

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mahamed Cabdilaahi Awaale,
Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Department of
Homeland Security, in her official capacity;

Pamela BONDI, Attorney General of the
United States; Department of Justice, in her
official capacity;

Todd M. LYONS, Acting Director of
Immigration and Customs Enforcement;
Immigration and Customs Enforcement, in
his official capacity;

Peter BERG, Field Office Director of
Enforcement and Removal Operations, St.
Paul Field Office, Immigration and Customs
Enforcement, in his official capacity;

Joel L. BROTT, Sheriff of Sherburne
County, Minnesota, custodian of detainees of
the Sherburne County Detention Center,

Miguel VERGARA, Field Office Director of
Enforcement and Removal Operations,
Harlingen Field Office, Immigration and
Customs Enforcement, in his official
capacity;

Assistant Field Office Director, Port Isabel
Service Processing Center, Immigration and
Customs Enforcement, in his official
capacity.

Respondents.

Case No. 25-CV-4551

**AMENDED PETITION FOR WRIT OF
HABEAS CORPUS**

I. INTRODUCTION

1. Petitioner, Mahamed Cabdilaahi Awaale (herein "Awaale") is a noncitizen man from Somalia who is seeking asylum in the United States. Petitioner has been in the United States since 2022, when he was forced to flee his native Somalia due to persecution related to his tribal membership in [REDACTED] and his marriage to a woman from the [REDACTED]

[REDACTED]

[REDACTED] He seeks asylum in the United States.

2. Upon information and belief, Awaale crossed the southern border from Mexico where he was detained on US soil by US immigration authorities.

3. The Respondents then released Awaale on his own recognizance pursuant to INA 236 also known as 8 USC § 1226. *See Exhibit A: Order for Release on Recognizance.*

4. The Department of Homeland Security gave Awaale a Notice to Appear, stating that he was not an arriving alien, but rather an alien present in the United States who has not been admitted or paroled. *See Exhibit B: Notice to Appear served on 11/5/2022.*

5. He was placed in standard removal proceedings under 8 U.S.C. § 1229a. A second Notice to Appear was served to Awaale on June 12, 2024, which again stated that Awaale was not an arriving alien. *See Exhibit C: Notice to Appear served on 6/21/2024.*

6. On or before December 1, 2025, Respondents detained Awaale in Minnesota. *See Exhibit D: ICE inmate locator accessed on 12/7/2025.*

7. In detaining Petitioner, Respondents rely on the mandatory detention provisions of 8 U.S.C. § 1225. Respondents, embarking on an arbitrary and capricious course of action, have determined that all noncitizens present in the United States without admission or parole are "applicants for admission" and therefore subject to the mandatory detention provisions of U.S.C. § 1225.

8. Because Awaale has been present in the United States since 2022, and Respondents released him on a recognizance bond in 2022 under 8 USC § 1226(a), and placed him in removal proceedings under 8 U.S.C. § 1229a, they cannot lawfully detain him under the mandatory detention provisions of 8 U.S.C. § 1225, as an “applicant for admission.”
9. Petitioner’s detention on this basis violates the plain language of the Immigration and Nationality Act. Section § 1225(b)(2)(A) does not apply to individuals like Awaale who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.
10. Respondents’ new legal interpretation of § 1226(a) and § 1225(b)(2)(A) is plainly contrary to the statutory framework and contrary to decades of agency practice in applying 1226(a) to people like Awaale.
11. Accordingly, Awaale seeks a writ of habeas corpus requiring that he be released from detention. In the alternative, Petitioner respectfully requests that this Court order Respondents to show cause why this Petition should not be granted within three days. *See* 28 U.S.C. § 2243.
12. After the filing of this Habeas action, the Respondents then moved Awaale to the Port Isabel Service Detention Center, a Department of Homeland Security facility located in Los Fresnos, Texas. *See Exhibit E: ICE inmate locator accessed on 12/12/2025*. Undersigned counsel first learned about the move on Wednesday 12/10/2025.

II. PARTIES

13. Petitioner, Mahamed Cabdilaahi Awaale, is a 30-year-old Somali man with a pending asylum claim. Respondents released him on a recognizance bond in 2022 pursuant to 8 USC § 1226(a), so that he could pursue relief from removal, namely, an asylum case. He was recently re-detained on or before December 1, 2025. Respondents did this despite the fact that

Petitioner has never missed a court hearing and is cooperating with all terms of his release on bond. In short, there are no circumstances for Respondents to justify revoking re-detaining him. Awaale is now detained at the Sherburne County Jail.

14. Respondent Kristi Noem is the Secretary of Homeland Security. She is sued in her official capacity. In that capacity, Defendant Noem is responsible for overseeing the enforcement of federal immigration policies, including those that resulted in the detention of Petitioner.
15. Respondent Pamela Bondi is the Attorney General of the United States. As the administrator for the Department of Justice, she is ultimately responsible for the federal immigration court in the Executive Office of Immigration Review. She is being sued in her official capacity. As the head of the Department of Justice, she is responsible for the conduct of immigration judges with respect to Bond Hearings.
16. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). He is sued in his official capacity. As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is also the legal custodian of Petitioner.
17. Respondent Peter Berg is the St. Paul Field Office Director of U.S. Immigration and Customs Enforcement (ICE), which has administrative jurisdiction over Petitioner's detention and which contracts with the Sherburne County Detention Facility where Petitioner is detained. He is sued in his official capacity.
18. Respondent Joel Brott is the Sheriff of Sherburne County in Minnesota. He is sued in his official capacity. In that capacity, he was the custodian of detained non-citizens, including Petitioner, previously housed at the Sherburne County Detention Center.

19. Respondent Miguel VERGARA is the Field Office Director of Enforcement and Removal Operations in Harlingen Field Office, which supervises the Port Isabel Service Detention Center. He is sued in his official capacity.
20. Respondent Assistant Field Office Director, Port Isabel Service Processing Center is sued in his official capacity. He is the custodian of the detained non-citizens, including Petitioner, currently detained at the Port Isabel Service Detention Center.

III. JURISDICTION AND VENUE



21. This court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Federal questions in this case arise under the Immigration and Naturalization Act, 8 U.S.C. § 1101-1524, and the United States Constitution.
22. This 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, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).
23. Under 28 U.S.C. § 2241 and § 1391(b), (e), venue is proper in this district. Venue is proper because Petitioner is in Respondents' custody in the District of Minnesota. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this district, where Petitioner is now in Respondent's custody. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.
24. Venue is also proper because at the time of filing on 12/8/2025, the Respondent was detained by ICE in Minnesota at the Sherburne County jail.

IV. EXHAUSTION OF REMEDIES

25. No statutory requirement of administrative exhaustion applies to Petitioner’s challenge to the unlawfulness of his detention. Moreover, the judicially created “general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts” does not apply to Petitioner’s present challenge, as there are no prescribed administrative remedies to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).
26. DHS has taken the position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225. Further, in a published decision, the Department of Justice through the Board of Immigration Appeals recently held that “Immigration Judges lack authority to hear bond requests or to grant bond to [noncitizens] who are present in the United States without admission.” *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Under the BIA’s interpretation, regardless of his prior release and placement in standard removal proceedings, Petitioner is ineligible for bond as a noncitizen who entered the United States without inspection. Accordingly, there are no administrative remedies that Petitioner could exhaust before seeking habeas relief.
27. Further, neither an immigration judge nor the Board of Immigration Appeals can rule on a petitioner’s constitutional claims. See *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.”); see also *Geach v Chertoff*, 444 F.3d 940, 945 (8th Cir. 2006)(citing

Castaneda-Suarez v INS, 993 F.2d 142, 1444 (7th Cir. 1993) *et al* to state that BIA has no jurisdiction to adjudicate constitutional issues.)

V. FACTUAL BACKGROUND

28. Mahamed Cabdilaahi Awaale (herein “Awaale”) is a man from Somalia who is seeking asylum in the United States. He has been in the United States since 2022, when he was forced to flee his native Somalia due to persecution related to his tribe. He was 
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29. The Respondents released Awaale on his own recognizance pursuant to INA 236 also known as 8 USC § 1226(a). *See Exhibit A: Order for Release on Recognizance.*
30. The Department of Homeland Security gave Awaale a Notice to Appear on November 5, 2022, stating that he was not an arriving alien, but rather an alien present in the United States who has not been admitted or paroled. *See Exhibit B: Notice to Appear served on 11/5/2022.*
31. He was released and has lived in our community since 2022. He has cooperated with ICE and attended his ICE check-ins as required by his 2022 order for release of recognizance under 8 U.S.C. § 1226(a).
32. He filed for asylum with the US Citizenship & Immigration Service (“USCIS”) on March 20, 2023.
33. The Department of Homeland Security filed a new Notice to Appear with the immigration court, which they served on the Respondent on June 21, 2025. The filing of the Notice to Appear with the immigration court transferred jurisdiction over the pending asylum claim from USCIS to the Executive Office of Immigration Review (the “immigration court”), a division within the Department of Justice.

34. Upon information and belief, Petitioner has never missed an immigration court hearing and has cooperated with all conditions of his release on bond under 8 U.S.C. § 1226(a).
35. On July 8, 2025, ICE, “in coordination with” the Department of Justice, announced a new policy that rejected the well-established understanding of the statutory framework and reversed decades of practice.
36. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be deemed “applicants for admission” under 8 USC § 1225 and therefore are subject to mandatory detention. This policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years and even decades.
37. In September 2025, the Board of Immigration Appeals, which is a division within the Department of Justice that handles appeals for the immigration court, issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), finding that noncitizens who enter without inspection are not eligible to bond under 8 U.S.C. § 1226(a), because they fall under 8 USC § 1225.
38. Pursuant to this radical departure from decades of settled law, Respondents detained Awaale on or before December 1, 2025 under their novel interpretation of 8 U.S.C. § 1226(a) and § 1225(b)(2)(A) which views all aliens who entered without inspection as an alien seeking admission ineligible for bond, despite being present in the United States for years or decades and being located nowhere near the border.
39. He was detained at the Sherburne County jail at the time this Habeas action was filed. *See Exhibit D: ICE inmate locator accessed on 12/7/2025.*
40. He is currently detained at the Port Isabel Service Detention Center. *See Exhibit E: ICE inmate locator accessed on 12/12/2025.*

VI. LAW & ANALYSIS

1. As relevant here, the Immigration and Naturalization Act, 8 U.S.C. §1101-1524, describes two means of handling the custody and potential removal of noncitizens.
2. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard removal proceedings. See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. See 8 C.F.R. §§ 1003.19(a), 1236.1(d).
3. 8 U.S.C. § 1226(a) is the default detention authority, and it applies to anyone who is detained “pending a decision on whether the [noncitizen] is to be removed from the United States.”
4. 8 U.S.C. § 1226(a) applies to those who are “already in the country” and are detained “pending the outcome of removal proceedings.” *Jennings v Rodriguez*, 583 US 281, 289 (2018).
5. 8 U.S.C. § 1226(a) applies not just to persons who are deportable, but also to noncitizens who are inadmissible. Specifically, while § 1226(a) provides the general right to seek release, § 1226(c) carves out discrete categories of noncitizens from being released – including certain categories of inadmissible citizens – and subjects those limited classes of inadmissible aliens instead of mandatory detention. See *e.g.* § 1226(c)(1)(A), (C).
6. The Laken Riley Act (LRA) added language to § 1226 that directly references people who have entered without inspection or who are present without authorization. See LAKEN RILEY ACT, PL 119-1, January 29, 2025, 139 Stat 3. Pursuant to these amendments, people charged as inadmissible under § 1182(a)(6)(A)(inadmissibility for entry without inspection) or (a)(7)(A)(inadmissibility for lack of valid documentation to enter the United States) and who have been arrested, charged or convicted of certain crimes are subject to § 1226(c)’s mandatory detention provisions.

7. By including such individuals under § 1226(c), Congress reaffirmed that § 1226 covers persons charged under § 1182(a)(6)(A) or (a)(7). Generally speaking, grounds of deportability found at 8 USC § 1227 apply to people like legal permanent residents, who have been lawfully admitted and continue to have lawful status, which grounds of inadmissibility at § 1182 apply to those who have not yet been admitted to the United States. See, e.g. *Barton v Barr*, 590 US 222, 234 (2020)(“specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.”)(quoting *Shady Grove Orthopedic Assocs., P.A. v Allstate Ins. Co.*, 559 US 393, 400 (2010)).

8. In addition, while on release, the noncitizen may apply for asylum or other relief in the United States. 8 U.S.C. § 1158. While a grant of asylum is discretionary, the right to apply for asylum is not. The Refugee Act, codified in various sections of the INA, broadly affords a right to apply for asylum to any noncitizen, like Petitioner, “who is physically present in the United States or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1); Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

9. The INA guarantees to noncitizens in standard removal proceedings who apply for asylum and other relief valuable procedural rights that reduce the risk of an erroneous decision. These include the rights to legal counsel, 8 U.S.C. § 1229a(b)(4)(A) and § 1362; to present supporting evidence (both documentary and through lay and expert witness testimony) and to challenge through cross-examination adverse evidence during a full adversarial hearing before an immigration judge (IJ), 8 U.S.C. § 1148(b)(1)(B); to seek reconsideration or reopening of an adverse decision, 8 U.S.C. § 1229a(c)(6)-(7), to appeal an adverse decision of an IJ to the Board of Immigration Appeals based on the full evidentiary record, 8 U.S.C. § 1229a(c)(5),

and to appeal an adverse decision of the Board to a federal circuit court of appeals, 8 U.S.C. § 1252(b).

10. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).
11. The second relevant means of detention is governed by 8 U.S.C. § 1225, which provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission under 8 U.S.C. § 1225(b)(2). Respondents treat noncitizens subject to mandatory detention under § 1225 as ineligible for bond.
12. The mandatory detention scheme under 8 U.S.C. § 1225(b)(2) applies only to noncitizens arriving at U.S. ports of entry who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (emphasis added).
13. As to 8 U.S.C. § 1225(b)(1), this subsection provides for mandatory detention of noncitizens subject to expedited removal. Because expedited removal provides very few procedural protections, it applies narrowly to only those noncitizens who are inadmissible to the United States because they engaged in fraud or misrepresentation to procure admission or other immigration benefits, 8 U.S.C. § 1182(a)(6)(C), or who are applicants for admission without required documentation, 8 U.S.C. § 1182(a)(7). As relevant here, the government may not subject any other person to expedited removal. 8 C.F.R. § 235.3(b)(1), (b)(3).

14. For noncitizens in expedited removal, the INA does not grant them the rights enshrined in standard removal proceedings. To begin, an immigration officer may order them removed “without further hearing or review,” 8 U.S.C. § 1225(b)(1)(A)(i), unless the noncitizen has expressed an intent to apply for asylum or a fear of persecution. But even then, the noncitizens’ rights are truncated. Although the immigration officer “shall refer the [noncitizen] for an interview by an asylum officer,” 8 U.S.C. § 1225(b)(1)(A)(i)-(ii), a “credible fear” interview differs from an asylum application. First, the INA does not, as it does during standard removal proceedings, guarantee the noncitizen with the rights to counsel, to present documents or witness testimony, or to cross-examine adverse evidence. See *id.* § 1225(b)(1)(B)(iv). Second, if the asylum officer decides that the noncitizen does not have a credible fear of persecution, the noncitizen may seek review before an IJ, but review is limited to the record of the interview. 8 U.S.C. § 1225(b)(1)(B)(iii)(III). Finally, if the IJ concurs with the asylum officer, the noncitizen is removed without any further review by the Board of Immigration Appeals or a federal court. Only if a noncitizen passes a credible fear interview may they apply for asylum and related relief in full removal proceedings. See 8 U.S.C. § 1225(b)(1)(B); 8 C.F.R. § 208.30(f).

15. An expedited removal order comes with significant consequences beyond removal itself. Noncitizens who are issued expedited removal orders are subject to a five-year bar on admission to the United States unless they qualify for a discretionary waiver. 8 U.S.C. § 1182(a)(9)(A)(i); 8 C.F.R. § 212.2. Similarly, noncitizens issued expedited removal orders after having been found inadmissible based on misrepresentation are subject to a lifetime bar on admission to the United States unless they are granted a discretionary exception or waiver. 8 U.S.C. § 1182(a)(6)(C).

16. These two processes have governed removal proceedings for nearly three decades. The release provisions for noncitizens placed in standard removal proceedings under § 1226 and the mandatory detention provisions for noncitizens recently arriving in the United States under § 1225(b)(1) and (b)(2) were enacted in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104--208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585.
17. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)); *Martinez v. Hyde*, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) (“The idea that a different detention scheme would apply to non-citizens ‘already in the country,’ as compared to those ‘seeking admission into the country,’ is consonant with the core logic of our immigration system”) (citing *Jennings v. Rodriguez*, 583 U.S. at 289).
18. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take

all appropriate action to enable” ICE, Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) to prioritize civil immigration enforcement procedures including through the use of mass detention.

19. On January 21, 2025, Acting Deputy Secretary of DHS Benjamin Huffman issued for public inspection and effective immediately a designation expanding the scope of expedited removal to apply nationwide and to certain noncitizens who are unable to prove they have been in the country continuously for two years. On January 24, 2025, DHS published a Notice that expanded the application of expedited removal. Office of the Secretary, Dep’t of Homeland Security, Designating Aliens for Expedited Removal, 15 Fed. Reg. 8139 (“January 2025 Designation”). The designation was “effective on” January 21, 2025.
20. The January 2025 Designation expands the pool of noncitizens who can be subjected to the summary removal process substantially to include noncitizens who are apprehended anywhere in the United States and who have not been in the United States continuously for more than two years. *Id.* at 8140.
21. The January 2025 Designation does not state that it applies to noncitizens who were in the United States before its effective date.
22. On July 8, 2025, without congressional authorization, the Executive Branch announced a new policy entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” The policy asserts that all undocumented noncitizens deemed “applicants for admission” are subject to mandatory detention under § 1225(b)(2)(A). The policy purports to apply even to those, like Petitioner, whom at the time of the policy shift, the government had already placed in standard removal proceedings, released from custody, and allowed to apply for asylum. The policy shift also violates the government’s own regulations. These regulations

limit the government from seeking dismissal of full removal proceedings unless it can show that the “[c]ircumstances of the case have changed”. See 8 C.F.R. § 239.2(a)(7) (emphasis added). But the government’s new policy purports to allow it to seek dismissal based on changed circumstances independent of the noncitizen’s case.

23. Adopting this same position, on September 5, 2025, the Board of Immigration Appeals (BIA) issued a published decision holding that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are ineligible for immigration judge bonds. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
24. ICE and EOIR have adopted this policy even though numerous federal courts have rejected this exact conclusion. For example, after immigration judges in the Tacoma, Washington Immigration Court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239; see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion). Accordingly, federal courts have roundly rejected Respondents’ erroneous interpretation of the INA since ICE implemented its July 8, 2025 memo. See *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (disagreeing with BIA’s analysis in *Yajure Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13,

2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025).

25. Petitioner's detention under either § 1225(b)(1) or (b)(2) is invalid. As to § 1225(b)(1), he is not in expedited removal proceedings, because the government has not served him with an expedited removal order or provided him with a credible fear interview. Respondents have not claimed, and indeed how could they claim, that Petitioner is subject to the provisions of § 1225(b)(1). Petitioner is not "arriving in the United States", he has been in the United States for over three years and has a pending I-589 Application for Asylum and Withholding of Removal.
26. Petitioner's detention under § 1225(b)(2) is likewise invalid. As numerous federal courts have now found, § 1225(b)(2) applies to noncitizens *seeking admission* into the United States. It does not apply to noncitizens, like Petitioner, who are clearly present within the United States as they were released under § 8 U.S.C. § 1226(a) into the country, placed in standard removal proceedings, and allowed to apply for asylum, and who are located nowhere near the border.
27. In short, Respondent's detention of Petitioner under 8 U.S.C. § 1225(b)(2) is patently unlawful, violates due process, and violates the Administrative Procedure Act.

VII. CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)

28. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
29. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
30. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. Of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).
31. To avoid an abuse of discretion, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).
32. By revoking Petitioner’s order of release on recognizance without consideration of any individualized facts and circumstances applicable to him, and without finding that he is a danger to the community or a flight risk, and while his standard removal proceedings is still pending, Respondents have violated the APA.
33. The government previously considered Petitioner’s facts and circumstances and determined that he was not a flight risk or danger to the community when releasing the Petitioner in 2022. No changes to the facts have occurred that might justify this revocation of his release.

34. The fact that Respondents have already released Petitioner under the same facts and circumstances shows that Respondents do not consider him to be a danger to the community or a flight risk.

35. By detaining Petitioner without articulating a rationale based on his individualized circumstances, and by detaining him in contradiction of his individualized circumstances as Respondents have previously assessed them, they have abused their discretion under the APA.

COUNT II

Violation of the Immigration and Nationality Act

36. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

37. To the extent that Respondents purport to detain Petitioner pursuant to 8 U.S.C. § 1225(b)(2), his detention under that statute is unlawful. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility for entry without inspection. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

38. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT III

Violation of Due Process (Arbitrary Detention)

39. Petitioner incorporates by reference the allegations of fact set forth in the preceding

paragraphs.

40. The Due Process Clause of the Fifth Amendment to the U.S. Constitution applies to all persons within the United States. Once a noncitizen enters this country, whether the presence is “lawful, unlawful, temporary, or permanent,” the Due Process Clause applies to the noncitizen. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
41. Petitioner has a fundamental interest in liberty and being free from official restraint.
42. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

Prayer for Relief

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Declare that Petitioner’s current detention without an individualized determination is unlawful;
3. Issue a writ of habeas corpus ordering Respondents to release Petitioner from custody, or, in the alternative, hold a prompt bond hearing under to determine whether he should remain in custody under 8 USC § 1226(a);
4. Prohibit the Respondents from transferring Petitioner to another ICE detention facility without the court’s approval;
5. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any further relief this court deems just and proper.

Dated: December 12, 2025

/s/ John Ogden Arnold

John Ogden Arnold

Attorneys for Petitioner

Atty Reg: 0400681

Robichaud, Schroepfer & Correia, P.A.

500 Olson Memorial Highway

Suite 325

Golden Valley, MN 55427

(612) 333-3343

john@robichaudlaw.com

Verification by Petitioner's Legal Counsel

Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Attorney for the Petitioner. I hereby verify that the statements made in the attached Amended Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status are true and correct to the best of my knowledge.

/s/ John Ogden Arnold
John Ogden Arnold, Esq.

Date: December 12, 2025

U.S. Immigration and Customs Enforcement
ORDER OF RELEASE ON RECOGNIZANCE

File No.: 

Name: AWAALÉ, MAHAMED

Date: Nov 09, 2022

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- You must surrender for removal from the United States if so ordered.
- You must report in (writing) (person) to Duty officer at St. Paul Field Office on November 22, 2022, 1 as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- You must not change your place of residence without first securing written permission from the officer listed above.
- You must not violate any local, State or Federal laws or ordinances.
- You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

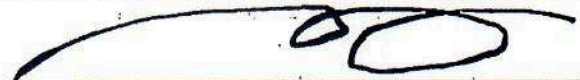
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

J. Orrell, Supervisory Detention and Deportation Officer
(Name and Title of ICE Official)

Allen's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.



(Signature of ICE Official Serving Order)

(Signature of Alien)

Nov 09, 2022
Date

I hereby cancel this order of release because:

- The alien failed to comply with the conditions of release.
- The alien was taken into custody for removal.

(Signature of ICE Official Cancelling Order)

Date

A

U.S. Immigration and Customs Enforcement
**ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)**

File No.:



Name: AWAALE, MAHAMED

Date: Nov 09, 2022

- That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- That you do not commit any crimes while on this Order of Release on Recognizance.
- That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- Any violation of the above conditions will result in revocation of your employment authorization document.
- Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- Other:

X

(Signature of Alien)

U.S. Immigration and Customs Enforcement
**ORDER OF RELEASE ON RECOGNIZANCE
(OUT-PROCESSING CHECKLIST)**


Sex Offenders

- Probation/Parole Officer Notified
- Registered as sex-offender as required by state statute within 7 days
- Victim/Witness Coordinator Notified
- Victim/Witness Notified
- Written Proof of Counseling

Substance Abusers

- Probation/Parole Officer Notified
- Written Proof of Counseling

All Aliens

- Probation/Parole Officer Notified
- Obtain address where living and telephone number
- Enter Into IDENT FINS#: 
- NCIC Check
- Travel Document Application
- Other: _____

Completed By	
Deportation Officer: EM, Deportation Officer	Date Nov 09, 2022

Concurrence By	
Supervisory Detention and Deportation Officer: J. Orrell, Supervisory Detention and Deportation Officer	Date Nov 09, 2022

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS #: [REDACTED] File No: [REDACTED]
DOB: [REDACTED] Event No: [REDACTED]

In the Matter of: MAHAMED CABDILAAHI AWAALE
Respondent: _____ currently residing at:

1901 W. 80TH 12 ST UNIT 308 BLOOMINGTON, MINNESOTA, 55431
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of SOMALIA and a citizen of SOMALIA ;
3. You arrived in the United States at or near OTAY MESA, CA , on or about November 4, 2022 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:

1 Federal Drive Suite 1850 Fort Snelling MN US 55111

(Complete Address of Immigration Court, including Room Number, if any)

on January 31, 2024 at 08:30 AM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above. MATHEW STURROCK ACTING WATCH COMMANDER
(Signature and Title of Issuing Officer) (Sign in Ink)

Date: November 05, 2022 SAN DIEGO, CALIFORNIA
(City and State)

B

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.18. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the Immigration Judge. You will be advised by the Immigration Judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the Immigration Judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal, The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the Immigration Judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the Internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an Immigration Judge and request my hearing be scheduled.

Before:

(Signature of Respondent) (Sign in Ink)

BORDER PATROL AGENT

Date: 11/07/2022

(Signature and Title of Immigration Officer) (Sign in Ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on November 07, 2022, in the following manner and in compliance with section 239(a)(1) of the Act.

- In person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served) (Sign in Ink)

ISRAEL J. CARCAMO, BORDER PATROL AGENT
Date: 2022-11-07 15:08:00

(Signature and Title of officer) (Sign in Ink)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 280 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, the information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opa/dol-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Uploaded on: 06/21/2024 at 10:40:31 AM (Central Daylight Time) Base City: BLM

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: MAHAMED CABDILAHI AWAALE currently residing at:

[REDACTED] BURNSEVILLE, MINNESOTA, 55337

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of SOMALIA and a citizen of SOMALIA;
3. You entered the United States at or near Otay Mesa, CA, on or about November 4, 2022;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1 FEDERAL DR STE 1850 FORT SNELLING MN 55111, FORT SNELLING
(Complete Address of Immigration Court, including Room Number, if any)

on August 12, 2024 at 8:30 AM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

M. 8719 MUNOZ - ASDDO
(Signature and Title of Issuing Officer)

Date: June 21, 2024

Ft Snelling, MN
(City and State)

EOIR - 1 of 4



Uploaded on: 06/21/2024 at 10:40:31 AM (Central Daylight Time) Base City: BLM

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the immigration court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the immigration court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

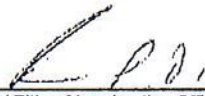
Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1220(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is SOMALI

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:



(Signature of Respondent)

Date: 6/21/24

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on June 21, 2024, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

BRETT NAVARRO DEPORTATION OFFICER
(Signature and Title of officer)

EOIR - 2 of 4

Uploaded on: 06/21/2024 at 10:40:31 AM (Central Daylight Time) Base City: BLM

Privacy Act Statement**Authority:**

The Department of Homeland Security (through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS)) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Uploaded on: 06/21/2024 at 10:40:31 AM (Central Daylight Time) Base City: BLM

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name AWAALE, MAHAMED CABDILAAHI	File Number [REDACTED] Event No: [REDACTED]	Date 06/21/2024
THE SERVICE ALLEGES THAT YOU: ----- Immigration and Nationality Act; 6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality. ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW: ----- 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.		
Signature H. 8719 MUNOZ	Title DO	

ECIR 4 05 4



Report

Main Menu

Search Results: 1

MAHAMED CABDILAAHI AWAALE

Country of Birth : Somalia

A-Number:

Status : In ICE Custody

State: MN

Current Detention Facility: SHERBURNE COUNTY FACILITY

** Click on the Detention Facility name to obtain facility contact information*

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MAHAMED CABDILAAHI AWAALE

Country of Birth : Somalia

A-Number: [REDACTED]

Status : In ICE Custody

State: TX

Current Detention Facility: PORT ISABEL SERVICE DETENTION CENTER

** Click on the Detention Facility name to obtain facility contact information*

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