

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADEN HUSSEN HASSAN,

Petitioner,

vs.

PAMELA BONDI, Attorney General of
the United States; KRISTI NOEM,
Secretary, United States Department of
Homeland Security; LAURA
HERMOSILLO, Acting Seattle Field
Office Director, United States
Citizenship and Immigration Services;
BRUCE SCOTT, Warden of Immigration
Detention Facility; and the United States
Immigration and Customs Enforcement,

Respondents.

No.

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF**

PRELIMINARY MATTERS

Petitioner asks this Court to order Respondents not to remove Mr. Hassan from this district while this case is pending, both “[b]ecause transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings,” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (*sua sponte* issuing such an order in a § 2241 case involving an ICE detainee), and “under the Court’s inherent power to preserve its ability to hear the case.” *Alves v. U.S. Dep’t of Just.*, No. EP-25-CV-306-KC, 2025 WL 2629763, at *5

(W.D. Tex. Sept. 12, 2025) (same). *See also M.M. v. Wamsley*, No. CV25-2074-TMC, 2025 WL 3053023, at *1 (W.D. Wash. Oct. 31, 2025) (same).¹

RECITATIONS TO SUBSTANTIALLY CONFORM TO AO 242

Personal Information

1. (a) Full name: Aden Hussen Hassan
- (b) Other names used: None
2. Place of confinement:
 - (a) Northwest Immigration Processing Center (NWIPC)
 - (b) 1623 East J Street, Tacoma, Washington 98241-1615, pursuant to a contractual arrangement with my custodian, the Immigration and Customs Enforcement Field Office Director at Seattle, Washington.
- (c) Case number or numbers: My A# has been provided to the government along with the filing of this petition.
3. I am currently being held on orders by federal authorities: United States Immigration and Customs Enforcement.
4. I am currently being held on an immigration charge.

Decision or Action You Are Challenging

5. What are you challenging in this petition: immigration detention.
6. Provide more information about the decision or action you are challenging:

¹ For just a few examples of other courts issuing such an order in § 2241 cases involving ICE detainees within the past few months (or reflecting the court had previously issued such an order), *see, e.g., Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294, at *2 (E.D. Mich. Oct. 29, 2025); *Ferro v. Hyde*, No. CV25-513-SDN, 2025 WL 3003708, at *1 (D. Me. Oct. 27, 2025) (order issued same day petition was filed); *Lopez Pop v. Noem*, No. CV25-2589-SSS-SSC, 2025 WL 3050095, at *7 (C.D. Cal. Oct. 3, 2025); *Singh v. Delaney Hall*, No. CV25-16018-GC, 2025 WL 2772644, at *1 (D.N.J. Sept. 29, 2025); *Hom v. Ceja*, No. CV25-2221-WJM-TPO, 2025 WL 2801449, at *2 (D. Colo. Sept. 17, 2025).

1 (a) Name and location of the agency or court: United States Immigration and
2 Customs Enforcement

3 (b) Docket number, case number, or opinion number: My A# has been
4 provided to the government along with the filing of this petition.

5 (c) Decision or action you are challenging: I was originally detained by ICE
6 in 1999 or 2000 and released on bond. I was ordered removed on April 30, 2003 and
7 my case appeal was dismissed on August 24, 2004. I was released under an Order of
8 Supervision on September 27, 2004. I have checked in with ICE yearly and applied for
9 work permit renewals. I was re-detained on July 9, 2025.

10 **Your Earlier Challenges of the Decision or Action**

11 7–9. First, second, and third appeals: None

12 10. Motion under 28 U.S.C. § 2255: N/A

13 11. Appeals of immigration proceedings:

14 Does this case concern immigration proceedings? Yes

15 (a) Date you were taken into immigration custody: 1999 or 2000

16 (b) Date of the removal or reinstatement order: April 30, 2003

17 (c) Did you file an appeal with the Board of Immigration Appeals? Yes

18 (1) Date of filing: May 2003

19 (2) Case number: Unknown

20 (3) Result: Dismissed

21 (4) Date of result: August 24, 2004.

22 (5) Issues raised: I lack the paperwork to answer.

23 (d) Did you appeal the decision to the United States Court of Appeals? No.

24 12. Other than the appeals listed above, have you filed any other petition,
25 application, or motion about the issues raised in this petition? No.
26

Grounds for Your Challenge in This Petition

I. Introduction

Petitioner Hassan is presently detained at the Northwest ICE Processing Center (NWIPC). He has been held in immigration custody in 2025 for almost five months. Mr. Hassan spent time in custody when initially detained in 1999 or 2000. It has been twenty-two years since he was ordered deported. He was arrested by ICE at his home on July 9, 2025. Removal to the former country of residence is not reasonably foreseeable. Mr. Hassan's continued detention is therefore in violation of *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). In addition, his re-detention violates both his constitutional due process rights and Respondents' own regulations.

Petitioner seeks (a) release; (b) an order preventing re-detention unless the government establishes by clear and convincing evidence at a hearing before a neutral decisionmaker that Mr. Hassan is a flight risk or a danger to the community, based on changed circumstances after their most recent release by ICE; (c) an order preventing removal to a third country without notice and meaningful opportunity to respond in compliance with the statute and due process in reopened removal proceedings; and (d) an order barring removal to any third country pursuant to Respondents' punitive removal policy.

Mr. Hassan was initially detained on or around November 10, 1999. He was released on bond. Since Mr. Hassan's release over twenty-five years ago, he has reported diligently as instructed. On July 9, 2025, Mr. Hassan was re-detained without any determination by the government that he had become a flight risk or a danger to the community or that removal was likely in the reasonably foreseeable future.

II. Jurisdiction and Venue

This case arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101, *et seq.*, and the Administrative Procedures Act (“APA”), 5 U.S.C. §§ 500–596, 701–706.

This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.* (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court’s inherent equitable powers.

Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because Respondents are agencies or officers of agencies of the United States; Respondents Hermosillo and Scott reside in this district; and Petitioner is detained in this district. Venue is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Petitioner’s claims occurred in this district.

Because Petitioner is seeking relief related only to his custody status, which is not inconsistent with an order of removal, exhaustion of administrative remedies, if any, is not required.

III. Requirements of 28 U.S.C. §§ 2241, 2243

Petitioner is “in custody” for the purpose of § 2241 because he has been detained by Respondent ICE since July 9, 2025, and is currently at the NWIPC in Tacoma, Washington.

1 **IV. Parties**

2 Mr. Hassan is a citizen of Somalia. He has a final order of removal to Somalia
3 with this country designated for removal. Mr. Hassan is detained in the control and
4 custody of Respondents at NWIPC. As such, he is a resident of Tacoma, Washington.

5 Respondent Pamela Bondi is the Attorney General of the United States. In this
6 capacity, Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is
7 sued in her official capacity.

8 Respondent Kristi Noem is the Secretary of the Department of Homeland
9 Security (“DHS”). In this capacity, Respondent Noem is the legal custodian of
10 Petitioner. Respondent Noem is sued in her official capacity.

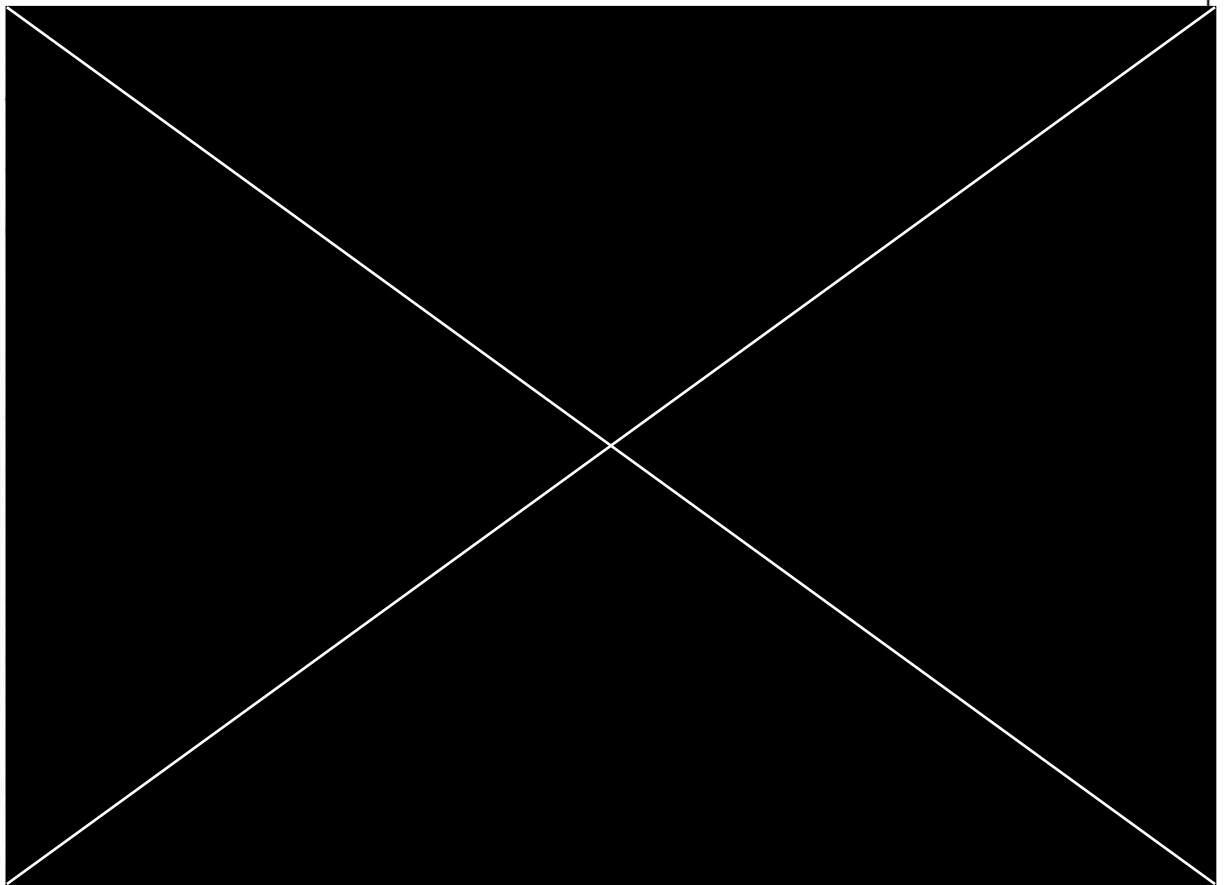
11 Respondent Laura Hermosillo is the Field Office Director for ICE Enforcement
12 and Removal Operations (“ERO”) in Seattle, Washington. As the ERO Seattle Field
13 Office Director, she is Petitioner’s immediate custodian, responsible for his detention at
14 NWIPC and is the person with the authority to authorize detention or release.
15 Respondent Hermosillo is sued in her official capacity.

16 Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
17 functioning of the NWIPC, and has immediate physical custody of Petitioner pursuant
18 to a contract with ICE to detain noncitizens. Respondent Scott is sued in his official
19 capacity as the Warden of a federal detention facility. *See Juarez v. Asher*, No. CV20-
20 700, 2021 WL 1946222, at *3–5 (W.D. Wash. May 14, 2021).

21 Respondent United States Immigration and Customs Enforcement (hereinafter
22 ICE) is the federal executive agency responsible for the enforcement of immigration
23 laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is a
24 legal custodian of Petitioner.

V. Background

Mr. Hassan came to the United States as a refugee on September 24, 1992. He was fourteen years old when his family fled Somalia and fifteen years old when his family emigrated to the United States.



refugee status to come to the United States. Until his arrest in July 2025, Mr. Hassan resided in Rochester, Minnesota for over two decades. He graduated from high school and went to college at Rochester in Minnesota for two years. Prior to his arrest, Mr. Hassan was working for Amazon driving delivery trucks. He has a strong community of support in Ohio, Chicago, and Minneapolis; he has five children and over twenty siblings in the United States.

After he was arrested by ICE in July of this year, Mr. Hassan was hospitalized at a local county hospital in Minnesota for high blood pressure. The local hospital

1 mistreated his condition and caused his kidneys to go into shock. Mr. Hassan lost
2 consciousness and was transferred to a larger hospital where he received dialysis for
3 around 10-15 days. Since being transferred to Tacoma in late July, he has continued to
4 receive dialysis treatment three to four times per week. Since arriving in Washington,
5 he has been admitted to the emergency department numerous times, often due to chest
6 pain. *See, e.g.*, Exh. A.

7 **VI. Particularized Facts Pertaining to Petitioner's Continued Detention**

8 On information and belief, petitioner cannot presently be returned to Somalia.
9 Removal to Somalia is thus not reasonably foreseeable. On information and belief, ICE
10 has not obtained a travel document from Somalia for Petitioner, nor has Somalia agreed
11 to accept Petitioner. Respondents effectively acknowledged that there was no
12 reasonable foreseeable removal to Somalia, because they released him on conditions.
13 On information and belief, he was re-detained solely because of Respondents' policy to
14 round up as many noncitizens as possible. *See, e.g.*, Jose Olivares, "Trump
15 administration sets quota to arrest 3,000 people a day in anti-immigration agenda," The
16 Guardian (May 29, 2025), [https://www.theguardian.com/us-news/2025/may/29/trump-](https://www.theguardian.com/us-news/2025/may/29/trump-ice-arrest-quota)
17 [ice-arrest-quota \[https://perma.cc/6P5L-NUDM\]](https://perma.cc/6P5L-NUDM).

18 **VII. The Legal Framework Regarding Indefinite Detention Pending Removal**

19 **A. Detention is unconstitutional when there is not a significant likelihood** 20 **of removal in the reasonably foreseeable future.**

21 Under 8 U.S.C. § 1231, detention of noncitizens who have been ordered
22 removed is mandatory during the so-called 90-day "removal period." 8 U.S.C.
23 § 1231(a)(1)(A). This period begins on the "date the order of removal becomes
24 administratively final." 8 U.S.C. § 1231(a)(1)(B)(i). But the *Zadvydas* Court believed
25 that a "serious constitutional threat" under the Fifth Amendment's Due Process Clause
26 was posed by the indefinite detention of noncitizens. 533 U.S. at 699. The Court

1 therefore interpreted 8 U.S.C. 1231(a)(6) to permit only detention related to the
2 statute's "basic purpose [of] effectuating [a noncitizen]'s removal[.]" *Id.* at 696–99.

3 The Court further held that the presumptive period during which the detention is
4 reasonably necessary to effectuate a noncitizen's removal is six months. After that, the
5 noncitizen is eligible for conditional release if there is "no significant likelihood of
6 removal in the reasonably foreseeable future." *Id.* at 701. After the "presumptively
7 reasonable" period of six months, when the noncitizen can "provide[] good reason to
8 believe that there is no significant likelihood of removal in the reasonably foreseeable
9 future," then "the Government must respond with evidence sufficient to rebut that
10 showing." *Id.*

11 The issue is not whether Respondents have been able to remove some
12 individuals to a given country. Rather, the court must make an individualized analysis
13 as to a particular detainee. *See Nguyen v. Scott*, -- F.Supp.3d --, 2025 WL 2419288, *17
14 (W.D. Wash. Aug. 21, 2025) (stating increase in total number of removals to Vietnam,
15 including those who entered pre-1995, fails to rebut the evidence presented by
16 Petitioner that "his individual circumstances make removal unlikely."). Facts that are
17 part of the analysis include whether Respondent provides evidence that the request was
18 submitted to Somalia, whether Somalia has acknowledged receipt of the request or
19 otherwise responded to Petitioner's request, and the anticipated wait time for a response
20 from Somalia.

21 When a petitioner has been detained for a total of six months after a final order
22 of removal, the *Zadvydas* presumptively reasonable period has expired, even if the
23 petitioner's current period of detention is less than six months. "A petitioner's total
24 length of confinement need not be consecutive to reach the six-month presumptively
25 reasonable limit established in *Zadvydas*." *Tang v. Bondi*, No. CV25-1473-RAJ-TLF,
26 2025 WL 2637750, at *4 (W.D. Wash. Sept. 11, 2025).

B. The six-month presumptively reasonable period runs from the final removal order, regardless of whether Petitioner was detained during that period.

The six month presumptively reasonable period runs unabated once Petitioner's removal order was final, and does not run solely during any period when Petitioner was detained. In *Tran v. Bondi*, No. C25-01897-JLR, 2025 WL 3140462 (W.D. Wash. Nov. 10, 2025), the Hon. James L. Robart held that petitioner's "*Zadvydas* grace period ended six months following the entry of the order of his removal[.]" *Id.* at *3. The court reached that conclusion even though the petitioner was not detained until two years later, and Respondents argued that only five months of the *Zadvydas* six-month period had expired, based on the times when petitioner was detained. *See* Federal Respondents' Return Memorandum and Motion to Dismiss, dkt. 13 at 1, 7 (Oct. 27, 2025). *See also, e.g., Tadros v. Noem*, No. 25-4108-EP, 2025 WL 1678501, at *3 (D.N.J. June 13, 2025) (finding that "six-month detention period under *Zadvydas*" period began upon affirmance of removal order, rejecting argument that petitioner could not obtain habeas relief because he had not yet been in detention for six months); *Farez-Espinoza v. Chertoff*, 600 F. Supp. 2d 488, 500 (S.D.N.Y. 2009) (concluding that, where government was aware of noncitizen's address but failed to pursue her removal until more than 15 months after removal order was entered, "the removal period, as well as any presumptively reasonable six-month period of removal to which the Government may have been entitled" had expired six months after the entry of the removal order); *Bailey v. Lynch*, No. CV 16-2600 (JLL), 2016 WL 5791407, at *2 (D.N.J. Oct. 3, 2016) (where order of removal became effective upon petitioner's release from underlying conviction to ICE authorities, after which he was held only "briefly" before being released on an order of supervision, the *Zadvydas* presumptively reasonable period ended "long before he was taken back into custody[.]").

1 A contrary view would run afoul of *Zadvydas*'s reasoning. *Zadvydas* established
 2 the six-month grace period to give ICE a fair chance to effectuate the removal before a
 3 court gets involved. 533 U.S. at 700–01. That was why the Court chose to expand the
 4 grace period beyond the 90-day statutory removal period: because Congress likely did
 5 not “believe[] that all reasonably foreseeable removals could be accomplished in that
 6 time.” *Id.* at 701. Giving the government time to remove a noncitizen does not require
 7 that the individual be detained for all of that period. ICE can just as effectively take
 8 steps to arrange an individual's removal whether he is in a cell or on the street.

9 **VIII. The Law Pertaining to a Noncitizen's Procedural Due Process Right Not to Be**
 10 **Re-detained Absent a Hearing Establishing that the Individual Is Either a Flight**
 11 **Risk or a Danger to the Community**

12 Procedural due process requires notice and an opportunity to be heard. *Mathews*
 13 *v. Eldridge*, 424 U.S. 319, 333–34 (1976). To state a claim for a violation of procedural
 14 due process rights, a petitioner must establish (1) a protected property or liberty interest,
 15 and (2) a denial of adequate procedural protections. *ASSE Int'l, Inc. v. Kerry*, 803 F.3d
 16 1059, 1073 (9th Cir. 2015). The Court must also consider “the Government's interest,
 17 including the function involved and the fiscal and administrative burdens that the
 18 additional or substitute procedural requirement would entail.” *Rodriguez Diaz v.*
 19 *Garland*, 53 F.4th 1189, 1207 (9th Cir. 2022) (quoting *Mathews*, 424 U.S. at 335).

20 Petitioner's interest in not being detained is “the most elemental of liberty
 21 interests[.]” *E.A. T.-B. v. Wamsley*, No. CV25-1192-KKE, 2025 WL 2402130, at *3, *9
 22 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)) (granting petition and ordering
 23 immediate release with no re-detention absent “an immigration court hearing . . . held
 24 (with adequate notice) to determine whether detention is appropriate.”). *See also, e.g.,*
 25 *Lopez Dejesus v. Bostock*, No. 25-CV-01427-JHC-TLF, 2025 WL 3268002 (W.D.
 26 Wash. Nov. 24, 2025) (granting similar relief); *Ledesma Gonzalez v. Bostock*, No.

CV25-1404-JNW-GJL, 2025 WL 2841574, *8 (W.D. Wash. Oct. 7, 2025) (granting similar relief).

Where there is a liberty interest, determining what procedures are due generally requires examining the factors set forth in *Mathews*:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

E.A. T.-B., 2025 WL 2402130, at *3 (quoting *Mathews*, 424 U.S. at 335).

Given that the liberty interest here is “the most elemental,” numerous courts have found that this first factor weighs heavily in a petitioner’s favor. *See Ledesma Gonzalez*, 2025 WL 2841574, at *7 (this factor “must be accorded significant weight”). Petitioner’s status as a noncitizen does not negate that interest. “While the temporary detention of noncitizens may sometimes be justified by concerns about public safety or flight risk, the government’s discretion to incarcerate non-citizens is always constrained by the requirements of due process[.]” *E.A. T.-B.*, 2025 WL 2402130, at *3 (quoting *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017)).

The second factor, risk of an erroneous deprivation of liberty, also weighs in the petitioner’s favor. A detainee’s release to the community on an OREC reflected ICE’s determination that Mr. Hassan was neither a flight risk nor a danger to the community. *See, e.g., Ledesma Gonzalez*, 2025 WL 2841574, at *8 (when ICE released Petitioner, “it did so after determining—as required by regulation—that ‘such release would not pose a danger to property or persons, and that the [noncitizen] is likely to appear for any future proceeding.’ . . . By issuing the OREC, ICE necessarily found that [Petitioner] was neither a flight risk nor a danger to the community.”) (quoting 8 C.F.R. § 236.1(c)(8)); *Barrenechea v. Albarran*, No. CV25-7883-VC, 2025 WL 2717279, at

1 *1 (N.D. Cal. Sept. 22, 2025) (“ICE’s release of Barrenechea on his own recognizance
2 in 2020 can only be understood as reflecting a determination that he did not pose a
3 flight risk or danger to the community”).

4 The final factor, the government’s interest in detaining a petitioner without
5 providing a pre-deprivation hearing, also weighs in the petitioner’s favor. “[T]he
6 government’s interest in detaining petitioner without a hearing is low.” *Carballo*, 2025
7 WL 2381464, *8 (cleaned up). “In immigration court, custody hearings are routine and
8 impose a minimal cost.” *Id.* (cleaned up).

9 As stated in *E.A. T.-B.*, 2025 WL 2402130, at *5, “although it would have
10 required the expenditure of finite resources (money and time) to provide Petitioner
11 notice and hearing on ATD violations before arresting and re-detaining him, those costs
12 are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.”

13 The holding that a released detainee was entitled to a pre-deprivation hearing
14 comes not from *Ledesma Gonzalez* and *E.A. T.-B.* alone; dozens of other courts have
15 reached this conclusion as well. *See, e.g., Pinchi v. Noem*, -- F.Supp.3d --, No. CV25-
16 5632-PCP, 2025 WL 2084921, at *5 (N.D. Cal. July 24, 2025) (“Providing [petitioner]
17 with the procedural safeguard of a pre-detention hearing will have significant value in
18 helping ensure that any future detention has a lawful basis.”); *Doe v. Becerra*, 787
19 F.Supp.3d 1083, 1094 (E.D. Cal. 2025) (“[G]iven that Petitioner was previously found
20 to not be a danger or risk of flight and the unresolved questions about the timing and
21 reliability of the new information, the risk of erroneous deprivation remains high.”);
22 *Valdez v. Joyce*, 25 Civ. 4627 (GBD), 2025 WL 1707737, at *4 (S.D.N.Y. June 18,
23 2025) (“Petitioner’s re-detention without any change in circumstances or procedure
24 establishes a high risk of erroneous deprivation of his protected liberty interest.”).

25 In any hearing held by the government to justify re-detention, the government
26 bears the burden of establishing flight risk or danger by clear and convincing evidence.

1 *See Sanchez-Rivera v. Matuszewski*, No. CV22-1357-MMA-JLB, 2023 WL 139801, at
2 *7 n.9 (S.D. Cal. Jan. 9, 2023) (noting that “an overwhelming majority of courts” have
3 so held). For cases in this district, *see Odimara v. Bostock*, No. CV24-1412-MJP-TLF,
4 2025 WL 1490395, at *10 (W.D. Wash. Mar. 27, 2025), *report and recommendation*
5 *adopted*, No. CV24-1412 MJP, 2025 WL 1489705 (W.D. Wash. May 23, 2025) (citing
6 cases).

7 In addition, the government should be required to meet its burden based on
8 changed circumstances subsequent to the petitioner’s previous release by ICE. *See*
9 *Duong v. Kaiser*, No. CV25-7598-JST, 2025 WL 2689266, at *10 (N.D. Cal. Sept. 19,
10 2025) (holding that any re-detention first required a hearing “whether a material change
11 of circumstances justifies [petitioner’s] re-detention”).

12 **IX. The Law Pertaining to a Noncitizen’s Regulatory Right Not to Be Re-detained**
13 **Absent Notice, an Opportunity to Be Heard, and Findings that the Regulatory**
14 **Standards for Re-detention Have Been Met.**

15 The revocation of a noncitizen’s release is governed by 8 C.F.R. § 241.13(i),
16 which authorizes ICE to revoke a noncitizen’s release under § 1231 for purposes of
17 removal or for violation of conditions of release. The government may revoke a
18 noncitizen’s release and return them to ICE custody due to failure to comply with any
19 of the conditions of release, 8 C.F.R. § 241.13(i)(1), or if, “on account of changed
20 circumstances, the [Immigration] Service determines that there is a significant
21 likelihood that the [noncitizen] may be removed in the reasonably foreseeable future,”
22 *id.* § 241.13(i)(2).

23 Such revocation of release, even if justified by one of the reasons recognized by
24 regulation, requires notice and an opportunity for the noncitizen to be heard. Upon a
25 determination by the government (namely ICE) to re-detain a person previously
26 released following a removal order:

the alien will be notified of the reasons for revocation of his or her release. [ICE] will conduct an initial informal interview promptly after his or her return to [ICE] custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification. The [noncitizen] may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision. The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.

Id. § 241.13(i)(3).

ICE's decision to re-detain also cannot be arbitrary, but instead is governed by the factors laid out in 8 C.F.R. § 241.13(f), including:

the history of the [noncitizen's] efforts to comply with the order of removal, the history of [ICE's] efforts to remove [noncitizens] to the country in question or to third countries, including the ongoing nature of [ICE's] efforts to remove [the noncitizen] and the [noncitizen's] assistance with those efforts, the reasonably foreseeable results of those efforts, and the views of the Department of State regarding the prospects for removal of [noncitizens] to the country or countries in question.

Id. See also *Phan v. Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at *3 (E.D. Cal. July 16, 2025). While courts do not make these determinations in the first instance, they may review them for compliance with the regulation. See *id.*; *Nguyen v. Hyde*, No. 25-cv-11470-MJJ, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)).

X. The Law Pertaining to a Noncitizen's Substantive Due Process Right Not to Be Re-detained Without Cause

"[S]ubstantive due process prevents the government from engaging in conduct that shocks the conscience, or interferes with rights implicit in the concept of ordered liberty." *United States v. Salerno*, 481 U.S. 739, 746 (1987). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause

1 from arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80, 112 S.Ct.
2 1780, 118 L.Ed.2d 437 (1992); *see also Zadvydas*, 533 U.S. at 696, 121 S.Ct. 2491
3 (finding that a noncitizen has a liberty interest “strong enough” to challenge “indefinite
4 and potentially permanent” immigration detention). “Individuals who have been
5 released from custody, even where such release is conditional, have a liberty interest in
6 their continued liberty.” *Doe v. Becerra*, -- F.Supp.3d --, No. CV25-647-DJC-DMC,
7 2025 WL 691664, at *5 (E.D. Cal. Mar. 3, 2025) (citing *Morrissey v. Brewer*, 408 U.S.
8 471, 482 (1972); *Young v. Harper*, 520 U.S. 143, 150 (1997); *Gagnon v. Scarpelli*, 411
9 U.S. 778, 782 (1973)).

10 “A due process violation occurs when detention becomes punitive rather than
11 regulatory, meaning there is no regulatory purpose that can rationally be assigned to the
12 detention or the detention appears excessive in relation to its regulatory purpose.”
13 *United States v. Torres*, 995 F.3d 695, 708 (9th Cir. 2021); *accord Padilla v. U.S.*
14 *Immigr. & Customs Enf’t.*, 704 F.Supp.3d 1163, 1172 (W.D. Wash. 2023) (“Due
15 process protects against immigration detention that is not reasonably related to the
16 legitimate purpose of effectuating removal or protecting against danger and flight
17 risk.”). The regulatory purpose of immigration detention is to hold a person that is a
18 flight risk or a danger to the community. *In re Guerra*, 24 I.&N. Dec. 37 (B.I.A. 2006).
19 Regulations governing parole identify only those two factors for consideration in the
20 release decision. 8 C.F.R. § 236.1(c)(8). For people who have been ordered deported,
21 8 C.F.R. § 241.13(i)(2) also authorizes re-detention for purposes of removal, so long as
22 respondents can prove that “there is a significant likelihood that the [noncitizen] may be
23 removed in the reasonably foreseeable future.”

24 Thus, if a re-arrest and detention is punitive or exceeds the justifications
25 permitted by regulation, it violates the individual’s substantive right to due process. In
26 this case, Mr. Hassan has faced significant medical issues since his arrest and is now

1 receiving dialysis treatment several times per week for kidney failure. His rearrest and
2 detention is punitive due to the medical impact on him.

3 **XI. The Legal Framework for Third-Country Removals**

4 The immigration laws delineate the proper procedures by which a country may
5 be designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in
6 incremental steps.

7 First, an individual with a removal order may designate the country to which
8 they want to be removed, and the government *shall* remove the individual to that
9 country. 8 U.S.C. § 1231(b)(2)(A). The government may disregard that designation if
10 (1) the individual fails to designate a country promptly; (2) the government of that
11 country does not inform the U.S. government finally, within 30 days after the date the
12 U.S. government first inquires, whether the government will accept the individual into
13 that country; (3) the government of the country is not willing to accept the individual
14 into the country; or (4) the government decides that removing the individual to that
15 country is prejudicial to the United States. 8 U.S.C. § 1231(b)(2)(C).

16 Second, if the individual is not removed to the country they designated under
17 § 1231(b)(2)(A), the government shall remove the individual to the country of which
18 the individual is a “subject, national, or citizen” unless the government of that country
19 does not inform the U.S. government or the individual within 30 days after first inquiry
20 or within another reasonable period of time whether the government will accept the
21 individual into the country or the country is not willing to accept the individual into the
22 country. 8 U.S.C. § 1231(b)(2)(D).

23 Third, if the individual is not removed to either the country of their designation
24 or the country of which they are a subject, national, or citizen, then the government
25 shall remove them to any of the following options: (1) the country from which the
26 individual was admitted to the United States; (2) the country in which is located the

1 foreign port from which the individual left for the United States or for a foreign
2 territory contiguous to the United States; (3) the country in which the individual resided
3 before the individual entered the United States and from which the individual entered
4 the United States; (4) the country in which the individual was born; or (5) the country in
5 which the individual's birthplace is located when the individual was ordered removed.
6 8 U.S.C. § 1231(b)(2)(E). *Only* "[i]f impracticable, inadvisable, or impossible" to
7 remove the individual to any of these countries may the government remove the
8 individual to "another country whose government will accept [them] into that country."
9 8 U.S.C. § 1231(b)(2)(E)(vii).

10 Notwithstanding any of these procedures, the statute prohibits removal to a third
11 country where a person may be persecuted or tortured, a form of protection known as
12 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The government "may not
13 remove [a noncitizen] to a country if the Attorney General decides that the
14 [noncitizen's] life or freedom would be threatened in that country because of the
15 [noncitizen's] race, religion, nationality, membership in a particular social group, or
16 political opinion." *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
17 a mandatory protection.

18 Similarly, Congress codified protections enshrined in the Convention Against
19 Torture (CAT) prohibiting the government from removing a person to a country where
20 they would be tortured. *See* Foreign Affairs Reform and Restructuring Act of 1998
21 ("FARRA"), Public Law 105-277, div. G, sec. 2242, 112 Stat. 2681, 2631-822 (8
22 U.S.C. § 1231 note) ("It shall be the policy of the United States not to expel, extradite,
23 or otherwise effect the involuntary return of any person to a country in which there are
24 substantial grounds for believing the person would be in danger of being subjected to
25 torture, regardless of whether the person is physically present in the United States.");
26

1 28 C.F.R. §§ 200.1, 208.16–208.18, 1208.16–1208.18. CAT protection is also
2 mandatory.

3 To comport with the requirements of due process, the government must provide
4 notice of the third-country removal and an opportunity to respond. Due process requires
5 “written notice of the country being designated” and “the statutory basis for the
6 designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409
7 F.Supp.3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v. U.S. Dep’t of Homeland*
8 *Sec.*, No. CV25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All
9 removals to third countries, i.e., removal to a country other than the country or
10 countries designated during immigration proceedings as the country of removal on the
11 non-citizen’s order of removal, must be preceded by written notice to both the non-
12 citizen and the non-citizen’s counsel in a language the non-citizen can understand.”
13 (citation omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process
14 requires notice to the noncitizen of the right to apply for asylum and withholding to the
15 country where they will be removed). The government must be able to show evidence
16 that the third country will accept the individual into that country. *See Himri v. Ashcroft*,
17 378 F.3d 932, 939 (9th Cir. 2004), *as amended* (Aug. 24, 2004), *amended sub nom. El*
18 *Himri v. Ashcroft*, No. 03-71152, 2004 WL 1879255 (9th Cir. Aug. 24, 2004) (“at the
19 time the government proposes a country of removal pursuant to § 1231(b)(2)(E)(vii),
20 the government must be able to show that the proposed country *will* accept the
21 [individual]”).

22 Due process also demands that the government “ask the noncitizen whether he or
23 she fears persecution or harm upon removal to the designated country and memorialize
24 in writing the noncitizen’s response. This requirement ensures DHS will obtain the
25 necessary information from the noncitizen to comply with § (b)(3) and avoids [a dispute
26 about what the officer and noncitizen said].” *Aden*, 409 F.Supp.3d at 1019; *cf. D.V.D.*,

1 2025 WL 1453640, at *1 (“Following notice, the individual must be given a meaningful
2 opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection
3 prior to removal.”) (emphasis omitted).

4 If the noncitizen claims fear, measures must be taken to ensure that the
5 noncitizen can seek asylum, withholding, and relief under CAT before an immigration
6 judge in reopened removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring
7 the government to move to reopen the noncitizen’s immigration proceedings if the
8 individual demonstrates “reasonable fear” and to provide “a meaningful opportunity,
9 and a minimum of fifteen days, for the non-citizen to seek reopening of their
10 immigration proceedings” if the noncitizen is found to not have demonstrated
11 “reasonable fear”); *Aden*, 409 F.Supp.3d at 1019 (requiring notice and time for a
12 respondent to file a motion to reopen and seek relief).

13 Finally, notice of the country to which the noncitizen will be removed must not
14 be “last minute” because that would deprive an individual of a meaningful opportunity
15 to apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They
16 must have time to prepare and present relevant arguments and evidence and to seek
17 reopening of their removal case.

18 **XII. Facts Pertaining to Punitive Banishment to Third Countries**

19 Since January 2025, Respondents have developed and implemented a policy and
20 practice of removing individuals to third countries, without first following the
21 procedures in the INA for designation and removal to a third country and without
22 providing fair notice and an opportunity to contest the removal in immigration court.

23 Respondents reportedly have negotiated with at least 58 countries to accept
24 deportees from other nations. On June 25, 2025, the *New York Times* reported that
25 seven countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and
26

1 Rwanda—had agreed to accept deportees who are not their own citizens.² Since then,
2 ICE has carried out highly publicized third-country deportations to South Sudan and
3 Eswatini. It also attempted—and completed—an “end-run” around the protections of
4 the Convention Against Torture by deporting a group of migrants to Ghana, which sent
5 them on to their countries of citizenship despite fears of persecution.

6 Punishment and deterrence appear to be the point of the Administration’s third-
7 country removal scheme. The Administration has reportedly negotiated with countries
8 to have deportees imprisoned in prisons, camps, or other facilities. The government
9 paid El Salvador about \$5 million to arbitrarily and indefinitely imprison more than 200
10 deported Venezuelans in a maximum-security prison notorious for gross human rights
11 abuses, known as CECOT. In February, Panama and Costa Rica took in hundreds of
12 deportees from countries in Africa and Central Asia and imprisoned them in hotels, a
13 jungle camp, and a detention center. On July 4, 2025, ICE deported eight men,
14 including one pre-1995 Vietnamese refugee, to South Sudan. The men have been
15 detained incommunicado ever since. On July 15, 2025, ICE deported five men to the
16 tiny African nation of Eswatini, including one man from Vietnam, where they are
17 reportedly being held in solitary confinement.

18 The Administration has hand-selected countries known for human rights abuses
19 and instability for these third-country deportation agreements to frighten people in the
20 United States into self-deporting or to accept removal to their home countries. Indeed,
21 conditions in South Sudan are so extreme that the U.S. State Department website warns
22 Americans not to travel there, and, if they do, to prepare their will, make funeral
23 arrangements, and appoint a hostage-taker negotiator first.

24
25 ² Edward Wong, et al., *Inside the Global Deal-Making Behind Trump’s Mass*
26 *Deportations*, N.Y. Times (June 25, 2025), <https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html> [<https://perma.cc/64G9-XYGB>].

1 On July 9, 2025, ICE issued a new memo stating that, when seeking to remove
2 an individual to a country not designated on the removal order, ICE may deport that
3 person without any procedures for notice or an opportunity to be heard if the State
4 Department confirms it has received diplomatic assurances that individuals will not be
5 persecuted or tortured. Exh. B. If no diplomatic assurances are received, the ICE memo
6 instructs officers to serve on the individual a Notice of Removal that includes the
7 intended country of removal. It instructs officers not to ask whether the individual is
8 afraid of removal to that country. It states that officers should “generally wait at least 24
9 hours following service of the Notice of Removal before effectuating removal” but that
10 “[i]n exigent circumstances, [ICE] may execute a removal order six (6) or more hours
11 after service of the Notice of Removal as long as the [noncitizen] is provided
12 reasonable means and opportunity to speak with an attorney prior to removal.”

13 The memo further instructs that if the noncitizen “does not affirmatively state a
14 fear of persecution or torture if removed to the country of removal listed on the Notice
15 of Removal within 24 hours, [ICE] may proceed with removal to the country identified
16 on the notice.” If the noncitizen “does affirmatively state a fear if removed to the
17 country of removal,” then ICE will refer the case to U.S. Citizenship and Immigration
18 Services (“USCIS”) for a screening for eligibility for withholding of removal and
19 protection under the Convention Against Torture. “USCIS will generally screen within
20 24 hours.” If USCIS determines that the noncitizen does not meet the standard, the
21 individual will be removed. If USCIS determines that the noncitizen has met the
22 standard, then the policy directs ICE to either move to reopen removal proceedings “for
23 the sole purpose of determining eligibility for [withholding of removal protection] and
24 CAT” or designate another country for removal.

25 The eight men who were ultimately deported to South Sudan all claimed fear of
26 removal to South Sudan. None of those men were provided a fear screening by a

1 USCIS officer or otherwise, despite the fact that they were held by ICE for six weeks
2 on a U.S. military base in Djibouti before their final removal to South Sudan.

3 **XII. The Law Governing Punitive Removal Practices**

4 It is bedrock law that the U.S. government may not impose or inflict an infamous
5 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court
6 ruled that while deportation itself was not a punishment, the government could not
7 attach punitive conditions to deportation—in that case, imprisonment at hard labor—
8 absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth,
9 and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

10 Importantly, the Court distinguished deportation, which the Court reasoned is
11 “not a ‘banishment,’ in the sense in which that word is often applied to the expulsion of
12 a citizen from his country by way of punishment,” from government actions aimed at
13 punishment, such as imprisonment at hard labor in addition to deportation. *Id.* at 236.
14 The Court explained that deportation “is but a method of enforcing the return to his own
15 country of [a noncitizen] who has not complied with the conditions upon the
16 performance of which the government of the nation, acting within its constitutional
17 authority and through the proper departments, has determined that his continuing to
18 reside here shall depend.” *Id.* (quoting *Fong Yue Ting v. United States*, 149 U.S. 730
19 (1893)). But the Court admonished that the government may not “declare unlawful
20 residence within the country to be an infamous crime, punishable by deprivation of
21 liberty and property . . . unless provision were made that the fact of guilt should first be
22 established by a judicial trial.” *Id.* at 237.

23 Deportation of individuals to third countries to be imprisoned or harmed is
24 unquestionably punishment.
25
26

Grounds for Relief

Ground One: Petitioner's Continued Detention in Immigration Custody Violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution Because There Is No Significant Likelihood that Petitioner Will Be Removed in the Reasonably Foreseeable Future.

The allegations in the above paragraphs are realleged and incorporated herein.

Because Mr. Hassan's removal order became final on August 24, 2004, the removal period has long since expired, and detention is no longer required under 8 U.S.C. § 1231. In addition, the presumptively reasonable period of six months has passed.

There is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future[.]" *Zadvydas*, 533 U.S. at 701. On information and belief, nothing has changed regarding Somalia's willingness to issue travel documents.

Therefore, the burden shifts to the government to rebut that showing. The government cannot meet that burden under the facts of this case. *See Nguyen v. Scott*, No. CV25-1398, 2025 WL 2419288, at *28–29 (W.D. Wash. Aug. 21, 2025) (granting preliminary injunction requiring release under *Zadvydas*); *Tang*, 2025 WL 2637750, at *6 (same).

Ground Two: Procedural Due Process

The allegations in the above paragraphs are realleged and incorporated herein.

Mr. Hassan has a liberty interest in not being re-detained. Applying the three-factor test of *Mathews*, that interest is high. The risk of any erroneous deprivation is also high, because ICE's previous release of him necessarily reflected a conclusion that he was not a flight risk or a danger to the community. Here, as in *Ledesma Gonzalez*, "ICE revoked that release without any reassessment of those factors." 2025 WL 2841574, at *8.

1 Finally, the cost to the government of providing a hearing is low, and
2 significantly outweighed by the other factors. His re-detention violated his due process
3 rights and was therefore unlawful.

4 **Ground Three: Failure to Comply with Regulations**

5 The allegations in the above paragraphs are realleged and incorporated herein.

6 Respondents have not complied with their obligations under 8 C.F.R. § 241.13
7 and therefore Mr. Hassan is entitled to release. On information and belief,

8 a) Respondents did not make a determination either that, on account of changed
9 circumstances, there was a significant likelihood that Petitioner would be removed in
10 the reasonably foreseeable future or that Petitioner violated the conditions of release;

11 b) to the extent that Respondents made such a determination, they lacked an
12 adequate basis to do so and did not properly consider the factors specified in the
13 regulations;

14 c) Respondents did not timely notify Petitioner in writing of the reasons for
15 revocation in a manner that he could reasonably respond to;

16 d) Respondents did not conduct the required initial informal interview;

17 e) Respondents did not afford Petitioner an opportunity to respond; and

18 f) Respondents did not advise Petitioner of the right to request a review of the
19 detention and did not comply with the requirements for such review. His re-detention
20 was therefore contrary to Respondents' regulations and unlawful.

21 **Ground Four: Substantive Due Process**

22 The allegations in the above paragraphs are realleged and incorporated herein.

23 After two decades in the community under an Order of Supervision, Mr. Hassan
24 was rearrested in July of this year. After his arrest, his blood pressure became elevated
25 and led to his hospitalization. The treatment he received caused his kidneys to go into
26 shock and he has been receiving dialysis treatment due to his kidney failure.

Respondents' policy against parole in all cases supports the conclusion that Petitioner's detention is punitive, as do many reported statements advocating for increased arrests for their own sake. Respondents' refusal to address widespread mistreatment of detained immigrants also supports that conclusion. *See* Nicole Acevedo, *Hundreds of alleged human rights abuses in immigrant detention, report finds*, NBC News (Aug. 5, 2025), <https://www.nbcnews.com/news/us-news/immigration-detention-human-rights-abuses-report-rcna222499> [<https://perma.cc/3XLR-6XHX>]; Center for Human Rights, *Conditions at the Northwest Detention Center*, University of Washington, <https://jsis.washington.edu/humanrights/projects/immigrant-rights-observatory/conditions-at-the-northwest-detention-center/> [<https://perma.cc/QF24-UR6C>] (last visited Aug. 28, 2025).

Ground Five: Violation of the Fifth Amendment, 8 U.S.C. § 1231, Convention Against Torture, Implementing Regulations, and the Administrative Procedure Act

The allegations in the above paragraphs are realleged and incorporated herein.

The Fifth Amendment, the INA, the CAT, and implementing regulations mandate meaningful notice and opportunity to respond to any attempt to remove Petitioner to a third country in reopened removal proceedings. They also require an opportunity for Petitioner to make a fear-based claim against removal to a third country in reopened removal proceedings. Respondents' policy for third-country removals violates all of these laws because it directs ICE agents to remove individuals to third countries without any notice or process *at all* where diplomatic assurances are received and, where no diplomatic assurances are received, to provide flagrantly insufficient notice (6–24 hours) and opportunity to respond, in violation of the statute, regulations, and Fifth Amendment.

1 Prior to any third-country removal, Petitioner must be provided with
2 constitutionally and statutorily compliant notice and an opportunity to respond and
3 contest that removal if he has a fear of persecution or torture in that country in reopened
4 removal proceedings. *See Nguyen*, 2025 WL 2419288, at *29 (granting preliminary
5 injunction against “removing Petitioner to a country other than [home country] without
6 notice and a meaningful opportunity to be heard in reopened removal proceedings with
7 a hearing before an immigration judge”).

8 **Ground Six: Punitive Third-Country Banishment; Violation of Fifth and**
9 **Eighth Amendments**

10 The allegations in the above paragraphs are realleged and incorporated herein.

11 Under the Fifth Amendment to the U.S. Constitution, no person shall “be held to
12 answer for a capital, or otherwise infamous crime, unless on a presentment or
13 indictment of a Grand Jury;” “be subject for the same offence to be twice put in
14 jeopardy of life or limb;” or “be deprived of life, liberty, or property, without due
15 process of law.”

16 The Eighth Amendment provides that no “cruel and unusual punishments” may
17 be inflicted.

18 The U.S. Supreme Court long ago held that the government may not inflict upon
19 individuals an “infamous punishment” in addition to deportation as a penalty for an
20 immigration violation, absent criminal charges, a judicial trial, and attendant
21 constitutional protections. *Wong Wing*, 163 U.S. at 236–38.

22 Petitioner was convicted and completed any sentences for his criminal
23 convictions. Even if a conviction arguably made him removable from the United States,
24 that does not authorize the government to inflict, as a matter of executive policy and
25 discretion, additional punishment on Petitioner. Respondents’ third-country removal
26 program is punitive in both its nature and its execution.

1 The government has arranged for third countries to receive deportees and
2 imprison them on arrival, possibly indefinitely, and often in abhorrent conditions. It has
3 selected countries notorious for human rights abuses and instability for third-country
4 removal arrangements. It has targeted individuals with criminal convictions for third-
5 country removals, where they will be imprisoned and harmed, and has publicly
6 broadcast those removals to demonize and dehumanize the individuals subjected to
7 these practices and strike fear in the immigrant community to send a message of
8 retribution and deterrence.

9 Respondents' third-country removal program is more than a publicity stunt. The
10 hundreds of individuals who have already been subjected to it have been banished in
11 foreign prisons upon arrival without charge and often without communication with the
12 outside world, including their families and lawyers. Respondents may not subject
13 Petitioner to their third-country removal program, which is designed to impose a severe
14 punishment on their subjects. Such conduct "shocks the conscience" under Fifth
15 Amendment substantive due process, is cruel and unusual punishment, and may not be
16 imposed without charge and a judicial trial.

17 Respondents may not seek to remove Petitioner to a third country under their
18 punitive banishment policy and practices. *See Nguyen*, 2025 WL 2419288, at *29
19 (granting preliminary injunction against "removing Petitioner to any country where he
20 is likely to face imprisonment upon arrival").

21 Prayer for Relief

22 Petitioner respectfully requests that this Court:

- 23 (a) Assume jurisdiction over this action;
- 24 (b) Issue an Order directing Respondents promptly to show cause why this
25 Petition should not be granted;
- 26 (c) Order Respondents to immediately release Petitioner from custody;

1 (d) Order that Respondents may not re-detain Petitioner without first holding
2 a hearing before a neutral decisionmaker at which the government bears the burden of
3 establishing flight risk or danger to the community by clear and convincing evidence
4 based on changed circumstances since Petitioner was previously released;

5 (e) Order that Respondents may not remove or seek to remove Petitioner to a
6 third country without notice and meaningful opportunity to respond in compliance with
7 the statute and due process in reopened removal proceedings;

8 (f) Order that Respondents may not remove Petitioner to any third country
9 because Respondents' third-country removal program seeks to impose unconstitutional
10 punishment on its subjects, including imprisonment and other forms of harm; and

11 (g) Order all other relief that the Court deems just and proper.

12 **Verification Pursuant to LCR 100(e)**

13 Counsel verifies that this petition is authorized by Petitioner. It does not
14 personally bear Petitioner's signature because of the significant difficulty for counsel in
15 meeting with Petitioner in person and because mailing the petition to Petitioner and
16 having it mailed back would cause delay that would only extend the period of his
17 unlawful detention. Counsel knows the facts asserted above or alleges them on
18 information and belief, based on information obtained from the government and/or
19 Petitioner.

20
21 DATED this 2nd day of December 2025.

22 Respectfully submitted,

23 *s/Elizabeth Sher*

24 Assistant Federal Public Defender
25 Attorney for Aden Hussen Hassan
26