

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

Ahmed Gamal Sedawy Mohamed Mansour,

Petitioner,

v.

Pamela Bondi, Attorney General

25-4533

Kristi Noem, Secretary, U.S. Department of  
Homeland Security;

**VERIFIED PETITION FOR  
WRIT OF HABEAS CORPUS**

Department of Homeland Security;

Todd M. Lyons, Acting Director of  
Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

David Easterwood, Acting Director, St. Paul  
Field Office Immigration and Customs  
Enforcement,

and,

Eric Tollefson, Sheriff of Kandiyohi  
County.

Respondents.

## INTRODUCTION

1. Petitioner, Ahmed Gamal Sedawy Mohamed Mansour, through Counsel, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to remedy his unlawful detention.
2. Respondents are detaining Petitioner, who is subject to a final order of removal dated May 5, 2025.
3. Petitioner's order of removal became administratively final on June 4, 2025, when the appeal period lapsed.
4. Petitioner has been held in Respondents custody for more than one year, starting on October 23, 2024, over six months of which has postdated his final order of removal.
5. The prolonged post-removal order detention, which has now totaled more than six months, violates the Due Process Clause of the United States Constitution.
6. The continued detention of Petitioner serves no legitimate purpose.
7. To remedy this unlawful detention, Petitioner seeks declaratory and injunctive relief in the form of immediate release from detention.
8. Pending the adjudication of his Petition, Petitioner seeks an order restraining Respondents from transferring him to a location where he cannot reasonably consult with counsel, such a location to be construed as any location outside of the geographic jurisdiction of the day-to-day operations of U.S. Customs

and Immigration's ("ICE") St. Paul, Minnesota of the Office of Enforcement and Removal Operations in the State of Minnesota.

9. Petitioner requests the same opportunity to be heard in a meaningful manner, at a meaningful time, and thus requests 72-hour notice prior to any removal or movement of him away from the State of Minnesota.
10. Petitioner requests that the Court order that, pending this petition, Petitioner be provided due process prior to any removal to any allegedly safe third country in the form of an opportunity to assert a credible fear of that country and, should such a fear exist, receive a full merits hearing for withholding of removal and DCAT before an immigration judge, should such a third country be identified and such a credible fear exist.

#### **JURISDICTION AND VENUE**

11. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), specifically, 8 U.S.C. § 1101-1537.

12. Because Mansour seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
13. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019).
14. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Mansour is detained within this District. He is currently detained at the Kandiyohi County Jail in Willmar, Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

#### **PARTIES**

15. Petitioner Mansour is a citizen of Egypt.
16. Petitioner was taken into DHS custody on October 23, 2024, upon his arrival to the United States. Petitioner has remained in detention since.
17. Petitioner is currently in custody at the Kandiyohi County Jail in Willmar, Minnesota, pursuant to a final order of removal.

18. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the Board of Immigration Appeals (“BIA”) and the immigration judges through the Executive Office for Immigration Review (“EOIR”). Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Mansour.
19. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the St. Paul ICE Field Office, and is legally responsible for pursuing Mansour’s detention. As such, Respondent Noem is a legal custodian of Mansour.
20. Respondent Department of Homeland Security (“DHS”) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens, including Mansour. As such, DHS is a legal custodian of Mansour.
21. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, which oversees the detention of aliens in the United

States. Mr. Lyons is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention. As such, Respondent Lyons is a legal custodian of Mansour.

22. Respondent Immigration and Customs Enforcement ("ICE") is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens. As such, ICE is a legal custodian of Mansour.
23. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the St. Paul Field Office for ICE within DHS. In that capacity, Acting Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Mansour. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111, and it is the field office with jurisdiction over Mansour's detention in Minnesota. As such, Respondent Easterwood is a legal custodian of Mansour.
24. Respondent Sheriff Eric Tollefson is being sued in his official capacity as the Sheriff responsible for the Kandiyohi County Jail. Because Petitioner is detained in the Kandiyohi County Jail, Respondent Tollefson has immediate day-to-day control over Petitioner. As such, Respondent Tollefson is a legal custodian of Mansour.

**EXHAUSTION**

25. A final order of removal has been entered against Petitioner and Petitioner has exhausted his administrative remedies such that judicial action is his only remedy.
26. Notably, no statutory exhaustion requirement applies to Petitioner's claim of unlawful detention. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only where requesting review of a final removal order).
27. This is a purely legal issue relating to prolonged detention under the Fifth Amendment.
28. Unlawful, going on indefinite, detention is clearly an irreparable injury given that "a loss of liberty ... is perhaps the best example of irreparable harm." *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018). "Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001).
29. Respondents have now detained Petitioner beyond the six months after his final order of removal, which is presumptively unreasonable. *See Zadvydas*, 533 U.S. at 701.

30. Petitioner indeed exhausted his administrative remedies by seeking custody redetermination at the expiration of six months of detention. He nonetheless remains in custody.

**FACTUAL ALLEGATIONS & PROCEDURAL HISTORY**

31. Mansour is a native and citizen of Egypt.
32. On October 22, 2024, Mansour entered the United States and presented himself to U.S. border authorities in order to seek asylum.
33. On October 23, 2024, Petitioner was taken into detention at the U.S.-Mexico border. He has remained in detention since this date.
34. On October 23, 2024, Respondent DHS placed Petitioner in expedited removal proceedings.
35. On November 27, 2024, Petitioner had a credible fear interview with USCIS while in detention and received a positive credible fear determination.
36. On December 6, 2024, Respondent DHS issued Petitioner a Notice to Appear, placing him in removal proceedings under 8 U.S.C. § 1229a.
37. On January 29, 2025, Mansour filed an I-589, Application for Asylum and Withholding of Removal with the Executive Office for Immigration Review (“EOIR”) and the immigration court sitting in Fort Snelling, Minnesota.
38. On May 5, 2025, the immigration judge denied asylum and issued Mansour a final order of removal.

39. The immigration court granted Mansour withholding of removal under 8 U.S.C. § 1231(b)(3)(A) and under the Article III of the United Nations Convention Against Torture.
40. Neither Mansour nor DHS appealed the immigration judge's order.
41. Under 8 U.S.C. § 1231(a)(1)(B)(i), Mansour's removal order became administratively final on June 4, 2025.
42. There is no indication that Respondents have exercised their discretion under 8 C.F.R. § 1240.12(d) to designate an alternate country of removal.
43. There is no indication that Respondents have secured a travel document or proof of any third country that is willing to receive Petitioner and grant him any legal status upon his arrival.
44. Respondents have not informed Petitioner of any imminent removal to any country.
45. On November 17, 2025, Petitioner requested that ICE review his custody.
46. On November 20, 2025, ICE scheduled a custody review interview with Petitioner to take place on November 24, 2025.
47. On November 24, 2025, ICE conducted the custody review interview with Petitioner.

48. ICE informed Petitioner at the interview that the matter would be forwarded to headquarters for a decision but that it will be an indefinite period of time until a decision is made.
49. Mansour remains in detention at Kandiyohi County Jail in Willmar, Minnesota, beyond the presumably constitutional six-month period of detention described in *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001).

### **LEGAL FRAMEWORK**

50. As the constitution states, “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it.” U.S. Const. art. I, § 9 cl. 2.
51. Such a writ is available to a person who “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).
52. “There is no higher duty of a court, under our constitutional system, than the careful processing and adjudication of petitions for writs of habeas corpus, for it is in such proceedings that a person in custody charges that error, neglect, or evil purpose has resulted in his unlawful confinement and that he is deprived of his freedom contrary to law.” *Harris v. Nelson*, 394 U.S. 286, 291-22 (1969).
53. “The scope and flexibility of the writ – its capacity to reach all manner of illegal detention – its ability to cut through barriers of form and procedural mazes –

have always been emphasized and jealously guarded by courts and lawmakers.” *Id.* at 291.

54. “[W]hen an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the “removal period”).” 8 U.S.C. § 1231(a)(1)(A).

55. The removal period begins on the latest of the following:

- (i) The date the order of removal becomes administratively final.
- (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order.
- (iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

8 U.S.C. § 1231(a)(1)(B).

56. An “‘order of deportation’ means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.” 8 U.S.C. § 1011(a)(47)(A).

57. Such an order “shall become final upon the earlier of—

- (i) a determination by the Board of Immigration Appeals affirming such order; or
- (ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

8 U.S.C. § 1011(a)(47).

58. The removal period may be extended beyond a period of 90 days if the alien “fails or refuses to make timely application in good faith for travel or other documents necessary to [his] departure,” or otherwise fails to cooperate in the removal process. 8 U.S.C. § 1231(a)(1)(C).

59. “If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—

(A) to appear before an immigration officer periodically for identification;

(B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;

(C) to give information under oath about the alien’s nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and

(D) to obey reasonable written restrictions on the alien’s conduct or activities that the Attorney General prescribes for the alien.

8 U.S.C. § 1231(a)(3).

60. The Due Process Clause of the Fifth Amendment requires that “[n]o person shall... be deprived of liberty... without due process of law.” U.S. Const. amend. 5.

61. It is well-established that the Fifth Amendment entitled aliens to due process of Law[.]” *Demore v. Kim*, 528 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).
62. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
63. Due process therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for its conduct infringing on protected interests ‘outweighs the individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* (citing *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)).
64. As such, “Congress previously doubted the constitutionality of detention for more than six months.” *Zadvydas*, 533 U.S. at 701 (2001).
65. “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.*
66. “[A]s the period of prior postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Zadvydas*, 533 U.S. at 701.

67. 8 U.S.C. § 1231(a)(3) plainly states, “the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General.”
68. Courts in Minnesota “have found no significant likelihood of removal in five types of cases: (1) where the detainee is stateless and no country will accept him; (2) where the detainee’s country of origin refuses to issue a travel document; (3) where there is no repatriation agreement between the detainee’s native country and the United States; (4) where political conditions in the country of origin render removal virtually impossible; and (5) where a foreign country’s delay in issuing travel documents is so extraordinarily long that the delay itself warrants an inference that the documents will likely never issue.” *Ahmed v. Brott*, 2015 WL 1542131, at \*4 (D. Minn. Mar. 17, 2015).
69. In *Zadvydas*, “Germany told the INS that it would not accept Zadvydas because he was not a German citizen. Shortly thereafter, Lithuania refused to accept Zadvydas because he was neither a Lithuanian citizen nor a permanent resident. In 1996, the INS asked the Dominican Republic (Zadvydas’ wife’s country) to accept him, but this effort proved unsuccessful.” 533 U.S. at 684.
70. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.

71. Civil detention must remain “nonpunitive in purpose and effect.” *Zadvydas*, 533 U.S. at 690.
72. Other than punishment for a crime, due process permits the government to take away liberty only “in certain special and narrow nonpunitive circumstances . . . where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (quotation marks omitted).
73. Such special justification exists only where a restraint on liberty bears a “reasonable relation” to permissible purposes. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *see also Foucha v. Louisiana*, 504 U.S. 71, 79 (1992); *Zadvydas*, 533 U.S. at 690.

### **CAUSE OF ACTION**

#### **COUNT ONE: VIOLATION OF THE FIFTH AMENDMENT**

1. Petitioner re-alleges and incorporates by reference each allegation.
2. The Fifth Amendment Due Process Clause protects against arbitrary detention by the executive branch. *Zadvydas*, 533 U.S. at 699.
3. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized.” *Id.*
4. “After this 6–month period [of detention], 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.* at 701.

5. “[F]or detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.*
6. Courts in Minnesota “have found no significant likelihood of removal ... where the detainee is stateless and no country will accept him [and] where the detainee’s country of origin refuses to issue a travel document.” *Ahmed v. Brott*, 2015 WL 1542131, at \*4 (D. Minn. Mar. 17, 2015).
7. Petitioner has been detained more than six months post removal order.
8. Petitioner is materially indistinguishable from the petitioner in *Zadvydas*.
9. Continued detention violates the Fifth Amendment, and Petitioner’s writ of habeas corpus must issue.

**COUNT TWO: VIOLATION OF ADMINISTRATIVE PROCEDURES ACT**

10. Petitioner re-alleges and incorporates by reference each allegation.
11. Under the APA, “[t]he reviewing court shall ... hold unlawful and set aside agency action, findings, and conclusions found to be ... contrary to constitutional right.” 5 U.S.C. § 706 (2)(B).
12. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Zadvydas*, 533 U.S. at 699.

13. “Congress previously doubted the constitutionality of detention for more than six months. ... 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.* at 701.
74. Petitioner’s detention is unreasonable, as there is no indication that Respondents have exercised their discretion under 8 C.F.R. § 1240.12(d) to designate an alternate country of removal.
75. Respondents have not placed Petitioner under supervision consistent with 8 U.S.C. § 1231(a)(3).
76. Petitioner’s detention is unreasonable, as there is no indication that Respondents have secured a travel document or proof of any third country that is willing to receive Petitioner and grant him any legal status upon his arrival.
14. More than six months have elapsed since Petitioner’s removal order became final.
15. Petitioner’s ongoing detention is therefore unreasonable, and therefore, is a violation of Petitioner’s Fifth Amendment guarantee of due process and the Administrative Procedures Act.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner, Ahmed Gamal Sedawy Mohamed Mansour, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Issue an order restraining Respondents from attempting to move Petitioner from the State of Minnesota during the pendency of this Petition.
3. Issue an order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner.
4. Issue an order requiring that Petitioner be provided due process prior to any removal to any allegedly safe third country in the form of an opportunity to assert a credible fear of that country, should such a fear exist, followed by a full merits hearing for asylum, withholding of removal, and DCAT before an immigration judge, should such a third country be identified while this petition is pending.
5. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C., chapter 153 related to habeas actions.
6. Order Respondents to show cause for their continued detention of Petitioner within three days pursuant to 28 U.S.C. § 2243.
7. Grant the writ of habeas corpus.

8. Order Petitioner's release from custody under an order of supervision consistent with 8 U.S.C. § 1231(a)(3) or other condition as set by the Court.
9. Declare that Respondents' action is arbitrary and capricious.
10. Declare that Petitioner's detention beyond the 6-month period violates the Due Process Clause of the Fifth Amendment where travel arrangements have not been made.
11. Grant Mansour reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
12. Grant all further relief this Court deems just and proper.

DATED: December 5, 2025

Respectfully submitted,

/s/ David Wilson

David Wilson

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*Attorneys for Petitioner*

**Verification by  
Petitioner Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am his attorney. I have discussed the events described in this Petition with Petitioner and have reviewed relevant paperwork corroborating this petition. Petitioner has reviewed the petition in full and confirmed its contents. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the dates and nature of the administrative appellate procedure, are true and correct to the best of my knowledge.

/s/ Gabriela Anderson

December 5, 2025

\_\_\_\_\_  
Gabriela Anderson

\_\_\_\_\_  
Date: