

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Maimuna Mohamed Mohamud,

Petitioner,

v.



Pamela Bondi, U.S. Attorney General; Kristi Noem,
U.S. Department of Homeland Security, Secretary;
Todd M. Lyons, U.S. Immigration & Customs
Enforcement, Acting Director; Marcos Charles,
Enforcement and Removal Operations, Acting
Executive Associate Director; Eric Klang, Sheriff,
Crow Wing County Jail,

Respondents.

Case No.: 25-cv-04622

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Respondents are detaining Petitioner, Maimuna Mohamed Mohamud ()  in violation of the law.
2. Petitioner Maimuna Mohamed Mohamud (hereinafter "Maimuna") seeks a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to remedy her unlawful detention by the Department of Homeland Security (hereinafter "DHS") in violation of the Immigration and Nationality Act (hereinafter "INA"), the Due Process Clause of the Fifth Amendment to the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment.
3. Maimuna is a citizen of Somalia who was ordered removed on April 30, 2012. Maimuna was ordered removed to "any country that will accept her," and granted withholding of removal with respect to Somalia.

4. Maimuna was placed on an Order of Supervision (“OOS”) pursuant to 8 C.F.R. § 241.4(e) on or around May 9, 2012. This order required Maimuna to check in with ICE on the first working day of the month, starting on June 1, 2012.
5. By releasing Maimuna on an OOS, ICE necessarily concluded that Maimuna was a non-violent person, likely to remain non-violent if released, not likely to pose a threat to the community following the release, not likely to violate the conditions of the release, not considered a significant flight risk, and that travel documents are not available or that immediate removal is not practicable or not in the interest of the public. 8. C.F.R. § 241.4(e).
6. For over the last twelve and a half years, Maimuna consistently complied with all conditions of her OOS.
7. On December 4, 2025, Maimuna was stopped while driving and detained by ICE. Maimuna was detained in a targeted and racially motivated immigration enforcement action (expressly targeting the Somali community in Minnesota) in the clear absence of any allegations that she had committed a crime or absent any new, valid basis for detention.
8. As of today’s date, there are no changed circumstances justifying Respondents’ decision to purportedly revoke Maimuna’s OOS and detain her indefinitely.
9. Maimuna remains detained currently. She is currently housed in the Crow Wing County Jail.
10. As of today’s date, no government agent has expressed to Maimuna that a third-country removal is genuinely being attempted, much less expected to be successful.

11. As of today's date, Maimuna has not received any Notice of Revocation of an Order of Supervision informing Maimuna of the reasons for her detention.
12. Similarly, Maimuna has not received a notice of Custody Determination or any other written decision explaining what changed circumstances allegedly justified or currently justify her detention.
13. Respondents have not produced any credible or persuasive documents or evidence that Maimuna's removal is likely to occur in the reasonably foreseeable future. This was true on the date Maimuna was detained, and it remains true at the time of filing this petition.
14. Maimuna cannot be deported to her country of origin, Somalia, due to the grant of withholding of removal.
15. Respondents have not identified any third country willing to accept Maimuna, nor have they obtained travel documents for Maimuna to be deported to any third country.
16. The detention of Maimuna serves no legitimate purpose. The detention of Maimuna is punitive. Maimuna's detention was one of many in the Somali community during this targeted, racially motivated immigration enforcement operation aimed at sending a message to the Somali community inside Minnesota.
17. Maimuna has consistently complied with her OOS for over twelve and a half years. At no point has she ever been deemed a danger to her community, a flight risk, or has she been convicted of any new crime warranting her detention.

18. To remedy her unlawful detention, Maimuna seeks declaratory and injunctive relief in the form of immediate release from detention.
19. Pending the adjudication of this Petition, Maimuna seeks an order restraining the Respondents from transferring her to a location where she cannot reasonably consult with counsel, such a location to be construed as any location outside of geographic jurisdiction of the day-to-day operations of the U.S. Immigration & Customs Enforcement's ("ICE") Fort Snelling Office of Enforcement and Removal Operations in the State of Minnesota.
20. Pending the adjudication of this Petition, Maimuna also respectfully requests that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Maimuna.
21. Maimuna also requests the same opportunity to be heard in a meaningful manner, meaningful time, and thus requests 72-hour notice prior to any removal or any movement transferring Maimuna outside of the State of Minnesota.
22. Maimuna also requests an emergency preliminary order requiring Respondents to afford Maimuna due process prior to removing her to an allegedly safe third country in the form of a full merits hearing for a possible claim under the Convention Against Torture relating to the proposed country of removal with a right to an administrative appeal to the Board of Immigration Appeals and further requests that this injunction be made permanent.
23. Maimuna requests an order compelling Respondents to release her pending the outcome of this petition.

24. In accordance with 28 U.S.C. § 1657, Maimuna requests that the district court issue an Order to Show Cause (“OSC”) giving Respondents no more than three (3) days to file evidence and argument in response to the OSC.
25. In accordance with 28 U.S.C. § 1657 and Rule 4 of the Rules Governing Section 2254 and 2255 Cases, Maimuna requests that rather than proceed via summonses, the Court order the Clerk of Courts to serve a copy of the petition and any subsequent Order on Respondents and any other appropriate individual involved.
26. Maimuna requests that the Court order her immediate release and return her to conditions of her existing OOS, that has not yet been properly revoked.

JURISDICTION AND VENUE

27. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*
28. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the INA, specifically, 8 U.S.C. § 1231(a)(1)-(3) and 8 C.F.R. §§ 241.4, 241.13.
29. Because Maimuna seeks to challenge her custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this Court.
30. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas

petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019); *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199, 1209-12 (11th Cir. 2016).

31. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) as Maimuna is detained at the Crow Wing County Jail in Brainerd, Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this District.

PARTIES

32. Petitioner Maimuna is a citizen of Somalia and a resident of Minnesota. Petitioner is an immigrant with an administratively final removal order. Maimuna is currently detained at Crow Wing County Jail and under the direct control of Respondents and their agents.
33. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. In this capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.
34. Respondent Kristi Noem is being sued in her official capacity as the Secretary of DHS. In this capacity, Respondent Noem is responsible for the implementation and

enforcement of the Immigration and Nationality Act and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

35. Respondent Todd M. Lyons is being sued in his official capacity as the Acting Director of ICE. Respondent Lyons is responsible for Maimuna's detention.
36. Respondent Marco Charles is the Acting Executive Associate Director for ICE Enforcement and Removal Operations ("ERO").
37. Respondent Peter Berg is being sued in his official capacity as the Field Office Director for the Minnesota Field Office for ICE within DHS. In this capacity, Respondent Berg acts as supervisory authority over the ICE agents responsible for detaining Maimuna.
38. Respondent Eric Klang is being sued in his official capacity as the Crow Wing County Sheriff. Maimuna is detained at the Crow Wing County Jail pursuant to its contract with ICE. Because Maimuna is detained at the Crow Wing County Jail, Respondent Klang has immediate day-to-day control over Maimuna.

EXHAUSTION

39. ICE asserts authority to detain Maimuna pursuant to the mandatory detention provisions of 8 U.S.C. § 1231(a)(1).
40. No statutory requirement of exhaustion applies to Maimuna's challenge to the lawfulness of her detention. *Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) ("There is no statutory requirement that a habeas petitioner exhaust

her administrative remedies before challenging his immigration detention”); *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *11 (W.D. Wash. Apr. 24, 2025) (citing *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019) (“this Court ‘follows the vast majority of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a pending appeal.’”); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) ((citing *Portela-Gonzalez v. Sec’y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992))).

41. To the extent that prudential consideration may require exhaustion in some circumstances, Maimuna has exhausted all effective administrative remedies available to her. Maimuna has previously demonstrated to ICE’s satisfaction that her removal is not substantially likely to occur in the reasonably foreseeable future. ICE has never rebutted this showing, and any further efforts would be futile.
42. Prudential exhaustion is not required when to do so would be futile or “the administrative body ... has ... predetermined the issue before it.” *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992), *superseded in statute on other grounds as stated in Woodford v. Ngo*, 548 U.S. 81 (2006).
43. Prudential exhaustion is also not required in cases where “a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim.” *McCarthy*, 503 U.S. at 147. Each day that Maimuna continues to be

unlawfully detained is another day that separates her from her family, which causes irreparable harm to both Maimuna and her family. *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (“a loss of liberty” is “perhaps the best example of irreparable harm”).

44. Prudential exhaustion is additionally not required in cases where the agency “lacks the institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute.” *McCarthy*, 503 U.S. at 147–48. Immigration agencies have no jurisdiction over constitutional challenges of the kind that Maimuna raises here. *See, e.g., Matter of C-*, 20 I&N Dec. 529, 532 (BIA 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”); *Matter of Akram*, 25 I&N Dec. 874, 880 (BIA 2012); *Matter of Vadovinos*, 18 I&N Dec. 343, 345 (BIA 1982); *Matter of Fuentes-Campos*, 21 I. & N. Dec. 905, 912 (BIA 1997); *Matter of U-M-*, 20 I. & N. Dec. 327 (BIA 1991).
45. As requiring Maimuna to exhaust her administrative remedies would be futile and would cause further irreparable harm, and because the immigration agencies lack jurisdiction over Maimuna’s constitutional claims, this Court should not require exhaustion as a prudential matter.

FACTUAL ALLEGATIONS

46. Maimuna realleges and incorporates by reference ¶¶ 1–45 of this Complaint.

47. On or around April 30, 2012, Maimuna was ordered removed from the United States. Maimuna was ordered removed to “any country that will accept her” other than Somalia. Maimuna was granted withholding of removal with respect to Somalia.
48. On or around May 9, 2012, Maimuna was placed on an OOS pursuant to 8 C.F.R. § 241.4(e). *See* Exh. A.
49. In the action of placing Maimuna on an OOS, DHS and ICE necessarily determined that Maimuna’s order of removal would not be executed in the reasonably foreseeable future.
50. In the action of placing Maimuna on an OOS, DHS and ICE also necessarily determined that Maimuna did not present a danger to the community.
51. Per the agreement of the OOS, Maimuna was required to check in with ICE on the first working day of the month, starting on June 1, 2012. *See* Exh. A.
52. Maimuna complied with the OOS, checking in with ICE several times a year until 2015, at which time DHS and ICE asked her to check in annually. Maimuna continued annual check-ins with ICE from 2015 to 2025. *See* Exh. B.
53. Maimuna’s most recent check-in with ICE occurred on September 25, 2025. *See* Exh. B. Her next ICE check-in date was scheduled for December 8, 2025, four days after the date she was detained.

54. Maimuna was one of many individuals subjected to the targeted immigration enforcement against the Somali community in Minnesota.¹ At a presidential cabinet meeting on December 2, 2025, several remarks were made directly at the Somali community in Minnesota, referring to the community as “garbage,”² claiming they are not wanted in this country.³
55. Several reports indicated that roughly 100 agents were sent to Minnesota as part of this targeted immigration enforcement action.⁴
56. On December 4, 2025, Maimuna was driving from her residence to pick up her sick child from school and bring them home. While driving, Maimuna was stopped by ICE agents, alleging they possessed a warrant for her arrest. Notably, these agents failed to produce any such warrant.
57. Maimuna was picked up and detained by ICE. She has remained in Respondents’ custody since that date.

¹ James FitzGerald & Max Matza, *Trump Says He Does Not Want Somalis in US as ICE Plans Minnesota Operation*, BBC (Dec. 3, 2025), <https://www.bbc.co.uk/news/articles/c208x9v68w3o>

² Rachel Leingang, *Trump Calls Somali Immigrants ‘Garbage’ as US Reportedly Targets Minnesota Community*, The Guardian (Dec. 2, 2025), <https://www.theguardian.com/us-news/2025/dec/02/trump-somali-immigrants-minnesota>

³ Zolan Kanno-Youngs & Shawn McCreesh, *Trump Calls Somalis ‘Garbage’ He Doesn’t Want in the Country*, The N.Y. Times (Dec. 2, 2025), <https://www.nytimes.com/2025/12/02/us/politics/trump-somalia.html>

⁴ Nicolas Scibelli, *As ICE Agents Flood the Twin Cities, Immigrants and Citizens Alike Are Caught in the Crossfire*, The MN Daily (Dec. 13, 2025), <https://mndaily.com/city/as-ice-agents-flood-the-twin-cities-immigrants-and-citizens-alike-are-caught-in-the-crossfire/12/13/2025/>

58. As of today's date, Maimuna has not been served with a Notice of Revocation of Release ("Notice"), revoking her existing OOS. Assuming, *arguendo*, that such a Notice was served and does exist, it likely asserts in a non-specific, conclusory manner that "ICE has determined there is a significant likelihood of removal in the reasonably foreseeable future in your case" based on unidentified "changed circumstances."
59. After Maimuna was detained, ICE agents reportedly told Maimuna's husband that they "plan" to issue a Notice of Revocation to revoke Maimuna's OOS.
60. Notably, neither Maimuna nor counsel has been informed of the existence of such a Notice, nor had time to review such notice, should one exist.
61. The Notice, if any, fails to provide a reasoned basis for believing that there is now suddenly a significant likelihood of removal in the reasonably foreseeable future.
62. The Notice, if any, does not provide Maimuna with sufficient information to allow Maimuna to have the opportunity to rebut the allegations underlying the Notice.
63. The Notice, if any, fails to allege that Maimuna has failed to comply with the terms of her existing OOS.
64. At the time of Maimuna's arrest through today's date, ICE has produced no documentation or information that could reasonably lead anyone to believe changed circumstances exist to justify detaining Maimuna under 8 C.F.R. § 241.13(i)(2)–(3).
65. At the time of detaining Maimuna, ICE had not produced any evidence or reliable statements to suggest they have begun the steps of having Maimuna apply for any travel document from detention for some alleged safe third country.

66. At the time of detention, ICE had not identified any safe third country willing to accept Maimuna.
67. As the time of detention, ICE had not yet begun the steps of having Maimuna apply for a travel document from detention for any allegedly safe third country.
68. Nevertheless, Respondents maintain that Maimuna is ineligible for release from custody.

LEGAL FRAMEWORK

69. Maimuna's detention is governed by 8 U.S.C. § 1231 and its implementing regulations. Section 1231 mandates detention "during the removal period."
70. The "removal period" consists of a 90-day period. 8 U.S.C. § 1231(a)(1)(A). Maimuna's "removal period" ended on July 29, 2012.
71. While detention past the removal period can be considered lawful under some circumstances, none of those circumstances are present here. 8 U.S.C. § 1231(a)(1)(C), (a)(6).
72. A noncitizen who is detained after the entry of a final order of removal may seek release by establishing that there is no significant likelihood of removal within the reasonably foreseeable future. 8 C.F.R. § 241.13(a).
73. If released pursuant to OOS, that release is subject to specific conditions imposed by regulations. 8 C.F.R. § 241.13(h).
74. DHS is authorized to re-detain a noncitizen if it is alleged that the individual has violated the existing terms of their OOS. 8 C.F.R. § 241.13(h)(2), (i).

75. The regulations further permit DHS to revoke or withdraw release in limited circumstances. 8 C.F.R. § 241.13(h)(4).
76. One such circumstance exists where, due to changed conditions, the agency determines that there is now a significant likelihood that removal may occur in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(2). Upon making this determination, however, the regulation provides that the individual “**will** be notified of the reasons for revocation of [their] release,” and that the Service “**will** conduct an initial informal interview... to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.13(i)(3) (emphasis added).
77. “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.* (emphasis added).
78. Use of mandatory terms, such as “shall” or “will,” impose binding obligations. *See, e.g., Lopez v. Davis*, 531 U.S. 230, 241 (2000) (contrasting permissive language “may” with mandatory language “shall”). 8 C.F.R. § 241.13(i)(3) explicitly states that the noncitizen “will” be notified of reasons for revocation and “will” be afforded an informal interview.
79. The regulation does not say the Service “may” provide notice or “may” conduct an interview; rather, the use of the word “will” signals a mandatory, non-optional sequence of events. As courts have observed in analogous contexts, an agency's use of “will” “all but guarantees” that the described action must occur. *See, e.g.,*

Ebrahimi v. Blinken, 732 F.Supp.3d 894, 904 (N.D. Ill. 2024); *Hassan v. Dillard*, 758 F.Supp.3d 973, 983 (D. Minn. 2024).

80. The regulatory text of § 241.13(i)(3) leaves no room for discretion: once revocation of OOS is contemplated, notice and an informal interview are mandatory procedural safeguards that DHS must provide.
81. If release is denied following the formal interview, the noncitizen's continued detention is governed by 8 C.F.R. § 241.4 pending removal. *See* 8 C.F.R. § 241.13(i)(2). Once the provisions of § 241.4 take effect, the regulatory framework indicates that the 90-day removal period under 8 U.S.C. § 1231(a) is effectively restarted. *See* 8 C.F.R. § 241.4(b)(4).
82. Independent of the detention framework set forth in 8 U.S.C. § 1231, and its implementing regulations, federal law strictly limits the government's authority to execute a removal order where removal would expose any person to torture.
83. Federal law permits the government to remove a noncitizen only in accordance with a carefully ordered statutory framework that prioritizes removal to countries with which the noncitizen has a meaningful connection. 8 U.S.C. § 1231(b).
84. Under § 1231(b), noncitizens apprehended while entering the United States are generally returned to the country from which they arrived, and nearly all other noncitizens may designate a country of removal. 8 U.S.C. §§ 1231(b)(1)(A), (b)(2)(A).
85. If removal to a designated country cannot be accomplished, the statute requires the government to proceed sequentially through additional, specifically enumerated

alternatives, including the noncitizen's country of citizenship or former residences.

8 U.S.C. §§ 1231(b)(1)(C), (b)(2)(E).

86. Removal to an unspecified "third country" is authorized only as a last resort, and only after the government has attempted each prior statutory alternative, reaching a determination that all other options are "impracticable, inadvisable, or impossible."

8 U.S.C. §§ 1231(b)(1)(C)(iv), (b)(2)(E)(vii).

87. The United States is a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), which prohibits returning any person to a country where there are substantial grounds for believing that the person would be in danger of being subjected to torture there. Convention Against Torture, art. 3, Dec. 10, 1984, 1465 U.N.T.S. 113.

88. Removal is prohibited to any country where the noncitizen's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. § 1231(b)(3).

89. Removal to an unknown third country is not permitted unless the government affirmatively determines that such a risk to the noncitizen's life or freedom does not exist – a determination that cannot be made without notice and a meaningful opportunity to be heard.

90. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Reno v. Flores*, 507 U.S. 292, 3206 (1993) (citation omitted).

91. “[T]he Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
92. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lie at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).
93. Due Process requires that the detention of the noncitizen “bear a reasonable relation to the purpose for which the individual [was] committed.” *Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Here, the only legitimate justifications for continuing detention in cases like Maimuna’s are to mitigate danger to the community or to ensure the noncitizen’s presence for a removal hearing. *Demore v. Kim*, 538 U.S. 510, 528 (2003).
94. Under the Supreme Court’s decision in *Zadvydas*, an individual subject to a final order of removal cannot, consistent with the Due Process Clause, be detained indefinitely pending removal. 533 U.S. at 699–700.
95. *Zadvydas* identifies six months as a relevant temporal reference point for post-removal order detention, which is presumed constitutional during that period. The Court made clear, however, that detention for less than six months may still be unconstitutional where the presumption of reasonableness is rebutted.
96. It is unquestionable whether Maimuna has rebutted this presumption: the manner in which she was detained constitutes a violation of binding federal regulations by

detaining Maimuna without notice of revocation of her OOS, in the absence of identifying any changed circumstances warranting her detention, and in the absence of identifying a significant likelihood of removal in the reasonably foreseeable future.

97. *Zadvydas* further held that civil detention violates due process unless special, nonpunitive circumstances outweigh an individual's interest in avoiding restraint. 533 U.S. at 690 (**immigration detention must remain “nonpunitive in purpose and effect”**) (emphasis added).
98. Respondents have produced no evidence whatsoever to suggest that Maimuna is suddenly a danger to the community, a flight risk, or that any changed circumstance warrants her detention – despite nearly thirteen years of consistent compliance with the conditions of her OOS. Instead, Respondents merely targeted Maimuna as part of a discriminatory immigration enforcement action targeted the Somali community in Minnesota.

REMEDY

99. Respondents' detention of Maimuna violates the Due Process Clause of the United States Constitution. Maimuna's ongoing detention violates the Fifth Amendment's guarantee that “[n]o person shall be ... deprived of life, liberty, or property without due process of law.” U.S. Const., amend. V.

100. Due process requires that detention “bear [] a reasonable relation to the purpose for which the individual [was] committed.” *Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).
101. Maimuna seeks immediate release to the extent that Respondents justify her detention on the idea that she has failed to demonstrate there is no significant likelihood of her removal in the reasonably foreseeable future; Respondents bear the burden of rebutting the prior showing made by Maimuna. 8 C.F.R. § 241.13(i)(2)–(3). Respondents have failed to meet this burden.
102. Maimuna seeks immediate release to the extent that Respondents have failed to comply with their mandatory obligation to notify Maimuna “upon revocation” of the “reasons for revocation” of her OOS. 8 C.F.R. § 241.13(i)(3) (emphasis added). As noted above, Respondents have failed to serve *any* notice of revocation, and Maimuna has been detained for eleven days. On this ground alone, Respondents have violated the law for failure to comply with their own regulations under section 241.13(i)(2).
103. Maimuna seeks immediate release subject to the same conditions as her existing OOS.
104. Maimuna seeks immediate release to the extent that Respondents have violated her due process rights by failing to comply with 8 C.F.R. § 241.4 and 241.13.
105. Maimuna seeks immediate release to the extent that Respondents have detained Maimuna for the sole purpose of punishing her for being in the United States despite a final order of removal.

106. Maimuna seeks immediate release to the extent that Respondents have detained her for the purpose of sending a message to similarly situated individuals, particularly the Somali community, for the purpose of encouraging those similarly situated individuals to leave the United States to avoid sharing in this same fate.
107. Maimuna seeks immediate release to the extent that Respondents have detained her in a racially motivated immigration enforcement action, in violation of the Equal Protection guarantees of the Fifth Amendment.
108. Although neither the Constitution nor the federal habeas statutes delineate the necessary content of habeas relief, *I.N.S. v. St. Cyr*, 533 U.S. 289, 337 (2001) (Scalia, J., dissenting) (“A straightforward reading of [the Suspension Clause] discloses that it does not guarantee any content to . . . the writ of habeas corpus”), implicit in habeas jurisdiction is the power to order release. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (“[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.”).
109. The Supreme Court has noted that the typical remedy for unlawful detention is the release from detention. *See, e.g., Munaf v. Geren*, 553 U.S. 674 (2008) (“The typical remedy for [unlawful executive detention] is, of course, release.”); *see also Wajda v. United States*, 64 F.3d 385, 389 (8th Cir. 1995) (stating the function of habeas relief under 28 U.S.C. § 2241 “is to obtain release from the duration or fact of present custody.”).
110. That notion that courts with habeas jurisdiction have the power to order outright release is justified by the fact that, “habeas corpus is, at its core, an equitable

remedy,” *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts “[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters ‘as law and justice require.’” *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987) (quoting 28 U.S.C. § 2243). An order of release falls under court’s broad discretion to fashion relief. *See, e.g., Jimenez v. Cronen*, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) (“Habeas corpus is an equitable remedy. The court has the discretion to fashion relief that is fair in the circumstances, including to order an alien’s release.”).

111. Immediate release is an appropriate remedy in this case.

CAUSE OF ACTION

COUNT ONE: DECLARATORY RELIEF

112. Maimuna re-alleges and incorporates by reference each allegation contained in ¶¶ 1–111 as though fully set forth herein.
113. Maimuna requests declaratory judgment pursuant to 28 U.S.C. § 2201 that she is detained pursuant to 8 U.S.C. § 1231(a)(1).
114. Maimuna requests declaratory judgment pursuant to 28 U.S.C. § 2201 that she has previously demonstrated to ICE’s satisfaction that there is no significant likelihood of her removal in the reasonably foreseeable future.
115. Maimuna requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Respondents failed to rebut Maimuna’s prior showing that there is no significant

likelihood of removal in the reasonably foreseeable future prior to detaining her on December 4, 2025.

116. Maimuna requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Respondents failed to comply with their mandatory obligations to notify her for the reasons of revocation of her OOS prior to detaining her on December 4, 2025, in violation of the law.
117. Maimuna requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that until Respondents comply with the proper procedures of revocation of her OOS and sufficiently rebut Maimuna's prior showing that there is no significant likelihood of removal in the reasonably foreseeable future, Respondents may not re-detain Maimuna.

COUNT TWO:
VIOLATION OF THE INA (8 C.F.R. § 241.13(i)(2)–(3))

118. Maimuna re-alleges and incorporates by reference each allegation contained in ¶¶ 1–111 as though fully set forth herein.
119. 8 U.S.C. § 1231(a)(1)–(3) and 8 C.F.R. § 241.13(i)(2)–(3) govern the detention, release, and re-detention of noncitizens with final orders of removal.
120. Respondents have failed to comply with these provisions prior to detaining Maimuna after Maimuna's release on OOS.
121. No independent alternative basis supports Respondents' decision to re-detain Maimuna.
122. Maimuna is, therefore, detained in violation of the INA.

COUNT THREE:
VIOLATION OF THE FIFTH AMENDMENT

123. Maimuna re-alleges and incorporates by reference each allegation contained in ¶¶ 1–111 as though fully set forth herein.
124. The Fifth Amendment of the U.S. Constitution provides that no person shall be deprived of liberty without due process of law. U.S. Const., amend. V. This guarantee prohibits arbitrary civil detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals.
125. In this context, the Due Process clause further requires that detention cease when a noncitizen has established to the government’s satisfaction that there is no significant likelihood of removal in the reasonably foreseeable future.
126. Release on OOS necessarily establishes that there is no significant likelihood that the noncitizen will be removed in the reasonably foreseeable future, and that no special circumstances justify continued detention. 8 C.F.R. § 241.13(g). Revocation of this release can only occur in two circumstances: violation of supervised release or changed circumstances. 8 C.F.R. § 241.13(i).
127. Respondents have failed to identify either that Maimuna has violated the terms of her OOS or the existence of changed circumstances.
128. Habeas petitioners bear the burden of demonstrating their detention violates the law, but the regulations under section 241.13 place the burden on ICE to establish that the revocation of release is justified. *Roble v. Bondi*, No. 25-CV-3196 (LMP/LIB),

2025 WL 2443453, at *4 (D. Minn. Aug. 25, 2025); *Nguyen v. Hyde*, No. 25-CV-11470 (MJJ), 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) at *3 n.2.

129. Maimuna is no longer subject to the mandatory custody requirement under the INA, as she has previously established to the government's satisfaction that there was no significant likelihood of removal in the reasonably foreseeable future. Respondents have not rebutted this with credible or probative evidence. Respondents do not presently have a travel document for Maimuna. Respondents have presently not identified a third country willing to accept Maimuna. Respondents have not presently identified any new circumstances justifying Maimuna's re-detention. Respondents have violated Maimuna's Fifth Amendment guarantee of due process.
130. Respondents have also independently violated Maimuna's Fifth Amendment due process by detaining her in an effort to punish her and/or to otherwise send a message to similarly situated individuals to leave the United States.

COUNT FOUR:
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

131. Maimuna re-alleges and incorporates by reference each allegation contained in ¶¶ 1–111 as though fully set forth herein.
132. The Administrative Procedure Act (“APA”) provides that a “reviewing court shall ... hold unlawful and set aside any agency action, findings, and conclusions found to be ... arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

133. Respondents have failed to articulate any reasoned explanation, or any explanation at all, for detaining Maimuna.
134. Respondents have failed to comply with their own regulations and the plain language of 8 C.F.R. § 241.13(g), (i)(2)–(3).
135. Instead, Respondents actions reflect on changes in agency policies and positions which consider factors that Congress did not intend to be considered, entirely failed to consider important aspects of the problem, and have failed to offer any explanation for their decision – a decision which runs directly contrary to the evidence presently before the agencies.
136. Respondents’ decision to detain Maimuna is arbitrary, capricious, an abuse of discretion, and not in accordance with law.
137. Respondents’ decision to detain Maimuna is a violation of the APA. 5 U.S.C. § 706(2)(A).

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Maimuna Mohamed Mohamud, asks this Court to:

1. Assume jurisdiction over this matter.
2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657, as it is an action brought under 28 U.S.C. Ch. 153.
 - a. Issue an Order to Show Cause (“OSC”) ordering Respondents to state the true cause of Maimuna’s detention within three (3) days of the Court’s issuance of the OSC.

- b. If a magistrate judge is assigned, then pursuant to 28 U.S.C. § 1657, issue an Order shortening the time for making any objections to the magistrate's forthcoming Report & Recommendation from 14 days to 3 days.
 - c. Order the Clerk of Courts to promptly serve a copy of the petition and any subsequent Order on Respondents and any other appropriate individual involved pursuant to Rule 4 of the Rules Governing Section 2254 and 2255 Cases.
3. Issue an emergency preliminary order restraining Respondents from attempting to move Maimuna from the State of Minnesota during the pendency of this Petition.
4. Issue an emergency preliminary order requiring Respondents to provide 72-hour notice of any intended movement of Maimuna.
5. Issue an emergency preliminary order requiring Respondents to afford Maimuna due process prior to removing her to an allegedly safe third country in the form of a full merits hearing under the Convention Against Torture before an immigration judge relating to the proposed country of removal with a right to an administrative appeal to the Board of Immigration Appeals.
6. Order Maimuna's immediate release subject to the conditions of her OOS.
7. Declare that Respondents' actions are arbitrary and capricious.
8. Declare that Respondents failed to adhere to binding regulations and precedent.
9. Declare that Maimuna's detention violates the Due Process Clause of the Fifth Amendment.

10. Permanently enjoin Respondents from re-detaining Maimuna under 8 C.F.R. § 241.13(i)(2)–(3) unless and until Respondents have obtained a travel document allowing for Maimuna’s removal from the United States.
11. Permanently enjoin Respondents from re-detaining Maimuna under 8 C.F.R. § 241.13(i)(2)–(3) for more than three days after receiving a travel document.
12. Permanently enjoin Respondents from deporting Maimuna to an allegedly safe third country without giving Maimuna due process in the form of a full merits hearing under the Convention Against Torture before an immigration judge relating to the proposed country of removal with the right to an administrative appeal to the Board of Immigration Appeals.
13. Grant Maimuna reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
14. Grant all further relief this Court may deem just and proper.

DATED: December 15, 2025

Respectfully submitted,

/s/ Isabelle Plunkett

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/s/ Marc Prokosch

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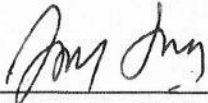
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Attorneys for Petitioner

VERIFICATION BY PETITIONER'S HUSBAND PURSUANT TO 28 U.S.C. § 2242

I, Abdulaziz Sheikh Elmi, hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge and belief, and based on my conversations with Petitioner after she was detained by ICE. I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that all the factual allegations and statements in this Petition are true and correct to the best of my knowledge and belief.



Abdulaziz Sheikh Elmi

12-14-2025

Date