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9 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 Khalid Keydsane Mohamed,
11 Petitioner,
12 v.
13 Kristi Noem, *et al.*,
14 Respondents.

Case No. 2:25-cv-02562-JAD-NJK

**Mohamed's Reply to the
Government's Response to
Petition for Writ of Habeas
Corpus**

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INTRODUCTION

Under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001), the Supreme Court held that, after six months, if an “alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” then the Government “must respond with evidence sufficient to rebut that showing.

The Government does not dispute that Petitioner Khalid Keysdane Mohamed has been detained since “on or about July 15, 2025.” ECF No. 14 at 9. The Government does not dispute that, at the time Mohamed filed his petition, he had asserted facts sufficient to provide “good reason” to believe there is no significant likelihood of removal. *Zadvydas*, 538 U.S. at 701; *see also* ECF No. 14 at 10.

Instead, the Government argues, in effect, that circumstances have changed: “travel documents from the Somalian Embassy have been received” and “[r]emoval is not only reasonably foreseeable, but . . . imminent.” ECF No. 14 at 10. Indeed, the Government assures the Court, “a commercial flight has been booked in Petitioner’s name for February 16, 2026.” *Id.* Although, this assurance is limited, the Government adds, “[I]t appears that the destination country for the flight was incorrect, and therefore, the flight needs to be re-booked.” *Id.*

So the Government invites the Court to rely on ICE’s confirmation that “receipt of a temporary travel document for Petitioner” has occurred, and that Mohamed “will be removed and placed on flight to his country of origin, which is Somalia.” *Id.* These representations, many in the passive voice, are insufficient. Who has received documents, booked flights, will book new flights—or when—

1 remains unknown. Nor has the Government provided the travel documents
2 received, proof of Mohamed's booking, or a timeline for removal.

3 Because the Government has not rebutted Mohamed's showing, this Court
4 should grant habeas relief and order Mohamed released.

5 STATEMENT OF FACTS¹

6 In 1992, Mohamed, age 5, and his family fled the civil war in Somalia. On
7 May 5, 2015, an immigration judge ordered Mohamed removed to Somalia. For
8 more than 10 years, the Government did not deport Mohamed. On July 15, 2025—
9 more than six months ago—the Government re-detained him.²

10 On or around December 15, 2025, Mohamed filed the instant petition for writ
11 of habeas corpus. *See* ECF No. 4 at 9. On January 6, 2026, this Court ordered the
12 Clerk of Court to separately file Mohamed's petition for writ of habeas corpus and to
13 send a copy of the petition to the U.S. Attorney's Office. ECF No. 3 at 2.

14 Super-imposing the Government's timeline onto the timeline of this case:
15 Mohamed filed his petition on December 15; ICE "requested"³ travel documents on
16 December 17. *Compare* ECF No. 4 at 9 *with* ECF No. 14 at 4.⁴ This Court ordered
17 Mohamed's petition filed on January 6; ICE sent its request for travel documents on
18 January 12. *Compare* ECF No. 3 *with* ECF No. 14 at 4 n.3.

20 ¹ Sentences without citation are made on information and belief.

21 ² Six months after July 15, 2025 was January 15, 2026.

22 ³ Per the Government, "requesting" in this context does not mean sending.
See ECF No. 14 at 4 n.3.

23 ⁴ The Court file stamped the petition on December 22, 2025, ECF No. 4 at 1,
and ordered it filed separately from Mohamed's fee waiver request on January 6,
2026. ECF No. 3 at 2.

1 The Government responded to Mohamed's petition on January 27, 2026. The
2 Government has not provided travel documents. *See* ECF No. 14 at 12. The
3 Government has not provided proof of travel arrangements. *See* ECF No. 14 at 12.

4 ARGUMENT

5 I. ***Zadvydas* is unambiguous: Mohamed should be released.**

6 Under *Zadvydas*, after a person has been detained for more than six months,
7 if there is good reason to believe their deportation is not reasonably foreseeable,
8 then the Government has the burden of justifying continued detention. *Zadvydas*,
9 533 U.S. at 701. Here, Mohamed has been detained more than six months; there is
10 good reason to believe his deportation is not reasonably foreseeable. The
11 Government has not shown that deportation is reasonably foreseeable. Thus, this
12 Court should order Mohamed released.

13 A. **Mohamed has been detained for more than six months, and 14 there is good reason to believe his deportation is not reasonably foreseeable.**

15 ICE detained Mohamed on July 15, 2025. *See* ECF No. 4 at 1; *see also* Govt.'s
16 Sealed Ex. E. That was more than six months ago. The Government's position
17 appears to be that the six-month period has not elapsed. *See* ECF No. 14 at 9
18 ("Thus, Petitioner's current period of post-removal order detention is certainly
19 within the timeframe that *Zadvydas* identifies as presumptively reasonable."); *see*
20 *also id.* ("Once the six-month mark passes (in this case it is mere days) . . ."). This
21 is wrong; six months after July 15, 2025 was January 15, 2026. As of the time of the
22 Government's response, twelve days after the six months had elapsed.

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1 There is good reason to conclude that Mohamed's deportation is not
2 reasonably foreseeable because the Government has not deported Mohamed in the
3 ten years since his deportation order, and to date, they have not provided the travel
4 documents received, proof of Mohamed's booking, or a timeline for removal.

5 **B. The Government has not shown deportation is reasonably**
6 **foreseeable.**

7 The Government contends that circumstances have changed, and so
8 Mohamed's deportation is reasonably foreseeable. Specifically, the Government
9 notes, "As of January 13, 2026, Temporary Protected Status (TPS) for Somalia was
10 terminated." ECF No. 14 at 10. The Government leaves out, however, that TPS
11 benefits will not end until March 17, 2026, almost six weeks from now.⁵ Mid-March
12 is not "imminent." See ECF No. 14 at 10.

13 And, even with the termination of TPS status in mid-March, Mohamed's
14 deportation is still not reasonably foreseeable. As the Government concedes, travel
15 arrangements to Somalia are still not made. See ECF No. 14 at 10.⁶

18 ⁵ Under federal law, termination of TPS status "shall not be effective earlier
19 than 60 days after the date the notice is published." 8 USC § 1254a(b)(3)(B). The
20 notice, published on January 14, 2026, set the effective date for March 17, 2026. See
21 91 Fed. Reg. 1547 (Jan. 14, 2026), available at
22 [https://www.federalregister.gov/documents/2026/01/14/2026-00596/termination-of-](https://www.federalregister.gov/documents/2026/01/14/2026-00596/termination-of-the-designation-of-somalia-for-temporary-protected-status)
the-designation-of-somalia-for-temporary-protected-status; see also U.S. Citizenship
and Immigration Services, *Temporary Protected Status Designated Country:*
Somalia, [https://www.uscis.gov/humanitarian/temporary-protected-](https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-somalia)
status/temporary-protected-status-designated-country-somalia.

23 ⁶ That a commercial flight was booked for the "incorrect" "destination
country" does not demonstrate that travel has been booked for Mohamed on a
definite date to Somalia. See ECF No. 14 at 10.

1 Dated this 30th day of January, 2026.

2 Respectfully submitted,

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4 Federal Public Defender

5 */s/ Randolph M. Fiedler*
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