

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
Fort Worth Division**

Tedros Mhreteab Teklemariam,	)	
	)	
<i>Petitioner,</i>	)	
	)	Civ. Action No. <u>4:26-cv-00069</u>
v.	)	
	)	
Warden, Prairieland Detention Facility;	)	
	)	
Field Office Director, <i>ICE Dallas</i>	)	
<i>Field Office;</i>	)	
	)	
Kristi Noem, <i>Secretary of Homeland</i>	)	
<i>Security,</i>	)	
	)	
Todd Lyons, <i>Acting Director, U.S.</i>	)	
<i>Immigration and Customs Enforcement,</i>	)	
	)	
Pamela Bondi, <i>Attorney General,</i>	)	
	)	
<i>Respondents.</i>	)	

**PETITION FOR WRIT OF HABEAS CORPUS**

1. Petitioner Tedros Mhreteab Teklemariam is a noncitizen who was ordered removed to his native Eritrea on April 7, 2020. A federal statute, 8 U.S.C. § 1231(a)(6), gives Respondents 180 days to effectuate such removal; yet over 200 days after re-detaining him on June 23, 2025, Respondents have failed to do so, and cannot provide a date certain or even an estimate of when such removal can reasonably be expected. Under such circumstances, continued detention violates the statute as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and Petitioner must be released from custody on an Order of Supervision until there exists a significant likelihood of removal in the reasonably foreseeable future.

## JURISDICTION AND VENUE

2. This action arises under the Immigration and Nationality Act of 1952 (“INA”), as amended, 8 U.S.C. § 1101 *et seq.*, and the Due Process Clause of the Fifth Amendment to the United States Constitution. This Court has jurisdiction pursuant to Art. I, § 9, cl. 2 of the United States Constitution; 28 U.S.C. § 2241 (general grant of habeas authority to the district courts); 28 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. §§2201, 2202 (Declaratory Judgment Act); and 28 U.S.C. § 1651 (All Writs Act).

3. Venue is proper under 28 U.S.C. § 1391(e) because Petitioner is detained at the Prairieland Detention Center in Alvarado, Texas, within the Northern District of Texas. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 494–95 (1973).

## PARTIES

4. Petitioner Tedros Mhreteab Teklemariam is a citizen and native of Eritrea and has lived in United States since 2019. He has a final order of removal to Eritrea, and is currently detained by Respondents at the Prairieland Detention Center in Alvarado, Texas.

5. Respondent Warden of the Prairieland Detention Center is the immediate physical custodian of Petitioner for purposes of a federal habeas petition. *Braden*, 410 U.S. at 494–95.

6. Respondent Field Office Director of the U.S. Immigration and Customs Enforcement (“ICE”) Dallas Field Office is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, such as Mr. Tedros Mhreteab Teklemariam, including detentions, enforcement, and removal operations. He is the immediate legal custodian of Petitioner for purposes of a federal habeas petition. *Braden*, 410 U.S. at 494–95.

7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the

United States.

8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

9. Respondent Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and applications for relief from removal do so as her designees.

### **FACTUAL ALLEGATIONS**

10. Petitioner was born in 1986. He is a native and citizen of Eritrea. He entered the United States in May 2019, across the U.S.-Mexico border, whereupon he encountered border officers and was detained.

11. Petitioner was issued a Notice to Appear in person while in detention on July 19, 2019 (Ex. 1, Notice to Appear), and received a notification declining his parole from U.S. Immigration and Customs Enforcement on July 25, 2019 (Ex. 2, Notification Declining Parole).

12. Continuing the removal proceedings, on April 7, 2020, the Petitioner was ordered removed from the U.S. to Eritrea by the Executive Office of Immigration Review, Immigration Court of Oakdale, La., finding him ineligible for asylum, withholding of removal, or CAT. Through counsel, Petitioner timely filed his appeal on May 5, 2020, which was ultimately dismissed by the BIA. Therefore, the order of removal became final on November 13, 2020 (Ex. 3, BIA Decision).

13. On January 28, 2021, Petitioner received a Notice of Custody Determination and was released pending a final administrative determination. Due to the inability of DHS to removed Petitioner from the U.S. within the law period of 90 days, he was placed under an Order

of Supervision on February 24, 2021 (Ex. 4, Order of Supervision).

14. Petitioner's Order of Supervision placed strict conditions on his supervised release and required periodic check-ins with ICE. For the next years since 2021, he faithfully abided by the conditions of his supervised release. Since the issuance of his removal order in 2020, Petitioner has not committed any criminal offenses, nor has he been charged with any.

15. Even though Petitioner has been reporting consistently since 2021, on May 22, 2025, he was detained at a regular appointment while he was complying with his supervision order.

16. Petitioner filed a motion to reopen before the Board of Immigration Appeals shortly after being detained, but on November 3, 2025, the motion was denied (Ex. 5, Motion to Reopen BIA Decision). At no time did the BIA enter a stay of removal, and accordingly the filing of this motion and its denial did not affect the finality of Petitioner's order of removal.

17. Petitioner is currently detained at the Prairieland Detention Center within the territorial jurisdiction of this Court.

18. Petitioner remains in immigration custody, and ICE has so far not been able to secure a travel document or remove him to Eritrea. Furthermore, ICE has not provided a date by which it believes it can deport Petitioner, or any other indication that it believes removal is significantly likely to occur within the reasonably foreseeable future. Almost eight months have passed, and the petitioner continues to remain in detention.

19. ICE has not made any efforts to remove Petitioner to any country other than Eritrea, because there are no articulable facts that would cause ICE to believe that he is removable to any country other than Eritrea. He possesses no claim to citizenship or residence in any other country, and there is no third country on earth generally willing to accept Eritrean

nationals.

### LEGAL BACKGROUND

20. 8 U.S.C. §1231(a) permits Respondents to detain noncitizens during the “removal period,” which is defined as the 90-day period during which “the Attorney General shall remove the alien from the United States.” 8 U.S.C. §1231(a)(1)(A). In this case, pursuant to 8 U.S.C. § 1231(a)(2)(B)(i), the removal period began when Petitioner’s removal order became administratively final, November 13, 2020. The Section 1231(a)(1)(A) “removal period” therefore expired on January 12, 2021.

21. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3) provides that ICE may release unremovable noncitizens on an order of supervision (the immigration equivalent of supervised release, with strict reporting and other requirements). Pursuant to 8 U.S.C. § 1231(a)(6), even noncitizens with aggravated felony convictions may be “released” if “subject to the terms of supervision” set forth in 8 U.S.C. § 1231(a)(3).

22. Constitutional limits on detention beyond the removal period are well established. Government detention violates due process unless it is reasonably related to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). “[W]here detention’s goal is no longer practically attainable, detention no longer ‘bear[s][a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Additionally, cursory or pro forma findings of dangerousness do not suffice to justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 691 (“But we have upheld preventative detention based on dangerousness only when limited to especially dangerous individuals [like suspected terrorists] and subject to strong procedural protections.”)

23. The purpose of detention during and beyond the removal period is to “secure[] the

alien's removal." *Zadvydas*, 533 U.S. at 682. In *Zadvydas*, the Supreme Court "read § 1231 to authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien's removal." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 699).

24. As the Supreme Court explained, where there is no possibility of removal, immigration detention presents substantive due process concerns because "the need to detain the noncitizen to ensure the noncitizen's availability for future removal proceedings is "weak or nonexistent." *Zadvydas*, 533 U.S. at 690-92. Detention is lawful only when "necessary to bring about that alien's removal." *See id.* at 689.

25. To balance these competing interests, the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a "reasonable period of detention" for noncitizens after a removal order. *Id.* at 700-01. The Court determined that six months detention could be deemed a "presumptively reasonable period of detention," after which the burden shifts to the government to justify continued detention if the noncitizen provides a "good reason to believe that there is not significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701.

26. Where a petitioner has provided "good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the government to rebut that showing. *Zadvydas*, 533 U.S. at 701. Due deference is owed to the government's assessment of the likelihood of removal and the time it will take to execute removal. *Id.* at 700. However, just as pro forma findings of dangerousness do not suffice to justify indefinite detention, pro forma statements that removal is likely should not satisfy the government's burden.

27. The government may only rebut a detainee's showing that there is no significant

likelihood of removal in the reasonably foreseeable future with “evidence of progress . . . in negotiating a petitioner’s repatriation.” *Gebrelibanos v. Wolf*, No. 20-cv-1575-WQH-RBB, 2020 U.S. Dist. LEXIS 185302, at \*9 (S.D. Cal., Oct. 6, 2020) (citing *Kim v. Ashcroft*, 02cv1524-J(LAB) (S.D. Cal., June 2, 2003), ECF No. 25 at 8 (citing *Khan v. Fasano*, 194 F. Supp. 2d 1134, 1136 (S.D. Cal. 2001); *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1366 (N.D. Ga. 2002)); *see also Carreno v. Gillis*, No. 5:20-cv-44-KS-MTP, 2020 U.S. Dist. LEXIS 248926, at \*5 (S.D. Miss., Dec. 16, 2020) (granting petitioner’s habeas claim because the government failed to show that removal would be imminent after obtaining a travel document and failing to remove petitioner within the document’s validity period) (emphasis added).

28. Factors courts consider in analyzing the likelihood of removal include “the existence of repatriation agreements with the target country, the target country’s prior record of accepting removed aliens, and specific assurances from the target country regarding its willingness to accept an alien.” *Hassoun v. Sessions*, 2019 WL 78984 at \*4 (W.D.N.Y., Jan. 2, 2019) (citing *Callender v. Shanahan*, 281 F. Supp. 3d 428, 436-37 (S.D.N.Y. 2017)); *see also Nma v. Ridge*, 286 F. Supp. 2d 469, 475 (E.D. Pa. 2003).

29. Other courts have denied habeas petitions primarily where the U.S. government has already procured petitioner’s travel documents and only travel arrangements are outstanding, which is not the case here. *See Berhe*, 2019 WL 3734110 at \*4 (denying Petitioner’s habeas petition because “Eritrea has issued a travel document and Petitioner has presented no evidence to suggest there are other barriers to his removal”); *Tekleweini-Weldemichael v. Book*, No. 1:20-CV-660-P, 2020 WL 5988894, at \*5 (W.D. La., Sept. 9, 2020), *report and recommendation adopted*, No. 1:20-CV-660-P, 2020 WL 5985923 (W.D. La., Oct. 8, 2020) (denying without prejudice Petitioner’s habeas petition because he possessed a travel document valid through

December 19, 2020, and noting that he is not precluded from filing a new petition upon the expiration or cancellation of his travel document).

30. In this case, ICE has not shown any meaningful progress in their efforts to obtain a travel document from Iran, and Iran has now definitively rejected Petitioner's travel document request. There is insufficient evidence for the government to meet its burden that there is a significant likelihood of removal in the reasonably foreseeable future. *See Gebrelibanos*, 2020 WL 5929487, at \*3; *Tekleweini-Weldemichael*, 2020 WL 5988894 (finding significant likelihood of removal in reasonably foreseeable future *only because* government had already obtained a valid travel document).

31. Petitioner's presumptively reasonable post-removal period pursuant to 8 U.S.C. § 1231(a)(6) has now passed. With neither a travel document nor an indication from Iran that one is soon to be forthcoming, detention is unreasonable, as removal is not imminent.

32. Petitioner has exhausted all administrative remedies available to him.

**FIRST CLAIM FOR RELIEF:  
Violation of 8 U.S.C. § 1231(a)(6)**

33. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-32.

34. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted by *Zadvydas*. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have passed one decade ago, and no significant likelihood of removal exists in the reasonably foreseeable future.

35. Under *Zadvydas*, the continued detention of Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231(a)(6).

**SECOND CLAIM FOR RELIEF:  
Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution**

36. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-32.

37. Petitioner's detention beyond the presumptively reasonable 180-day Section 1231(a)(6) period is only constitutionally permissible when there is a significant likelihood of removal in the reasonably foreseeable future. In Petitioner's case, Iran has not issued any travel documents for his removal; he has also not been recognized as a national of any other country. These factors lend support to the conclusion that there is no likelihood of Petitioner's removal in the reasonably foreseeable future. Respondents continue to detain Petitioner without evidence that Iran will ultimately issue a travel document and with no reason to believe that they will obtain a travel document within a reasonable amount of time. No significant likelihood of removal exists in the reasonably foreseeable future.

38. Respondents' detention of Petitioner no longer bears any reasonable relation to a legitimate government purpose, and thus violates the Due Process Clause.

#### **PRAYER FOR RELIEF**

39. Petitioner respectfully requests that this Court assume jurisdiction over this matter and enter an order:

- a) Declaring that Petitioner's continued detention is no longer permitted by 8 U.S.C. § 1231(a)(6) and thus violates his due process rights;
- b) Granting the writ of habeas corpus and ordering Respondents to release Petitioner from detention forthwith, on an Order of Supervision pursuant to 8 U.S.C. § 1231(a)(3); and
- c) Granting any other relief that this Court deems just and proper.

Respectfully submitted,

Date: January 20, 2026

//s// Simon Sandoval-Moshenberg  
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<sup>1</sup> Pursuant to L.R. 83.10, Plaintiffs seek leave of court to waive the local counsel requirement. *See, e.g., Tadele v. Roark*, Civ. No. 3:25-cv-01121-E, Dkt. No. 8 (N.D. Tex., May 9, 2025) (granting undersigned counsel leave to appeal without local counsel); *Mustajbasic v. Roark*, Civ. No. 3:25-cv-1936-S, Dkt. No. 9 (N.D. Tex., Sept. 8, 2025) (same). Undersigned counsel is handling this matter on a flat-fee basis, and requiring local counsel will considerably increase the financial burden to Plaintiff, a low-income immigrant. Undersigned counsel is prepared to appear at any scheduled in-person hearing before this Court upon reasonable notice.

**Certificate of Service**

I, Simon Sandoval-Moshenberg, hereby certify that on this 20th day of January, 2026, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

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