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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 Khalid Keydsane Mohamed,
 10
 Petitioner,
 11
 v.
 12 Kristi Noem, Secretary of Homeland
 Security, U.S. Department of Homeland
 13 Security, Pamela J. Bondi, Attorney General,
 Todd Lyons, Acting Direct and Senior
 14 Official, Jason Knight, as Acting Field Office
 Director, Salt Lake City Field Office, U.S.
 15 Immigration and Customs Enforcement, and
 John Mattos, Warden of the Nevada
 16 Southern Detention Facility, in their official
 capacities,
 17
 Respondents.
 18

Case No. 2:25-cv-02562-JAD-NJK
**Federal Respondents' Response to the
 Petition for Writ of Habeas Corpus
 [ECF No. 4]**

19 Federal Respondents Kristi Noem, the United States Department of Homeland
 20 Security, Pamela Bondi, Todd Lyons, Jason Knight, the United States Immigration and
 21 Customs Enforcement, and John Mattos, though undersigned counsel, file their collective
 22 response to Petitioner Khalid Keydsane Mohamed's Petition for Writ of Habeas Corpus
 23 Pursuant to 28 U.S.C. § 2241 (ECF No. 1). The Petition should be denied.
 24

1 Petitioner was ordered removed to Somalia by an Immigration Judge in 2015. The
2 Petition challenges his current detention status because he has been in custody since July 2025
3 and does not have travel documents. However, ICE requested and obtained travel documents
4 from the Somalian Embassy. Petitioner's removal is imminent.

5 **I. FACTUAL AND PROCEDURAL BACKGROUND**

6 Petitioner, a 39-year-old Somalian National, entered the United States on or about
7 February 11, 2010. Exhibit A (Record of Deportable / Inadmissible Alien (March 3, 2015))¹.
8 He was retroactively given adjusted status to that of a Lawful Permanent Resident under
9 Section 209(A) of the Immigration and Nationality Act. *Id.* On or about January 7, 2013,
10 petitioner was convicted in the Third District Court, Salt Lake, Salt Lake County, Utah for
11 attempted theft of receiving stolen property in violation of Utah Code Section 76-6-408, a
12 third-degree felony. Exhibit B (Notice to Appear). Petitioner was provided a Notice to Appear
13 on or about March 3, 2015, for a hearing before an Immigration Judge. *Id.* On or about May 5,
14 2015, an Immigration Judge ordered petitioner removed to Somalia. Exhibit C (IJ Order).

15 On or about July 13, 2015, Petitioner was released from ICE custody pending removal
16 from the United States. Exhibit D (Release Notification). Petitioner was released pursuant to
17 an Order of Supervision and notified that any violation of such conditions would result in
18 revocation of release. *Id.* He was also notified that his release from the initial 90-day detention
19 does not affect his removal and does not constitute and admission into the United States. *Id.*

20 However, while on release from ICE custody and on supervision, Petitioner continued
21 to engage in criminal behavior. A review of his criminal history reflects that, following his
22 release in 2015, Petitioner was arrested multiple times for crimes such as possession or use of a
23 controlled substance; failure to stop at command of law enforcement; interference with a peace
24

¹ Filed under seal as the document contains PII.

1 officer; false personal information with intent to be another actual person; and criminal
2 mischief intentional damage, deface and destroy property. Exhibit E (Record of Deportable /
3 Inadmissible Alien (July 15, 2025))². Many of those arrests resulted in misdemeanor
4 convictions. Moreover, while on release from ICE custody, Petitioner was convicted of several
5 felony offenses including:

- 6 • Assault, in violation of Utah Code Section 76-5-102, a third-degree felony, on or about
7 December 22, 2017;
- 8 • Attempted forcible sexual abuse, in violation of Utah Code Section 76-5-404, a third-
9 degree felony, on or about December 14, 2018;
- 10 • Aggravated assault by a prisoner, in violation of Utah Code Section 76-5-103.5,
11 a second-degree felony, on or about December 14, 2018; and
- 12 • Failure to register as a sex offender, in violation of Utah State Code 77-44-107(a)(A),
13 a third-degree felony, on or about June 14, 2024.

14 *See id.*

15 On or about July 15, 2025, ICE contacted Petitioner while he was in Utah state custody
16 for two counts of aggravated felony theft or burglary and attempt or conspiracy to commit an
17 offense. *Id.* Because there is now a substantial likelihood of removal in the reasonably
18 foreseeable future, ICE placed Petitioner into custody on or about that date. *Id.*

19 On or about January 6, 2026, Petitioner filed his Petition for a Writ of Habeas Corpus
20 (ECF No. 4) challenging his detention and deportation to Somalia because federal authorities
21 cannot get him travel documents, and because his prolonged detention is unlawful.

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² Filed under seal as the document contains PII.

1 On December 17, 2025³, ICE requested travel forms on behalf of Petitioner to the
2 Somalia Embassy. Exhibit F (Travel Document Request)⁴. According to ICE, as of January
3 23, 2026, travel documents have been received from Somalia for Petitioner, and a commercial
4 flight will be booked.

5 II. LEGAL STANDARD

6 A. Removal and Detention Under 8 U.S.C. § 1231(a)

7 Where, as here, an alien is subject to a final order of removal, there is a 90-day
8 “removal period,” during which the government “shall” remove the alien. 8 U.S.C.
9 § 1231(a)(1). Detention during this period is mandatory. See 8 U.S.C. § 1231(a)(2). And the
10 mandatory removal period begins on the latest of three possible dates: (1) the date an order of
11 removal becomes “administratively final,” (2) the date of the final order of any court that
12 entered a stay of removal, or (3) the date the alien is released from non-immigration detention.
13 8 U.S.C. § 1231(a)(1)(B).

14 There are at least three potential outcomes in the event the government does not
15 remove an alien during the 90-day mandatory removal period. First, the government may
16 release the alien subject to conditions of supervised release. See 8 U.S.C. § 1231(a)(3). Second,
17 the government may extend the removal period if the alien “fails or refuses to make timely
18 application in good faith for travel or other documents necessary to the alien’s departure or
19 conspires or acts to prevent the alien’s removal subject to an order of removal.” 8 U.S.C.
20 § 1231(a)(1)(C). And finally, the government may further detain certain categories of aliens,
21 including those “inadmissible” under 8 U.S.C. § 1182. See 8 U.S.C. § 1231(a)(6). Continued
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24 ³ The letter to the Embassy is dated December 17, 2025. However, ICE indicated that the letter and
corresponding documents were sent to the Embassy on January 12, 2026.

⁴ Filed under seal as the document contains PII.

1 detention under this latter category is often referred to as the “post-removal-period.” *Johnson v.*
2 *Guzman Chavez*, 594 U.S. 523, 529 (2021).

3 The INA does not place an explicit time limit on how long detention during the “post-
4 removal-period” can last. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 579 (2022). But the
5 Supreme Court has held that the government may only detain aliens in the post-removal-
6 period for the time “reasonably necessary to bring about that alien’s removal from the United
7 States.” *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). And the Supreme Court further clarified
8 that a six-month period of detention is “presumptively reasonable.” *Id.* at 701. “After this
9 6-month period, once the alien provides good reason to believe that there is no significant
10 likelihood of removal in the reasonably foreseeable future, the Government must respond with
11 evidence sufficient to rebut that showing.” *Id.*

12 **B. Orders of Supervision**

13 In the event the government does not further detain and instead releases the alien at the
14 end of the 90-day mandatory removal period, the government must do so under conditions of
15 supervised release. *See* 8 U.S.C. § 1231(a)(3) (providing that an alien who “does not leave or is
16 not removed within the removal period ... shall be subject to supervision”). Regulations at
17 8 C.F.R. § 241.4 govern aliens where “release will not pose a danger to the community or to
18 the safety of other persons or to property or a significant risk of flight pending such alien’s
19 removal from the United States.” *Id.* § 241.4(d)(1). Aliens, such as Petitioner, who pose a risk
20 of danger, but are nevertheless released because ICE determined “there is no significant
21 likelihood of removal in the reasonably foreseeable future,” are governed by the regulations at
22 § 241.13.

23 If the alien violates a condition of release, the government can revoke the order of
24 supervision and return the alien to custody. *See* 8 C.F.R. § 241.13(i)(1). In addition, the

1 government can revoke an alien's release "if, on account of changed circumstances, the Service
2 determines that there is a significant likelihood that the alien may be removed in the
3 reasonably foreseeable future." *Id.* § 241.13(i)(2). In either scenario, the government must
4 notify the alien of "the reasons for revocation," and "conduct an initial informal interview
5 promptly" to give the alien "an opportunity to respond to the reasons for revocation stated in
6 the notification." *See id.* § 241.13(i)(3).

7 **C. Suspension of Removal Under 8 U.S.C. § 1231(a)(1)(C)**

8 As noted above a separate basis for detention of aliens with final orders of removal is
9 via an extension of the removal period in circumstances where the alien "fails or refuses to
10 make timely application in good faith for travel or other documents necessary to the alien's
11 departure." 8 U.S.C. § 1231(a)(1)(C). In such cases, the government must serve the alien a
12 "Notice of Failure to Comply," which sets forth the relevant statutory provisions (8 U.S.C.
13 §§ 1231(a)(1)(C), 1253(a)) and provides "an explanation of the necessary steps that the alien
14 must take in order to comply with the statutory requirements." 8 C.F.R. § 241.4(g)(5)(ii). The
15 government must also advise the alien that the "Notice of Failure to Comply shall have the
16 effect of extending the removal period as provided by law, if the removal period has not yet
17 expired," and that the government is not required to complete any scheduled custody reviews
18 under 8 C.F.R. § 241.4 until the alien has "demonstrated compliance with the statutory
19 obligations." *Id.* § 241.4(g)(5)(iii).

20 **D. Removal to Third Country**

21 As a general matter, aliens ordered removed "may designate one country to which [he
22 or she] wants to be removed," and DHS "shall remove the alien to [that] country[.]" 8 U.S.C.
23 § 1231(b)(2)(A). In certain cases, however, DHS will not remove the alien to his or her
24 designated country, including if "the government of the country is not willing to accept the

1 alien into the country.” *Id.* § 1231(b)(2)(C)(iii). In that scenario, the alien “shall” be removed
2 to his or her country of nationality or citizenship, unless the country “is not willing to accept”
3 the alien.” *Id.* § 1231(b)(2)(D). If, however, the alien cannot be removed to a country of
4 designation or the country of nationality or citizenship, then the government may consider
5 other options, including “[t]he country from which the alien was admitted to the United
6 States,” “[t]he country in which the alien was born,” or “[t]he country in which the alien last
7 resided[.]” *Id.* §§ 1231(b)(2)(E)(i), (iii)-(iv).

8 Where removal to any of the countries listed in subparagraph (E) is “impracticable,
9 inadvisable, or impossible,” then the alien may be removed to any “country whose
10 government will accept the alien into that country.” *Id.* § 1231(b)(2)(E)(vii); *see Jama v. Immigr.*
11 *& Customs Enft*, 543 U.S. 335, 341 (2005).

12 In addition, DHS “may not remove an alien to a country if the Attorney General decides that
13 the alien’s life or freedom would be threatened in that country because of [his or her] race,
14 religion, nationality, membership in a particular social group, or political opinion,” 8 U.S.C.
15 § 1231(b)(3)(A); 8 C.F.R. §§ 208.16(a)-(b), 1208.16(a)-(b), or if it is more likely than not that
16 the alien would be tortured, 8 C.F.R. §§ 208.16(c), 208.17, 1208.16(c), 1208.17.

17 **III. ARGUMENT**

18 **A. Petitioner’s Detention is Lawful**

19 Petitioner is subject to a final order of removal. As such, ICE can lawfully detain
20 Petitioner because there is a significant likelihood of removal in the foreseeable future.
21 Specifically, 8 U.S.C. § 1231(a)(1) provides that when an alien is ordered removed there is a
22 mandatory 90-day removal period. Moreover, during this removal period, immigration
23 officials must detain the alien while attempting to secure his or her removal. *See* 8 U.S.C.
24 §§ 1231(a)(2); *see Zadvydas*, 533 U.S. 683 (“After entry of a final removal order and during the

1 90-day removal period quo . . . aliens must be held in custody.” (internal citation omitted)).
2 Following this 90-day removal period, ICE can either release the alien pursuant to an Order of
3 Supervision under § 1231 (a)(3) or continue detention under § 1231(a)(6).

4 Continued detention is appropriate for the following individuals: (i) those who are
5 inadmissible to the United States pursuant to section 212 of the INA (8 U.S.C. § 1182); (ii)
6 those who are subject to certain grounds of removability from the United States pursuant to
7 section 237 of the INA (8 U.S.C. § 1227), including, as relevant here, subsection (a)(2); or (iii)
8 those whom immigration authorities have determined to be a risk to the community or
9 “unlikely to comply with the order of removal.” 8 U.S.C. § 1231(a)(6)(A).

10 Here, Petitioner is outside the 90-day removal period which commenced following his
11 order of removal on May 5, 2015. However, he is still eligible for ICE detention beyond the
12 initial 90 days as he is subject to removal under section 237(a)(2) of the INA. (8 U.S.C.
13 § 1227(a)(2)). Specifically, Petitioner was subject to removal / deportation under section
14 237(a)(2)(A)(iii) of the INA, “convicted of an aggravated felony as defined in section
15 101(a)(43)(G) of the Act, a law relating to a theft offense (including receipt of stolen property)
16 or a burglary offense for which the term of imprisonment at least 1 year was imposed”; and
17 “convicted of an aggravated felony as defined in section 101(a) (43) (U) of the Act, a law
18 relating to an attempt or conspiracy to commit an offense described in section 101(a)(43) of the
19 Act.” *See* Record of Deportable/Inadmissible Alien (March 3, 2015).

20 Because Petitioner has been ordered removed pursuant to section 237(a)(2)(A)(iii) of
21 the INA, ICE has statutory authority to detain Petitioner to effectuate his removal order from
22 the United States and he is not entitled to a bond hearing or release as § 1231(a)(6) does not
23 require such process. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 574, 581 (2022) (holding
24

1 § 1231(a)(6)'s plain text "says nothing about bond hearings before immigration judges or
2 burdens of proof").

3 Moreover, detention for up to six months after a final order of removal is
4 "presumptively reasonable." *Zadvydas*, 533 U.S. at 701. As the Supreme Court explained in
5 *Zadvydas*, detention beyond the 90-day removal period is justified when it is "reasonably
6 necessary" to effectuate removal. *Id.* After six months, the burden shifts to the petitioner to
7 show "good reason to believe that there is no significant likelihood of removal in the
8 reasonably foreseeable future" before the burden reverts to the government to rebut that
9 showing *Id.* The Supreme Court has recognized that "detention during deportation
10 proceedings [is] a constitutionally valid aspect of the deportation process." *Demore v. Kim*, 538
11 U.S. 510, 523 (2003). When evaluating "reasonableness" of detention, the touchstone is
12 whether an alien's detention continues to serve "the statute's basic purpose, namely, assuring
13 the alien's presence at the moment of removal." *Zadvydas*, 533 U.S. at 699. To set forth a
14 Constitutional violation for § 1231 detention, an individual must satisfy the *Zadvydas* test. *See*
15 *Castaneda v. Perry*, 95 F.4th 750, 760 (4th Cir. 2024) (explaining that "*Zadvydas*, largely, if not
16 entirely forecloses due process challenges to § 1231 detention apart from the framework it
17 established.").

18 In this case, Petitioner was initially detained for the 90-day removal period from May 5,
19 2015, to July 13, 2015. He was then on supervised release for several years. Ultimately, he was
20 not detained until approximately ten years later, on or about July 15, 2025. At the time,
21 Petitioner filed this habeas petition on January 6, 2026, he had been detained just shy of six
22 months. Thus, Petitioner's current period of post-removal-order detention is certainly within
23 the timeframe that *Zadvydas* identifies as "presumptively reasonable." Once the six-month
24 mark passes (in this case it is mere days), the burden shifts to the Petitioner to provide evidence

1 giving rise to a “reason to believe” that there is no significant likelihood of removal in the
2 reasonably foreseeable future. Petitioner has not met that burden.

3 **B. Petitioner Cannot Establish There is No Significant Likelihood of Removal**
4 **in the Foreseeable Future.**

5 Petitioner cannot demonstrate that there is no significant likelihood of removal in the
6 reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701 (explaining alien challenging
7 detention beyond six-month period bears burden of showing there is no significant likelihood
8 of removal in reasonably foreseeable future). In his Petition, Petitioner states “they cannot
9 deport or get me travel documents.” ECF No. 4 at p. 6. That is no longer accurate. As of
10 January 13, 2026, Temporary Protected Status (TPS) for Somalia was terminated.⁵
11 Furthermore, as noted previously, travel documents for Petitioner have been received from the
12 Somalian Embassy. Removal is not only reasonably foreseeable, but it is imminent. According
13 to ICE, a commercial flight has been booked in Petitioner’s name for February 16, 2026.
14 However, it appears that the destination country for the flight was incorrect, and therefore, the
15 flight needs to be re-booked.⁶ Nevertheless, ICE has confirmed receipt of a temporary travel
16 document for Petitioner, noting that he will be removed and placed on flight to his country of
17 origin, which is Somalia.

18 Petitioner has not met his burden to prove that “there is no significant likelihood of
19 removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 689.

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23 ⁵ See U.S. Citizenship and Immigration Services, “Temporary Protected Status Designated
24 Country: Somalia” <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-somalia>.

⁶ The undersigned requested a copy of the travel itinerary from ICE but has yet to receive any documents to date.

1 **IV. CONCLUSION**

2 For these reasons, Federal Respondents respectfully request that the Petition be denied.

3 Respectfully submitted this 27th day of January 2026.

4 TODD BLANCHE
5 Deputy Attorney General

6 /s/ Lauren Ibanez
7 LAUREN IBANEZ
8 Assistant United States Attorney
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EXHIBIT INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
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18
19
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21
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- Exhibit A Record of Deportable/Inadmissible Alien (March 3, 2015)
- Exhibit B Notice to Appear (March 3, 2015)
- Exhibit C Immigration Judge Order (May 5, 2015)
- Exhibit D Release Notification (July 31, 2015)
- Exhibit E Record of Deportable / Inadmissible Alien (July 15, 2025)
- Exhibit F Request for Travel Document (Dec. 13, 2025)