

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:25-cv-04560-JWB-ECW

Liban Ali Osman,

Petitioner,

v.

Pamela Bondi, et al.,

Respondents.

**FEDERAL RESPONDENTS'
RESPONSE TO ORDER TO
SHOW CAUSE AND HABEAS
PETITION**

INTRODUCTION

Petitioner Liban Ali Osman (“Osman” or “Petitioner”) filed this habeas petition on December 8, 2025, to seek release from detention by the U.S. Immigration and Customs Enforcement (“ICE”) pending his removal from the country. The Court entered an Order to Show Cause (OTSC) requiring the Respondents to file this response by today, December 15, 2025. Respondents Pamela Bondi, Kristi Noem, Todd M. Lyons, Marcos Carlos, Sam Olson,¹ ICE, and the Department of Homeland Security hereby submit this response to the OTSC. Osman has a final order of removal, a deferment of removal to Somalia under the Convention Against Torture (CAT), and had been on a revocable Order of Supervision (“OSUP”). But, Respondents recently determined Osman’s removal can be effectuated in the reasonably foreseeable future, revoked his OSUP, and properly detained Osman pending his removal to Somalia or a third country. Because Osman’s removal is substantially likely to occur in the foreseeable future and because Osman has only been

¹ Respondent David Easterwood is substituted for Peter Berg. *See* Fed. R. Civ. P. 25(d).

detained for 7 days of the 6 month presumptively constitutional removal period, the Court should deny the habeas petition.

BACKGROUND

Respondents draw the following background from Osman's petition and from the Declaration of Angela Minner ("Minner Decl.") with its accompanying exhibits.

A. Osman's Background and Criminal Activity.

Osman is a citizen of Somalia. He entered the United States on June 24, 1999, at New York, New York as the child of an asylee. Minner Decl. ¶ 5. On March 18, 2006, U.S. Citizenship and Immigration Services (USCIS) granted Osman adjustment of status to Lawful Permanent Resident retroactive to March 18, 2005. Minner Decl. ¶ 7.

Osman developed a significant criminal history while in the United States. On August 11, 2004, the Delaware County Court of Common Pleas in Delaware, Ohio convicted Osman of Robbery and sentenced him to three years of Community Control. Minner Decl. ¶ 6. On June 4, 2007, the Franklin County Court of Common Pleas at Columbus, Ohio convicted Osman of Robbery and sentenced him to three years in prison. Minner Decl. ¶ 8. On July 17, 2008, the Franklin County Court of Common Pleas convicted Osman of Receiving Stolen Property, and sentenced him to five years of Community Control. Minner Decl. ¶ 10. On January 28, 2010, the Franklin County Court of Common Pleas convicted of Robbery and Assault on a Police Officer, and sentenced him to one year on each count to be served concurrently. Minner Decl. ¶ 11.

B. Osman's Removal Proceedings and Initial Detention.

As result of this criminal history, on February 12, 2008, ICE/ERO at Cleveland,

Ohio issued a Form I-862, Notice to Appear (NTA) to Osman, alleging removability under Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (“INA”), at the Noble Correctional Institution at Caldwell, Ohio. Minner Decl., ¶ 9, Exhibit A. On October 28, 2010, DHS served Osman Form I-261, Additional Charges of Inadmissibility/Deportability. Minner Decl., ¶ 12, Exhibit B. Upon his release from the Ohio Department of Corrections, on January 11, 2011, ICE/ERO took Osman into immigration custody for the continuation of his removal proceedings. Minner Decl., ¶ 13.

On April 25, 2011, an Immigration Judge at Cleveland, Ohio ordered Osman removed from the United States to Somalia. The Immigration Judge also granted Osman Deferral of Removal to Somalia on May 17, 2011. Minner Decl., ¶ 14, Exhibits C and D. On August 15, 2011, ICE/ERO released OSMAN on an Order of Supervision. Minner Decl., ¶ 15, Exhibit E.

C. Osman’s Current Detention.

ICE Headquarters and Removal Operations believes there is a significant likelihood that Osman’s removal to Somali or a third country can be effectuated in the reasonably foreseeable future. Minner Decl., ¶ 19. On this basis, on December 8, 2025, ICE/ERO revoked Osman’s Order of Supervision, issued a Warrant for Osman’s arrest, and took him into custody. Minner Decl., ¶ 16, Exhibits Exhibit F, G, and H. ICE Headquarters and Removal Operations is actively working with Department of State and the Department of Homeland Security on third country removal logistics for Osman. Minner Decl., ¶ 17.

Toward that end, on December 15, 2025, the Department of Homeland Security filed a Motion to Reopen in Order to Terminate Grant of Deferral of Removal under the

Convention Against Torture. *See* Minner Decl., ¶ 18, Exhibit I. This is the first step toward Osman's removal if DHS were to seek removal to Somalia in the alternative. Minner Decl., ¶ 18. ICE Headquarters and Removal Operations believes there is a significant likelihood that Osman's removal to Somali or a third country can be effectuated in the reasonably foreseeable future. Minner Decl., ¶ 19. ICE/ERO is currently detaining OSMAN in the Kandiyohi County Jail, Willmar, Minnesota, pending the outcome of his reopened removal proceedings and his ultimate removal to Somali or a third country.

D. Osman's Habeas Petition.

The very day that ICE/ERO revoked Osman's Order of Supervision and detained him, December 8, 2025, Osman filed his petition for writ of habeas corpus. ECF No. 1. Osman claims ICE/ERO did not follow the regulations before revoking his Order of Supervision (OSUP), there is no evidence that Osman's removal is likely to occur in the foreseeable future, and therefore Osman's due process rights were violated. In his habeas petition, Osman apparently seeks temporary or preliminary injunctive relief ("immediate release"), but Osman did not file any motion or supporting papers requesting immediate injunctive relief as required by Fed. R. Civ. P. 65 and LR 7.1.

ARGUMENT

The Court should deny Osman's habeas petition. Osman bases his petition on the idea that his removal is not significantly likely to occur in the reasonably foreseeable future. However, the evidence accompanying this response demonstrates that ICE is diligently working to coordinate Osman's return to Somalia or a third country.

A. Jurisdiction, Burden of Proof, and Scope of Review

Osman seeks relief under 28 U.S.C. § 2241, which gives district courts jurisdiction to hear habeas petitions brought by individuals in federal custody. As the petitioner, Osman bears the burden of proving that he is in custody in violation of the Constitution or the laws of the United States. Judicial review is narrow in immigration matters, including challenges to immigration detention. *See I.N.S. v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) (“[T]he power over aliens is of a political character and therefore subject only to narrow judicial review.”). The Supreme Court has “underscore[d] the limited scope of inquiry into immigration legislation” and “repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.” *Fiallo v. Bell*, 430 U.S. 787, 792 (1977) (citations and internal quotation marks omitted).

These limitations are important in habeas actions that challenge a noncitizen’s civil immigration detention. Federal courts employ a narrow standard of review and exercise “the greatest caution” in evaluating constitutional claims that implicate those decisions. *Mathews v. Diaz*, 426 U.S. 67, 81-82 (1976). The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) (“Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control.”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”); *Wong*

Wing v. United States, 163 U.S. 228, 235 (1896) (“Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character, and while arrangements were being made for their deportation.”).

Osman’s challenge in this case is to his detention pending removal. ECF No.1. ² He contends that ICE’s decision to re-detain him violates the Due Process Clause because there is no significant likelihood of his removal in the foreseeable future. ECF No. 1, ¶¶ 76-78. That is a *Zadvydas* claim, the framework for which Respondents will outline below. *See Zadvydas v. Davis*, 533 U.S. 678 (2001). Osman also suggests that his re-detention is punitive. ECF No. 1, ¶¶ 87-88. But, those allegations are subsumed by the *Zadvydas* claim: if ICE is lawfully detaining Osman due to a likelihood of removal in the foreseeable future, then his detention is not punitive. After all, the Supreme Court recognizes the government’s compelling interest in “assuring [an] alien’s presence at the moment of removal.” *Zadvydas*, 533 U.S. at 699.

It bears emphasis that Osman cannot use this petition to challenge the validity of his underlying removal order. Jurisdiction over that type of challenge lies with an immigration court in the first instance, and then with the appropriate federal court of appeals. *See* 8 U.S.C. § 1252; *Tostado v. Carlson*, 481 F.3d 1012, 1014 (8th Cir. 2007).

² Osman also invokes the Administrative Procedure Act. *See* ECF No. ¶¶ 107-112. But, this is a habeas action, not an APA case. Habeas petitioners are limited to challenging the fact or duration of their confinement. *Spencer v. Haynes*, 774 F.3d 467, 469-71 (8th Cir. 2014); *Kruger v. Erickson*, 77 F.3d 1071, 1073 (8th Cir. 1996). The Court lacks habeas jurisdiction over Osman’s improper request for judicial review under the APA.

B. Legal and Statutory Authority for Detention Pending Removal

ICE has the authority to detain Osman pending his removal from the United States. For more than two centuries, immigration officials have had the authority to charge noncitizens as removable from the country, arrest noncitizens subject to removal, and detain noncitizens during removal proceedings. *See Abel v. United States*, 362 U.S. 217, 233 (1960). Through the Immigration and Nationality Act (“INA”), Congress enacted a multi-layered statutory scheme for the civil detention of noncitizens pending a decision on removal, during the administrative and judicial review of removal orders, and in preparation for removal. *See generally* 8 U.S.C. §§ 1225, 1226, and 1231. Once a noncitizen is subject to a final removal order—as Osman is here—detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. part 241.

A noncitizen who has been ordered removed lacks a legal right to remain in the United States, and his liberty interest in remaining in the country is reduced. Accordingly, federal law provides that “when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days” and “shall detain the alien” during the removal period. 8 U.S.C. § 1231(a)(1)(A) and (a)(2)(A).³ The “removal period” is the period during which the Department of Homeland Security begins to take steps to execute the noncitizen’s final removal order. *See id.* § 1231(a)(1)(A)-(B). That period begins on the latest of: (1) the “date the order of removal becomes

³ Although § 1231 and other provisions of the INA refer to the “Attorney General,” the Homeland Security Act of 2002 transferred many immigration enforcement and administrative functions to the Secretary of Homeland Security. *See* Pub. L. No. 107-296, 116 Stat. 2135 (2002).

administratively final”; (2) “[i]f 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”; or (3) “[i]f the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.” *Id.* § 1231(a)(1)(B)(i)-(iii).

Detention during the 90-day removal period can be extended in some circumstances. For example, noncitizens who are removable after being convicted of an aggravated felony may be detained beyond 90 days. *Id.* § 1231(a)(6); *see also id.* § 1231(a)(1)(C) (suspension of removal period when noncitizen fails to make timely application for travel documents or acts to prevent removal). The Department of Homeland Security also conducts periodic post-order custody reviews to determine whether a noncitizen subject to a final removal order should continue to be detained beyond the removal period. *See* 8 C.F.R. § 241.4 (addressing continued detention for inadmissible, criminal, and other noncitizens).

After the removal period expires, a noncitizen may be released under an order of supervision. *See* 8 C.F.R. § 241.13. Specifically, a noncitizen held beyond the removal period can seek release from custody by showing that “there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future.” *Id.* § 241.13(a). However, the Department of Homeland Security can revoke release “if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future.” *Id.* § 241.13(i)(2). The procedures for revocation are set out in a federal regulation, which requires that the noncitizen:

be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview promptly after his or her return to

Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.

Id. § 241.13(i)(3). After a noncitizen is re-detained using these procedures, § 241.4 governs his continued detention pending removal. *Id.* § 241.13(i)(2).

C. Osman's Challenge to his Detention

Osman's habeas petition challenges his continued detention on procedural grounds and on substantive grounds. These claims fail. As explained below, the written notice that ICE provided to Osman when revoking his Order of Supervision complied with the applicable regulations. And contrary to Osman's bald allegations, there is ample evidence to show a significant likelihood of his removal in the foreseeable future. Osman's continued detention is appropriate, and the Court should deny his habeas petition in its entirety.

1. Osman's Procedural Challenge

Osman asserts a procedural challenge to his re-detention. He argues that the Notice of Revocation of Release did not satisfy the requirements set out in 8 C.F.R. § 241.13(i)(2)-(3) and was insufficient to revoke his Order of Supervision. But, the declaration and supporting exhibits filed with this response lay that assertion bare.

ICE is authorized to revoke a noncitizen's release and return him to custody "if, on account of changed circumstances, the [agency] determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R.

§ 241.13(i)(2). That is what happened here. ICE personnel recently determined that they would likely be able to remove Osman from the United States in the near future, so the agency revoked his release. Minner Decl., ¶¶ 13-16. Osman claims ICE needed to provide credible evidence of the changed circumstances and identify the changed circumstances that justify redetention. That is not the law. The regulation says nothing at all about “providing evidence” or “identifying the changed circumstances” in a Notice of Revocation of Release. Osman tellingly does not cite any cases reading such requirements into 8 C.F.R. § 241.13(i)(2). To the extent Osman seeks habeas relief due to omitted information in the Notice of Revocation of Release, his petition fails for the simple reason that the law does not require anything more than what Osman received. Here, the Notice of Revocation of Release clearly outlines that ICE, upon review of his case, determined that changed circumstances existed, and that Osman would be re-detained because his removal was now “significantly likely in the reasonably foreseeable future.” Minner Decl., Ex. F. The Notice also provided the regulation upon which the revocation was based (8 C.F.R. § 241.4), was personally served upon Osman on December 8, 2015, and ICE/ERO provided him the requisite interview. Minner Decl., Exhibit F.

Osman’s challenge is not really about omitted information. His real bone of contention with the Notice of Revocation of Release is that he does not believe it. He doubts there is any reasonable likelihood of his removal in the foreseeable future. That is not enough to obtain habeas relief.

Osman’s petition does not point to any valid procedural problem. Osman appears to assume, incorrectly, that *Zadvydas* dictates how ICE makes re-detention determinations at

the administrative level. That is not correct. *Zadvydas* sets out a framework to guide federal courts sitting in habeas review, not agencies making detention decisions in the first instance. 533 U.S. at 699 (“Whether a set of particular circumstances amounts to detention within, or beyond, a period reasonably necessary to secure removal is determinative of whether the detention is, or is not, pursuant to statutory authority. The basic federal habeas corpus statute grants the federal courts authority to answer that question.”). The burden-shifting approach in *Zadvydas* is for navigating constitutional claims related to ongoing detention rather than revocation and re-detention decisions under 8 C.F.R. § 241.13(i). In other words, Osman can file (and has filed) a habeas petition to demand that Respondents make the required *Zadvydas* showings. But he cannot manufacture a procedural challenge by retrospectively grafting those requirements onto ICE’s decisionmaking in the field.

The relief Osman seeks by this habeas action is immediate release from detention pending removal. Osman’s petition fails to tie that relief to any alleged deficiencies in the process surrounding his re-detention. Specifically, Osman would not be entitled to immediate release even if the Court agreed that ICE’s notice or re-detention procedures were deficient. The appropriate remedy in that case would be for the agency to redo the process and correct any deficiencies. For this additional reason, Osman’s procedural challenge does not entitle him to habeas relief.

2. Osman’s *Zadvydas* Challenge

The main thrust of Osman’s habeas petition is that his continued detention violates 8 U.S.C. § 1231, as the Supreme Court has construed the statute under the Due Process Clause. This is Osman’s *Zadvydas* challenge.

Although the plain language of § 1231(a)(6) does not impose any limit on how long a noncitizen can be detained pending removal, the Supreme Court in *Zadvydas* “read an implicit limitation into” the statute. 533 U.S. at 689. Thus, a person subject to a final order of removal cannot be detained indefinitely. *Id.* at 699-700. *Zadvydas* established a temporal marker: detention for six months or less is presumptively constitutional. *Id.* at 701. But continued detention does not automatically become unconstitutional after six months; longer detention still comports with due process if there is a “significant likelihood of removal in the reasonably foreseeable future.” *Id.* As the Supreme Court explained:

[a]fter 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. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the “reasonably foreseeable future” conversely would have to shrink. *This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.*

Id. (emphasis added). The end result is that a habeas petitioner must meet the initial burden of demonstrating no significant likelihood of his removal in the reasonably foreseeable future. *Id.* If he makes this showing, then the government must rebut it. *Id.*

a. Premature Challenge

Osman’s *Zadvydas* claim is premature for two reasons. First, he has not yet been re-detained for more than 90 days. Section 1231(a) provides for mandatory detention during a 90-day removal period. Osman appears to admit this removal period “resets” after ICE decides to re-detain a person for removal. Second, and related, Osman identifies no authority for combining his 2011 detention with his 2025 re-detention to get over

Zadvydas's six-month mark. The petition simply assumes Osman can do so and then he appears to assert that his time in detention has exceeded six months in total. As things stand, Osman's current detention is presumptively constitutional because it has lasted only one week (7 days) and well short of six months.

Federal district courts have confronted these issues in recent weeks and refused to combine periods of detention that were years apart. Take for example *Ghamelian v. Baker*, where a Maryland federal court considered a habeas "[p]etitioner's argument that because the 90-day statutory removal period plus a consecutive additional three-month period expired many years ago, [he] cannot be subject to further detention under § 1231(a)(6)." 2025 U.S. Dist. LEXIS 139238, at *11 (D. Md. July 22, 2025). The court rejected this argument, emphasizing that "*Zadvydas* did not (1) address a situation where an alien was released and then re-detained or (2) purport to create some sort of limitations period for § 1231(a)(6) detention." *Id.*

A different federal court reached the same conclusion in *Barrrios v. Ripa*, dismissing a *Zadvydas* claim as premature where the petitioner's re-detention had not yet lasted even a month. 2025 U.S. Dist. LEXIS 153228, at *21 (S.D. Fla. Aug. 8, 2025). The *Barrrios* court recognized the dangers of letting habeas petitioners combine periods of detention: "if the Court counted detentions in the aggregate, any subsequent period of detention, even one day, would raise constitutional concerns. And adjudicating the constitutionality of every re-detention would obstruct an area that is in the discretion of the Attorney General—effectuating removals." *Id.*; see also *Meskini v. AG of the United States*, 2018 U.S. Dist. LEXIS 42058, at *13 (M.D. Ga. Mar. 14, 2018) (concluding that *Zadvydas* is not "a

permanent ‘Get Out of Jail Free Card’ that may be redeemed at any time just because an alien was detained too long in the past”). The same concerns are present here.

Osman’s failure to confront these issues and properly support his petition is reason enough to reject his request for habeas relief as premature. “[D]etainees awaiting removal from the United States may not file anticipatory habeas petitions prior to the six-month period having elapsed just in case their detention goes on for too long; instead, they must wait until the presumptively reasonable six-month period has passed to seek habeas relief.” *Brian B. v. Tollefson*, 2024 U.S. Dist. LEXIS 158854, at *4 (D. Minn. July 26, 2024), adopted by 2024 U.S. Dist. LEXIS 157487 (D. Minn. Sep. 3, 2024). The Court can and should deny Osman’s habeas petition on this basis alone.

b. No Due Process Violation

Beyond reset removal periods and improper aggregation, the Court should deny Osman’s habeas petition because there is no due process violation in this case. Osman cannot make the initial showing required at step one of the *Zadvydas* analysis. Moreover, Respondents have presented evidence confirming that Osman’s removal is likely to occur in the foreseeable future.

Osman fails to satisfy the threshold requirement that he “provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. The petition is thin on this point. Osman seems to rely on the facts that he was not removed in 2011, his deferred CAT relief remains in play, and he has not seen any evidence of any change. But, Osman’s apparent argument once again ignores that it is his burden initially. “The mere passage of time, including concomitant

delays in obtaining travel documents, is not alone sufficient to show that no such likelihood exists unless the delays are so extraordinarily long as to trigger an inference that travel documents will likely never issue at all.” *Joseph K. v. Berg*, 2019 U.S. Dist. LEXIS 248455, at *6 (D. Minn. Mar. 15, 2019) (citations and internal quotation marks omitted), *adopted by* 2019 U.S. Dist. LEXIS 248456 (D. Minn. May 3, 2019). Because Osman cannot make the threshold showing under *Zadvydas*, the Court should deny his habeas petition.

Osman fares no better at the second step of the *Zadvydas* analysis. The record evidence rebuts any notion that there is no significant likelihood of his removal to Somalia or an alternative third country in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701. In general, courts have found no significant likelihood of removal under *Zadvydas* in five circumstances:

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.

Joseph K., 2019 U.S. Dist. LEXIS 248455, at *8-9 (citations omitted). Osman’s petition does not allege that any of these circumstances are present.

The closest Osman comes to confronting the evidence of his upcoming removal appears to be a presumption that, since Respondents could not remove him in 2011, it can

be presumed that it is unlikely Respondents will be able to do so in early 2026. But Osman's re-detention is not based on any such presumptions. ICE/ERO has moved to reopen the removal proceedings in Ohio to revisit the deferment of removal to Somalia. ICE Headquarters and Removal Operations is working closely with the State Department and DHS on third country removal logistics. Minner Decl., ¶¶ 18, 19. There might be more information and evidence to provide the Court had Osman not filed his habeas petition immediately upon his re-detention and on the first day of the new removal period. In the one week since the petition was filed, ICE/ERO has been diligent in pursuing Osman's removal. See *Ahmed v. Brott*, 2015 U.S. Dist. LEXIS 45346, at *15 (D. Minn. Mar. 17, 2015).

Equally important, Osman's current detention serves a clear purpose by "assuring [his] presence at the moment of removal." *Zadvydas*, 533 U.S. at 699. The Supreme Court long ago recognized that detention to facilitate removal is a legitimate governmental objective. See *Wong Wing*, 163 U.S. at 235 ("Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character and while arrangements were being made for their deportation."). Osman has currently been detained for one week, and his detention has a definitive end in sight: his removal to Somalia or a third country. Based on the record evidence, Respondents have rebutted any presumption that Osman raised regarding the likelihood of his removal in the foreseeable future. Because the due process standards set forth in *Zadvydas* are satisfied, Osman is not entitled to habeas relief.

That leaves Osman's allegations about punitive detention. He included them only for shock value. There is no evidence that local or national ICE personnel are singling out Osman for detention, no evidence of an individualized animus against him, and not even an accusation that Osman participated in protected speech and is now being punished for it. This case is a far cry from *Mohammed H. v. Trump*, 2025 U.S. Dist. LEXIS 117197 (D. Minn. June 17, 2025). ICE detained Osman because an immigration judge ordered that he be removed from the United States. His re-detention is due to the agency's conclusion that it will soon succeed in carrying out that removal. The Court should deny the petition.

CONCLUSION

Respondents respectfully request that the Court deny Osman's habeas petition. In the event Osman files a motion for a temporary restraining order or a preliminary injunction, Respondents will respond accordingly. No evidentiary hearing is necessary in this matter because the submissions filed with this response provide a sufficient record upon which the Court can adjudicate the petition.

Dated: December 15, 2025

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