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

Ahmed Sharif Ali,

Petitioner,

Case No. 25-cv-4776

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S.
Department of Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs
Enforcement,

David Easterwood, Acting Director, St.
Paul Field Office Immigration and
Customs Enforcement, and

Eric Klang, Sheriff of Crow Wing
County.

Respondents.

**VERIFIED PETITION FOR
WRIT OF HABEAS
CORPUS AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Expedited Handling Requested

INTRODUCTION

1. Petitioner, Mr. Ahmed Sharif Ali, (“Mr. Ali”), by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement (“ICE”) to release Mr. Ali from ICE detention or provide him with a bond hearing pending the completion of his asylum appeal.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

3. Federal question jurisdiction exists because Mr. Ali seeks to challenge his custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

4. 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 the Department of Homeland Security (“DHS”). *Denmore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings v. Rodriguez*,

138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Mr. Ali is detained within the District of Minnesota.

6. 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

7. Petitioner is a citizen of Somalia and a resident of Richfield, Hennepin County, Minnesota, who is currently being held at the Crow Wing County detention facility in Brainerd, Minnesota. Petitioner is under the direct control of the respondents and has no scheduled release date.

8. 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. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Mr. Ali.

9. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to

8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Mr. Ali's detention and removal. As such, Respondent Noem is a legal custodian of Mr. Ali.

10. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

11. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Mr. Ali. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

12. Respondent Sheriff Eric Klang is being sued in his official capacity as the Sheriff responsible for the Crow Wing detention facility. Because Petitioner is detained in the Crow Wing County facility, Sheriff Klang has immediate day-to-day control over Petitioner.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

13. Petitioner is a resident of Minneapolis and a citizen of Somalia. He has lived in the United States since August of 2022.

14. Mr. Ali filed a petition for asylum within one year of his arrival to the United States, which was initially denied by an immigration judge in October of 2025. Mr. Ali and his attorney filed a timely appeal on November 13, 2025. This appeal is currently pending at the Board of Immigration Appeals (“BIA”).

15. The Department of Homeland Security approved employment authorization for Mr. Ali in August of 2023, and Mr. Ali works full-time as an Uber and Lyft driver.

16. Mr. Ali lives with two of his close friends in Richfield, Minnesota. He has a large and beloved extended family in Minnesota, concentrated around Hennepin County.

17. Mr. Ali has many friends, and is an active participant in his community—for example, Mr. Ali is the organizer of a weekly pick-up soccer game and is responsible for renting the indoor fieldspace so that the group can continue playing soccer in the winter.

18. Mr. Ali is active in his union, and an advocate for more equitable conditions and pay for Uber and Lyft drivers.

19. Mr. Ali pays taxes to the U.S. and Minnesotan governments and has a spotless criminal record.

20. Individuals wearing facemasks, jeans, and tactical vests were waiting outside Mr. Ali's home on December 1, 2025. These men are believed to be agents of Respondent ICE.

21. As Mr. Ali began to drive away from his home that afternoon, the ICE officers surrounded his vehicle in their own unmarked SUVs and turned their flashing lights on. Mr. Ali pulled over. Another ICE vehicle boxed him in from the front.

22. Believing ICE to be state or local police officers, Mr. Ali complied with their requests to roll down his window and to show his identification. At that point, without ever displaying a warrant or providing justification, they informed him that he was under arrest and ordered him out of the vehicle.

23. Mr. Ali complied, and was taken into custody to the Fort Snelling immigration building on 1 Federal Drive, St Paul, Minnesota.

24. This arrest is part of an operation in Hennepin and Ramsey counties called "Operation Metro Surge." This operation has involved hundreds of masked, unidentified individuals in unmarked vehicles (many with illegally covered or mismatched license plates) holding themselves out as ICE agents but largely refusing to identify themselves by name or to present warrants, physically assaulting pedestrians, pepper spraying and arresting citizen observers, hitting passersby with vehicles, and generally attempting to take as

many immigrants as possible into custody regardless of the constitutionality of their actions. *See, e.g., Compl., Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. 12/17/2025).

25. A few hours after Respondents brought Mr. Ali to 1 Federal Drive, they transferred him to Kandiyohi County Jail. Approximately two weeks later, Mr. Ali was again transferred—without any advance notice or subsequent explanation—to Crow Wing County Jail, where he is currently detained.

26. Mr. Ali poses no risk to society and has strong connections to his community in Hennepin County, including family, friends, and coworkers.

27. Mr. Ali retained an immigration attorney, who currently represents him in his ongoing appeal at the BIA. Mr. Ali is diligent about staying in touch with his attorney and adhering to all instructions from the immigration courts, including attending all required court appearances.

28. Detaining Mr. Ali is an expensive and pointless endeavor. Mr. Ali respectfully seeks the opportunity to return to his home in Richfield and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

29. Pending the adjudication of his Petition, Mr. Ali further seeks an order restraining the Respondents from transferring him to a location outside of the

State of Minnesota, so that he may remain within the jurisdiction of this Court and accessible to his legal counsel and family support networks.

STANDARD OF LAW

30. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The “Great Writ” has been referred to by US Courts as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

31. The Court must grant a petition for writ of habeas corpus or issue an order to show cause to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

32. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [immigrants], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

33. Only under certain circumstances are immigrants subject to ongoing detention without a bond hearing. *See, e.g.*, 8 U.S.C. § 1226(c) (individuals with certain criminal convictions may be detained without a bond hearing for

the pendency of removal proceedings¹) and 8 U.S.C. § 1225(b)(2) (authorizing mandatory detention of immigrants seeking admission from outside the United States, who are “not clearly and beyond a doubt entitled to be admitted.”).

34. Otherwise, the “default rule” is that 8 U.S.C. § 1226(a) and its implementing regulations apply to immigrants “already present in the United States” and subject to pending removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018). Under this default rule, immigrants are constitutionally entitled to a bond hearing. *R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL 3146312 (D. Minn. Nov. 4, 2025). *See also Mayamu K. v. Bondi*, No. 25-3035 (JWB/LIB), 2025 U.S. Dist. LEXIS 260661 (D. Minn. Oct. 20, 2025) (holding that an immigrant detained after entry while in asylum proceedings is held pursuant to 8 U.S.C. § 1226(a), and that the DHS policy attempting to reclassify interior arrests under 8 U.S.C. § 1225 so as to hold asylum seekers without a bond hearing is unlawful and unconstitutional.).

35. When an immigrant appeals a pending removal order and an initial denial of their asylum application, 8 U.S.C. § 1226 still governs their detention unless and until the BIA affirms the denial. Only when the appeal is dismissed

¹ Even when detained under 1226(c), immigrants retain due process rights and are entitled to a hearing if the period of detention becomes unreasonable. *See, e.g., Pedro O v. Garland*, 543 F.Supp.3d 733 (D. Minn. 2021) (finding a year-long mandatory detention pursuant to 8 U.S.C. § 1226(c) without an individualized hearing to violate an immigrant’s due process rights).

would 8 U.S.C. § 1231 govern the immigrant's detention. *Shol v. Sec'y of Homeland Sec.*, No. 18-CV-3139 (WMW/SER), 2019 WL 2746267, at *2 (D. Minn. Apr. 25, 2019) ("When Shol filed his petition [during the pendency of an appeal of his removal order before the BIA], he was administratively detained pursuant to 8 U.S.C. § 1226, which governs detention before a final order of removal has issued.").

36. To summarize: immigrants "who are arrested and detained may generally apply for release on bond or conditional parole." *Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021) (citing §1226(a)(2)). In such cases, 8 U.S.C. "§1226 governs the detention ... until §1231's "removal period" begins." *Id.* at 533. The removal period only begins once any administrative challenges or judicial review of the removal order have concluded. 8 U.S.C. §1231(a)(1)(B).

37. Here, Mr. Ali's removal proceeding is pending, because he has an active appeal with the BIA, and therefore he is entitled to a bond hearing under 8 U.S.C. § 1226 and its supporting regulations.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

Petitioner is being deprived of an adequate and meaningful process to challenge his ongoing confinement.

38. Petitioner realleges and incorporates by reference the allegations contained above.

39. Mr. Ali has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

40. Federal courts use the three-part test in *Matthews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. 424 U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.

41. Here, all three factors favor the petitioner.

42. First, he has a significant private interest at stake. A person's interest in freedom from physical detention is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578

(2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”). Mr. Ali currently experiences the gambit of deprivations that come with physical detention, including separation from his family and his community, an inability to work, and inhibitions to participate fully in his proceedings before the BIA.

43. Second, Mr. Ali will continue to be deprived of this interest if the current procedure (detaining Mr. Ali without a hearing) is followed. With his lack of criminal record and his demonstrated pattern of following instructions and appearing for court proceedings, Mr. Ali has a strong likelihood of meeting the criteria for being released on bond. 8 CFR §§236.1(c)(8), 1236.1(c)(8) (2020); *In re Adeniji*, 22 I. & N. Dec. 1102, 1113 (BIA 1999). Even if he is not subsequently released, he still has a legal and constitutional interest in the hearing itself, in being heard.

44. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Mr. Ali poses no safety threats to the community. Releasing Mr. Ali, or holding a hearing to release him on bond, would in fact *save* the government the resources and expense of continuing to imprison him.

45. The placement of Mr. Ali in detention pending the resolution of his asylum proceedings violates his constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT TWO

Immigration and Nationality Act, 8 U.S.C. § 1226

Petitioner's Ongoing Detention, without the Opportunity for a Bond Hearing, Violates his Statutory Right to a Hearing as Guaranteed by 8 U.S.C. § 1226

46. Petitioner realleges and incorporates by reference each and every allegation contained above.

47. When a decision in an asylum application is pending on appeal and an immigrant is being detained pursuant to 8 U.S.C. § 1226(a), that immigrant is entitled to a bond hearing pursuant to 8 CFR §§236.1(c).

48. Mr. Ali is detained, notwithstanding his pending asylum application, without being afforded an opportunity to advocate for his release back into his community as the law requires.

PRAYER FOR RELIEF

WHEREFORE, Mr. Ali prays that this Court grant the following relief;

(1) Assume jurisdiction over this matter;

(2) Issue an Order requiring Respondents to either release Petitioner

immediately, or in the alternative provide Petitioner with a bond hearing;

- (3) Award Petitioner his costs and reasonable attorneys' fees in this action under the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified by law; and
- (4) Grant any other and further relief that this Court may deem just and proper.

Date: Dec. 25, 2025

/s/ Kira A. Kelley

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Attorney for Petitioner

**Verification by Someone Acting on
Petitioner's Behalf Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I have discussed the factual assertions in this petition with Petitioner's family, friends, and immigration attorney, who are also acting on Petitioner's behalf and who I understand to have personal knowledge of the facts alleged herein. 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.

Date: Dec. 25, 2025

/s/ Kira A. Kelley