UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
El PASO DIVISION

ABDIKARIM ADAN OMAR, Petitioner, v. MARY DE ANDA-YBARRA, Field Office Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement; Warden of ERO El Paso Camp East Montana,; TODD M. LYONS, *in his official capacity* as Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security; KRISTI NOEM, *in her official capacity* as Secretary, U.S. Department of Homeland Security; and PAMELA JO BONDI, *in her official capacity* as Attorney General of the United States; Respondents.	C/A No. 3:26-cv-00267 VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF Agency # [redacted]

INTRODUCTION

1. Petitioner-Plaintiff ("Petitioner") is a citizen of Somalia who has resided in the United States almost thirty years. He entered the United States in or about 1999 and has since established his permanent residence and livelihood in this country.

2. On information and belief, Petitioner was apprehended by immigration authorities in Minnesota on January 10, 2026. He was then transferred to this jurisdiction. He remains in immigration detention subject to a final order of removal, dated September 7, 2006.

3. On September 7, 2006, the immigration judge simultaneously ordered Petitioner removed and granted Withholding of Removal to Somalia.

4. Petitioner is currently detained at the ICE El Paso Camp East Montana, 6920 Digital Road, El Paso, Texas 79936.

5. The prolonged post-removal order detention, which comes nearly twenty years after a final removal order, violates the Due Process Clause of the United States Constitution in light of the absence of any travel documents to any third country.

6. The continued detention of Petitioner serves no legitimate purpose.

7. To remedy this unlawful detention, Petitioner seeks declaratory and injunctive relief in the form of immediate release from detention.

CUSTODY

8. Petitioner is currently in the custody of Immigration and Customs Enforcement ("ICE") at ICE El Paso Camp East Montana, 6920 Digital Road, El Paso, Texas 79936. He is therefore in "'custody' of [the DHS] within the

meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

JURISDICTION

9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et. seq*.

10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq*., the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq*., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

11. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging both the lawfulness and the constitutionality of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC 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.*

13. Petitioner is "in custody" for the purpose of § 2241 because Petitioner was detained by Respondents.

VENUE

14. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees or officers of the United States acting in their official capacity and because Petitioner is currently detained in El Paso, at the ICE El Paso Camp East Montana, 6920 Digital Road, El Paso, Texas 79936.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. The Fifth Circuit has long held that exhaustion may be excused when administrative remedies are (i) unavailable, (ii) wholly inadequate, (iii) patently futile, or (iv) when a constitutional challenge is advanced that is unsuitable for determination in an administrative proceeding. See *Fuller v Rich*, 11 F3d 61, 62 (5th Cir 1994); *Garner v US Department of Labor*, 221 F3d 822, 825 (5th Cir 2000).

16. A final order of removal has been entered against Petitioner.

17. There are no legal proceedings pending in any other federal court, state court, or administrative tribunal.

18. Notably, no statutory exhaustion requirement applies to Petitioner's claim of unlawful detention. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); 8 U.S.C.

§ 1252(d)(1) (requiring exhaustion of administrative remedies only where requesting review of a final removal order).

19. Moreover, the agency lacks jurisdiction to adjudicate Petitioner's claim that his continued detention violates the Due Process Clause. Constitutional challenges to the legality of detention fall outside the scope of the agency's authority, and exhaustion is therefore not required. *See Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 119 S. Ct. 936, 142 L. Ed. 2d 940 (1999) (exhaustion excused where the agency lacks jurisdiction to address constitutional claims).

20. Accordingly, Petitioner is not required to exhaust further administrative remedies. The administrative process has already confirmed that no bond hearing is available, and the agency is powerless to address the constitutional infirmities of Petitioner's continued detention. Because the available procedures are ineffective, unavailable in practice, and futile, exhaustion serves no practical purpose and should be excused.

PARTIES

21. Petitioner is from Somalia and has resided in the United States for nearly thirty years. He is currently detained in the ICE El Paso Camp East Montana, 6920 Digital Road, El Paso, Texas 79936.

22. Respondent Mary De Anda-Ybarra, Field Office Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement and Warden of ERO El Paso Camp East Montana, is sued in her official capacity. Respondent Anda-Ybarra is a legal custodian of Petitioner.

23. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Petitioner.

24. Respondent Kristi Noem is sued in her official capacity as Secretary of Homeland Security. As the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, Secretary Noem is Petitioner's ultimate legal custodian.

25. Respondent Pamela Jo Bondi is sued in her official capacity as the Attorney General of the United States. As Attorney General, she has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

LEGAL BACKGROUND AND ARGUMENT

26. As the constitution states, "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it." U.S. Const. art. I, § 9 cl. 2.

27. Once a noncitizen is given a final removal order, 8 U.S.C. §1231(b)(2) governs the country to which that individual may be removed. The statute allows the noncitizen to "designate one country to which the alien wants to be removed," and requires that "the Attorney General shall remove the alien to the country the alien so designates." 8 U.S.C. § 1231(b)(2)(A)(i), (ii).

28. The Attorney General may disregard the noncitizen's designation only under certain enumerated conditions. 8 U.S.C. § 1231(b)(2)(C). If the noncitizen cannot be removed to that country, then 8 U.S.C. § 1231(b)(2)(E) provides a list of other countries to which the noncitizen may be removed. The very last country of removal on the list is "[a] country with a government that will accept the alien into the country's territory if removal to each country described in a previous clause of this subparagraph is impracticable, inadvisable, or impossible." 8 U.S.C. § 1231(b)(2)(E)(vii).

29. As the Supreme Court has explained, "[t]he statute thus provides four consecutive removal commands[.]" *Jama v. Immigr. & Customs Enf't*, 543 U.S. 335, 341 (2005) (emphasis added). "With respect to the third step, however, the Attorney General is directed to move on to the fourth step only if it is 'impracticable, inadvisable, or impossible to remove the alien to each country described in' the third step." *Id.* at 342.

30. However, "the Attorney General may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion." 8 U.S.C. § 1231(b)(3)(A).

31. "[T]he prohibition on removal to a country where a noncitizen would face persecution or torture remains absolute. And precisely because withholding of removal is country-specific, as the government says, if a noncitizen who has been granted withholding as to one country faces removal to an alternative country, then she must be given notice and an opportunity to request withholding of removal to that particular country." *Guzman Chavez v. Hott*, 940 F.3d 867, 879 (4th Cir. 2019) (citing *Kossov v. INS*, 132 F.3d 405, 409 (7th Cir. 1998)), rev'd on other grounds, *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021).

32. "[W]hen an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the "removal period")." 8 U.S.C. § 1231(a)(1)(A).

33. The removal period begins on the latest of the following:

(i) The date the order of removal becomes administratively final.

(ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order.

8 U.S.C. § 1231(a)(1)(B).

34. Such an order "shall become final upon the earlier of—

> (iii) a determination by the Board of Immigration Appeals affirming such order; or
>
> (iv) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

8 U.S.C. § 1011(a)(47).

35. As such, the "order of removal" became administratively final on February 24, 2003, and Petitioner is being detained over twenty years after his final order of removal.

36. The removal period may be extended beyond a period of 90 days if the alien "fails or refuses to make timely application in good faith for travel or other documents necessary to [his] departure," or otherwise fails to cooperate in the removal process. 8 U.S.C. § 1231(a)(1)(C).

37. "If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—

> (A) to appear before an immigration officer periodically for identification;
>
> (B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;

> (C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and
>
> (D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien."

8 U.S.C. § 1231(a)(3).

38. Importantly, "the statutes at issue permit detention only while removal remains reasonably foreseeable." *Nadarajah v. Gonzales*, 443 F.3d 1069, 1078 (9th Cir. 2006).

39. "If the HQPDU determines at the conclusion of the review that there is no significant likelihood that the alien will be removed in the reasonably foreseeable future, despite the Service's and the alien's efforts to effect removal, then the HQPDU shall so advise the alien. Unless there are special circumstances justifying continued detention, the Service shall promptly make arrangements for the release of the alien subject to appropriate conditions, as provided in paragraph (h) of this section." 8 C.F.R. § 241.13(g)(1).

40. The termination of release is also outlined by regulation and "[t]he Service may, in the exercise of its discretion, withdraw approval for release of any alien under this section prior to release in order to effect removal in the reasonably foreseeable future or where the alien refuses to comply with the conditions of release." 8 C.F.R. § 241.13(h)(4).

41. Furthermore, "[a]ny alien who has been released under an order of supervision under this section who violates any of the conditions of release may be returned to custody." 8 C.F.R. § 241.13(h)(4)(i)(1).

42. "The Service may revoke an alien's release under this section and return the alien to custody if, **on account of changed circumstances**, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(h)(4)(i)(2) (emphasis added).

43. "Upon revocation, the alien will be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision." 8 C.F.R. § 241.13(h)(4)(i)(3).

44. As the full body of the Supreme Court has recognized, "[w]here detention is incident to removal, the detention cannot be justified as punishment nor can the confinement or its conditions be designed in order to punish." *Zadvydas*, 533 U.S. at 721 (J. Kennedy, dissenting) (citing *Wong Wing v. United States*,

163 U.S. 228 (1896)). *Id.* at 694 ("punitive measures could not be imposed upon aliens ordered removed because 'all persons within the territory of the United States are entitled to the protection" of the Constitution.'") (citing *Wong Wing*, 163 U.S. at 238 (majority opinion)).

45. The writ of habeas Corpus is the "fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action. *Harris v. Nelson*, 394 U.S. 286, 291 (1969).

46. "The scope and flexibility of the writ – its capacity to real all manner of illegal detention – its ability to cut through barriers of form and procedural mazes – have always been emphasized and jealously guarded by courts and lawmakers." *Id.*

47. Hence, "the very nature of the writ demands that it be administered with the initiative and flexibility essential to ensure the miscarriages of justice within its reach are surfaced and corrected." *Id.*

48. The Due Process Clause of the Fifth Amendment requires that "[n]o person shall... be deprived of liberty... without due process of law." U.S. Const. amend. 5.

49. It is well-established that the Fifth Amendment entitled aliens to due process of Law[.]" *Demore v. Kim*, 528 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

50. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects." *Zadvydas,* 533 U.S. at 690 (2001).

51. Due process therefore requires "adequate procedural protections" to ensure that the government's asserted justification for its conduct infringing on protected interests 'outweighs the individual's constitutionally protected interest in avoiding physical restraint.'" *Id.* (citing *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)).

52. As such, "Congress previously doubted the constitutionality of detention for more than six months." *Zadvydas*, 533 U.S. at 701 (2001).

53. "After this 6–month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.*

54. "[A]s the period of prior postremoval confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Id.* at 701.

55. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.

56. Other than punishment for a crime, due process permits the government to take away liberty only "in certain special and narrow nonpunitive circumstances . . . where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (quotation marks omitted).

57. Such special justification exists only where a restraint on liberty bears a "reasonable relation" to permissible purposes. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *see also Foucha v. Louisiana*, 504 U.S. 71, 79 (1992); *Zadvydas*, 533 U.S. at 690.

STATEMENT OF FACTS

58. Petitioner is a citizen of Somalia.

59. Upon information and belief, Petitioner has resided in the U.S. nearly thirty years, entering in or about 1999.

60. Petitioner was previously in removal proceedings before the Executive Office for Immigration Review ("EOIR").

61. On September 7, 2006, the Immigration Judge simultaneously ordered Petitioner removed and granted Withholding of Removal under 8 U.S.C. § 1231(b)(3).

62. After having been granted withholding of removal, Petitioner was released from ICE custody on an order of supervision.

63. Respondents detained Petitioner on January 10, 2026, more than 180 days after his final order of removal.

64. Petitioner has not received any notice revoking his supervision, nor a basis to justify his re-detention.

65. To date, Respondents have not identified a third country to which they intend to remove Petitioner.

66. To date, Respondents have not received authorization or permission from any third country willing to accept Petitioner.

67. To date, Respondents have not obtained a travel document that would permit them to remove Petitioner to a third country.

68. To date, Petitioner has not been made aware of any specific plans to remove him to any specific, identified, third country.

69. Upon information and belief, Petitioner has no criminal history that occurred after the date of his final order of removal that would subject him to mandatory detention.

70. Petitioner remains detained at the ICE El Paso Camp East Montana located at 6920 Digital Road, El Paso, Texas 79936.

REMEDY

71. Respondents' detention of Petitioner under 8 U.S.C. § 1231 violates the Due Process Clause of the United States Constitution. Petitioner's ongoing

detention violates the Fifth Amendment's guarantee that "[n]o person shall be . . . deprived of life, liberty, or property without due process of law." U.S. Const., Amend. 5.

72. Due Process requires that detention "bear [] a reasonable relation to the purpose for which the individual [was] committed." *Zadvydas, v. Davis*, 533 U.S. 678, 690 (2001) (citing *Jackson v. Nicaraguana*, 406 U.S. 715, 738 (1972)).

73. Petitioner seeks immediate release under an order of supervision or other conditions as set by the Court.

74. Although neither the Constitution nor the federal habeas statutes delineate the necessary content of habeas relief, *I.N.S. v. St. Cyr*, 533 U.S. 289, 337 (2001) (Scalia, J., dissenting) ("A straightforward reading of [the Suspension Clause] discloses that it does not guarantee any content to . . . the writ of habeas corpus"), implicit in habeas jurisdiction is the power to order release. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) ("[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.").

75. The Supreme Court has noted that the typical remedy for unlawful detention is release from detention. *See, e.g.*, *Munaf v. Geren*, 553 U.S. 674 (2008)

("The typical remedy for [unlawful executive detention] is, of course, release.").

76. That courts with habeas jurisdiction have the power to order outright release is justified by the fact that, "habeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts "[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters 'as law and justice require.'" *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987), quoting 28 U.S.C. § 2243. An order of release falls under court's broad discretion to fashion relief. *See, e.g.*, *Jimenez v. Cronen*, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) ("Habeas corpus is an equitable remedy. The court has the discretion to fashion relief that is fair in the circumstances, including to order an alien's release.").

CAUSE OF ACTION

COUNT ONE

Violation of 8 U.S.C. § 1231

77. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

78. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231.

79. The 90 day "removal period" has expired, Petitioner still has not been removed to Laos and no other removal is in any way foreseeable, yet Petitioner continues to languish in detention.

80. Petitioner has complied with the mandate of 8 U.S.C. § 1231(a)(3) since his release.

81. Petitioner's removal to any third country is not significantly likely to occur in the reasonably foreseeable future.

COUNT TWO

Violation of 8 C.F.R. § 241.13

82. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

83. Under the applicable regulation "[u]pon revocation, the alien will be notified of the reasons for revocation of his or her release." 8 C.F.R. § 241.13(h)(4)(i)(3).

84. Viable reasons for the withdrawal of release relate to the "effect[uation of] removal in the reasonably foreseeable future or where the alien refuses to comply with the conditions of release." 8 C.F.R. § 241.13(h)(4).

85. Respondents have not alleged that any changes justify the withdrawal of release relating to either removal in the reasonably foreseeable future or any refusal to comply with the conditions of his release.

86. Respondents have not complied with 8 C.F.R. § 241.13(h)(i)(4) as they have not provided a reason, consistent with the regulation, for the withdrawal of his release.

87. The burden to establish circumstances that make removal significantly likely in the reasonably foreseeable future belongs to Respondents. Respondents have not compiled with its regulations.

88. Respondents did not notify Petitioner that it designated an alternative country of removal consistent with 8 C.F.R. § 1240.12(d) and secured the necessary travel authorization for removal to a third country.

89. Respondents' failure also violates the mandate of *Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

90. Respondents cannot prove that Petitioner's removal is reasonably foreseeable or imminent, and they have not pointed to a refusal to comply with the terms of his release, so Petitioner's ongoing detention is therefore unreasonable and a violation of 8 C.F.R. § 241.13.

COUNT THREE

Violation of the Fifth Amendment

91. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

92. The Fifth Amendment Due Process Clause protects against arbitrary detention by the executive branch. *Zadvydas*, 533 U.S. at 699.

93. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized." *Id.*

94. "After this 6–month period [of detention], once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. *Id.* at 701.

95. "[F]or detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Id.*

96. Petitioner has been detained for more than six months after the administrative finality of his removal order.

97. Petitioner's removal to Somalia is squarely foreclosed under 8 U.S.C. § 1231(b)(3)(A). It is a legal impossibility.

98. No other country has issued a travel document.

99. Continued detention violates the Fifth Amendment and Petitioner's writ of habeas corpus must issue.

COUNT FOUR

Violation of the Administrative Procedures Act

100. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

101. Under the APA, "the reviewing court shall … interpret constitutional … provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall … hold unlawful and set aside agency action, findings, and conclusions found to be … contrary to constitutional right." 5 U.S.C. § 706 (2)(B).

102. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Zadvydas*, 533 U.S. at 699.

103. "Congress previously doubted the constitutionality of detention for more than six months. … After this 6–month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.* at 701.

104. Furthermore, a grant of withholding of removal may be terminated only through formal reopening of removal proceedings, and only if the Government establishes, by a preponderance of the evidence, that termination is warranted due to changed circumstances, fraud, or criminal

conduct rendering the noncitizen ineligible for withholding at the time it was granted. 8 C.F.R. § 208.24(a)–(b), (f).

105. Respondents have neither moved to reopen Petitioner's removal proceedings nor complied with the procedures required to terminate his grant of withholding of removal. As a result, Petitioner remains legally protected from removal to Somalia.

106. The individuals who arrested and detained Petitioner are not authorized to terminate his withholding of removal grant.

107. Despite the absence of lawful authority to remove Petitioner to Somalia, and despite the Government's failure to initiate or complete any process to terminate withholding of removal or secure removal to an alternative country, Respondents continue to detain Petitioner.

108. These are all violations of 8 C.F.R. § 208.24.

109. Petitioner's detention is unreasonable, as no third country has accepted him, and more than six months have elapsed since Petitioner's removal order became administratively final. Petitioner's ongoing detention is therefore unreasonable, and violative of his Fifth Amendment guarantee of due process, as well as the Administrative Procedures Act.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

1. Assume jurisdiction over this matter;
2. Order that he not be transferred outside of this District;
3. Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three days;
4. Issue a Writ of Habeas Corpus ordering Petitioner's release from custody under an order of supervision or other condition as set by the Court and consistent with 8 U.S.C. § 1231.
5. Declare that Respondents' action is arbitrary and capricious in violation of the Administrative Procedures Act.
6. Declare that Respondents failed to comply with the regulatory mandates in violation of the Administrative Procedures Act.
7. Declare that Petitioner's detention beyond the 6-month period violates the Due Process Clause of the Fifth Amendment where travel arrangements have not been made.
8. Award his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
9. Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ David L. Wilson
David L. Wilson

January 30, 2026

Minnesota Attorney Bar ID #0280239
Wilson Law Group
3019 Minnehaha Avenue
Minneapolis, Minnesota 55406
Tel: (612) 436-7100
Email: dwilson@wilsonlg.com
Admitted to the Western District of Texas
Attorney for the Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Abdikarim Adan Omar, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

Dated this Friday, January 30, 2026.

/s/David L. Wilson
DAVID L. WILSON