

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

RIMON KAZZOO,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 25-03262-JWL
	)	
C. CARTER, Warden, FCI-Leavenworth,	)	
WENDLER, Deportation Officer,	)	
U.S. Immigration and Customs Enforcement,	)	
TODD LYONS, Acting Director, U.S. Immigration	)	
and Customs Enforcement, PAM BONDI,	)	
Attorney General of the United States, and	)	
ALEJANDRO MAYORKAS, Secretary of	)	
Homeland Security,	)	
	)	
Respondents.	)	
	)	
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**RESPONSE TO § 2241 HABEAS PETITION AND ORDER TO SHOW CAUSE**

This matter is before the Court on the *pro se* petition of Rimon Kazzoo (“Petitioner”) for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner, a noncitizen subject to an order of removal, asks the Court to release him from detention at the Federal Correctional Institution in Leavenworth, Kansas (“Leavenworth FCI”). Citing *Zadvydas v. Davis*, 533 U.S. 678 (2001), he contends his detention violates the Due Process Clause of the Fifth Amendment to the Constitution and 8 U.S.C. § 1231(a)(6). ECF 1 at 1. The Court has ordered a response from the individuals named in the habeas petition (collectively “Respondents”). ECF 3.

**STATEMENT OF FACTS**

The following facts are part of the Declaration of Bradley W. McNary, a Deportation Officer for Enforcement and Removal Operations (“ERO”) at United States Immigration and Customs Enforcement (“ICE”). Exhibit (“Ex.”) 1, Declaration of Bradley W. McNary ¶¶ 1-4.

Petitioner is a native and citizen of Iraq. Ex. 1 ¶ 5; *see also* ECF 1 ¶ 6. He was admitted to the United States at Newark, New Jersey on or about June 24, 2014, as a lawful permanent resident. Ex. 1 ¶ 6. On June 11, 2021, the Petitioner was convicted in the Circuit Court at Cook County, Illinois for the offense of Criminal Sexual Assault/Force, in violation of Illinois Compiled Statutes chapter 720, section 5/11-1.20 (A)(1). *Id.* ¶ 7. Petitioner was sentenced to a prison term of 66 months. *Id.* On or about January 22, 2025, Petitioner was taken into ICE custody after his release from the Illinois Department of Corrections. *Id.* ¶ 8. On January 22, 2025, Petitioner was placed in removal proceedings through issuance of a Notice to Appear (“NTA”), charging him as removable to the United States pursuant to section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1182(a)(6)(i). *Id.* ¶ 9.

On or about February 10, 2025, Petitioner filed an application for relief with the Immigration Court. *Id.* ¶ 10. On May 21, 2025, Petitioner was ordered removed from the United States, but the Immigration Judge granted his application for relief. *Id.* ¶ 11. No appeal was taken of the IJ’s decision by either party, making the order final upon the lapse of the 30-day appeal period on June 20, 2025. *Id.* ¶¶ 11-13.

Pursuant to 8 U.S.C. § 1231(a)(1)(A), an alien who has been ordered removed, shall be removed from the United States within 90 days. At or near 90 days post removal order, if an alien has not been removed, ERO conducts a File Custody Review, also known as a Post-Order Custody Review (“POCR”), to determine the necessity of continued custody. When conducting a 90-day POCR, some factors that are considered are the following: a detained individual’s flight risk, any danger the individual may pose to his or her community, threat to national security, and whether there is significant likelihood of removal in the reasonably foreseeable future (“SLRRFF”). Based on this information, a recommendation will be made to management as to whether the individual

should remain in custody. Those managers, including the Supervisory Deportation and Detention Officer, Assistant Field Office Director, Deputy Field Office Director and the Field Office Director, will either concur in the assessment to continue detention or request release of the alien. *Id.* ¶ 14.

In cases where an alien has been detained pursuant to a final order for 180 days, a Transfer Checklist will be completed with information related to follow-up actions taken to obtain a travel document after the initial 90-day POOCR and every 90 days thereafter. The Transfer Checklist contains information, such as the alien's biographical information, whether there is a judicial stay in effect, whether there is a habeas petition pending at the time of review, whether the particular case is a national security case, whether the alien has medical or psychological issues, and whether and how often an Embassy person has been contacted for the status of a travel document. This checklist is then transferred to the ICE/ERO Headquarters POOCR Unit, which makes the ultimate decision on the individual's continued detention beyond the 180 days, or every 90 days thereafter, based on the SLRRFF. *Id.* ¶ 15.

On or about May 27, 2025, DHS sent requests to obtain approval to remove Petitioner to Mexico, Honduras, and El Salvador. *Id.* ¶ 16. These requests have not been denied, but DHS is still waiting for a response. *Id.* On or about August 23, 2025, DHS completed a 90-day POOCR and issued a Decision to Continue Detention, stating that ICE would continue with Petitioner's detention. *Id.* ¶ 17. On or about November 25, 2025, DHS conducted an 180-day POOCR interview and sent the memo to HQ RIO for review. *Id.* ¶ 18.

#### **ARGUMENT**

28 U.S.C. § 2241(a) vests each district court with the power to grant a writ of habeas corpus. Such a writ "shall not extend to a prisoner" unless "[h]e is in custody in violation of the

Constitution or laws or treaties of the United States[.]” 28 U.S.C. § 2241(c)(3). The Court of Appeals reviews legal issues in connection with a § 2241 habeas petition *de novo*, while factual findings are reviewed for clear error. *Palma-Salazar v. Davis*, 677 F.3d 1031, 1035 (10th Cir. 2012).

**I. Petitioner’s Petition should be denied because Petitioner has not shown that his removal is unlikely and, even if he had, Respondents rebut that showing.**

Petitioner asserts five separate claims for relief. Those claims, however, all boil down to one issue: Petitioner believes that his continued detention has become unreasonably indefinite under 8 U.S.C. § 1231 and *Zadvydas*. Thus, these claims are all subject to the same analysis under *Zadvydas*. See *Al-Shewaily v. Mukasey*, No. CIV-07-0946-HE, 2007 WL 4480773, \*6 (W.D. Okla. Dec. 18, 2007) (“Petitioner fails to elaborate on the details of any procedural due process claim; rather, he appears to base such claim on an entitlement to release pursuant to *Zadvydas*, which has already been rejected in addressing his statutory claim.”); see also *Nasr v. Larocca*, No. CV 16-1673-VBF(E), 2016 WL 2710200, \*5 (C.D. Cal. June 1, 2016) (“[W]here Petitioner has failed to meet his burden to show there is no significant likelihood of removal in the reasonably foreseeable future under *Zadvydas*, Petitioner also has failed to prove that his continued detention violates due process.”) (citation modified).

Under *Zadvydas*, upon the entry of a final removal order “the Government ordinarily secures the alien’s removal during a subsequent 90-day statutory ‘removal period,’ during which time the alien normally is held in custody.” 533 U.S. at 682. If the alien is not removed during this 90-day period, 8 U.S.C. § 1231(a)(6) “authorizes further detention.” *Id.* *Zadvydas* held that a 6-month period of detention is presumptively reasonable. *Id.* at 701. “After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that

showing.” *Id.* The presumption does not mean that “every alien not removed must be released after six months,” but instead that the alien may be held in confinement until “it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.*

A Petitioner does not show that there is no significant likelihood of removal in the reasonably foreseeable future merely because his or her detention has been slightly longer than the presumptive six-month period. *See Reyna-Salgado v. Noem*, No. 25-3172-JWL, 2025 WL 3209007, at \*2 (D. Kan. Oct. 3, 2025) (“In light of those efforts and the fact that petitioner's detention has lasted only slightly longer than six months since the beginning of the removal period, the Court cannot find that petitioner's detention has become unreasonably indefinite.”).

Here, Petitioner’s Order of removal became final on June 20, 2025, after the expiration of the time allowed for an appeal. 8 C.F.R. 1214.1(c). Petitioner filed his Petition on December 4, 2025, only slightly longer than six months after his detention under § 1231(a)(6) began. As of the date of this filing, Petitioner’s detention has only lasted one month longer than the presumptively lawful six-month period. During this time, ICE has acted diligently in identifying and attempting to remove Petitioner to three countries other than Iraq. *See supra* Statement of Facts (“SOF”). And those efforts remain pending as no country has declined to accept Petitioner for removal. In light of the efforts taken to remove Petitioner and the only slightly longer than six months period of detention, Petitioner has not carried his burden to demonstrate “good reason to believe” there is no significant likelihood of removal in the reasonably foreseeable future. “[N]othing prevents DHS from removing [Petitioner] to a third country other than the country to which removal has been withheld or deferred.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 531-32 (2021) (citation modified).

Moreover, the fact that so far Mexico, Honduras, and El Salvador have not yet accepted Petitioner does not shift the burden under *Zadvydas*. See *Masih v. Lowe*, No. 4:24-CV-01209, 2024 WL 4374972, \*3 & n.32 (M.D. Pa. Oct. 2, 2024) (“[T]he fundamental basis of [petitioner’s] argument appears to be that his removal is unlikely simply because it has not occurred to this point[.]”) (citation modified). Stated differently, “[s]peculation and conjecture are not sufficient to carry this burden, *nor is a lack of visible progress*” in Petitioner’s removal “sufficient, in and of itself, to show that no significant likelihood of removal exists in the reasonably foreseeable future.” *Tawfik v. Garland*, No. H-24-2823, 2024 WL 4534747, \*3 (S.D. Tex. Oct. 21, 2024) (citation modified and emphasis added). “Because ICE is still actively pursuing” Petitioner’s removal “and his detention furthers Congress’s goal of ensuring his presence for removal,” Petitioner “is, therefore, not entitled to release under *Zadvydas*.” *Bains v. Garland*, No. 2:23-cv-00369-RJB-BAT, 2023 WL 3824104, \*4 (W.D. Wash. May 16, 2023).

In sum, Petitioner has not provided competent evidence to show that removal to a country other than Iraq is unlikely. See, e.g., *Soudom v. Warden*, No. 25-3063-JWL, 2025 WL 1594822, \*2 (D. Kan. May 23, 2025) (denying relief where the petitioner did not carry his initial burden, in part because “[t]he letter on which petitioner relies does not foreclose the possibility of his removal”); *Ogole v. Garland*, No. 24-3198-JWL, 2025 WL 548452, \*2 (D. Kan. Feb. 19, 2025) (denying relief where the petitioner did not carry his initial burden by asserting “his country has a freeze on deportation,” as this argument was “made without supporting evidence” and belied by other facts in the record).

Even if Petitioner had made an initial showing that removal is unlikely, Respondents have now rebutted it. ICE has acted diligently by attempting to remove Petitioner to countries other than Mexico. See *supra* SOF. Those efforts are still ongoing and ICE is continuing to look for

alternative countries. *Id. See, e.g., Soudom, 2025 WL 1594822*, at \*2 (finding the respondents “sufficiently rebutted” any initial showing, in part because “immigration officials have diligently sought the necessary travel documentation for petitioner from South Africa since his detention”).

### CONCLUSION

For the foregoing reasons, the habeas petition should be denied.

Respectfully submitted,

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*s/ Brian E. Vanorsby*

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**CERTIFICATE OF SERVICE**

I certify that on January 5, 2026, the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will provide notice to all registered parties. I further certify that I caused a copy of the foregoing and the notice of electronic filing to be placed in the United States mail, postage prepaid, addressed to the following non-CM/ECF participant:

Rimon Kazzoo,   
FCI Leavenworth  
Inmate Mail/Parcels  
P.O. Box 1000  
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s/ Brian E. Vanorsby  
Brian E. Vanorsby  
Assistant United States Attorney