

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
Lafayette Division**

Aisha Issack Ibrahim (A 221-158-095),)	
<i>Petitioner,</i>)	
v.)	Civil Action No.
Kristi Noem, <i>Secretary, U.S. Dept. of Homeland Security,</i>)	
Todd Lyons, <i>Acting Director, U.S. Immigration and Customs Enforcement,</i>)	
Brian Acuna, <i>New Orleans Field Office Acting Director, U.S. Immigration and Customs Enforcement,</i>)	
Pamela Bondi, <i>Attorney General, U.S. Dept. of Justice,</i>)	
Warden, <i>South Louisiana ICE Processing Center,</i>)	
<i>Respondents.</i>)	

PETITION FOR WRIT OF HABEAS CORPUS

On April 22, 2025, Petitioner Aisha Issack Ibrahim won an order from an immigration judge granting her a form of relief called withholding of removal, which prohibits Respondents from removing her to Somalia. Should Respondents wish to remove Petitioner to Somalia, the law sets forth specific procedures by which they can reopen the case and seek to set aside the grant of withholding of removal. Should Respondents wish to remove Petitioner to any other country, they would first need to provide her with notice and the opportunity to apply for protection as to *that* country as well. Until they do either of these things, they cannot remove Petitioner from the United States. But Respondents continue to detain Petitioner, over 180 days after she won her case, with no legal authority and for no reason whatsoever. Such conduct cries out for judicial relief.

JURISDICTION AND VENUE

1. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

2. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, 28 U.S.C. §§ 2201-2202, the All Writs Act, and the Court's inherent equitable powers, as well as issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

3. Venue lies in this District because Petitioner is currently detained in ICE's South Louisiana ICE Processing Center in Basile, Louisiana; and each Respondent is an agency or officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1). In addition, Respondent Brian Acuna's principal place of business is in New Orleans, Louisiana.

THE PARTIES

4. Petitioner Aisha Issack Ibrahim is a citizen and native of Somalia who resides in Tacoma, Washington and is currently detained at the South Louisiana ICE Processing Center in Basile, Louisiana.

5. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

6. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency responsible for all immigration enforcement in the United States.

7. Respondent Brian Acuna is the Field Office Director for the New Orleans Field Office of U.S. Immigration and Customs Enforcement ("ICE"), which has jurisdiction over the

South Louisiana ICE Processing Center where Petitioner is currently detained. As the local ICE official overseeing enforcement operations in the region, he is responsible for Petitioner's continued detention and any actions related to her removal. He is therefore Petitioner's immediate legal custodian for purposes of habeas jurisdiction.

8. Respondent Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and application for relief from removal do so as her designees.

9. Respondent Warden of the South Louisiana ICE Processing Center, a facility operated under contract with U.S. Immigration and Customs Enforcement (ICE) in Basile, Louisiana is Petitioner's immediate physical custodian for purposes of habeas jurisdiction.

10. All government Respondents are sued in their official capacities.

LEGAL BACKGROUND

11. Withholding of removal under 8 U.S.C. § 1231(b)(3) prohibits the government from removing a noncitizen to a country where it is more likely than not that the individual would be persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion. *See* 8 C.F.R. § 1208.16(b). This form of relief is mandatory if the applicant meets the standard and is distinct from asylum in that it does not lead to permanent residency.

12. To qualify for withholding of removal, the noncitizen bears the burden of proving that it is more likely than not that they would face persecution if returned to their country of origin. The government may not remove an individual with a valid withholding order to that country unless the order is formally terminated following the procedures set forth in the regulations. *See* 8 C.F.R. § 1208.24(f).

13. If a noncitizen is granted withholding of removal, "DHS may not remove the alien to the country designated in the removal order unless the order of withholding is terminated."

Johnson v. Guzman Chavez, 594 U.S. 523, 531 (2021). No exceptions lie.

14. Federal regulations provide a procedure by which a grant of withholding of removal issued by an immigration judge may be terminated: DHS must move to reopen the removal proceedings before the immigration judge and must prove, by a preponderance of the evidence, that the individual would no longer face persecution. 8 C.F.R. § 1208.24(f). Only after termination may removal proceed.

15. However, withholding of removal is a country-specific form of relief. Should the government wish to remove an individual with a grant of withholding of removal to some other country, it must first provide that individual with notice and an opportunity to apply for withholding of removal as to that country as well, if appropriate. “[T]he prohibition on removal to a country where a noncitizen would face persecution or torture remains absolute. And precisely because withholding of removal is country-specific, as the government says, if a noncitizen who has been granted withholding as to one country faces removal to an alternative country, then she must be given notice and an opportunity to request withholding of removal to *that* particular country.” *Guzman Chavez v. Hott*, 940 F.3d 867, 879 (4th Cir. 2019), *rev’d on other grounds*, *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021), citing *Kossov v. INS*, 132 F.3d 405, 409 (7th Cir. 1998). *See also Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999); *El Himri v. Ashcroft*, 378 F.3d 932, 938 (9th Cir. 2004); *cf. Protsenko v. U.S. Att’y Gen.*, 149 F. App’x 947, 953 (11th Cir. 2005) (per curiam) (permitting removal to third country only where individuals received “ample notice and an opportunity to be heard”).

16. After a removal order is entered, 8 U.S.C. §1231(a) permits ICE to detain noncitizens during the “removal period,” which is defined as the 90-day period during which “the Attorney General shall remove the alien from the United States.” 8 U.S.C. §1231(a)(1)(A).

17. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3) provides that ICE

shall release unremovable noncitizens on an order of supervision (the immigration equivalent of supervised release, with strict reporting and other requirements). Pursuant to 8 U.S.C. § 1231(a)(6), even noncitizens with aggravated felony convictions may be “released” if “subject to the terms of supervision” set forth in 8 U.S.C. § 1231(a)(3).

18. Constitutional limits on detention beyond the removal period are well established. Government detention violates due process unless it is reasonably related to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). “[W]here detention’s goal is no longer practically attainable, detention no longer ‘bear[s][a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Additionally, cursory or pro forma findings of dangerousness do not suffice to justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 691 (“But we have upheld preventative detention based on dangerousness only when limited to especially dangerous individuals [like suspected terrorists] and subject to strong procedural protections.”)

19. The purpose of detention during and beyond the removal period is to “secure[] the alien’s removal.” *Zadvydas*, 533 U.S. at 682. In *Zadvydas*, the Supreme Court “read § 1231 to authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien’s removal.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 699).

20. As the Supreme Court explained, where there is no possibility of removal, immigration detention presents substantive due process concerns because “the need to detain the noncitizen to ensure the noncitizen’s availability for future removal proceedings is “weak or nonexistent.” *Zadvydas*, 533 U.S. at 690-92. Detention is lawful only when “necessary to bring about that alien’s removal.” *See id.* at 689.

21. To balance these competing interests, the *Zadvydas* Court established a rebuttable

presumption regarding what constitutes a “reasonable period of detention” for noncitizens after a removal order. *Id.* at 700-01. The Court determined that six months detention could be deemed a “presumptively reasonable period of detention,” after which the burden shifts to the government to justify continued detention if the noncitizen provides a “good reason to believe that there is not significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

22. Where a petitioner has provided “good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing. *Zadvydas*, 533 U.S. at 701. Due deference is owed to the government’s assessment of the likelihood of removal and the time it will take to execute removal. *Id.* at 700. However, just as pro forma findings of dangerousness do not suffice to justify indefinite detention, pro forma statements that removal is likely should not satisfy the government’s burden.

23. The government may only rebut a detainee’s showing that there is no significant likelihood of removal in the reasonably foreseeable future with “evidence of progress...in negotiating a petitioner’s repatriation.” *Gebrelibanos v. Wolf*, No. 20-cv-1575-WQH-RBB, 2020 U.S. Dist. LEXIS 185302, at *9 (S.D. Cal., Oct. 6, 2020) (citing *Kim v. Ashcroft*, 02cv1524-J(LAB) (S.D. Cal., June 2, 2003), ECF No. 25 at 8 (citing *Khan v. Fasano*, 194 F. Supp. 2d 1134, 1136 (S.D. Cal. 2001); *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1366 (N.D. Ga. 2002)); *see also Carreno v. Gillis*, No. 5:20-cv- 44-KS-MTP, 2020 U.S. Dist. LEXIS 248926, at *5 (S.D. Miss., Dec. 16, 2020) (granting petitioner’s habeas claim because the government failed to show that removal would be imminent after obtaining a travel document and failing to remove petitioner within the document’s validity period) (emphasis added).

24. Factors courts consider in analyzing the likelihood of removal include “the existence of repatriation agreements with the target country, the target country’s prior record of accepting removed aliens, and specific assurances from the target country regarding its willingness

to accept an alien.” *Hassoun v. Sessions*, 2019 WL 78984 at *4 (W.D.N.Y., Jan. 2, 2019) (citing *Callender v. Shanahan*, 281 F. Supp. 3d 428, 436-37 (S.D.N.Y. 2017)); *see also Nma v. Ridge*, 286 F. Supp. 2d 469, 475 (E.D. Pa. 2003).

25. Other courts have denied habeas petitions primarily where the U.S. government has already procured petitioner’s travel documents and only travel arrangements are outstanding, which is not the case here. *See Berhe*, 2019 WL 3734110 at *4 (denying Petitioner’s habeas petition because “Eritrea has issued a travel document and Petitioner has presented no evidence to suggest there are other barriers to his removal”); *Tekleweini-Weldemichael v. Book*, No. 1:20-CV-660-P, 2020 WL 5988894, at *5 (W.D. La., Sept. 9, 2020), *report and recommendation adopted*, No. 1:20-CV-660-P, 2020 WL 5985923 (W.D. La., Oct. 8, 2020) (denying without prejudice Petitioner’s habeas petition because he possessed a travel document valid through December 19, 2020, and noting that he is not precluded from filing a new petition upon the expiration or cancellation of his travel document).

FACTS

26. Petitioner Aisha Issack Ibrahim is a citizen of Somalia and no other country.

27. On April 22, 2025, Petitioner was granted withholding of removal under 8 U.S.C. § 1231(b)(3), after the immigration judge agreed that she had established it was more likely than not that she would be tortured in Somalia. *See Ex. 1* (Immigration Judge order). DHS reserved appeal, *id.* at 6, but ultimately did not appeal the grant of relief, nor have Respondents taken any other steps to set aside the order of withholding of removal. Respondents therefore cannot remove Petitioner to Somalia.

28. Respondents have identified no third country willing to accept Petitioner and offer Petitioner legal immigration status therein. If Respondents were to remove Petitioner to a country that would *not* offer legal immigration status to Petitioner, that country would only re-deport

Petitioner to Somalia, where it has already been determined that she would be persecuted. Such chain deportation violates the withholding-of-removal just as surely as deporting Petitioner directly to Somalia. Respondents have no factual basis to believe that any country would issue legal immigration status to Petitioner, a national of Somalia.

29. As of the filing of this habeas corpus petition, Petitioner remains in ICE custody at the South Louisiana ICE Processing Center in Basile, Louisiana. See ICE Detainee Locator information (*available at* <https://locator.ice.gov/> (last visited on November 20, 2025)):



30. Petitioner's removal period under 8 U.S.C. § 1231(a)(1)(A) began on May 22, 2025, and ended ninety days thereafter, on August 20, 2025. Her 180-day presumptively reasonable period of detention pursuant to 8 U.S.C. § 1231(a)(6) ended on November 18, 2025.

31. Petitioner has exhausted all administrative remedies. No further administrative

remedies are available to Petitioner.

**FIRST CLAIM FOR RELIEF:
Violation of 8 U.S.C. § 1231(a)(6)/**

32. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-31.

33. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted by *Zadvydas*. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have expired, and no significant likelihood of removal exists in the reasonably foreseeable future.

34. Under *Zadvydas*, the continued detention of Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231(a)(6).

**SECOND CLAIM FOR RELIEF:
Due Process/Detention**

35. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-31.

36. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have expired, and no significant likelihood of removal exists in the reasonably foreseeable future.

37. Under *Zadvydas*, the continued detention of Petitioner violates Petitioner's right to due process.

**THIRD CLAIM FOR RELIEF:
Unlawful Third Country Removal**

38. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-31.

39. As set forth above, Respondents intend to remove Petitioner to a third country of which she is not a citizen, without any notice or opportunity to be heard. In this third country, Petitioner might suffer persecution or torture; or, this third country might promptly re-deport her to her country of origin, where it has already been determined that she will suffer persecution on account of a

protected ground.

40. Such no-notice removal to a third country without opportunity to be heard, as set forth herein, violates the withholding of removal statute, 8 U.S.C. § 1231(b)(3), as well as the Convention Against Torture.

41. Such no-notice removal to a third country without opportunity to be heard, as set forth herein, violates the Fifth Amendment to the U.S. Constitution.

42. Petitioner has a due process right not to be removed to any particular country to which she claims a fear of removal, without an Immigration Judge first reviewing her claim of fear of removal. While Respondents have the authority to designate a third country for removal subsequent to the conclusion of formal removal proceedings, their decision to designate such country sequentially instead of simultaneously with Somalia does not lessen Petitioner's due process rights.

PRAYER FOR RELIEF

43. Petitioner respectfully requests that this Court assume jurisdiction over this matter and enter an order:

- a) Declaring that Petitioner's continued detention violates her due process rights;
- b) Granting the writ of habeas corpus and order Respondents to release Petitioner from detention forthwith, on an Order of Supervision pursuant to 8 U.S.C. § 1231(a)(3);
- c) Enjoining the removal of Petitioner to any country on earth, unless Petitioner has received written notice of such country, with adequate time to state and file a claim for deferral of removal under the Convention Against Torture as to such country; and
- d) Granting any other relief that this Court deems just and proper.

Respectfully submitted,

/s/ Emily C. Trostle

Date: November 24, 2025

Emily C. Trostle (LA 36058)
Trostle Law
P.O. Box 19287
New Orleans, LA 70179
Email: emily@trostlelaw.com
Telephone: (504) 345-8310
Facsimile: (504) 534-3016

Local Counsel for Petitioner

//s// Simon Sandoval-Moshenberg

Simon Y. Sandoval-Moshenberg, Esq.*
Virginia State Bar No. 77110
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, Virginia 22030
Telephone: 703-352-2399
Facsimile: 703-763-2304
ssandoval@murrayosorio.com
Counsel for Petitioner
Pro Hac Vice Application forthcoming

Certificate of Service

I, the undersigned, hereby certify that on this date, I will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk
U.S. Attorney's Office for the Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, LA 70501-6832

Kristi Noem
Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485

Pamela Bondi
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Todd Lyons
Acting Director U.S. ICE
500 12th Street, SW
Washington, D.C. 20536

Brian Acuna, Director,
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street SW, Mail Stop 5902
Washington, DC 20536-5902

Warden, South Louisiana ICE Processing Center
3843 Stagg Avenue
Basile, Louisiana 70515

Respectfully submitted,

Date: November 24, 2025

/s/ Emily C. Trostle
Emily C. Trostle (LA 36058)
Local Counsel for Petitioner