROBERT H. PLAXICO
Assistant U.S. Attorney
3 California State Bar No. 054953
Office of the U.S. Attorney
4 Federal Office Building
880 Front Street, Room 6293
5 San Diego, CA 92101-8893
Telephone: 619.557-7157

6 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 EMMANUEL JOHNSON)
(A [REDACTED])
11 [REDACTED])
Petitioner,)

CASE NO. 05CV0194-WQH (LSP)
CERTIFICATE OF SERVICE VIA
U.S. MAIL

12 v.)
13)

14 TOM RIDGE, Secretary of the)
Department of Homeland)
Security; ALBERTO GONZALES^{1/},)
15 Attorney General;)
RON SMITH, Director of)
16 San Diego Field Office,)
U.S. Immigration and)
17 Customs Enforcement;)
HECTOR NAJERA, Office-In-)
18 Charge,)

19 Respondents.)

20 STATE OF CALIFORNIA)
21)
22 COUNTY OF SAN DIEGO)

SS.

23 IT IS HEREBY CERTIFIED that:

24 I, Kelly L. Kingsley, am a citizen of the United States over the age
25 of eighteen years and a resident of San Diego County, California; my
26 business address is 880 Front Street, Room 6293, San Diego, California

27 _____
28 ^{1/}Alberto R. Gonzales became the Attorney General of the United States of America on February 3, 2005. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Attorney General Alberto R. Gonzales should be substituted, therefore, for the former Attorney General John Ashcroft as the defendant in this suit.

1 92101-8893; I am not a party to the above-entitled action; and

2 On this date, I deposited in the United States Mail at San Diego,
3 California, in the above-entitled action, in an envelope bearing the
4 requisite postage, a copy of:

5 **Government's Return; addressed to:**

6 **EMMANUEL JOHNSON**
7 ~~XXXXXXXXXXXXXXXXXXXX~~
8 San Diego Detention Center
P. O. Box 439049
San Ysidro, CA 92143

In Pro Per

9 Zandra Lopez, Esq.
10 Federal Defenders
225 Broadway, Suite 900
San Diego, CA 92101
11 Tel: 619.234.8467
Fax: 619.687.2666

Attorneys for Petitioner

12 the last known address at which place there is delivery service of mail from
13 the United States Postal Service.

14 I declare under penalty of perjury that the foregoing is true and
15 correct. Executed on April 18, 2005.

16 
17 _____
KELLY L. KINGSLEY

EXHIBIT 1

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision

File No: ~~XXXXXXXXXX~~
Date: April 13, 2005

Name: JOHNSON, Emmanuel

on July 20, 2004 you were ordered:
(Date of final order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the ICE, for identification and for deportation or removal.
- That upon request of the ICE, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the ICE considers appropriate.
- That you do not travel outside the state of Texas for more than 48 hours without first having notified this ICE office of the dates and places of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this ICE office of any change of residence or employment within 48 hours of such change.
- That you report in person on the first Wednesday of each month beginning May 4, 2005 to this ICE office at: Non-Detain Office, 8101 North Stemmons Freeway Dallas, TX, 75247 unless you are granted written permission to report on another date.
- That you assist the Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: Report in to the above listed address until you're notified differently by your Non-Detained Officer in Dallas. Your Reporting Officer is Arturo Perez (214) 905-5880.
- See attached sheet containing other specified conditions (Continue on separate sheet if required)



(Signature of ICE official)

Ronald J. Smith, Field Director, Detention and Removal, San Diego Field Office
(Print name and title of ICE official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the _____ language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

R. Jasso
(Signature of ICE Official serving order)

[Handwritten Signature]
(Signature of alien)

4-13-05
Date

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision-Addendum

File No: 
Date: April 13, 2005

Name: JOHNSON, Emmanuel

That you do not associate with known gang members, criminal associates, or is associated with any such activity.

That you register in a substance abuse program within 14 days and provide the ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.

That you register in a sexual deviancy counseling program within 14 days and provide the ICE with written proof of such within 30 days. You must provide the ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.

That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide the ICE with written proof of such within 10 days.

That you do not commit any crimes while on this Order of Supervision.

That you report to any parole or probation officer as required within 2 business days and provide ICE with written verification of the officers name, address, telephone number, and reporting requirements.

That you continue to follow any prescribed doctors orders whether medical or psychological including taking prescribed medications.

That you provide the ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.

That you provide the ICE with written responses from the Embassy or Consulate regarding your request.

Any violation of the above conditions will/may result in revocation of your employment authorization document.

Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.

Other.



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05 APR 28 AM 7:00
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: [Signature] DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EMMANUEL JOHNSON,

Petitioner,

v.

TOM RIDGE, Secretary of the
Department of Homeland Security, JOHN
ASHCROFT, Attorney General, RON
SMITH, Director of San Diego Field
Office, U.S. Immigration and Customs
Enforcement, HECTOR NAJERA,
Officer-In-Charge,

Respondents.

Civil No.05-CV-0194-WQH (LSP)

ORDER

On February 1, 2005, Petitioner Emmanuel Johnson ("Petitioner"), a detainee in the custody of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, proceeding *pro se*, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 along with a motion to proceed *in forma pauperis* and for appointment of counsel. On March 16, 2005, this Court issued an order denying Petitioner's request to proceed *in forma pauperis* and dismissing the action without prejudice. On March 22, 2005, the Petitioner paid the \$5.00 filing fee and the Court ordered the case reopened. Additionally, the Court issued an Order to Show Cause and appointed counsel for Petitioner. On April 18, 2005, the Government filed a Return stating that Petitioner was released from custody on or about April 13, 2005. On April 20, 2005,

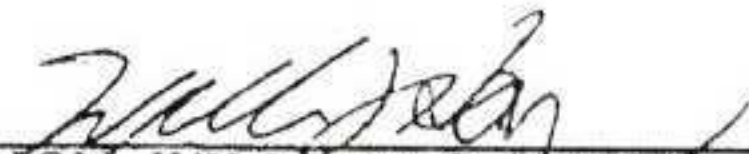
// 1 ENTERED ON 5/2/05 05cv0194

1 Petitioner filed a Traverse and Notice of Non-opposition stating that he had been released from
2 custody. Accordingly, the Court determines that the relief sought in the petition for writ of
3 habeas corpus under 28 U.S.C. § 2241 has been obtained. Therefore, the Court will dismiss the
4 case as moot, and without prejudice.

5 Accordingly,

6 **IT IS ORDERED** this case is **DISMISSED** as moot and without prejudice.

7
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9 Dated: 4/27/01

10 
11 HON. WILLIAM Q. HAYES
United States District Judge

12 cc: Magistrate Judge Papas
13 All Counsel of Record

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