

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

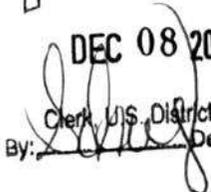
YOSEF PAULOS,
Petitioner, Pro Se

v.

25-3266-JWL

FILED

DEC 08 2025

Clerk, U.S. District Court
By:  Deputy Clerk

KRISTI NOAM, TOD LYONS
CRYSTAL CARTER, PAM BONDI,
AND BRADLEY MACNAIR,
Respondents,

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. INTRODUCTION

1. Petitioner, Yose Paulos, (A#), a legally admitted refugee and long-time resident of United States, is currently detained by Immigration and Customs Enforcement (ICE) pursuant to 8 U.S.C. § 1231(a)(6).
2. Petitioner has been continuously detained since June 9, 2025 for a period exceeding one hundred and eighty (180) days.
3. Because there is no significant likelihood of his removal in the reasonably foreseeable future, his continued mandatory detention violates his Fifth Amendment right to Due Process under the principles established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001).
4. Petitioner respectfully request the Court to order his immediate release from physical custody.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction over this petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, as the Petitioner is challenging the legality and duration of his detention (see *Zadvydas v. Davis* 533 U.S. 678, 688 (2001) affirming habeas jurisdiction over challenge to the length of post-removal-order detention).
6. Venue is proper in the United States District Court for the District of Kansas because the Petitioner is currently confined within the physical custody of the Respondents at the Leavenworth Federal Bureau of Prisons Facility which is located in this Judicial district.

III. THE PARTIES

7. Petitioner is Yose Paulos, an individual removable non citizen currently detained at Federal Bureau of Prisons in Leavenworth Kansas.
8. Kristi Noam, the Secretary of the Department of Homeland Security (DHS)
9. Tod Lyons, Acting Director of ICE
10. Crystal Carter, Warden, FCI Leavenworth
11. Bradley MacNair, Deportation Officer

12. Pam Bondi, Attorney General of the United States
13. All government Respondents are sued in their official capacity

V. BACKGROUND AND FAMILY TIMES

14. Petitioner was born in Eritrea, a region known then collectively as Ethiopia, during civil war.
15. In approximately 1981, Petitioner and his grandmother fled the region, searching refuge in Sudan at TWO months of age, where they were admitted to a refugee camp until 1985.
16. Around 1985, Petitioner and his grandmother were lawfully admitted into the United States as refugees, where the Petitioner has Continuously resided for over Forty (40) years.
17. His grandmother became a U.S. citizen before her passing in 2003.
18. The Petitioner is the father of four United States Citizen children: Kenneth Haymer (born in June 2, 1997), N X F X (born [REDACTED]), S X F X (born [REDACTED]), X X [REDACTED].
19. B X B X turned three years old while Petitioner was held in detention. Petitioner maintains a committed relationship with his long-term partner Stacy Brown, and is the step-father to her daughter, G X A X A X, whom he met when she was six years old in 2012.

VI. PROCEDURAL HISTORY OF DETENTION

20. In 2018, the Petitioner was initially detained by ICE during a routine check-in with his probation officer.
21. On December 3, 2018 the Honorable Immigration Judge Glen Blacker ordered the Petitioner removed to Sudan.
22. On February 27, 2019 the Petitioner was released from custody under an Order of Supervision and has since maintained strict compliance with ICE regulation and requirements.
23. On June 9, 2025 at approximately 8:30 AM, ICE agents apprehended the Petitioner at his residence and transferred him to the ICE office in Kansas City, MO, was transferred to St. Genevieve County Jail where the Petitioner was detained for approximately two weeks.
24. The Petitioner was subsequently transferred to the Leavenworth Federal Prisons in Kansas on June 26, 2025, where he has remained in continues physical custody.
25. On June 26, 2025, and again in July 2025, the Petitioner executed travel document applications for both Eritrea and Ethiopia at the request of ICE agent Arron J. Wandler. The Petitioner signed these document's not knowing his write to claim Asylum, due to his fear of persecution in Eritrea.
26. By late July 2025, Deportation officer Mary informed the Petitioner's partner that Ethiopia had formally denied the travel document request, and the request to Eritrea remained pending.
27. On September 12, 2025, Deportation Officer Bradley McNair served the Petitioner with a Notice of Continued Detention.
28. In late September 2025 Petitioner inquired about the status of his Eritrean application and was advised by Deportation Officer Mary that his situation was "complex" and is still

under review.

29. On October 22, 2025 Petitioner attended an interview at the ICE office in Kansas City, MO, after which, both Agent Aaron J. Wendler and Deportation Officer Bradley McNair recommended his release from detention, confirming that his removal Eritrea was not likely in foreseeable future.

30. On November 26, 2025, ICE agent Aaron J. Wendler visited the detention facility. During his visit, he informed the Petitioner that the agency will likely have a travel document for the Petitioner for removal to Eritrea, and a flight and tickets were anticipated to be set up for December 16, 2025.

31. To verify this assertion regarding the imminent removal and the existence of the necessary travel document, the Petitioner contacted the Embassy of Eritrea on December 1, 2025, at approximately 7:50 AM from FCI Leavenworth facility.

32. During this call, the Petitioner provided his identifying information and answered follow-up questions, including confirming that the Petitioner left "Eritrea" in 1981 during the civil war.

33. The Eritrean Embassy representative then stated that they have not issued any travel document to ICE on behalf of the Petitioner and advised that ICE must contact them directly to initiate necessary conversation of process.

34. This communication directly contradicts the assertions made by ICE agent on November 26, 2025. Petitioner submits that the Government's continued prolonged detention is not justified, as the Government has failed to demonstrate with sufficient particularity and certainty, that the necessary travel document has issued and that actual removal is imminent.

35. Even if the Government's claim is true, the Petitioner's claim of having Fear of Persecution should be reviewed by both, an Asylum Officer and the Immigration Court, before any further steps are taken regarding his removal to Eritrea.

36. As of filling of this petition, the Petitioner has been detained for one hundred and eighty (180) days. No definite travel documents have been secured and the Petitioner has not been informed that his removal is possible in the reasonably foreseeable future.

V. CLAIMS FOR RELIEF

Firs Claim For Relief: Violations of Due Process and Statutory Limitation (8 U.S.C. § 1231(a)(6) and Zadvydas v. Davis

37. The Petitioner has been detained for a period significantly exceeding the presumptively reasonable six month period established for post-final-order detention by the Supreme Court in *Zadvydas v. Davis* 533 U.S. 678, 701 (2001).

38. Detention beyond these six months is subject to heightened scrutiny requiring the government to provide evidence of a significant likelihood of removal in the foreseeable future. See *Clark. Martinez*, U.S. 371 (2005).

39. The Respondents have failed to meet this burden, as evidence by the internal recommendation for release by the Petitioner's own Deportation Officer and local ICE Agent, and the continued absence of necessary documents.

Second Claim For Relief: Removal is Not Reasonably Foreseeable

40. The undisputed procedural history demonstrates that the Respondents have made, yet unsuccessful, attempts to secure travel documents.

41. Ethiopia has officially denied the request. Eritrea has remained non-responsive for unreasonable duration. Even if Eritrea does issue a travel document, something the Petitioner believes would be unlikely due to him departing the region as a refugee before the formal independence and establishment of Eritrea, and he is not recognized as national by either countries, he still has a FEAR OF PERSECUTION claim for his removal to Eritrea.

42. As established in Zadvydas, detention cannot be indefinite: "The government would be perusing the goal of removal, but its efforts would no longer bear the reasonable relation to an individual's detention that the Constitution requires." 533 U.S. at 701.

Third Claim For Relief: Continued Detention Violates the Fifth Amendment Due Process Clause

43. The detention of the petitioner for a prolonged period, absent of a significant of removal, constitutes an arbitrary deprivation of liberty in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

44. The purpose of detention under 8 U.S.C § 1231(a)(6) is only to facilitate removal. When removal becomes speculative, the detention loses its constitutional justification. The Petitioner's continued detention amounts to punitive, no-regulatory confinement.

VI. REQUEST FOR RELIEF

WHEREFORE, the Petitioner, Yosef Paulos respectfully prays for this honorable Court to enter an Order:

- A. Issuing a Rule to Show Cause, directing Respondents to file a return demonstrating the legal justification for he Petitioner's continued detention;
- B. Issuing a Write of Habeas Corpus, and ordering that Petitioner be immediately released from physical custody, forthwith, under and appropriate Order of Supervision pursuant to 8 U.S.C § 1231(a)(3);
- C. Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

Yosef Paulos Dec 6, 2025

Yosef Paulos
Petitioner, Pro Se


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