


UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

U.S. DISTRICT COURT
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FILED

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CLERK

Case No. ^{BY} 2:26-CV-2  DEPUTY CLERK

Hussien Noor Hussien,
Petitioner,

v.

Pamela Bondi, Attorney General, et al.
Respondents.

PETITIONER'S REPLY TO GOVERNMENT'S OPPOSITION TO HABEAS PETITION

I. INTRODUCTION

The Government's opposition heavily relies on a rigid reading of immigration detention statutes while ignoring the constitutional limits that govern civil confinement. Although Congress has authorized detention in certain circumstances, the Constitution does not permit detention that is unnecessary, arbitrary, or punitive.

- ✓ Mr. Hussien's detention fails every constitutional test:

He presents no flight risk, no danger, and no changed circumstance that would justify incarceration after years of exemplary compliance and repeated judicial determinations that detention was unnecessary.

**II. MANDATORY DETENTION IS NOT AUTOMATIC AND DOES NOT
OVERRIDE DUE PROCESS**

The Government asserts that Mr. Hussien is subject to mandatory detention under 8 U.S.C. § 1226(c). That conclusion is assumed, not proven.

Even where § 1226(c) applies, detention is not constitutionally limitless. Courts have consistently held that civil immigration detention must remain tethered to its regulatory purpose — ensuring appearance and protecting the community — not become punitive incarceration.

Here, the Government cannot identify:

- ✓ any flight risk,
- ✓ any danger,
- ✓ any violation of supervision,
- ✓ or any new conduct justifying detention.

To the contrary, Mr. Hussien:

1. was previously released by federal judges,
2. complied with all supervision,
3. never missed court,
4. never reoffended,
5. and maintained lawful status.

Detention under these circumstances is arbitrary, not regulatory.

The Government suggests that issues relating to Mr. Hussien's conditions of confinement are irrelevant because relief was not expressly sought on those grounds.¹

III. DUE PROCESS IS NOT SATISFIED BY PAPERWORK

The Government argues that due process was satisfied because Mr. Hussien received a warrant and notice.

But due process is not merely procedural formality — it is substantive protection against unjustified loss of liberty.

Detention that is:

- ✓ unnecessary,
- ✓ prolonged, and

¹ Although Federal Respondents argue that conditions-of-confinement issues are not before the Court, the denial of basic religious and medical accommodations remains relevant to the due-process analysis because it underscores the punitive character of Mr. Hussien's detention and the absence of any legitimate civil purpose.

- ✓ disconnected from any legitimate purpose violates the Fifth Amendment, even if paperwork exists.

Here, detention serves no civil purpose. It operates only as punishment.

IV. HABEAS IS THE PROPER AND NECESSARY REMEDY

The Government urges this Court to defer to immigration court. But habeas exists precisely because immigration court cannot provide immediate constitutional relief from unlawful detention.

Mr. Hussien's upcoming master hearing does not address custody.

A Joseph hearing may take weeks or months.

Meanwhile, he remains jailed — without necessity.

When liberty is restrained without constitutional justification, federal courts do not defer — they intervene.

V. THE MANNER OF ARREST AND PUBLICITY CONFIRMS PUNITIVE INTENT

After detaining Mr. Hussien at his workplace — without any new violation — ICE publicly posted his arrest and tagged a private online commentator.

This conduct:

- ✓ served no legal purpose,
- ✓ created reputational harm, and
- ✓ transformed civil detention into public punishment.

Such actions underscore that this detention is not regulatory — it is punitive.

VI. CONCLUSION

The Constitution does not permit incarceration simply because the Government prefers it. Where detention no longer serves its civil purpose, it becomes unlawful — regardless of statutory language.


Mr. Hussien's continued detention violates due process.

The writ should issue.²

Dated: January 12, 2026

Respectfully Submitted,

/s/ Abdirisak Maalin
Mr. Abdirisak Maalin


Next Friend to Petitioner – Not an Attorney.

² On January 12, 2026, Petitioner's Reply to Federal Respondents' Opposition was served by email to the following: **Lauren.Lively@usdoj.gov**, **BOS.OCC@ice.dhs.gov**, and **EROBoston@ice.dhs.gov**. A courtesy copy was also hand-delivered to the Office of the United States Attorney prior to the scheduled hearing at 10:00 a.m. (EST).