

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

**PETITIONER'S REPLY TO FEDERAL  
RESPONDENTS' ANSWER TO  
PETITION FOR WRIT OF HABEAS  
CORUPUS**

The Petitioner respectfully replies to the Answer filed by the Respondents.

- (1) The facts in the current case are essentially the same as the facts in *Eliseo A.A. v. Olson*, No. 25-CV-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025).
- (2) The petitioner in that case was arrested inside the United States, far from any port of entry, after residing in the United States continuously since 2003. Immigration authorities detained him and later released through 8 USC § 1226. Only afterwards did the Executive Branch, through DHS, reclassify his case under 8 USC § 1225, applying a policy interpretation that effectively stripped away the statutory right to seek bond.
- (3) Similarly, in this case Awaale was arrested inside the United States, far from any port of entry, after residing in the United States since 2022. Awaale at the time of his initial detention in 2022 was released under 8 USC § 1226. Only afterwards did the Executive Branch, through DHS, reclassify his case under 8 USC § 1225, applying a policy interpretation that effectively stripped away the statutory right to seek bond.
- (4) Just as Habeas relief was warranted in *Eliso A.A.*, Habeas relief is warranted here.
- (5) The Respondents are unlawfully detaining Mr. Awaale as an “applicant for admission” under 8 USC 1225, without possibility for bond. He is obviously not an applicant for admission as he was detained far from the border, having lived peaceably in the United States since 2022 with a pending asylum claim.
- (6) The Respondents are disregarding decades of settled law that distinguishes between those aliens who arrive at a port of entry or border (who fall under 8 USC 1225) and those aliens who are already physically present in the United States (who generally fall under 8 USC 1226).
- (7) The Respondents have previously acknowledged that Mr. Awaale is not an “applicant for admission” 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.*
- (8) Because the Respondent is not an applicant for admission, he was released on bond on 11/9/2022 under 8 USC 1226. *See Exhibit A: Order of Release on Recognizance.*
- (9) The Respondents reading of the statute ignores the fact that 8 USC 1226 clearly applies to aliens who entered without inspection.
  - (a) 8 USC 1226, which generally authorizes bond for aliens, makes an exception requiring mandatory detention for those aliens who enter without inspection AND who also commit burglary, theft, larceny, shoplifting, assault of a law enforcement officer, or any crime that results in death or serious bodily injury to another person. 8 USC 1226 subsection (c)(E). This statutory subsection is the Laken Riley Act.
  - (b) Therefore the Respondents' argument would totally negate the Laken Riley Act. Through the Laken Riley Act, Congress acted to narrow the ability of aliens who entered without inspection to seek a bond hearing under 8 USC 1226 (by doing

so, Congress acknowledged that those who enter without inspection are permitted a bond hearing where no exception applies under 8 USC 1226.)

- (c) The Laken Riley Act mandatory detention provisions apply where two elements are met. First, the alien enters without inspection (and thus will be inadmissible under 8 USC 1182(a)(6)(A). Inadmissibility based upon fraud/misrepresentation will also satisfy this first element.
  - (d) Second, the alien is charged with arrested for, convicted of, or admits to having committed certain criminal offenses. Such an alien who satisfies both elements faces mandatory detention.
  - (e) Therefore, those same aliens who merely satisfy the first element (entry without inspection) but not the second (criminal activity related to theft, assault, etc.) remain eligible for a bond under 8 USC 1226. See 8 USC 1226 subsection (c)(E).
  - (f) In other words, by preventing some aliens who entered without inspection from obtaining bond (those who satisfy both prongs of 8 USC 1226 subsection (c)(E)), Congress confirmed decades of settled law that generally aliens who enter without inspection are eligible for bond under 8 USC 1226(a).
- (10) The Respondent is not a criminal, but a law abiding asylum seeker who has lived in our community since 2022. He was taken away from his home by men with guns. He was then transported away from Minnesota to Texas despite the existence of a pending Habeas action.
- (11) He requests immediate release under this Habeas Action.
- (12) Alternatively, in the event that the court instead orders a Bond Hearing under 8 USC 1226, he requests that the court order the Respondents to return the Petitioner to Minnesota so his Bond Hearing can occur in Minnesota where he lives, where he has access to evidence and witnesses, and where he has a lawyer. If he is returned to Minnesota by the Respondents, he will be able to seek bond at the Fort Snelling Immigration Court instead of a Harlingen Immigration Court court far away from his attorney and his friends and family.

Dated: 12/15/2025

/s/ John Ogden Arnold  
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