UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Faysal Mohamud Nuur, 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, Respondents.	Case No._____ **PETITION FOR WRIT OF HABEAS CORPUS**

I. INTRODUCTION

1. Upon information and belief, the petitioner, Faysal Mohamud Nuur, is a Somali citizen who has lived in the United States since 2009, and who received an order for Withholding of Removal in 2011. He was detained by ICE on December 15, 2025 and is being detained at the ICE facility in Fort Snelling, Minnesota.

2. The Respondents are detaining him based upon authority they claim at 8 USC § 1225, which does not permit relcase on bond for an alien "seeking admission" or subject to expedited removal. In reality, decades of settled law shows that an alien present in the United

States fall under 8 USC § 1226, which generally permits release under bond except under certain exceptions. Because Mr. Hassan has been here for several decades and is located in the interior of the country, he is not "seeking admission" and therefore cannot be detained under 8 USC § 1225. He is not subject to expedited removal, and therefore cannot be detained under 8 USC § 1225.

3. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section § 1225(b)(2)(A) does not apply to individuals like Faysal who previously entered and are now residing in the United States pursuant to a Withholding of Removal order. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.

4. Respondents' new legal interpretation of § 1226(a) and § 1225(b)(2)(A) is plainly contrary to the statutory framework and contrary to decades of agency practice in applying 1226(a) to people like Faysal.

5. Accordingly, Faysal seeks a writ of habeas corpus requiring that he be immediately released from detention. In the alternative, Petitioner respectfully requests that this Court order Respondents to show cause why this Petition should not be granted within three days. *See* 28 U.S.C. § 2243. He also requests a temporary order stating that he shall not be moved from this Court's jurisdiction.

II. PARTIES

6. Petitioner, Faysal Mohamud Nuur, is a 36-year-old Somali man with an order for Withholding of Removal. He has been physically present in the United States since 2009. He was detained by ICE in Minnesota on December 15, 2025. Respondents did this despite his lack of criminal history and his order for Withholding of Removal. In short, there are no

circumstances for Respondents to justify revoking re-detaining him. Faysal is now detained at the Fort Snelling immigration facility operated by ICE.

7. Respondent Kristi Noem is the Secretary of Homeland Security. She is sued in her official capacity. In that capacity, Defendant Noem is responsible for overseeing the enforcement of federal immigration policies, including those that resulted in the detention of Petitioner.

8. Respondent Pamela Bondi is the Attorney General of the United States. As the administrator for the Department of Justice, she is ultimately responsible for the federal immigration court in the Executive Office of Immigration Review. She is being sued in her official capacity. As the head of the Department of Justice, she is responsible for the conduct of immigration judges with respect to Bond Hearings.

9. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). He is sued in his official capacity. As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is also the legal custodian of Petitioner.

10. Respondent Peter Berg is the St. Paul Field Office Director of U.S. Immigration and Customs Enforcement (ICE), which has administrative jurisdiction over Petitioner's detention. He is sued in his official capacity.

III. JURISDICTION AND VENUE

11. This court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Federal questions in this case arise under the Immigration and Naturalization Act, 8 U.S.C. § 1101-1524, and the United States Constitution.

12. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

13. Under 28 U.S.C. § 2241 and § 1391(b), (e), venue is proper in this district. Venue is proper because Petitioner is in Respondents' custody in the District of Minnesota. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this district, where Petitioner is now in Respondent's custody. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.

IV. EXHAUSTION OF REMEDIES

14. No statutory requirement of administrative exhaustion applies to Petitioner's challenge to the unlawfulness of his detention. Moreover, the judicially created "general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts" does not apply to Petitioner's present challenge, as there are no prescribed administrative remedies to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).

15. DHS has taken the position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225. Further, in a published decision, the Department of Justice through the Board of Immigration Appeals recently held that "Immigration Judges lack authority to hear bond requests or to grant bond to [noncitizens] who are present in the United States without admission." *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025). Under the BIA's interpretation, regardless of his prior release and placement in standard removal proceedings, Petitioner is ineligible for bond as a noncitizen who entered the United States without

inspection. Accordingly, there are no administrative remedies that Petitioner could exhaust before seeking habeas relief.

16. Further, neither an immigration judge nor the Board of Immigration Appeals can rule on a petitioner's constitutional claims. See *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 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."); see also *Geach v Chertoff*, 444 F.3d 940, 945 (8th Cir. 2006)(citing *Castaneda-Suarez v INS*, 993 F.2d 142, 1444 (7th Cir. 1993) *et al* to state that BIA has no jurisdiction to adjudicate constitutional issues.)

V. FACTUAL BACKGROUND

17. On December 15, 2025, undersigned counsel spoke with Abdikarim Hassan, who stated he is the cousin of Faysal Mohamud Nuur.

18. Mr. Hassan stated the following to undersigned counsel:

a. The petitioner, Faysal Mohamud Nuur (herein "Faysal") is a noncitizen man from Somalia who was detained by ICE in Minnesota on December 15, 2025.

b. Faysal arrived to the United States from the border with Mexico in 2009.

c. Faysal won an order for Withholding of Removal to Somalia dated March 3, 2011.

d. Faysal is the father of three US citizen children.

19. Mr. Hassan is credible, as he provided a copy of an Employment Authorization Document for Faysal showing that Faysal has work authorization under category A10. *See*

Exhibit A: Employment Authorization. Category A10 is for individuals with an order granting "[w]ithholding of deportation or removal." *Exhibit B: USCIS Employer Information Regarding Employment Authorization.*

20. Mr. Hassan stated that on today's date, Faysal was detained by ICE and is currently being held at the Fort Snelling, Minnesota facility operated by Immigration and Customs Enforcement.

21. Mr. Hassan is credible, as the ICE detainee locator confirms that Faysal is detained by ICE. *Exhibit C: ICE Detainee Locator.*

22. Mr. Hassan stated that Faysal overheard ICE officers discussing possibly removing him to a 3rd country (not Somalia) where he would not be protected by the Withholding of Removal Order.

23. The Trump administration has removed several 3rd country nationals to El Salvador, South Sudan, and Eswatini.

24. Undersigned counsel filed a Habeas action for a different client on December 8th in which ICE moved the detained person seeking Habeas relief out of the state within 24 hours of filing the Habeas action.

25. Undersigned counsel is therefore filing this action immediately as he is afraid that ICE could move the Petitioner out of this court's jurisdiction at any moment.

26. Mr. Hassan stated that Faysal has no criminal history and that he has no idea why ICE detained Faysal aside from the fact that he looks Somali. Undersigned counsel looked up Faysal on the MCRO website and found no Minnesota criminal history aside from a minor traffic offense from 2016, Driving After Cancellation.

27. On July 8, 2025, ICE, "in coordination with" the Department of Justice, announced a new policy that rejected the well-established understanding of the statutory framework and reversed decades of practice.

28. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be deemed "applicants for admission" under 8 USC § 1225 and therefore are subject to mandatory detention. This policy applied regardless of when a person is apprehended and affects those who have resided in the United States for months, years and even decades.

29. In September 2025, the Board of Immigration Appeals, which is a division within the Department of Justice that handles appeals for the immigration court, issued *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025), finding that noncitizens who enter without inspection are not eligible to bond under 8 U.S.C. § 1226(a), because they fall under 8 USC § 1225.

30. Pursuant to this radical departure from decades of settled law, Respondents detained Faysal on December 15, 2025 under their novel interpretation of 8 U.S.C. § 1226(a) and § 1225(b)(2)(A) which views all aliens who entered without inspection as an alien seeking admission ineligible for bond, despite being present in the United States for years or decades and being located nowhere near the border.

31. Upon information and belief, he is currently detained at the ICE facility located at Fort Snelling, Minnesota.

VI. LAW & ANALYSIS

1. As relevant here, the Immigration and Naturalization Act, 8 U.S.C. §1101-1524, describes two means of handling the custody and potential removal of noncitizens.

2. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard removal proceedings. See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. See 8 C.F.R. §§ 1003.19(a), 1236.1(d).

3. 8 U.S.C. § 1226(a) is the default detention authority, and it applies to anyone who is detained "pending a decision on whether the [noncitizen] is to be removed from the United States."

4. 8 U.S.C. § 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings." *Jennings v Rodriguez*, 583 US 281, 289 (2018).

5. 8 U.S.C. § 1226(a) applies not just to persons who are deportable, but also to noncitizens who are inadmissible. Specifically, while § 1226(a) provides the general right to seek release, § 1226(c) carves out discrete categories of noncitizens from being released – including certain categories of inadmissible citizens – and subjects those limited classes of inadmissible aliens instead of mandatory detention. See *e.g.* § 1226(c)(1)(A), (C).

6. The Laken Riley Act (LRA) added language to § 1226 that directly references people who have entered without inspection or who are present without authorization. See LAKEN RILEY ACT, PL 119-1, January 29, 2025, 139 Stat 3. Pursuant to these amendments, people charged as inadmissible under § 1182(a)(6)(A)(inadmissibility for entry without inspection) or (a)(7)(A)(inadmissibility for lack of valid documentation to enter the United States) and who have been arrested, charged or convicted of certain crimes are subject to § 1226(c)'s mandatory detention provisions.

7. By including such individuals under § 1226(c), Congress reaffirmed that § 1226 covers persons charged under § 1182(a)(6)(A) or (a)(7). Generally speaking, grounds of deportability found at 8 USC § 1227 apply to people like legal permanent residents, who have been lawfully admitted and continue to have lawful status, which grounds of inadmissibility at § 1182 apply to those

who have not yet been admitted to the United States. See, e.g. *Barton v Barr*, 590 US 222, 234 (2020)("'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies.")(quoting *Shady Grove Orthopedic Assocs.*, P.A. v Allstate Ins. Co., 559 US 393, 400 (2010).

8. In addition, while on release, the noncitizen may apply for asylum or other relief in the United States. 8 U.S.C. § 1158. While a grant of asylum is discretionary, the right to apply for asylum is not. The Refugee Act, codified in various sections of the INA, broadly affords a right to apply for asylum to any noncitizen, like Petitioner, "who is physically present in the United States or who arrives in the United States[.]" 8 U.S.C. § 1158(a)(1); Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

9. The INA guarantees to noncitizens in standard removal proceedings who apply for asylum and other relief valuable procedural rights that reduce the risk of an erroneous decision. These include the rights to legal counsel, 8 U.S.C. § 1229a(b)(4)(A) and § 1362; to present supporting evidence (both documentary and through lay and expert witness testimony) and to challenge through cross-examination adverse evidence during a full adversarial hearing before an immigration judge (IJ), 8 U.S.C. § 1148(b)(1)(B); to seek reconsideration or reopening of an adverse decision, 8 U.S.C. § 1229a(c)(6)-(7), to appeal an adverse decision of an IJ to the Board of Immigration Appeals based on the full evidentiary record, 8 U.S.C. § 1229a(c)(5), and to appeal an adverse decision of the Board to a federal circuit court of appeals, 8 U.S.C. § 1252(b).

10. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

11. The second relevant means of detention is governed by 8 U.S.C. § 1225, which provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission under 8 U.S.C. § 1225(b)(2). Respondents treat noncitizens subject to mandatory detention under § 1225 as ineligible for bond.

12. The mandatory detention scheme under 8 U.S.C. § 1225(b)(2) applies only to noncitizens arriving at U.S. ports of entry who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (emphasis added).

13. As to 8 U.S.C. § 1225(b)(1), this subsection provides for mandatory detention of noncitizens subject to expedited removal. Because expedited removal provides very few procedural protections, it applies narrowly to only those noncitizens who are inadmissible to the United States because they engaged in fraud or misrepresentation to procure admission or other immigration benefits, 8 U.S.C. § 1182(a)(6)(C), or who are applicants for admission without required documentation, 8 U.S.C. § 1182(a)(7). As relevant here, the government may not subject any other person to expedited removal. 8 C.F.R. § 235.3(b)(1), (b)(3).

14. For noncitizens in expedited removal, the INA does not grant them the rights enshrined in standard removal proceedings. To begin, an immigration officer may order them removed "without further hearing or review," 8 U.S.C. § 1225(b)(1)(A)(i), unless the noncitizen has expressed an intent to apply for asylum or a fear of persecution. But even then, the noncitizens'

rights are truncated. Although the immigration officer "shall refer the [noncitizen] for an interview by an asylum officer," 8 U.S.C § 1225(b)(1)(A)(i)-(ii), a "credible fear" interview differs from an asylum application. First, the INA does not, as it does during standard removal proceedings, guarantee the noncitizen with the rights to counsel, to present documents or witness testimony, or to cross-examine adverse evidence. See id. § 1225(b)(1)(B)(iv). Second, if the asylum officer decides that the noncitizen does not have a credible fear of persecution, the noncitizen may seek review before an IJ, but review is limited to the record of the interview. 8 U.S.C. § 1225(b)(1)(B)(iii)(III). Finally, if the IJ concurs with the asylum officer, the noncitizen is removed without any further review by the Board of Immigration Appeals or a federal court. Only if a noncitizen passes a credible fear interview may they apply for asylum and related relief in full removal proceedings. See 8 U.S.C. § 1225(b)(1)(B); 8 C.F.R. § 208.30(f).

15. An expedited removal order comes with significant consequences beyond removal itself. Noncitizens who are issued expedited removal orders are subject to a five-year bar on admission to the United States unless they qualify for a discretionary waiver. 8 U.S.C.§ 1182(a)(9)(A)(i); 8 C.F.R. § 212.2. Similarly, noncitizens issued expedited removal orders after having been found inadmissible based on misrepresentation are subject to a lifetime bar on admission to the United States unless they are granted a discretionary exception or waiver. 8 U.S.C. § 1182(a)(6)(C).

16. These two processes have governed removal proceedings for nearly three decades. The release provisions for noncitizens placed in standard removal proceedings under § 1226 and the mandatory detention provisions for noncitizens recently arriving in the United States under § 1225(b)(1) and (b)(2) were enacted in the Illegal Immigration Reform and Immigrant

Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585.

17. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)); *Martinez v. Hyde*, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) ("The idea that a different detention scheme would apply to non-citizens 'already in the country,' as compared to those 'seeking admission into the country,' is consonant with the core logic of our immigration system ") (citing *Jennings v. Rodriguez*, 583 U.S. at 289).

18. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including "Protecting the American People Against Invasion," an order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The "Protecting the American People Against Invasion" EO instructs the DHS Secretary "to take all appropriate action to enable" ICE, Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) to prioritize civil immigration enforcement procedures including through the use of mass detention.

19. On January 21, 2025, Acting Deputy Secretary of DHS Benjamin Huffman issued for public inspection and effective immediately a designation expanding the scope of expedited removal to apply nationwide and to certain noncitizens who are unable to prove they have been in the country continuously for two years. On January 24, 2025, DHS published a Notice that expanded the application of expedited removal. Office of the Secretary, Dep't of Homeland Security, Designating Aliens for Expedited Removal, 15 Fed. Reg. 8139 ("January 2025 Designation"). The designation was "effective on" January 21, 2025.

20. The January 2025 Designation expands the pool of noncitizens who can be subjected to the summary removal process substantially to include noncitizens who are apprehended anywhere in the United States and who have not been in the United States continuously for more than two years. *Id.* at 8140.

21. The January 2025 Designation does not state that it applies to noncitizens who were in the United States before its effective date.

22. On July 8, 2025, without congressional authorization, the Executive Branch announced a new policy entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission." The policy asserts that all undocumented noncitizens deemed "applicants for admission" are subject to mandatory detention under § 1225(b)(2)(A).

23. Adopting this same position, on September 5, 2025, the Board of Immigration Appeals (BIA) issued a published decision holding that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are ineligible for immigration judge bonds. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

24. ICE and EOIR have adopted this policy even though numerous federal courts have rejected this exact conclusion. For example, after immigration judges in the Tacoma,

Washington Immigration Court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239; see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion). Accordingly, federal courts have roundly rejected Respondents' erroneous interpretation of the INA since ICE implemented its July 8, 2025 memo. See *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E..D. Mich. Sept. 9, 2025) (disagreeing with BIA's analysis in *Yajure Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025).

25. Petitioner's detention under either § 1225(b)(1) or (b)(2) is invalid. As to § 1225(b)(1), he is not in expedited removal proceedings, because the government has not served him with an expedited removal order or provided him with a credible fear interview. Respondents have not

claimed, and indeed how could they claim, that Petitioner is subject to the provisions of § 1225(b)(1). Petitioner is not "arriving in the United States"; he has been in the United States for over sixteen years and has an approved Withholding of Removal order.

26. Petitioner's detention under § 1225(b)(2) is likewise invalid. As numerous federal courts have now found, § 1225(b)(2) applies to noncitizens *seeking admission* into the United States. It does not apply to noncitizens, like Petitioner, who are clearly present within the United States, released under § 8 U.S.C. § 1226(a), placed in standard removal proceedings, and allowed to apply for withholding of removal which they won, and who are located nowhere near the border.

27. In short, Respondent's detention of Petitioner under 8 U.S.C. § 1225(b)(2) is patently unlawful, violates due process, and violates the Administrative Procedure Act.

VII. CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)

28. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

29. Under the APA, a court shall "hold unlawful and set aside agency action" that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

30. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. Of Wildlife*, 551 U.S.

644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

31. To avoid an abuse of discretion, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

32. By revoking Petitioner's order of release on recognizance without consideration of any individualized facts and circumstances applicable to him, and without finding that he is a danger to the community or a flight risk, and while his standard removal proceedings is still pending, Respondents have violated the APA.

33. No changes to the facts have occurred that might justify this revocation of his release.

34. By detaining Petitioner without articulating a rationale based on his individualized circumstances, and by detaining him in contradiction of his individualized circumstances as Respondents have previously assessed them, they have abused their discretion under the APA.

COUNT II

Violation of the Immigration and Nationality Act

35. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

36. To the extent that Respondents purport to detain Petitioner pursuant to 8 U.S.C. § 1225(b)(2), his detention under that statute is unlawful. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility for entry without inspection. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such

noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

37. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT III

Violation of Due Process
(Arbitrary Detention)

38. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

39. The Due Process Clause of the Fifth Amendment to the U.S. Constitution applies to all persons within the United States. Once a noncitizen enters this country, whether the presence is "lawful, unlawful, temporary, or permanent," the Due Process Clause applies to the noncitizen. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

40. Petitioner has a fundamental interest in liberty and being free from official restraint.

41. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

Prayer for Relief

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Declare that Petitioner's current detention without an individualized determination is unlawful;

3. Issue a writ of habeas corpus ordering Respondents to release Petitioner from custody, or, in the alternative, hold a prompt bond hearing under to determine whether he should remain in custody under INA § 1226(c);
4. Issue a temporary order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;
    a. If after the filing of this Habeas order, the Respondents remove the Petitioner from Minnesota, we ask that the Respondents be ordered to remove the Petitioner back to Minnesota;
5. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any further relief this court deems just and proper.

Dated: December 15, 2025

/s/ John Ogden Arnold

John Ogden Arnold
Attorneys for Petitioner
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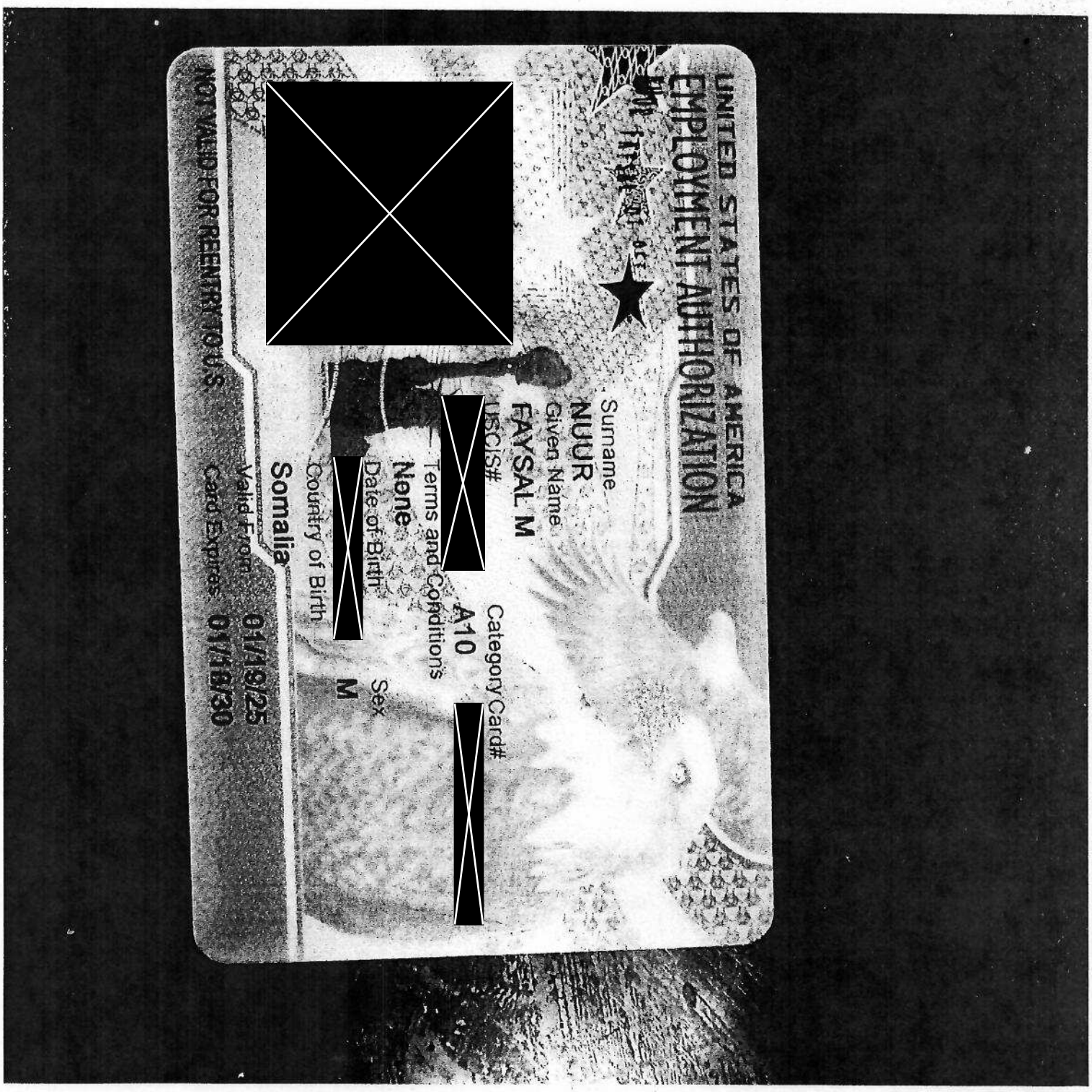
Verification by Petitioner's Legal Counsel

Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Attorney for the Petitioner.. I 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.

/s/ John Ogden Arnold Date: December 15, 2025
John Ogden Arnold, Esq.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U.S. Citizenship and Immigration Services

MENU

Employment Authorization

U.S. employers must check to make sure all employees, regardless of citizenship or national origin, are allowed to work in the United States. If you are not a citizen or a lawful permanent resident, you may need to prove that you can work in the United States by presenting an Employment Authorization Document (Form I-766/EAD). You may apply for an EAD if you are eligible.

USCIS issues the following types of EADs:

- **Initial EAD**: This document proves you are allowed to work in the United States.
- **Renewal EAD**: This document renews your initial EAD. Generally, you should not file for a renewal EAD more than 180 days before your original EAD expires.
- **Replacement EAD**: This document replaces a lost, stolen, or mutilated EAD. A replacement EAD also replaces an EAD that was issued with incorrect information, such as a misspelled name.

Note: In addition, certain B-1 nonimmigrant visitors are issued EADs.

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Form I-765 Category

Form I-765, Application for Employment Authorization, asks for your eligibility category. It is important that you write the correct eligibility category on your application.

Please see the Form I-765 instructions for a complete list of eligibility categories. You may also find eligibility categories in section 274a.12, title 8 of the Code of Federal Regulations.

Form I-765 Category	Description
(a)(2)	Lawful temporary resident
(a)(3)	Refugee
(a)(4)	Paroled refugee

B

Form I-765 Category	Description
(a)(5)	Asylee
(a)(6)	Fiancé(e) (K-1 or K-2 nonimmigrant)
(a)(7)	N-8 or N-9
(a)(8)	Citizen of Micronesia, Marshall Islands, or Palau
(a)(9)	K-3 or K-4
(a)(10)	Withholding of deportation or removal granted
(a)(11)	Deferred Enforced Departure
(a)(12)	Temporary Protected Status granted
(a)(13)	Family Unity Program (Section 301 of the Immigration Act of 1990)
(a)(14)	LIFE Legalization (Section 1504 of the Legal Immigrant Family Equity (LIFE) Act Amendments)
(a)(15)	V visa nonimmigrant
(a)(16)	T-1 nonimmigrant
(a)(17)	Spouse of an E nonimmigrant
(a)(18)	Spouse of an L nonimmigrant
(a)(19)	U-1 nonimmigrant
(a)(20)	U-2, U-3, U-4, or U-5 nonimmigrant
(c)(1)	Spouse/dependent of A-1 or A-2 visa nonimmigrant

Report

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FAYSAL MOHAMUD NUUR

Country of Birth : Somalia
A-Number: [redacted]
Status : In ICE Custody
Current Detention Facility: Call ICE For Details
** Click on the Detention Facility name to obtain facility contact information*

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