

**ENTERED**

December 19, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MOUHAMADOU LAMINE FAYE, <i>et al.</i> ,	§	
	§	
Petitioners,	§	
	§	
VS.	§	CIVIL ACTION NO. 4:25-CV-05835
	§	
ATTORNEY GENERAL OF THE UNITED	§	
STATES, <i>et al.</i> ,	§	
	§	
Respondents.	§	

**ORDER**

The petitioner, Mouhamadou Lamine Faye is a detainee in the custody of United States Immigrations and Customs Enforcement (“ICE”). He has filed a petition for a writ of habeas corpus.

**I. Background**

The relevant facts are undisputed. Faye is a citizen of Senegal. He has been in the United States since 2010 and has complied with an Order of Supervision since 2011. He has no criminal record. Faye’s 91-year-old father is a legal resident of the United States.

Faye has a Final Removal Order. He was detained by ICE on November 21, 2025, and ICE has informed him that “repatriation is arranged.” The Court entered a temporary restraining order enjoining the government from removing him from the district while this habeas petition is pending and held a hearing on December 15, 2025. The respondent now moves for summary judgment.

## II. Standard of Review

Summary judgment is appropriate if “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact” and therefore judgment is appropriate as a matter of law. Fed. R. Civ. P. 56(c). In considering a motion for summary judgment, the “evidence of the nonmovant is to be believed, and all justifiable inferences are to be drawn in his favor.” *Anderson v. Liberty Lobby*, 477 U.S. 242, 255 (1986). Once the movant presents evidence demonstrating entitlement to summary judgment, the nonmovant must present specific facts showing that there is a genuine issue of material fact. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986).

If the movant . . . meet[s] th[e] burden [of demonstrating the absence of a genuine issue of material fact], the nonmovant must go beyond the pleadings and designate specific facts showing that there is a genuine issue for trial.

This burden is not satisfied with some metaphysical doubt as to the material facts, by conclusory allegations, by “unsubstantiated assertions, or by only a scintilla of evidence. We resolve factual controversies in favor of the nonmoving party, but only when there is an actual controversy, that is, when both parties have submitted evidence of contradictory facts. We do not, however, in the absence of any proof, assume that the nonmoving party could or would prove the necessary facts.

*Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir. 1994) (citations and internal quotation marks omitted).

## III. Analysis

Title 8, section 1231(a)(2) of the United States Code provides that the government “shall detain” an alien who has a Final Removal Order during the 90 day removal period following issuance of the order. Moreover, the Supreme Court has held that detention of a removable alien

is presumptively reasonable and consistent with due process for six months after issuance of a Final Removal Order if removal is likely in the reasonably foreseeable future. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

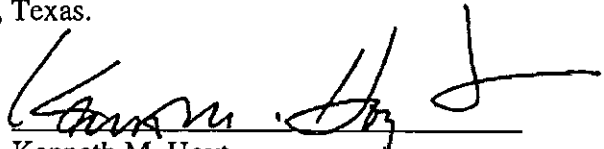
Faye has been in detention for approximately four weeks – well within the statutory removal period. The respondents present evidence that Faye’s removal is likely in the reasonably foreseeable future. Therefore, the evidence establishes that Faye’s detention does not violate his statutory or constitutional rights.

**IV. Order**

For the foregoing reasons, it is ORDERED that Respondents’ motion for summary judgment (Doc. # 9) is GRANTED. The petition (Doc. # 1) is DISMISSED WITHOUT PREJUDICE to the petitioner refiling if the duration of his detention exceeds constitutional limits or other changed circumstances render his detention unlawful.

It is so ORDERED.

SIGNED on December 19, 2025, at Houston, Texas.

  
Kenneth M. Hoyt  
United States District Judge