

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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CLERK

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DEPUTY CLERK

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

Hussien Noor Hussien,

Petitioner,

v.

Pamela Bondi, Attorney General,

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

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

**Patricia Hyde, Acting Director, Boston
Field Office Immigration and Customs
Enforcement, and**

**Greg Hale, Superintendent, Northwest
State Correctional Center.**

Respondents.

Case No.

2:26-cv-2

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

Expedited Handling Requested

INTRODUCTION

1. Petitioner, Mr. Hussien Noor Hussien, ("Mr. Hussien"), by and through Next Friend, Abdirisak Maalin (son of Petitioner's cousin), 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. Hussien from ICE detention or provide him with a bond hearing pending the completion of his immigration proceedings.

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. Maalin seeks to challenge Mr. Hussien’s 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. Hussien is detained within the District of Vermont.

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 Burlington, Chittenden County, Vermont, who is currently being held at the Northwest Correctional Facility in St. Albans, Vermont. 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. Hussien.

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. Hussien's detention and removal. As such, Respondent Noem is a legal custodian of Mr. Hussien.

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 Patricia Hyde is being sued in her official capacity as the Acting Field Office Director for the Boston Field Office for ICE within DHS. In that capacity, Field Director Hyde has supervisory authority over the ICE agents responsible for detaining Mr. Hussien. The address for the Boston Field Office is 1000 District Avenue, Burlington, MA 01803.

12. Respondent Superintendent Greg Hale is being sued in his official capacity as the Superintendent responsible for the Northwest State Correctional Center. Because Petitioner is detained in the Northwest Correctional Center, Superintendent Hale has immediate day-to-day control over Petitioner.

NEXT FRIEND

13. Next Friend, Abdirisak Maalin, brings this habeas corpus action as next friend of Petitioner, Hussien Noor Hussien, who is currently detained by U.S. Immigration and Customs Enforcement.

14. A next friend does not become a party to the habeas action but instead prosecutes the case on behalf of the detained individual, who remains the real party in interest.

Whitmore v. Arkansas, 495 U.S. 149, 163 (1990).

15. Next-friend standing is appropriate where the detainee cannot prosecute the action on their own, due to lack of access to the courts or a similar disability. *Id.* at 163–64.

Additionally, a next friend may bring a petition “only if the litigation actually involves the concerns of the real party in interest, and not simply the grievances of the next friend.”

Amerson v. Iowa, Dep't of Hum. Servs. by Palmer, 59 F.3d 92, 93 (8th Cir. 1995) (citing 28 U.S.C. §§ 2242, 2254(a); *Whitmore*, 495 U.S. at 163–64).

16. Here, the detainee is unable to prepare, sign, or file this petition because they are held in ICE custody at Northwest Correctional Center, without reliable access to legal materials or translation services, and they face pending removal. These conditions make meaningful access to the courts impossible absent next-friend intervention.

17. Next friend, Abdirisak Maalin, is a close friend, culturally considered a family member, and a cousin through marriage, and has a significant relationship with him, and is acting solely in the Petitioner’s best interests, not to assert his own rights or interests.

Abdirisak Maalin therefore satisfies the requirements for next friend standing under *Whitmore* and *Amerson*, and this Court has jurisdiction to consider the petition.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

18. Petitioner is a Legal Permanent Resident of the United States, residing in Vermont and a citizen of Somalia. He has lived in the United States since 2004.

19. Mr. Hussien was admitted to the United States as a refugee in 2004. He was granted Legal Permanent Resident (LPR) status in 2007, and became a naturalized United States Citizen in 2011. In 2019 he was convicted of Personage of Another in a Naturalization Proceeding, Procuring Naturalization Contrary to Law, and Making a False Statement on a Passport Application. Although these charges carry a combined maximum prison sentence of 25 years, with a sentencing guideline of 10-16 months, Mr. Hussien was only sentenced to 3 months for each count served concurrently and 3 years of supervised release. The drug testing requirement was waived during his supervision, as the court determined that he did not pose a risk of drug abuse. His citizenship was revoked as a result of his conviction. Mr. Hussien's pre-sentencing report submitted by a Chief U.S. Probation Officer states:

"According to Immigration and Customs Enforcement (ICE) officials... Upon convict[ion] of fraudulently procuring citizenship, a U.S. District Judge could strip him of his U.S. citizenship. Upon that occurrence, he would revert to his prior immigration status as a lawful permanent resident (LPR). Immigration and Customs Enforcement (ICE) *could* then be empowered to strip him of his LPR status and commence deportation proceedings."

(emphasis added)

20. Mr. Hussien was released early on January 9th, 2020. ICE detained him directly from the federal prison on January 9th, 2020.

21. On April 8th, 2021, Mr. Hussien was released from Bristol County House of Corrections where he was in ICE custody on personal recognizance following a settlement agreement in *Savino Et Al V. Hodgson Et Al*, U.S.D.C. Mass., No. 1:20cv10617. Mr.

Hussien was granted protection against subsequent detention for a period of 1 year providing he met conditions of his release. Mr. Hussien met all conditions during that period and has continued to comply with all conditions of personal recognizance. He has appeared for all required appointments with ICE and has not been arrested since his release.

22. Mr. Hussien re-applied for Legal Permanent Resident status in 2021, which was granted in 2023. His current green card is valid through November 15, 2033.

23. Mr. Hussien owns a company called Freedom Cab and works there full-time as a cab driver.

24. Mr. Hussien lives with his wife and five children in Burlington, VT. His children range in age from 3 to 17 and were all born in the United States. His wife is a naturalized United States citizen. Hussien and his wife both work and his family depends on his income for financial stability. He has a large community in Vermont, concentrated around Chittenden County.

25. Mr. Hussien has an extensive network of friends, many of whom are culturally considered family. He is an active and beloved leader and small business owner in his community. Mr. Hussien is a member of his local mosque and frequently volunteers there.

26. Mr. Hussien is a board member of the non-profit United Immigrant and Refugee Communities of Vermont, Inc., whose mission is to provide opportunities and resources for immigrant and refugee communities in Vermont.

27. On January 1, 2026, Mr. Hussien was in the taxi line at the Burlington Airport waiting for arrivals when he was approached by agents of Respondent ICE. Since no family was present during his arrest and have been afforded limited contact with him, details of his arrest are limited.

28. Mr. Hussien complied, and was taken into custody to the Northwest State Correctional Center in St. Albans, VT.

29. This arrest is part of continued escalation of ICE activity in New England, which had recently included “Operation Patriot 2.0” in Massachusetts, and “Operation Broken Trust” in Connecticut. This regional escalation 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 residents, breaking car windows with passengers inside, hitting passersby with vehicles, and using private data to identify and take as many immigrants as possible into custody regardless of the constitutionality of their actions. *See, e.g., Compl., Vermont Attorney General, et. al. v. HHS*, No. 3:25-cv-05536. (D. CA. 7/01/2025).

30. Respondents brought Mr. Hussien to Northwest Correctional Facility. He is currently being held there, although he was informed he would be taken to Boston. In a January 8, 2026 phone call to his family, Mr. Hussien reported that he has been held in solitary confinement since January 4th. He has been given no explanation for being held in solitary confinement.

31. Mr. Hussien is a practicing Muslim, and has been denied the necessary articles, including a prayer mat, a Qur’an, and a clock to practice daily required prayers. Because he is being held in solitary confinement, he has no way of being able to tell the time of day. This is a violation of Mr. Hussien’s First Amendment right to free exercise of religion (U.S. Const. amend. I § 4) and the Freedom of Religion Restoration Act (107 STAT. 1488 PUBLIC LAW 103-141).

32. Mr. Hussien filed a pro se motion for custody redetermination and an emergency motion for stay transfer and to maintain custody within jurisdiction with the Immigration Court at 150 Apollo Dr Suite 100, Chelmsford, MA 01824 on January 2nd, 2026. He has received no response as of the filing of this petition, but has received notice of a master hearing scheduled for January 15, 2025.

33. Mr. Hussien poses no risk to society and has strong connections to his community in Chittenden County, including his family and his religious community.

34. Mr. Hussien was represented by immigration attorney [REDACTED] of Rhode Island. On [REDACTED] the Rhode Island Supreme Court granted an emergency petition to suspend his license to practice law due to ongoing state and federal investigations of professional misconduct, including [REDACTED]

[REDACTED]

35. [REDACTED], Mr. Hussien has been representing himself pro se.

36. As a lawful permanent resident, Mr. Hussien's continued detention violates his constitutional right to due process and serves no legitimate governmental purpose. He has fully complied with all conditions of his release on personal recognizance since 2021 and has not been served with any new notice, warrant, or lawful basis for re-detention.

37. Mr. Hussien currently has a "Master" hearing scheduled for January 15, 2026 — a date that was set only after his recent detention, despite the fact that his case was already scheduled for a hearing on April 16, 2027 at 10:30 AM. Although a pre-sentencing report once noted that ICE *could* seek to terminate his lawful permanent resident status, Mr.

Hussien has received no notice that any such action has occurred and continues to hold a valid green card. Absent lawful notice or process, ICE lacks authority to detain him, rendering his continued custody unconstitutional, unnecessary, and unjustified.

38. Mr. Hussien has been living lawfully and peacefully in his home state of Vermont. Mr. Hussien has deep ties to his community and has diligently appeared for all required appointments with DHS. Mr. Hussien respectfully seeks the opportunity to return to his home in South Burlington and to continue following the legal processes set up by Congress and DHS for immigrants resolving status in this country.

39. Pending the adjudication of his Petition, Mr. Hussien further seeks an order restraining the Respondents from transferring him to a location outside of the State of Vermont, so that he may remain within the jurisdiction of this Court and accessible to legal counsel and family support networks.

STANDARD OF LAW

40. 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).

41. 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.*

42. Detained immigrants petitioning under 28 U.S.C. § 2241 face no statutory exhaustion requirements. *Kamara v. Farquharson*, 2 F. Supp. 2d 81 - Dist. Court, D. Massachusetts 1998. Nor is a judicially imposed prudential exhaustion requirement appropriate where, as here: time is of the essence, facts are largely undisputed, and the parties' disagreement is based on a legal conclusion.

43. Other courts in the Second Circuit have similarly declined to require prudential exhaustion when evaluating a detained immigrant's habeas corpus petition under similar circumstances—to address a question of statutory interpretation that does not require developing a factual record, and where the agency is demonstrably unlikely to reverse its course. *Aguiriano Romero v. Hyde*, 1:25-cv-11631, (D. Mass.).

44. “[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).

45. The question many courts have undertaken pertains to whether the petitioner is held under 8 U.S.C. § 1225(b)(2)(A), or 8 U.S.C. § 1225(b)(2) (*see* *Guzman Cardenas*, 2025 WL 3215573.). “‘U.S. immigration law authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (b)(2),’ whereas it ‘authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).’” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Section 1225 states “if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien *shall* be detained.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added) In contrast, section 1226 states that a non-citizen “already in the country,” *id.*, “*may* be arrested and detained pending a decision on

whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a) (emphasis added). Detention under section 1226 is discretionary, therefore “the noncitizen may apply for release on either bond or conditional parole, which requires a showing that [s/he] does not pose a danger to the community and is likely to appear for future proceedings.” *Id.* § 1226(c)(4), *see also McDonald v. Francis et al*, No. 1:2025cv09355 - Document 20 (S.D.N.Y. 2025) Previous district court decisions in this circuit have held that “section 1225(b)(2)(A) does not apply to an inadmissible alien who has been released from federal custody, placed in immigration proceedings, and then allowed to reside in the United States for an extended period of time” *McDonald v. Francis et al*, No. 1:2025cv09355 - Document 20 (S.D.N.Y. 2025)

46. 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).

47. Here, Mr. Hussien has Legal Permanent Resident Status, classifying him as “present in the United States” *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018) and entitling him 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.

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

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

50. Federal courts use the three-part test in *Mathews 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.

51. Here, all three factors favor the petitioner.

52. 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. Hussien currently experiences the gambit of deprivations that come with physical detention, including separation from his family and his community, an inability to work, lack of proper medical care, and inhibitions to participate fully in his pending immigration proceedings.

53. Second, Mr. Hussien will continue to be deprived of this interest if the current procedure (detaining Mr. Hussien without a hearing) is followed. With his demonstrated pattern of following instructions and appearing for court proceedings following his release from ICE custody, Mr. Hussien 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.

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

55. The placement of Mr. Hussien in detention with no new warrants or notices after already having released him on personal recognizance while his removal proceedings are still pending 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

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

57. Mr. Hussien is detained, notwithstanding his LPR status and pending hearing, without being afforded an opportunity to advocate for his release back into his community as the law requires.

REQUEST FOR ORDER TO SHOW CAUSE

58. Within three days, unless good cause for a delay is shown, “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears

from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.

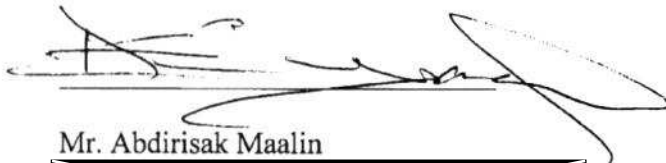
59. Next Friend Mr. Abdirisak Maalin, on behalf of Petitioner, respectfully requests that the Court issue an Order to Show Cause directing Respondents to file a return within three days of the Court’s order, showing cause, if any, why a writ of habeas corpus should not be granted.

PRAYER FOR RELIEF

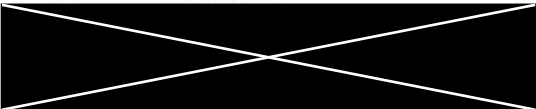
WHEREFORE, Mr. Hussien prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order requiring Respondents to show cause as to why Petitioner should not be released immediately, or in the alternative afforded a bond hearing;
- (3) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days; and
- (4) Grant any other and further relief that this Court may deem just and proper.

Date: January 8, 2026



Mr. Abdirisak Maalin



Next Friend to Petitioner – Not an Attorney.

**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 Son of Petitioner's cousin, and close friend and acting on Petitioner's behalf as a Next Friend. I have personal knowledge of the factual assertions in this petition. 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: January 8, 2026



(Abdirisak Maalin)

CERTIFICATE OF SERVICE

I, Abdirisak Maalin, hereby certify that on January 8, 2026, I served a true and correct copy of the following:

- ✓ Petition for Writ of Habeas Corpus (28 U.S.C. § 2241);
- ✓ All attached Exhibits, including:
 - a. Emergency motions filed with Immigration Court in Chelmsford, MA (*Ex. A*);
 - b. Notice of Pro Se Status and Representation Disclaimer (*Ex. B*);
 - c. Recent Immigration Court hearing notice – January 15, 2026 (*Ex. C*)

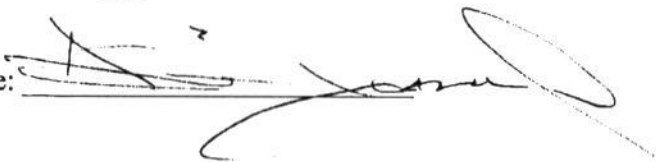
upon the following by electronic mail, and/ or hand delivery:

1. **United States Attorney’s Office**
District of Vermont
11 Elmwood Avenue
Burlington, VT 05401
Email: usavt.civil@usdoj.gov

2. **U.S. Department of Homeland Security**
Immigration and Customs Enforcement – Office of Chief Counsel (Boston)
10 New England Executive Park
Burlington, MA 01803
Email: bos.occ@ice.dhs.gov

I declare under penalty of perjury that the foregoing is true and correct.

Date: January 8, 2026

Signature: 

Name: _____

On behalf of: **Hussien Noor Hussien**