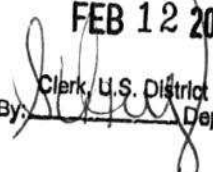


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DONALD EHIE
Pro Se, Petitioner

FILED
FEB 12 2026
Clerk, U.S. District Court
By:  Deputy Clerk

V. 26-3025-JWL

CRYSTAL CARTER, KRISTI NOEM
PAM BONDI, and TODD LYONS
Respondents.

PETITIONER FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)
AND MEMORANDUM IN SUPPORT


I. INTRODUCTION

1. Petitioner DONALD EHIE, is detained by Immigration and Customs Enforcement ("ICE") for the THIRD TIME for the stated purpose of effectuating removal to Nigeria, despite ICE's prior failed removal efforts to the same country in 2005 and 2006.
2. Petitioner's continued detention has become unreasonably indefinite because removal is not significantly likely in the reasonable future under *Zadvydas v. Davis*.
3. In addition, because Petitioner was previously released on an Order of Supervision, ICE may not simply re-detain him without complying with 8 C.F.R. § 241.13(i) including an individualized determination based on changed circumstances that removal has become significantly likely, and the required notice/interview procedure.
4. Petitioner seeks immediate release under appropriate supervision conditions, or other appropriate relief.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is "in custody in violation of the Constitution or laws or treaties of the United States." Federal Courts have jurisdiction to review Habeas challenges by noncitizens to the lawfulness of their immigration detention, including post-removal-order detention under 8 U.S.C. § 1231(1). This Court also has jurisdiction under 28 U.S.C. § 1331 and declaratory Judgment Act, and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and the Fifth Amendment.
6. Venue is proper because Petitioner is confined at FCI-Leavenworth within this District, and his immediate custodian, CRYSTAL CARTER is within the Court's jurisdiction.

III. PARTIES

7. Petitioner, DONALD EHIE , is currently detained at FCI- Leavenworth, Kansas
8. CRYSTAL CARTER, FCI-Leavenworth, Warden
9. KRISTI NOEM, Secretary, Department of Homeland Security
10. PAM BONDI, Attorney General of the United States
11. TODD LYONS, Acting Director, ICE

13. All Government Respondents are sued in their official capacity.

III. FACTUAL BACKGROUND

14. Petitioner, DONALD EHIE, is a native of the Republic of Nigeria. He entered the United States with inspection in April of 1996 with his parents and siblings. Petitioner is 44 years of age now, and has been living in the United States with his families for the past 30 years.

15. He has raised children ranging from ages 5 to 23 years old, the oldest is working on his masters degree at Arkansas State University with a major in finance, a 16 year old son in high school, a 13 year old daughter in middle school, 11 year old daughter in elementary school as well as a 6 year old daughter and a 5 year old son both of which are in elementary school as well.

16. Petitioner's troubles started in 2004, when he and an individual got into a dispute that resulted in a fight, and subsequently resulted in an assault charge being filed. Petitioner completed 5 years of probation successfully as per his plead agreement. Petitioner was picked up by ICE immediately after his final court appearance for the assault charge and detained at the Butler county jail in Kansas in 2005.

17. An Immigration Judge ordered the petitioner to be deported and removed in the summer of 2005. The petitioner's order of removal became administratively final in 2005; with removal proceedings in place.

18. In 2006, petitioner was released under an order of supervision due to the Consulate of Nigeria having no ground to favor petitioners deportation.

19. After 11 months of detention, petitioner was released under an order of supervision due to the fact that his removal was not foreseeable.

20. Petitioner reported to the ICE office promptly when scheduled and made himself available when needed.

21. On about late 2006 petitioner was pulled over for suspicion of DUI, even though no charges were filed, petitioner was held at the Greene county jail in Springfield Mo, and was told that he had a hold on him for ICE and was yet again detained by ICE once again for removal.

22. After almost four months of being detained again with no progress, petitioner was released because his removal to Nigeria was not foreseeable and he is not a flight risk nor is he a danger to the community.

23. Petitioner was subsequently placed on a GPS ankle monitor for about a two year period, and then later put on the BI Smart Link App monitoring system. Petitioner has not missed any reporting and has been well mannered and respected by his caseworker. Petitioner ensured to follow every instruction and complied with every request made by ICE, all this are well documented with ICE Agents signatures.

24. Petitioner's home visits have always been successful and petitioner's address is always on file and any changes to petitioner's address or life were always immediately made known to ICE, therefore eliminating any suspicion of flight risk. On several home visits ICE Agents also witnessed petitioner home with his children on days when they didn't have school.

25. On December 11, 2025, Petitioner while driving his vehicle hit a small sinkhole and his vehicle slide off the road and bumped into a fire hydrant. The police department was called out and the police officer took the petitioner in to make a determination if any property damage will be assessed. Upon talking to his superiors, a determination was made not to charge petitioner with property damage of the fire hydrant.

26. Although there was no charges, petitioner was told he had an ICE hold and that ICE Agents would be picking him up within 48 hrs. On Dec 13th, 2 days later, ICE Agents picked up petitioner from the St Louis county jail. He was then transported to the ICE office in downtown St Louis.

27. Petitioner asked why he was being detained and that he was on a supervised release, but the agents had no answers. Petitioner told ICE that he has been reporting promptly and has had no issues or violation with his reporting officer Ms. Shayla. After a few hours, he was told that his Order of Supervision was revoked due to the "New Administration." Petitioner expressed the fact that he has been detained twice already with ICE, with no progress and that deportation was not foreseeable, and that he has complied with every instruction and has been reporting without any problems or violations; yet he got the same response because of the "New Administration."

IV. LEGAL STANDARD

28. Under *Zadvydas*, post-order detention under 8 U.S.C. § 1231(a)(6) is limited to the period "unreasonably necessary" to achieve removal; six months is presumptively reasonable, and after that the noncitizen may obtain relief by showing no significant likelihood of removal in the reasonably foreseeable future, shifting the burden to the government to rebut.

29. For individuals previously released under supervised release procedures, ICE's own regulation allows re-detention only if "on account of changed circumstances," ICE determines there is a significant likelihood of removal in the reasonably foreseeable future, and ICE must provide required notice and a prompt informal interview. 8 C.F.R. § 241.13(i).

30. In *Liu v. Carter* (D. Kan.), the court treated generic statements (e.g., "increased repatriations") as insufficient without individualized evidence addressing the petitioner's specific obstacles (e.g. travel document issues), and emphasized compliance with § 241.13(i) procedures.

VII. CLAIMS FOR RELIEF

Count One: Unlawful, Unreasonably Indefinite Detention Under 8 U.S.C. § 1231(a)(6) As Construed By *Zadvydas*

31. Petitioner re-alleges and incorporates by reference paragraphs 1-30.

32. Petitioner has been detained for about TWO months during this third detention.

33. Removal is not significantly likely in the reasonably foreseeable future because: A) ICE already attempted removal to Nigeria at least twice (in 2005 and again in 2006), and failed for the same core reasons: Travel document refusal/consular non-cooperation/identity verification B) ICE has not shown concrete progress in this case) e.g., issued travel document, confirmed acceptance date, confirmed itinerary, confirmed consular issuance). C) Any generalized claim (e.g., "removals to Nigeria have increased") does not address Petitioner's individualized barriers to travel documentation/acceptance precisely the problem highlighted in *Liu*.

34. Under *Zadvydas*, continued detention is no longer authorized where removal is not reasonably foreseeable, and the Court should order release subject to appropriate supervision conditions.

Count Two: Unlawful Re-Detention/Revocation Of Supervised Release In Violation Of 8 C.F.R. § 241.13(i)

34. Petitioner re-alleges and incorporates by reference paragraphs 1-34.

35. Petitioner was previously released under an Order of Supervision after ICE could not remove him.

36. ICE may revoke such release and re-detain only if, based on changed circumstances, ICE makes an individualized determination that removal has become significantly likely in the reasonably foreseeable future.

37. ICE did not meet these requirements because: A) ICE failed to identify any genuine "changed Circumstances" tied to Petitioner's specific removal barrier(s). (Generic assertions are insufficient again consistent with *Liu v. Carter*) B) ICE failed to provide notice of supporting reasons and/or failed

to conduct the required prompt informal interview after return to custody.

38. Because ICE did not comply with § 241.13(i), Petitioner's re-detention is unlawful and warrants release.

Count Three: Fifth Amendment Due Process

39. Continued detention without a realistic prospect of removal becomes punitive and violates due process.

40. The lack of meaningful procedures and the absence of individualized justification for re-detention further violate due process.

Count Four: Prolonged Detention With No Significant Likelihood Of Removal Violates Due Process And Zadvydas

41. Petitioner re-alleges and incorporates by reference paragraphs 1-40.

42. The Supreme Court held that post-final-order detention may not be indefinite; after six months, if the detainee shows "no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing."

43. As detention continues, "what counts as the 'reasonably foreseeable future' would have to shrink."

44. In *Vegas v. Noem* (D. Kan. Sept. 29, 2025), the District of Kansas applied these principles and ordered release where the Petitioner met the burden and the government's showing was too general and non-specific.

45. Petitioner has been detained for about TWO months since December 11, 2025, and ICE's removal prospects remain speculative, especially given two prior failed attempts to remove Petitioner to the same country, with no concrete evidence that the obstacle have changed.

46. ICE cannot satisfy its burden to rebut Petitioner's showing with case-specific evidence of a significant likelihood of removal in the reasonably foreseeable future.

Count Five: Detention In Violation Of INA And Interim Regulations 66 Fed. Reg. 56967 (Nov 14, 2001)

47. Petitioner re-alleges and incorporates by reference paragraphs 1-46.

48. Petitioner's removal is not foreseeable and thus his detention violates a supreme court's response and interim regulations.

49. Special circumstances justifying continued detention are:

- A) If the alien has a highly contagious disease that is threat to public safety;
- B) If his release would have serious adverse foreign policy consequences;
- C) If there are security or terrorism concerns, and
- D) If release would pose a special danger to the public. 8 C. F. R. 241.13(b)-(d) (f)

50. There are no special circumstances that exist to justify Petitioner's continued detention:

- A) Petitioner is not an alien with a "highly contagious disease posing a danger to the public.
- B) Petitioner's release would not cause "serious adverse foreign policy consequences."
- C) Petitioner was not and is not now detained on account of security of terrorism concerns.
- D) Petitioner was already on supervised release for well over a decade, he did not commit a crime of violence as defined in 18.U.S.C. 16 as would classify him as "special dangerous" under the interim regulations, 8 C.F.R. 241.14(f)(i), and his release therefore would not pose a special danger to the public.

51. Since there is no significant likelihood of petitioner's removal in the reasonably foreseeable future, and because none of the special circumstances exist here to justify Petitioner's detention, continuing to detain him would be in violation of INA and the interim regulations, which is constitutionally impermissible.

Count Six: Public Interest

52. Petitioner re-alleges and incorporates by reference paragraphs 1-51.

53. Petitioner's common law wife is disabled due to an automobile accident.

54. The detainment of the petitioner has brought about severe trauma to his young children due to them having him with them on a daily basis and is well involved in their life and in their school and afterschool activities.

55. The detainment of the petitioner also has consequently affected the physical and financial support of his children and household; since the petitioner is the sole bread winner of the household, and provides for his wife, children, father and in-laws through his earning as a sole proprietor business owner in the automobile towing and locksmithing industry. Since his detainment, his family have suffered financial hardship and his wife has had to seek help with getting some bills paid through some non profit organizations and churches.

56. Petitioner's children have expressed how Christmas was not the same, not only their father was missing in the home, but normal things as the anticipation of gifts under the Christmas tree was not the same.

57. Furthermore, petitioner is well involved in his children school, and is familiar with teachers, principals and other PTA members who have repeatedly asked about his absence. All of this has taken a serious toll on his family.

VIII. REQUEST FOR RELIEF

Petitioner respectfully asks the Court to:

- A. Grant the Petition and order Petitioner's immediate release from ICE custody, subject to appropriate conditions of supervised; and/or
- B. Order Respondents to provide an immediate custody review that complies with 8 C.F.R. § 241.13(i) and Zadvydas, and to release Petitioner absent a demonstrated significant likelihood of removal in the reasonably foreseeable future; and
- C. Grant any further relief the Court deems just and proper.

IX. VERIFICATION

I Donald Ehie, declare under penalty of perjury under the laws of the United States that I am Petitioner in the above-entitled action; that I have read the foregoing Petition for Writ of Habeas Corpus and know the contents, therefore; and that the same is true and correct to the best of my knowledge, information, and belief.

Donald Ehie 2/5/26

FCI Leavenworth



DONALD EHIE

P.O. BOX 1000

Leavenworth KS, 66048

X. EXHIBITS

Exhibit A family pictures
Exhibit B letters for support
