

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

DEC 05 2025

Nathan Ochsner, Clerk of Court

MOUHAMADOU LAMINE FAYE,  
(A-Number: ),  
Petitioner, by and through his Next Friend,  
Mame B. Faye,

v.

ATTORNEY GENERAL OF THE UNITED STATES;  
SECRETARY OF HOMELAND SECURITY;  
FIELD OFFICE DIRECTOR, ICE ERO HOUSTON;  
WARDEN, MONTGOMERY PROCESSING CENTER,

Respondents.

Civil Action No.: \_\_\_\_\_

VERIFIED EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS  
(28 U.S.C. § 2241) AND COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF

I. PRELIMINARY STATEMENT & URGENCY

THIS IS A TIME-SENSITIVE CONSTITUTIONAL EMERGENCY.

Petitioner faces imminent removal from the United States under a 14-year-old expedited removal order issued after a 2010 credible fear determination. He has lived in the U.S. under an Order of Supervision for 14 years with perfect compliance and no criminal history. He now has a pending Form I-130 filed by his 91-year-old Lawful Permanent Resident father.


ICE refused to accept his attempted filing of Form I-246 on November 21, 2025, depriving him of a statutory remedy. The Immigration Court and BIA rejected jurisdiction due to the nature of his 2010 proceedings, leaving him with no administrative forum. This violates the Due Process Clause and the Suspension Clause.

II. JURISDICTION & VENUE

This Petition is brought under 28 U.S.C. § 2241 because Petitioner is in custody in violation of the Constitution. Habeas jurisdiction is preserved by the Suspension Clause where no administrative forum

exists, per *INS v. St. Cyr* and *Boumediene v. Bush*. Venue is proper because Petitioner is detained within this District.

### III. PARTIES

Petitioner: Mouhamadou Lamine Faye, .

Next Friend: Mame B. Faye, who satisfies *Whitmore v. Arkansas* due to the urgency and Petitioner's detention.

Respondents: The Attorney General of the United States, Secretary of Homeland Security, ICE ERO Houston Field Office Director, and Warden of MPC.

### IV. STATEMENT OF FACTS

Petitioner has resided in the U.S. since 2010.

He maintained perfect OSUP compliance from 2011–2025.

His 91-year-old father filed a bona fide Form I-130 (Receipt  5).

On Nov. 21, 2025, ICE refused to accept his completed Form I-246 and detained him.

EOIR and BIA rejected jurisdiction due to the 2010 credible fear nature of the case (Exhibit A).

ICE informed him that “repatriation is arranged.”

### V. CAUSE OF ACTION — DUE PROCESS VIOLATION

ICE blocked access to a statutory stay (I-246).

EOIR blocked access to a Motion to Reopen.

The combination results in arbitrary detention and imminent removal without any forum for review.

### VI. CAUSE OF ACTION — SUSPENSION CLAUSE VIOLATION

Where no administrative mechanism exists, habeas must be available. Removing Petitioner without review violates the Suspension Clause under *St. Cyr* and *Boumediene*.

### VII. PRAYER FOR RELIEF

Petitioner requests that this Court:

1. Issue a Temporary Restraining Order halting removal for 14 days;
2. Issue a Writ of Habeas Corpus;

3. Prohibit transfer outside this District;
4. Order ICE to accept and adjudicate the I-246 nunc pro tunc;
5. Release Petitioner under supervision.

VERIFICATION

I, Mame B. Faye, declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to be 'Mame B. Faye', written over a horizontal line.

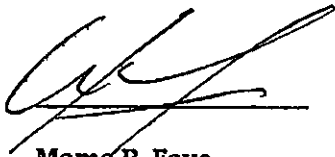
Mame B. Faye  
Next Friend for Petitioner  
Date: December 4, 2025

**DECLARATION OF NEXT FRIEND**

**I, Mame B. Faye, declare:**

- 1. I am the brother of Petitioner Mouhamadou Lamine Faye.**
- 2. Petitioner is detained by ICE at Montgomery Processing Center.**
- 3. He has limited access to legal materials and cannot prepare filings himself.**
- 4. His removal is imminent.**
- 5. I am acting in his best interests to prevent unlawful removal.**

**I declare under penalty of perjury that the above is true.**

A handwritten signature in black ink, appearing to be 'Mame B. Faye', written over a horizontal line.

**Mame B. Faye**

**Date: December 4, 2025**

## CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2025, I served a true and correct copy of the following documents:

- Verified Emergency Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Emergency Motion for Temporary Restraining Order
- Next Friend Declaration
- Exhibit Index and Exhibits A-D

Service was completed by U.S. Mail to:

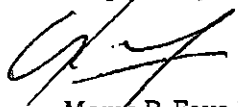
U.S. Attorney's Office – Southern District of Texas  
1000 Louisiana Street, Suite 2300  
Houston, TX 77002


Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

ICE Office of the Principal Legal Advisor – Houston  
126 Northpoint Drive  
Houston, TX 77060

ICE Enforcement & Removal Operations – Houston Field Office  
126 Northpoint Drive  
Houston, TX 77060

Respectfully submitted,



Mame B. Faye  
Next Friend for Petitioner  
Mouhamadou Lamine Faye (  )  
3226 Oakland Lake Cir  
Missouri City TX 77459  
281-802-5367 | mbfaye@gmail.com

Date: December 4, 2025