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Counsel for petitioner

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

A.M.H..	File No. 3:26-cv-329
Petitioner,	Agency No: [redacted]
vs.	**PETITION FOR HABEAS CORPUS**
LAURA HERMOSILLO, Seattle Field Office Director, U.S. Immigration and Customs Enforcement and Removal Operation, KRISTI NOEM, Secretary of Homeland Security, PAMELA BONDI, Attorney General, TODD LYONS, Acting Director of Immigration and Customs Enforcement, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, and U.S. DEPARTMENT OF JUSTICE	ORAL ARGUMENT REQUESTED Expedited hearing requested
Respondents.	

Petitioner seeks a writ of habeas corpus as follows.

JURISDICTION AND VENUE

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

2. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

3. In addition, "a federal court always has jurisdiction to determine its own jurisdiction," including its own subject-matter jurisdiction. *Brownback v. King*, 592 U.S. 209, 218-19 (2021) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)).

4. Unless the assertion of jurisdiction is frivolous, the court has the power to preserve existing conditions while it determines its own authority to grant injunctive relief. See *United States v. United Mine Workers of America*, 330 U.S. 258, 293 (1947). Such an order is valid unless and until overturned, even when the issuing court lacks subject-matter jurisdiction to determine the underlying action's merits. *Id.* at 293-94.

5. 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).

6. Venue is proper because petitioner is in respondents' constructive custody in Portland, Oregon and because a substantial part of the events giving rise to his claims occurred in this district. 28 U.S.C. § 1391(e).

7.

THE PETITIONER

8. Petitioner is a resident of the state of Oregon, and present in the state of Oregon as of the time of filing this petition. Petitioner is a citizen of Somalia.

ENTRY INTO THE UNITED STATES

9. Petitioner entered the United States on or about April 1, 2023, at or near the U.S.–Mexico border. Petitioner was apprehended by U.S. immigration authorities and later released pursuant to agency form I-220A, Order of Release on Recognizance.

INITIAL FILING OF ASYLUM APPLICATION

10. On or about November 14, 2023, petitioner filed an application for asylum and withholding of removal pursuant to INA § 208 and § 241(b)(3), using Form I-589, together with supporting documentation and a sworn declaration detailing past persecution and fear of future persecution in Somalia. Petitioner's asylum claim is based on persecution by [redacted], including, murder and kidnapping of family members, threats, violence against his family, and targeting on account of his minority clan status, and Imprisonment. Petitioner's asylum application remains pending in removal proceedings, and Petitioner is entitled under the INA and the Due Process Clause to a full and fair adjudication of his protection claims.

PROCEEDINGS IN IMMIGRATION COURT

Petitioner is currently in removal proceedings under Agency No. [redacted]. I-589 Original Respondents have recently issued sudden and unexplained master calendar hearing notices to Somali nationals, including Petitioner, as part of a nationwide effort to fast-track Somali asylum cases for termination.

CUSTODY

11. Under 28 U.S.C. § 2241(c), only persons "in custody" may apply for a writ of habeas corpus. "Custody includes either physical custody or constructive custody, where the person is under a restraint on liberty not shared by the public generally.1 For example, this includes persons subject to a final order of deportation. Nakaranurack v. United States, 68 F.3d 290, 293 (9th Cir. 1995).

12. Petitioner is "in custody" of the respondents as he is subject to reporting and check-in requirements through form I-220A.

13. These restrictions in form I-220A include but are not limited to requirements that he report for any interviews or check-ins ordered by respondents, not change his residence without first securing written permission from respondents, and participate in an Alternatives to Detention ("ATD") program as designated by respondents which includes electronic monitoring and can include a curfew.

14. The restrictions in form I-220A are sufficient restraints upon petitioner's liberty to place him in custody for the purposes of habeas corpus.

15. Petitioner has been in all ways compliant with the terms of form I-220A.

MOTION TO PROCEED ANONYMOUSLY

16. Parties may proceed anonymously when special circumstances justify secrecy. *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). In the Ninth Circuit, parties may use pseudonyms "in the unusual case when nondisclosure

of the party's identity is necessary to protect a person from harassment, injury, ridicule or personal embarrassment." *Id.* at 1067-68 (citation, ellipsis and internal quotes omitted). A party may preserve anonymity in "in special circumstances when the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity." *Id.* at 1068.

17. In this case petitioner is Somali and as such a national of a country highly disfavored by respondents. Exposure of his name could subject him to harassment and ridicule for this reason. Also, he has filed an application for asylum with U.S. Citizenship and Immigration Services ("USCIS").

18. This application for asylum contains details of petitioner's life and persecution in Somalia. Presenting such details in a public record would expose petitioner to potential humiliation and mental stress.

THE RESPONDENTS

19. Respondent LAURA HERMOSILLO is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations ("ICE"). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. LAURA HERMOSILLO is sued in her official capacity.

20. The Seattle Field Office's area of responsibility includes Oregon, so

respondent LAURA HERMOSILLO is the immediate legal custodian of petitioner.

21. Respondent KRISTI NOEM is the Secretary of Homeland Security. As such she is responsible for the actions of that department, its subagencies, and its officers and personnel. KRISTI NOEM is sued in her official capacity.

22. Respondent PAMELA BONDI is the Attorney General of the United States, and as such has responsibility for the conduct and operations of the Department of Justice and all of its officers and personnel, including the Executive Office for Immigration Review. PAMELA BONDI is sued in her official capacity.

23. Respondent TODD LYONS is the Acting Director of ICE, and as such is responsible for the means by which the immigration laws of the United States are enforced. TODD LYONS is sued in his official capacity.

24. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is an agency of the United States with responsibility for the enforcement of the nation's immigration laws. It is under the direction of respondent KRISTI NOEM.

25. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an agency of respondent U.S. DEPARTMENT OF HOMELAND SECURITY, and is under the direction of respondent TODD LYONS

26. Respondent U.S. DEPARTMENT OF JUSTICE is an agency of the United States and is under the direction of respondent PAMELA BONDI.

27. Respondent DEPARTMENT OF JUSTICE maintains an adjudicatory body for immigration cases called the Executive Office for Immigration Review ("EOIR"). The

immigration court is part of EOIR.

LEGAL REQUIREMENTS

28. The Due Process Clause of the Fifth Amendment prohibits arbitrary detention by the government. Noncitizens in civil immigration custody are entitled due process protection. See *Demore v. Kim*, 538 U.S. 510 (2003).

RESPONDENT'S POLICIES

29. On January 20, 2025, the president issued several executive actions relating to immigration, including "Protecting the American People Against Invasion," an executive order setting out a series of interior immigration enforcement actions which required the DHS Secretary "to take all appropriate action to enable" ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including use of mass detention.

30. In late May 2025, respondent KRISTI NOEM and White House Deputy Chief of Staff Stephen Miller met with ICE leadership and set an arrest quota of 3,000 per day and reportedly threatening job consequences if officials failed to meet arrest quotas.[1]

31. On May 28, 2025, Deputy Chief of Staff Miller confirmed that "[u]nder President Trump's leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up

[1] Julia Ainsley, et al., A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigrationreshape-federal-lawenforcement-rcna193494 (last visited Nov 26, 2025); Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller (last visited Nov. 26. 2025).

higher each and every single day."[2]

32. Following the directive from Noem and Miller, ICE agents were instructed in an email to "turn the creativity knob up to 11" and aggressively "push the envelope" in arrests, including by pursuing "collaterals." One email is reported to have said: "If it involves handcuffs on wrists, it's probably worth pursuing.".[3]

GOVERNMENT THREATS AGAINST SOMALI NATIONALS

33. On Tuesday, December 2, 2025, the president of the United States called Somali nationals "garbage."[4] The reporting from the New York Times on December 2, 2025 (see link in footnote) was follows:

> President Trump unleashed a xenophobic tirade against Somali immigrants on Tuesday, calling them "garbage" he does not want in the United States in an outburst that captured the raw nativism that has animated his approach to immigration.
>
> Even for Mr. Trump — who has a long history of insulting Black people, particularly those from African countries — his outburst was shocking in its unapologetic bigotry. And it comes as he started a new ICE operation targeting Somalis in the Minneapolis-St. Paul region.
>
> "These are people that do nothing but complain," Mr. Trump said at the tail end of a cabinet meeting at the White House, during which he sometimes appeared to be fighting sleep. But when the subject turned to

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[2]Hannity, Sean, "Stephen Miller says the admin wants to create the strongest immigration system in US History", FOX NEWS (May 28, 2025), https://www.foxnews.com/video/6373591405112 (last visited Nov. 26, 2025).

[3]Olivares, José , "US immigration officers ordered to arrest more people even without warrants," The Guardian (Jun 4, 2025) https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests

[4] NYT, Trump Calls Somalis 'Garbage' He Doesn't Want in the Country -- President Trump has a history of insulting people from African countries, but the outburst was shocking in its unapologetic bigotry. Vice President JD Vance banged the table in encouragement" (Dec. 2, 2025), available at https://www.nytimes.com/2025/12/02/us/politics/trump-somalia.html

immigration, Mr. Trump made a point of lashing out.

> "When they come from hell and they complain and do nothing but bitch, we don't want them in our country. Let them go back to where they came from and fix it," Mr. Trump added as Vice President JD Vance banged the table in encouragement. He said Somalia "stinks and we don't want them in our country." He described Representative Ilhan Omar, Democrat of Minnesota, who came to the United States from Somalia as a refugee and became a citizen 25 years ago, as "garbage."
>
> "We could go one way or the other, and we're going to go the wrong way if we keep taking in garbage into our country," Mr. Trump said. "She's garbage. Her friends are garbage. These aren't people who work. These aren't people who say, 'Let's go, come on, let's make this place great.'"
>
> Mr. Trump has used this kind of rhetoric throughout his rise in politics, including in his first term as president, when he demanded to know why the United States would accept immigrants from Haiti and African nations, which he described as "shithole countries," rather than, say, Norway.

34. Politico has recently reported that the president "later doubled down on his comments, saying Somalia 'is considered by many to be the worst country on earth' and that Somali immigrants have "destroyed the country."[5]

PROCEDURE IN THE IMMIGRATION COURTS

35. Removal cases in the immigration court commenced by respondents DHS and ICE first by serving upon persons whom they alleged to be subject to removal a document entitled "Notice to Appear" (NTA), which is drawn up on agency form I-862.

[5] Politico, "Homan defends Trump after president calls Somali community 'garbage' -- The border czar said he '100 percent' supports the president's immigration crackdown" (Dec. 7, 2025), available at https://www.politico.com/news/2025/12/07/homan-trump-somalis-garbage-00679831

Next, DHS files the NTA with the immigration court. In all cases filed in the immigration court, DHS is the prosecuting party.

36. Once the NTA is filed with the immigration court, it will schedule an initial hearing on the case. This initial hearing is called a "master calendar" hearing.

37. Usually there will be a number of persons in at the master calendar hearing who are facing removal proceedings. These persons can be of any nationality. In the Portland court, initial master calendars are generally scheduled for 9:30 a.m., while cases which have already had a master calendar will be scheduled for 8:30 a.m.

38. Often the court will accept written pleadings from the non-citizen as serving the purposes of the master calendar hearing and cancel the hearing.

39. If at master calendar the NTA allegations are not contested, but the noncitizen wishes to assert potential claims for relief from removal such as asylum, the immigration judge will generally set a date for the final hearing on the merits of the application. This is called an "individual calendar hearing," or a "merits hearing.

REQUIREMENTS OF DUE PROCESS

40. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

41. "A neutral judge is one of the most basic due process protections." *Reyes-Melendez v. INS*, 342 F.3d 1001, 1006 (9th Cir. 2003) (internal quotation marks omitted). Where an IJ fails to act as a neutral factfinder, but rather as a partisan adjudicator, the noncitizen's due process rights may be violated. See *Colmenar v. INS*, 210 F.3d 967, 971

(9th Cir. 2000) (due process violation where "the IJ behaved not as a neutral factfinder interested in hearing the petitioner's evidence, but as a partisan adjudicator seeking to intimidate Colmenar and his counsel"),

42. Noncitizens are also guaranteed rights by statute, including the right to counsel 8 USC § 1229a(b)(4)(A), the right to have a reasonable opportunity to present evidence on the noncitizen's own behalf and to cross-examine witnesses presented by the government. 8 USC § 1229a(b)(4)(B).

SOLE JURISDICTION OVER ASYLUM APPLICATIONS

43. Once jurisdiction vests with the Immigration Judge, neither party can compel termination of proceedings without a proper reason. See *Matter of W-C-B-,* 24 I&N Dec. 118, 122 (BIA 2007) (stating that once jurisdiction vests with an Immigration Judge, a notice to appear cannot be cancelled by the DHS, which must instead move for dismissal of the matter on the basis of a ground set forth in the regulations).

COLLUSION BETWEEN IMMIGRATION COURT AND DHS

44. In the waiting room at the Portland Immigration Court, which is not large, approximately 20 feet by 20 feet, there are eight posters where persons are encouraged to "self-deport." There are two different poster types. There is an English language and a Spanish language version of each poster type.

45. Each poster is in color and is the size of a standard sheet of 8 ½ inches by 11 inches. Both poster types show a person in handcuffs being led away, presumably by ICE officers. One of the poster types shows two white vans, presumably to be used to

transport the prisoners, and two guards in full military garb.

46. The three sets of posters in Portland court are posted as follows:

a) on the inside of the main door to the waiting room, which is always propped open when the immigration court is open (4 posters);

b) adjacent to the clerk's window on the door leading to the court's offices (4 posters), and

c) in the courtroom itself on the inside of the door to the courtroom, and thus visible at all times when the court is in session (2 posters).

47. No judicial purpose is served by these posters. The DHS seal on the posters establishes that they were placed by collusion between respondents DHS and DOJ inconsistent with the immigration court being an impartial decision-maker.

NATIONAL TARGETING OF THE SOMALI COMMUNITY

48. Starting on December 4, 2025, respondents began what they call "Operation Metro Surge" pursuant to they deployed approximately 3,000 agents to Minnesota.

49. Persons of Somali origin were particular targets.[6] The agents of respondents engaged in widespread and unnecessary violence, up to and including arguably unnecessary shootings[7], creating a state of widespread fear in the community.

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[6] See CNN, "ICE to launch operation targeting Somali immigrants in Twin Cities, federal official says, as Trump calls community 'garbage'" (Dec 2, 2025) ("A new Immigration and Customs Enforcement operation in Minneapolis and St. Paul, Minnesota, will target undocumented Somali immigrants, a federal official told CNN on Tuesday, as the president has ramped up attacks against the community in recent days."). https://www.cnn.com/2025/12/02/us/ice-operation-somali-migrants-minneapolis ; NYT, "New ICE Operation Is Said to Target Somali Migrants in Twin Cities -- The move comes as President Trump has attacked Somalis with increasingly inflammatory rhetoric in recent days." (Dec 2, 2025). https://www.nytimes.com/2025/12/02/us/politics/ice-somali-migrants-minneapolis-st-paul.html

[7] See e.g. NYT, "Agents Suspended After Their Story of Shooting an Immigrant Falls Apart
A judge dropped charges against the immigrant and another man after the top federal prosecutor in Minnesota said new

OPERATION BLACK ROSE IN OREGON

50. Respondents are in engaged in Oregon in "Operation Black Rose." Teams of agents roaming around the state arresting people they perceive as having no legal status. Each team has an apparent quota of eight arrests per day. Many arrests are unlawful.[8]

51. Respondents have used unnecessary violence both arrests and in suppression of lawful protests.[9] These are deliberate tactics to instill fear in the community.

MANIPULATION OF IMMIGRATION AGAINST SOMALIS

52. On February 9, 2026, the Portland immigration court acting sua sponte issued sent orders to at least twelve (12) Somalis, and only Somalis, to appear for an internet master calendar hearing to be held on Monday, February 23, 2026, at 1:00 p.m. Similar orders were issued in Minnesota, Nebraska, and Illinois.[10]

53. In all cases known to petitioner, the purposes of the master calendar have been served, either by an actual master calendar hearing, or by the immigration court's having accepted written pleadings in lieu of the master calendar.

54. There is no known explanation for these sudden hearings. The notices for

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evidence was not consistent with the agents' testimony." (Feb 12, 2026) https://www.nytimes.com/2026/02/12/us/prosecutor-dismiss-charges-men-shot-by-ice.html

[8] See e.g. *M-J-M-A v. Hermosillo*, No. e 6:25-cv-02014-MTK (Feb 5, 2026) (Dkt 80; provisional class certification granted and preliminary injunction issued) ("Ample evidence in this case demonstrates a pattern and practice in Oregon that amounts to final agency action of executing warrantless arrests without individualized determinations of flight risk as required by 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(ii).")

[9] See e.g. *Dickinson v. Trump*, No. 3:25-cv-02170-SI (Feb. 3, 2026) (Dkt 68, opinion and order granting TRO) at 15 ("There are clear instances of excessive force, including a use of force incident recorded by ICE's own cameras and deemed "inappropriate" and "not reasonable" by a Federal Protective Service ("FPS") Deputy Regional Director. Yet, the agents involved were not put on leave and do not appear to have been held accountable in any way. See ECF 35. This allows them and others to continue to use excessive force without correction.")

[10] NPR, "Immigration courts fast-track hearings for Somali asylum claims" (Feb. 9, 2026) ("Dozens of asylum cases filed by Somali migrants in immigration courts were suddenly rescheduled and recategorized over the weekend, according to four lawyers interviewed by NPR.") https://www.npr.org/2026/02/09/nx-s1-5707217/somali-asylum-cases-rescheduled

them appear to have been all generated on the same day, February 10, 2026 or a day close to it. There cannot be any individualized reason for such a large number of notices to be sent only to persons of a particular nationality.

55. The only available explanation is that respondents seek an excuse to terminate the immigration court proceedings and place non-citizens in expedited removal, where they would have few if any rights to contest their deportation. Respondents have done similar things before in the Portland court and in immigration courts nation-wide.

RECENT RECRUITMENT OF JUDGES BASED ON NATIVIST APPEAL

56. Respondents DOJ and Pamela Bondi have fired nearly 100 immigration judges out of the total number 700 immigration judges nation-wide.[11] To replace them respondents seek "deportation judges." Examples of the recruitment advertisements are:

57. "[DHS seal] dhsgov 11w END THE INVASION. If you're a legal professional, join the U.S. Department of Justice as a Deportation Judge to defend your community and preside over cases in federal immigration court."[12]

58. "[DHS seal] Department of Homeland Security December 23, 2025. Be the Right Person at the Right Place. Apply to join the Department of Justice as a deportation judge and help determine the future of our nation."[13]

59. "[DHS seal] Homeland Security @DHSgov. DECIDE THE FUTURE OF

[11] Politico, "Immigration courts thrown into chaos as Trump administration purges dozens of judges" (Dec. 6, 2025).
[12] https://www.instagram.com/p/DRaC2tkCVgF/
[13] https://www.facebook.com/homelandsecurity/posts/be-the-right-person-at-the-rightplaceapply-to-join-the-department-of-justice-as/1349544270550081/

AMERICA. Join @TheJusticeDept as a Deportation Judge and preside over cases in federal Immigration Court. Combat fraud and ensure that those seeking to exploit our immigration system are held accountable."[14]

60. "[DHS seal] dhsgov 4w American justice requires American patriots. Apply to become a deportation judge with @thejusticedept and preside over. cases in federal Immigration Court. Restore integrity to America's immigration system by combating fraud.[15]

61. [DHS seal] Department of Homeland Security December 12, 2025. Help write the next chapter of America - apply today to become a deportation judge.[16]

62. [DHS seal] Department of Homeland Security December 16, 2025. DECIDE THE FUTURE OF AMERICA. Patriotic legal professionals: join the Department of Justice as a Deportation Judge to hold those seeking to exploit our immigration system accountable. You will make decisions with generational consequences."[17]

63. Most of these advertisements bear the seal of respondent DHS rather than respondent DOJ. Most have been placed on DHS social media accounts.

64. The current president stated on September 27, 2023 that immigration is "poisoning the blood of our country."[18] Respondents seek judges with the same views.

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[14] https://x.com/DHSgov/status/1992359948035191205?lang=en
[15] https://www.instagram.com/p/DTRFmveiUUB/
[16] https://www.facebook.com/homelandsecurity/posts/help-write-the-next-chapter-of-americaapply-today-to-become-a-deportation-judge/1340982661406242/
[17] https://www.facebook.com/homelandsecurity/posts/decide-the-future-of-america-patrioticlegal-professionals-join-the-department-o/1344024587768716/
[18] NYT, "Trump Escalates Anti-Immigrant Rhetoric With 'Poisoning the Blood' Comment" (Oct 5, 2023) https://www.nytimes.com/2023/10/05/us/politics/trump-immigration-rhetoric.html

The deep involvement of respondent DHS in the selection of immigration judges shows collusion between DHS and DOJ inconsistent with immigration court being a neutral and unbiased decision-maker.

PLAN TO DEPORT SOMALIS TO UGANDA

65. On September 3, 2025, respondent DHS published an agreement between the United States and the central African republic of Uganda[19] which allows the United States to deport anyone from any country to Uganda.[20]

66. Respondents have recently terminated temporary protected status ("TPS") for Somalis. If petitioner's immigration court case is terminated, he faces deportation to Uganda, a country with an atrocious human rights record.

CLAIMS FOR RELIEF
Count 1

Violation of the Administrative Procedures Act – 5 U.S.C. § 706(2)(A)
Abuse of Discretion
Violation of 8 U.S.C. 1226(b), 8. C.F.R. § 1236.1(c)(9).

67. Petitioner incorporates all previous allegations into this claim for relief.

68. Under the Administrative Procedures Act ("APA") a court shall "hold unlawful and set aside agency action" that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

69. An action is an abuse of discretion if the agency "entirely failed to consider an

[19] Federal Register /Vol. 90, No. 168 /Wednesday, September 3, 2025 /Notices.
[20] The Conversation, "Uganda has signed a deal with the US to take asylum seekers – what's behind it and what's at stake" (Sept 18, 2025) https://theconversation.com/uganda-has-signed-a-deal-with-the-us-to-take-asylum-seekers-whats-behind-it-and-whats-at-stake-265545

important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.

70. " *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co*, 463 U.S. 29, 43 (1983)). To survive an APA challenge, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

71. The facts alleged above constitute an arbitrary and capricious decision to engineer a sham hearing in immigration court and hence a violation of the APA.

COUNT 2

Violation of the Administrative Procedures Act – 5 U.S.C. § 706(2)(A)
Not in accordance with Law and in Excess of Statutory Authority
Violation of 8 U.S.C. § 1226(b) and 8 C.F.R. 1236.1(c)(9).

72. Petitioner incorporates all previous allegations into this claim for relief.

73. Under the APA, a court "shall . . . hold unlawful . . . agency action" that is "not in accordance with law;" "contrary to constitutional right;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A)-(D).

74. "[A]gency action taken without lawful authority is at least voidable, if not void ab initio." *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General,*

Inc. v. NLRB, 796 F.3d 67, 79 (D.C. Cir. 2015); see also *Hooks v. Kitsap Tenant Support Servs., Inc.,* 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by unauthorized official).

75. Respondents are engaged in a plan to revoke Petitioner's prior custody determination through a sham immigration court hearing because he is a Somali national and not by the individual exercise of discretion required by law or by individuals enumerated by regulation to do so.

76. Collusion between respondents DHS and DOJ makes DHS the de facto decision-maker on the petitioner's immigration court case. DHS is not authorized by law to make this determination, and the court action is therefore not in accordance with law and in excess of statutory authority.

COUNT 3

Violation of Fifth Amendment Right to Due Process of Law

77. Petitioner incorporates all previous allegations into this claim for relief.

78. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without. due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

79. Due process requires that government action be rational and non-arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

80. The facts alleged above constitute an arbitrary and capricious decision to engineer a sham hearing in immigration court with only a veneer, and not the substance of due process in violation of the Fifth Amendment to the constitution of the United States.

PRAYER FOR RELIEF

WHEREFORE petitioner prays for relief as follows in that this court:

a) Assume jurisdiction in this matter.

b) Issue an immediate order barring the respondents from removing petitioner from the state of Oregon, or, if petitioner is in the state of Washington, from the state of Washington, without notice to and approval by the court;

c) Issue an order to show cause why this petition should not be granted within three (3) days.

d) Issue a writ of habeas corpus ordering respondents to release petitioner from custody.

e) Award petitioner reasonable attorney fees and costs under the Equal Access to Justice Act and any other statute applicable to this matter.

f) Grant any further relief as the court may deem just and proper.

Dated this 18th day of February 2026

/s/ Alicia Vial Beesley

OSB # 095363
Attorney for petitioner

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Abas Mohamed Haji

(b) County of Residence of First Listed Plaintiff Multnomah
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

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503-523-0486 alicia@vidalegalservices.com

DEFENDANTS

LAURA HERMOSILLA, TODD M. LYONS, KRISTI NOEM, PAMELA BONDI, US DHS, USICE, USDOJ

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

U.S. Attorney for District of Oregon
1000 SW Third Ave, Portland, OR 97204 (503)727-1000

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	**PERSONAL INJURY** ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice **PERSONAL INJURY** ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability **PERSONAL PROPERTY** ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other **LABOR** ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act **IMMIGRATION** ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 **INTELLECTUAL PROPERTY RIGHTS** ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 **SOCIAL SECURITY** ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) **FEDERAL TAX SUITS** ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/ Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes

REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/ Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	**Habeas Corpus:** ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty **Other:** ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 USC 2241

Brief description of cause:
Alien detained by respondents without due process of law.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER 3:26-cv-329

DATE
02/18/2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.