

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Yaseen Aymen Salih,	: No.
	:
Petitioner	:
	:
v.	:
Angela Hoover, Warden	:
Clinton County Correctional Facility	:
	:
Respondent	: Habeas Corpus

PETITION FOR FOR WRIT OF HABEAS CORPUS

1. Petitioner is Yaseen Aymen Salih, an adult individual, a citizen and national of Sudan, being held in the custody of the Department of Homeland Security, Bureau of Immigration Customs Enforcement (USICE), at the Clinton County Correctional Facility, 58 Pine Mountain Road, McElhattan, Pa. 17748, within the Middle District of Pennsylvania.
2. Respondent, is Angela Hoover, Warden of the Clinton County Correctional Facility, 58 Pine Mountain Road, McElhattan, Pa. 17748, within the Middle District of Pennsylvania.

3. On information and belief, Respondent detains Petitioner pursuant to a contract between Franklin County, Pennsylvania, and the U.S. Department of Homeland Security, Bureau of United States Immigration and Customs Enforcement (USICE), thereby making Respondent an agent of USICE.

4. This Court has jurisdiction to hear and decide this case pursuant to 28 U.S.C. Sections 2241(a) and (c)(1) and (c)(3), in that this is a Petition for a Writ of Habeas Corpus, and Petitioner is being held “in custody” under the Authority of the United States(28 U.S.C. Section 2242(c)(3)). This Court also has independent jurisdiction to hear and decide this case pursuant to the Suspension Clause of the United States Constitution, Article I, Section 9, Clause 2.

5. Venue is proper in this Court since Petitioner is being held “in custody” within the boundaries of the Middle District of Pennsylvania, at Clinton County Correctional facility owned and operated by Franklin County, Pennsylvania, and with respect to USICE detainees under and pursuant to a contract with and under the authority of the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement(USICE).

6. Petitioner is a citizen and national of Sudan, who has been physically present in the United States since August 21, 2005, a period in excess of twenty(20) years.
7. On August 24, 2020, an Immigration Judge at the then extant York, Pa. Immigration Court granted Petitioner, Deferral of Removal under the United Nations Convention Against Torture, after full evidentiary hearings in which the Government was represented by the Office of Principal Legal Advisor (then designated as Office of Chief Counsel or Chief Counsel) in York, Pa.
8. A true and accurate copy of the Immigration Judge's Order ordering removal but Deferring Removal to Sudan is attached at **Exhibit 1**, and is incorporated herein by reference (*there is an erroneous box checked indicating that Petitioner was granted asylum, but on Page 2 the Order makes it clear that Petitioner was ordered removed to Sudan, but removal to Sudan is deferred*).
9. Respondent was placed into removal proceedings on June 12, 2019, on account of his conviction for Bank Fraud, having pleaded guilty to a violation of one count of 18 U.S.C. Section 1344, which the government alleged was an aggravated felony, and upon which legal conclusion the Court agreed.

10. The Immigration Judge found that the Petitioner was ineligible for asylum, and withholding of removal under the INA and also ineligible for withholding under the United Nations Torture Convention, but found that Petitioner was eligible to apply for Deferral of Removal under the UNCAT, and as aforesaid, granted that form of relief on August 24, 2020.
11. In order to have been granted Deferral of Removal, the Immigration Judge had to find as a fact that Petitioner had satisfied the two prong legal test applicable to UNCAT Deferral cases, to wit: (1) if he returned home, he would be tortured, and (2) the government would acquiesce to that torture. *Myrie v. Att’y Gen.*, 855 F.3d 509, 516–17 (3d Cir. 2017). The foregoing is settled law.
12. On November 28, 2025, Petitioner finished his federal sentence of sixty (60) months, less 15% for good time, having served 51 months, and was immediately arrested by USICE, placed into ICE custody, and transported directly to the Clinton County Correctional Facility, in McElhattan, Pennsylvania, within this District, to be removed from the United States either to Sudan or an unknown third country.
13. In the event of Third Country designation and removal, neither Petitioner nor his counsel know which country will be selected by ICE, and no advance notice

of said removal needs to be given to Petitioner under the latest DHS/USICE guidelines, set forth at **Exhibit 2**, hereinafter, “*the March, 2025 DHS/USICE guidelines*”.

14. Petitioner’s situation is similar to the Plaintiffs in the case of *DVD et al. v. Homeland Security, No. 25-10676-BEM*, which is the subject of an Order from the US District Court for the District of Massachusetts, which Order and findings of fact contained therein is attached as **Exhibit 3**, and incorporated herein by reference. The Order provides for a nationwide injunction against removal of Plaintiffs, and those similarly situated (that is, persons with final orders of removal whom the government intends to remove to a country other than one to which removal is prohibited).

15. Subsequent to the Order in *DVD, supra*, the case was appealed to the 1st Circuit Court of Appeals, which upheld the Class Certification, and the temporary injunction issued by the District Court. However, on an emergency

government appeal to the U.S. Supreme Court, that Court dissolved the temporary restraining Order issued by the District Court, leaving Plaintiffs in that case, and including Petitioner in this case, unprotected from 3rd Country Removal by the government. The Order of the Supreme Court in the case of *DVD v. Homeland Security*, 606 U.S. ____ (2025), is attached as **Exhibit 4**, and incorporated herein by reference.

16. It is believed and therefore asserted that the government will attempt to remove Petitioner to a third country without giving Petitioner adequate notice to assert danger to his life or well-being, pursuant to the March 2025 DHS/USICE guidelines, as set forth in *Exhibit 2*.

17. In such eventuality Petitioner will suffer irreparable injury in not having adequate time guaranteed him under law to assert any dangers to his life or well-being that he may suffer on account of same, and will lose the protection of this Court, once removed from the United States.

18. It is typical and routine for the government to allege that they have no

immediate plan to remove Petitioner either to Sudan or a third country. However, the government can change direction with regard to any removal of Petitioner, **at a moment's notice, and Petitioner will then be deprived of any protection under law.**

19. In the event the government decides to remove Petitioner from the United States, they will not timely notify Petitioner with enough advance notice to enable him to assert his fear of harm of removal to Sudan or any Third Country.

20.As a result, Petitioner is requesting this Court to restrain Petitioner's removal to Sudan, or to any Third Country by the government of the United States, unless the government first gives sufficient advance notice of intended removal, to this Court and Petitioner, and as to which country or countries they intend to deport Petitioner, and this designation should be required to be given under oath or affirmation by the responsible ICE Officer(s).

WHEREFORE, Petitioner, Yaseen Aymen Salih prays this Honorable Court, for an ORDER:

(1)temporarily restraining USICE and the United States government, from

removing Petitioner from the Middle District of Pennsylvania to Sudan or any third country without first notifying this Court of such intention, so as to enable this Court either to evaluate the dangers to Petitioner attendant on such removal, and

(2) to continue the restraining Order pending review by an Asylum Officer or Immigration Judge, and this Court, if necessary thereafter, as to any dangers to the life or well-being of Petitioner which will be occasioned by said removal, and

(3) for such other relief as this Court deems appropriate.

Respectfully,

/s/Daniel M. Pell*

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- Member of the Bar of this Court.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies to this Court that he served a true and accurate copy of the Petition for Habeas Corpus with all Exhibits thereto, upon government counsel through this Court's EM/ECF website portal, to which government counsel (the U.S. Attorney's Office for the Middle District of Pennsylvania-Civil Division), is a registered and regular filer, on the 14th day of December, 2025.

/s/Daniel M. Pell,

December 9, 2025

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