

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BUDUDE ALLISON ZAWU ROBERTS,	)	
	)	
Petitioner,	)	C/A No. 3:26-cv-377
	)	
v.	)	
MARY DE ANDA-YBARRA, Field Office	)	VERIFIED
Director of Enforcement and Removal Operations,	)	PETITION FOR WRIT
El Paso Field Office, Immigration and Customs	)	OF HABEAS CORPUS
Enforcement; Warden of ERO El Paso Camp East	)	AND COMPLAINT
Montana,;	)	FOR DECLARATORY
	)	AND INJUNCTIVE
TODD M. LYONS, <i>in his official capacity as</i>	)	RELIEF
Acting Director, Immigration and Customs	)	
Enforcement, U.S. Department of Homeland	)	
Security;	)	
	)	
KRISTI NOEM, <i>in her official capacity as</i>	)	
Secretary, U.S. Department of Homeland Security;	)	Agency # 
	)	
and	)	
	)	
PAMELA JO BONDI, <i>in her official capacity as</i>	)	
Attorney General of the United States;	)	
	)	
Respondents.	)	

INTRODUCTION

1. Respondents continue to engage in a pattern of flagrant violation of the APA, the regulations applicable to individuals under 8 U.S.C. § 1231 supervision, 8 U.S.C. § 1231 itself, and the Fifth Amendment to the United States Constitution. The Court must respond to the pattern of grabbing and then

papering the file later by ordering Petitioner's release. Any other action invites tyranny and the breakdown of any meaningful process put in place to protect Petitioner from any unlawful detention or removal inconsistent with the will of Congress.

2. ICE in Minneapolis continues to grab individuals who have been doing all that the law asks of them, and subjecting them to detention without any justification or effort to comply with one iota of the regulations that prevent such haphazard and purposeless detention.
3. There have been countless detentions of individuals who have not violated their supervision, have statutory protections against removal to their countries, and otherwise pose no danger to the community. ICE detains because someone wrongfully believes that they can, rather than asking whether the law expressly states so. No one is taking a moment to consider whether ICE *should* detain such a person.
4. Respondents are detaining Petitioner, Ms. Budude Allison Zawu Roberts, ("Petitioner"), who is subject to a grant of Withholding of Removal under 8 U.S.C. § 1231.
5. Petitioner's application for Withholding of Removal was granted on June 25, 2003. Both parties waived appeal. *See* Ex. A.
6. Respondents subsequently released Petitioner.

7. The 90 day period of removal expired.
8. Petitioner has no adverse criminal history since her release from custody.
9. Respondents detained Petitioner on January 16, 2026.
10. Respondents have neither provided notice of its intent to reopen proceedings to afford Petitioner an opportunity to challenge removal, nor established that removal to a third country is reasonably foreseeable, and it has failed to provide Petitioner an opportunity to seek withholding protection from any such country.
11. Respondents have not identified any third country for removal consistent with the Act or the applicable regulations.
12. Petitioner's continued post-final order detention violates the Due Process Clause of the United States Constitution because removal is legally impossible in the absence of any third country willing to accept him, removal to Liberia is barred by his grant of withholding of removal, and the Government has neither initiated reopening proceedings nor provided notice of any purported basis for terminating withholding.
13. The continued detention of Petitioner serves no legitimate purpose.
14. To remedy this unlawful detention, Petitioner seeks declaratory and injunctive relief in the form of immediate release from detention.

15. Pending the adjudication of this Petition, Petitioner respectfully requests that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Petitioner.
16. Petitioner requests the same opportunity to be heard in a meaningful manner, at a meaningful time, and thus requests 72-hour notice prior to any removal or movement of him away from the State of Texas.

JURISDICTION AND VENUE

17. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (federal employee mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), specifically, 8 U.S.C. § 1101-1537.
18. Because Petitioner seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court. *See Zadvydas, v. Davis*, 533 U.S. 678 (2001).
19. 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 DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 583 U.S. 281, 290-94 (2018); *Nielsen v. Preap*, 586 U.S. 392, 399, 399-401 (2019).

20. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Petitioner is detained within this District. He is currently detained in El Paso, at the ICE El Paso Camp East Montana, 6920 Digital Road, El Paso, Texas 79936. 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

21. Petitioner is a citizen and national of Liberia. Petitioner is currently in Immigration and Customs Enforcement (“ICE”) custody in El Paso, at 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 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, which encompasses the BIA and the immigration judges through the Executive Office for Immigration Review. 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 Platon Pallares.

24. 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.
25. 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.

EXHAUSTION

26. A final order of removal has been entered against Petitioner and Petitioner has exhausted her administrative remedies such that judicial action is his only remedy.
27. 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).

28. Furthermore, prudential “[e]xhaustion is not required when the issue presented to the court ... involves purely legal issues.” *Trinity Indus. v. Reich*, 901 F. Supp. 282, 286 (E.D. Ark. 1993), *aff’d*, 33 F.3d 942 (8th Cir. 1994) (citing *Bethlehem Steel v. E.P.A.*, 669 F.2d 903, 907 (3rd Cir.1982)).
29. Petitioner raises a purely legal challenge to Respondents’ failure to initiate reopening proceedings or provide notice before continuing to detain Petitioner. 8 C.F.R. § 208.24 (requiring formal reopening of proceedings and an opportunity to respond before a grant of withholding of removal can be terminated).
30. “Further, exhaustion is not required when the nonjudicial remedy is clearly shown to be inadequate to prevent irreparable injury.” *Id.* (citing *Miss America Organization v. Mattel*, 945 F.2d 536, 545 (2nd Cir.1991)).
31. Unlawful, going on indefinite, detention is clearly an irreparable injury given that “a loss of liberty ... is perhaps the best example of irreparable harm.” *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018).
“Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001).
32. “In addition, exhaustion is not required where administrative proceedings involve questions of significant national interest or where the agency has clearly violated rights secured by the Constitution, statutes, or administrative

regulations.” *Trinity Indus.*, 901 F. Supp. at 286 (citing *Philip Morris v. Block*, 755 F.2d 368, 370 (4th Cir.1985)).

33. Respondents have not shown that Petitioner’s removal to a third country is reasonably foreseeable. Thus, her continued detention constitutes irreparable harm. (“the loss of constitutional freedoms ‘for even minimal periods of time ... unquestionably constitutes irreparable injury.’” *BST Holdings, L.L.C. v. Occupational Safety & Health Admin.*, 17 F.4th 604, 618 (5th Cir. 2021) (quoting *Elrod v. Burns*, 427 U.S. at 373, 96 S.Ct. 2673, 49 L.Ed.2d 547 (1976)).

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

34. Petitioner was born in Liberia and is a citizen and national of Liberia.
35. Petitioner last entered the United States on or around June 12, 1999.
36. On June 25, 2003, Petitioner was granted Withholding of Removal under 8 U.S.C. § 1231(b)(3). *See* Ex. A.
37. Both Petitioner and the government waived their right to appeal. *Id.*
38. After having been granted withholding of removal, Petitioner was released from ICE custody on an order of supervision.
39. Petitioner attended ICE check-ins annually since her release consistent with the instructions provided to her.

40. Respondents have not identified a third country to which they intend to remove Petitioner.
41. Respondents have not received authorization or permission from any third country willing to accept Petitioner.
42. Respondents have not obtained a travel document that would permit them to remove Petitioner to a third country.
43. Respondents did not provide Petitioner with any written notice why Respondents were detaining Petitioner.
44. Respondents did not conduct an informal interview of Petitioner.
45. Respondents have not provided any written notice of any third country designation.
46. Petitioner has not been made aware of any specific plans to remove Petitioner to any specific, identified, third country.
47. Respondents do not have a travel document for Petitioner.
48. Respondents did not apply for a travel document or seek a third country for removal before detaining Petitioner.
49. Petitioner has not been made aware of the Government's intention to reopen proceedings.
50. Petitioner is in detention at Camp East Montana in El Paso, Texas.

LEGAL FRAMEWORK

51. 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.
52. Such a writ is available to a person who “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).
53. “There is no higher duty of a court, under our constitutional system, than the careful processing and adjudication of petitions for writs of habeas corpus, for it is in such proceedings that a person in custody charges that error, neglect, or evil purpose has resulted in his unlawful confinement and that he is deprived of his freedom contrary to law.” *Harris v. Nelson*, 394 U.S. 286, 291-22 (1969).
54. 55. “The scope and flexibility of the writ – its capacity to reach 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.* at 291.
55. 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).

56. 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).
57. 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.
58. 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).

59. “[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).
60. For noncitizens ordered removed, 8 U.S.C. §1231(a) permits the government 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).
61. Petitioner fulfilled this requirement.
62. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3) provides that the government shall 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).

63. 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 (alterations in original) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).
64. Additionally, cursory or pro forma findings of dangerousness do not suffice to justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 690–91 (“But we have upheld preventive detention based on dangerousness only when limited to specially dangerous individuals [like suspected terrorists] and subject to strong procedural protections.”).
65. 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. at 527 (citing *Zadvydas*, 533 U.S. at 699).

66. As the Supreme Court has 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.
67. 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 no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701.
68. Petitioner is not challenging any decision to commence proceedings, adjudicate cases, or execute removal orders if Respondents do so lawfully. This matter is a challenge to how to interpret the sections that address the ordered restraint on Respondents' authority to remove Petitioner to a third country without an opportunity to assert protection under § 1231(b)(3).

69. Nothing in 8 U.S.C. § 1252(a)(2)(B)(ii) prevents the Court from considering a “challenge to the manner in which the government revoked his Order of Supervision or considering whether the government followed its own regulations in doing so.” *Villanueva v. Tate*, 801 F. Supp. 3d 689 (S.D. Tex. 2025).
70. Petitioner is not seeking review of a discretionary decision. Rather, Petitioner is challenging the extent of Respondents’ authority under § 1231, the failure to adhere to its regulations, and violation of the Fifth Amendment. The Court has jurisdiction under 28 U.S.C. § 2241 to act. *See Zadvydas v. Davis*, 533 U.S. 678, 688 (2001).
71. The statutory period to remove does not toll or restart. Pursuant to § 1231, once an order becomes “final,” the Attorney General has ninety days to affect the detainee’s departure from the United States. *See* 8 U.S.C. § 1231(a)(1)(A); *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006). In general, during this 90-day removal period, the detainee must remain detained. 8 U.S.C. § 1231(a)(2). The period is tolled and extended only if “the alien fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal subject to an order of removal.” 8 U.S.C. § 1231(a)(1)(C).

72.If Respondents cannot remove a person within that 90-day period, he may become eligible for supervised release until removal can be accomplished or DHS may continue to detain him for “a period reasonably necessary to bring about that alien’s removal from the United States.” *Zadvydas*, 533 U.S. at 689; *see also Clark v. Martinez*, 543 U.S. 371, 385 (2005); *Sanchez v. Noem*, No. 5:25-CV-00104, 2025 WL 3760317, at *7 (S.D. Tex. Nov. 14, 2025) (noting that there is no “controlling precedent or legal support to indicate that six months must have elapsed at the time of filing” and concluding that the six-month period is a rebuttable not preclusive presumption). *Villanueva v. Tate*, 801 F. Supp. 3d 689, 702 (S.D. Tex. 2025); *Garcia-Aleman v. Thompson*, 2025 WL 3534806, at *2 (W.D. Tex. Nov. 24, 2025); *Nguyen v. Scott*, 796 F. Supp. 3d 703, 722 (W.D. Wash. 2025) (“Surely, under the reasoning of *Zadvydas*, a series of releases and redetentions by the government results in an indefinite period of detention, albeit executed in successive six month intervals.”) (quoting *Chen v. Holder*, No. CV 6:14-2530, 2015 WL 13236635, at *2 (W.D. La. Nov. 20, 2015)); *Sagastizado II*, 2025 WL 3760317 at *8 (the *Zadvydas* period of detention does not reset at the time a noncitizen is redetained); *Zavvar v. Scott*, No. CV 25-2104-TDC, 2025 WL 2592543 (D. Md. Sept. 8, 2025) (“*Zadvydas* contemplated only the situation in which a noncitizen was continuously detained from the issuance of the removal order while efforts to

execute the removal were ongoing . . . and did not directly address the situation presented here, where a noncitizen was not detained upon the issuance of the removal order, remained on release for over 17 years, and only then was subjected to post-removal order detention for the first time.”).

73. There are regulations limiting how Respondents re-detain noncitizens ordered removed. *See* 8 C.F.R. § 241.13. Agencies like ICE must follow their regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

74. ICE may re-detain a noncitizen released on an Order of Supervision “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).

75. The regulation permitting re-detention in order to effect removal in the reasonably foreseeable future states that ICE may “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(i)(2) (emphasis added).

76. “Petitioner may only be re-detained if he violates a condition of release, or ‘changed circumstances’ demonstrate a ‘significantly likelihood that [he] may be removed in the reasonably foreseeable future.’” *Ashqar v. LaRose*, 2019 WL 1793000, at *11 (N.D. Ohio Mar. 26, 2019) (emphasis added).

77. “[T]he regulations at issue in this case place the burden on ICE to first establish changed circumstances that make removal significantly likely in the reasonably foreseeable future.” *Roble v. Bondi*, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453, at *4 (D. Minn. Aug. 25, 2025); *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025) (“it is the Service’s burden to show a significant likelihood that the alien may be removed”). These circumstances must have changed before the Service re-detain. See 8 C.F.R. § 241.13(i)(3).

78. If ICE elects to revoke a noncitizen’s release under 8 C.F.R. § 241.13(i)(2), the noncitizen must “be notified of the reasons for revocation of his or her release,” and ICE must “conduct an initial informal interview promptly after [the noncitizen’s] return to [ICE] custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.13(i)(3).

79. The determination as to whether a non-citizen like Petitioner can be re-detained must be based on “(1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably foreseeable future.” *Kong v. United States*, 62 F.4th 608, 619–20 (1st Cir. 2023) (quoting 8 C.F.R. § 241.13(i)(2)). 50 plus days is not prompt. *Abuelhawa v. Noem*, No. 4:25-CV-04128, 2025

WL 2937692, at *9 (S.D. Tex. Oct. 16, 2025) (citing *Roble v Bondi*, 2025 WL 2443453 at *4) (finding Government didn't meet its burden of showing changed circumstances by “bare fact that ICE officials ... requested third-country removal assistance from ICE headquarters”). .

80. Finally, when a non-citizen is detained “[a]fter this 6-month period” post removal order, then “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.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

**COUNT ONE: VIOLATION OF THE APA – FAILURE TO COMPLY
WITH 8 C.F.R. § 208.24 & ACCARDI DOCTRINE**

81. Petitioner re-alleges and incorporates by reference each allegation.
82. 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).
83. Respondents have not complied with 8 C.F.R. § 208.24.
84. 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).

85. Respondents have neither moved to reopen Petitioner's removal proceedings nor complied with the procedures required to terminate her grant of withholding of removal. As a result, Petitioner remains legally protected from removal to Liberia.
86. The individuals who arrested and detained Petitioner are not authorized to terminate her withholding of removal grant.
87. Despite the absence of lawful authority to remove Petitioner to Liberia, 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.
88. These are all violations of 8 C.F.R. § 208.24.
89. Respondents' action also violates the mandate of *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).
90. Respondents must observe the rules, regulations or procedures which it has established. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).
91. Respondents acted in excess of their regulatory authority or limitation.

- 92. Respondents' action constitutes a final agency decision.
- 93. Petitioner has no administrative remedy available to him.
- 94. Respondents' action violates the APA.

**COUNT TWO: VIOLATION OF THE APA – FAILURE TO COMPLY
WITH 8 C.F.R. §§ 241.4, 241.5, AND 241.13**

- 95. Petitioner re-alleges and incorporates by reference each allegation.
- 96. 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).
- 97. Respondents violated 8 C.F.R. §§ 241.4, 241.5, and 241.13.
- 98. A noncitizen is released from post-order detention on an Order of Supervision (OSUP). 8 C.F.R. § 241.4(j), 241.5(a).
- 99. For revocation of an OSUP, the custody review procedures in 8 C.F.R. § 241.13 apply to a noncitizen under a final order of removal when there has been a determination that there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future. 8 C.F.R. § 241.13(a), (b)(1).
- 100. Under this section an OSUP can be revoked if the conditions of release are violated, or for removal purposes. 8 C.F.R. § 241.13(i).

101. But to revoke an OSUP for the purposes of removal, ICE must first demonstrate changed circumstances. 8 C.F.R. § 241.13(i)(2).
102. If ICE can demonstrate that because of a change of circumstances, there is a significant likelihood that the alien may be removed in the reasonably foreseeable future to the country to which the alien was ordered removed or to a third country, then procedures in 8 C.F.R. § 241.4 apply.
103. Additionally, the regulation also allows for re-detention if it “is appropriate to enforce a removal order.” 8 C.F.R. § 241.4(l)(2)(iii). Not just one can do this when there is no specific violation of the conditions of release. In the absence of a violation, only designated, high-level ICE officials are authorized to revoke an OSUP for the purpose of effectuating removal. This person is the Executive Associate Commissioner. 8 C.F.R. § 241.4(l)(2).
104. Petitioner maintains on information and belief that there is no such notice or action here.
105. Respondents did not allot Petitioner the required processes under the relevant regulations for the revocation of his OSUP.
106. Respondents failed to outline any changes in circumstances indicating a significant likelihood of removal that would have justified his rearrest and ongoing detention, in violation of 8 C.F.R. § 241.13(i)(2).

107. Respondents is engaged in a pattern of post-hoc reasoning after detaining a person, which is violative of the regulations.
108. Respondent failed to provide any meaningful opportunity to produce any documents. Respondents ferried her out of Minnesota to Texas almost immediately.
109. Respondents acted in violation of *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) by not complying with any of its regulation when detaining Petitioner.
110. Respondents must observe the rules, regulations or procedures which it has established. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

COUNT THREE: SUBSTANTIVE DUE PROCESS VIOLATION

111. Petitioner re-alleges and incorporates by reference each allegation.
112. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.
113. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest.

114. To the extent the Government relies on a purported final order of removal from 2003, Petitioner's 90-day removal period and 180-day *Zadvydas* presumptively reasonable period would have expired no later than 2004
115. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have long since passed.
116. Petitioner's removal to Liberia is squarely foreclosed under 8 U.S.C. § 1231(b)(3)(A). It is a legal impossibility.
117. No other country has issued a travel document.
118. Under *Zadvydas*, the continued detention of someone like Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231.
119. Continued detention violates the Fifth Amendment and Petitioner's writ of habeas corpus must issue.

COUNT FOUR: PROCEDURAL DUE PROCESS VIOLATION

120. Petitioner re-alleges and incorporates by reference each allegation.
121. Petitioner's detention without compliance to 8 C.F.R. §241.13 violates Petitioner's right to procedural due process through a deprivation of the core liberty interest in freedom from bodily restraint.
122. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest.

123. To the extent the Government relies on a purported final order of removal from 2003, Petitioner's 90-day removal period and 180-day *Zadvydas* presumptively reasonable period would have expired no later than 2004.
124. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have long since passed.
125. Petitioner's removal to Liberia is squarely foreclosed under 8 U.S.C. § 1231(b)(3)(A). It is a legal impossibility.
126. Respondents failed to afford Petitioner any opportunity to challenge any alleged change of circumstances.
127. Respondents failed to perform a timely informal interview.
128. Respondents failed to notify Petitioner any right to provide documentation to rebut any alleged change of circumstances.
129. Respondents failed to identify any change of circumstances before detaining Petitioner.
130. No other country has issued a travel document.
131. Under *Zadvydas*, the continued detention of someone like Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231.
132. Respondents did not adhere to 8 C.F.R. § 241.13. This failure violated Petitioner's right to any modicum procedural process under the Fifth

Amendment. She was not provided with notice or an opportunity to be heard. There was no hearing or interview conducted.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Issue an order restraining Respondents from removing Petitioner to Liberia in violation of law.
3. Issue an injunction against Respondents prohibiting Respondents from removing Petitioner to Liberia in violation of the law.
4. Issue an order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner.
5. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C., chapter 153 related to habeas actions.
6. Order Respondents to show cause for their continued detention of Petitioner within three days pursuant to 28 U.S.C. § 2243.
7. Grant the writ of habeas corpus.
8. Order Petitioner's release from custody under an order of supervision consistent with 8 U.S.C. § 1231.
9. Declare that Respondents' action is arbitrary and capricious and in violation of the Administrative Procedures Act.

10. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
11. Declare that Respondents violated Petitioner's right to procedural due process under the Fifth Amendment to the U.S. Constitution.
12. Grant Petitioner reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
13. Grant all further relief this Court deems just and proper.

DATED: February 8, 2026

Respectfully submitted,

/s/ David L. Wilson

David L. Wilson

Wilson Law Group

Federal ID No. 3919583

3019 Minnehaha Avenue

Minneapolis, MN 55406

(612) 436-7100

dwilson@wilsonlg.com

Attorney for Petitioner

**Verification by
Petitioner Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am his attorney. I have discussed the events described in this Petition with Petitioner and have reviewed his documents to corroborate the claims made herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the dates and nature of the administrative appellate procedure, are true and correct to the best of my knowledge.

/s/ David L. Wilson
David L. Wilson

02/08/2026
Date: