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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

GADI DUSENGIMANA,

Petitioner,

v.

JOSHUA JOHNSON, Field Office Director of
Enforcement and Removal Operations, Dallas
Field Office, Immigration and Customs
Enforcement; KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; WARDEN OF
PRAIRIELAND DETENTION FACILITY,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner, GADI DUSENGIMANA, was ordered removed by an Immigration
3 Judge on November 4, 2021, and thereafter remained in the United States under an Order of
4 Supervision. On August 25, 2025, Respondent reported to ICE for a routine check-in and was
5 taken into ICE custody. He has remained detained continuously since that date, despite the fact
6 that removal has not been practicable because Respondent does not possess a passport, birth
7 certificate, or any other valid travel document required for entry into his home country, Rwanda.
8 Due to ongoing conditions in Rwanda, including armed conflict and instability, Respondent has
9 been unable to obtain the necessary civil or travel documents, rendering his removal not
10 reasonably foreseeable and resulting in prolonged detention through no fault of his own.

11 2. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), post-final-order immigration
12 detention is constitutionally limited and may not continue beyond a reasonable period,
13 presumptively six months, once removal is no longer “reasonably foreseeable.” Where the
14 Government cannot obtain the documentation required to effectuate repatriation, continued
15 detention no longer serves any legitimate civil immigration purpose and instead becomes
16 indefinite and punitive, in violation of due process. See *Demore v. Kim*, 538 U.S. 510 (2003)
17 (recognizing that immigration detention must remain tied to its purpose and limited in duration);
18 *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (confirming that constitutional challenges to
19 prolonged detention remain available through habeas corpus). In this case, since there is no
20 realistic prospect of removal in the reasonably foreseeable future, continued custody is unlawful,
21 and the Court should grant the Petition and order Petitioner’s immediate release to prevent
22 ongoing arbitrary detention that may otherwise persist for months, or even years.

1
2 **JURISDICTION**

3 3. Petitioner is detained in civil immigration custody at Prairieland Detention Center
4 in Alvarado, Texas. He has been detained since on or about August 25, 2025. He has not
5 received an individualized bond hearing before an immigration judge (IJ).

6 4. This action arises under the Constitution of the United States and the Immigration
7 and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

8 5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
9 corpus), 28 U.S.C. § 1331 (federal question), and Article I § 9, cl. 2 of the United States
10 Constitution (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the
11 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

12 **VENUE**

13 6. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
14 500 (1973), venue lies in the United States District Court for the Northern District of Texas,
15 because Petitioner is detained at the Prairieland Detention Center in Alvarado, Texas, which is
16 within the jurisdiction of this District.

17 7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e), because
18 Respondents are officers, employees, or agencies of the United States, a substantial part of the
19 events or omissions giving rise to her claims occurred in this district, and no real property is
20 involved in this action.

21 **PARTIES**

22 8. Petitioner, GADI DUSENGIMANA, is a citizen of Rwanda. She has been
23 detained since August 25, 2025 and is currently detained at the Prairieland Detention Center in
24

1 Alvarado, Texas. He is in the custody, and under the direct control, of Respondents and their
2 agents.

3 9. Petitioner, JOSHUA JOHNSON, is the Director of the Dallas Field Office of
4 ICE's Enforcement and Removal Operations division. As such, JOSHUA JOHNSON is
5 Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is
6 named in his official capacity.

7 10. Respondent, KRISTI NOEM, is the Secretary of the Department of Homeland
8 Security. She is responsible for the implementation and enforcement of the Immigration and
9 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
10 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

11 11. Respondent, THE DEPARTMENT OF HOMELAND SECURITY (DHS), is the
12 federal agency responsible for implementing and enforcing the INA, including the detention and
13 removal of noncitizens. DHS oversees ICE and the detention of noncitizens. DHS is a legal
14 custodian of Petitioner.

15 12. Respondent, PAMELA BONDI, is the Attorney General of the United States. She
16 is responsible for the Department of Justice, of which the Executive Office for Immigration
17 Review and the immigration court system it operates is a component agency. She is sued in her
18 official capacity.

19 13. Respondent, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR), is
20 the federal agency responsible for implementing and enforcing the INA in removal proceedings,
21 including for custody redeterminations in bond hearings.

22 14. Respondent, WARDEN OF THE PRAIRIELAND DETENTION CENTER, has
23 immediate physical custody of Petitioner. He is sued in his official capacity.

1 **LEGAL FRAMEWORK**

2 15. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for
3 writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not
4 entitled to relief. If the Court issues an order to show cause, Respondents must file a response
5 “within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed.”
6 28 U.S.C. § 2243 (emphasis added).

7 16. “It is well established that the Fifth Amendment entitles [noncitizens] to due
8 process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting
9 *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government
10 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the
11 Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

12 17. This fundamental due process protection applies to all noncitizens, including both
13 removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) (“[B]oth
14 removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary
15 or capricious.”). It also protects noncitizens who have been ordered removed from the United
16 States and who face continuing detention. *Id.* at 690.

17 18. Furthermore, 8 U.S.C. § 1231(a)(1)-(2) authorizes detention of noncitizens during
18 “the removal period,” which is defined as the 90-day period beginning on “the latest” of either
19 “[t]he date the order of removal becomes administratively final”; “[i]f the removal order is
20 judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the
21 court’s final order”; or “[i]f the [noncitizen] is detained or confined (except under an immigration
22 process), the date the [noncitizen] is released from detention or confinement.”

23 19. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period” of
24 noncitizens who have been ordered removed and are deemed to be a risk of flight or danger, the

1 Supreme Court has recognized limits to such continued detention. In *Zadvydas*, the Supreme
2 Court held that “the statute, read in light of the Constitution’s demands, limits [a noncitizen’s]
3 post-removal-period detention to a period reasonably necessary to bring about that [noncitizen’s]
4 removal from the United States.” 533 U.S. at 689. “[O]nce removal is no longer reasonably
5 foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.

6 20. In determining the reasonableness of detention, the Supreme Court recognized
7 that, if a person has been detained for longer than six months following the initiation of their
8 removal period, their detention is presumptively unreasonable unless deportation is reasonably
9 foreseeable; otherwise, it violates that noncitizen’s due process right to liberty. 533 U.S. at 701.
10 In this circumstance, if the noncitizen “provides good reason to believe that there is no
11 significant likelihood of removal in the reasonably foreseeable future, the Government must
12 respond with evidence sufficient to rebut that showing.” *Id.*

13 21. The Court’s ruling in *Zadvydas* is rooted in due process’s requirement that there
14 be “adequate procedural protections” to ensure that the government’s asserted justification for a
15 noncitizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest
16 in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356
17 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil
18 detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533
19 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any
20 other justification.

21 22. The first justification of preventing flight, however, is “by definition . . . weak or
22 nonexistent where removal seems a remote possibility.” *Zadvydas*, 533 U.S. at 690. Thus, where
23 removal is not reasonably foreseeable and the flight prevention justification for detention
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1 accordingly is “no longer practically attainable, detention no longer ‘bears [a] reasonable relation
2 to the purpose for which the individual [was] committed.’” *Id.* (quoting *Jackson v. Indiana*, 406
3 U.S. 715, 738 (1972)). As for the second justification of protecting the community, “preventive
4 detention based on dangerousness” is permitted “only when limited to especially dangerous
5 individuals and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.

6 23. Thus, under *Zadvydas*, “if removal is not reasonably foreseeable, the court should
7 hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699–700. If
8 removal is reasonably foreseeable, “the habeas court should consider the risk of the
9 [noncitizen’s] committing further crimes as a factor potentially justifying the confinement within
10 that reasonable removal period.” *Id.* at 700.

11 24. At a minimum, detention is unconstitutional and not authorized by statute when it
12 exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533 U.S. at 701
13 (stating that “Congress previously doubted the constitutionality of detention for more than six
14 months” and, therefore, requiring the opportunity for release when deportation is not reasonably
15 foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S. 371, 386
16 (2005).

17 CLAIMS FOR RELIEF

18 **COUNT ONE**

19 **Violation of Fifth Amendment Right to Due Process**

20 25. Petitioner re-alleges and incorporates by reference the paragraphs above as though
21 fully set forth herein.

22 26. The Due Process Clause of the Fifth Amendment forbids the government from
23 depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.
24

1 27. Petitioner has remained detained continuously since August 25, 2025, despite the
2 fact that he does not possess a passport, birth certificate, or any other valid travel document
3 required for entry into his home country, Rwanda. Petitioner's prolonged detention is not likely
4 to end in the reasonably foreseeable future. Where, as here, removal is not reasonably
5 foreseeable, detention cannot be reasonably related to the purpose of effectuating removal and
6 thus violates due process. *See Zadvydas*, 533 U.S. at 690, 699–700.

7 28. For these reasons, Petitioner's ongoing prolonged detention violates the Due
8 Process Clause of the Fifth Amendment.

9 **COUNT TWO**

10 **Violation of 8 U.S.C. § 1231(a)**

11 29. Petitioner re-alleges and incorporates by reference the paragraphs above as though
12 fully set forth herein.

13 30. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention
14 "beyond the removal period" only for the purpose of effectuating removal. 8 U.S.C.
15 § 1231(a)(6); *see also Zadvydas*, 533 U.S. at 699 ("[O]nce removal is no longer reasonably
16 foreseeable, continued detention is no longer authorized by statute."). Because Petitioner's
17 removal is not reasonably foreseeable, his detention does not effectuate the purpose of the statute
18 and is accordingly not authorized by § 1231(a).

19 **PRAYER FOR RELIEF**

20 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 21 (1) Assume jurisdiction over this matter;
- 22 (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of
23 the Fifth Amendment and 8 U.S.C. § 1231(a);
- 24

- 1 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- 2 (4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on
- 3 any other basis justified under law; and
- 4 (5) Grant any further relief this Court deems just and proper.
- 5

6 DATED this 25th day of January 2026.

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8 Lorena Villalon
9 TX Bar No. 24115907
10 222 N. Expressway 77, Suite 172
11 Brownsville, Texas 78521
12 lorena@villalonlawfirm.com
13 956-639-9264

14 *Attorney for Petitioner*

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