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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF MINNESOTA

14 ABDOLWAHAB MOHAMED ABDILLAHI

15 Petitioner,

16 v.

17 Kristi NOEM, Secretary, U.S.Department of
18 Homeland Security; Todd M. LYONS, Acting
19 Director, U.S. Immigration & Customs
20 Enforcement; David EASTERWOOD, Acting
21 Director, St. Paul Field Office, Immigration and
22 Customs Enforcement; Eric TOLLEFSON,
23 Kandiyohi County Sheriff

24 Respondents.

Case No.:

**PETITION FOR WRIT OF
HABEAS CORPUS, AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1. Petitioner ABDOULWAHAB MOHAMED ABDILLAH I is a citizen of Djibouti with a pending asylum application and currently detained in the physical and legal custody of Respondents at the Kandiyohi County Jail in Willmar, Minnesota.
2. This case concerns whether the federal government may detain a noncitizen indefinitely when no decisionmaker claims authority to evaluate whether detention is justified.
3. Petitioner entered the United States on February 23, 2023, and was apprehended by Border Patrol. The Department of Homeland Security (“DHS”) issued a Notice to Appear and released him on his own recognizance three days later pursuant to 8 U.S.C. § 1226(a) while removal proceedings were pending [Exhibit 1 - ORR].
4. The Form I-862, Notice to Appear, charges that Petitioner is subject to removal under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (“INA”) (8 U.S.C. § 1182(a)(6)(A)(i)). [Exhibit 2 - NTA].
5. For nearly three years Petitioner lived in the community, complied with all conditions of DHS supervision, retained counsel, and actively pursued his asylum claim.
6. On January 22, 2026, U.S. Immigration and Customs Enforcement (“ICE”) arrested Petitioner in Saint Paul, Minnesota, after he appeared for a scheduled appointment with the Intensive Supervision Appearance Program (“ISAP”).
7. ICE now asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b).
8. Petitioner previously filed a petition for writ of habeas corpus challenging that detention (Civ. No. 26-cv-565). The Court denied the petition without prejudice.

- 1 9. Following that decision Petitioner pursued the only administrative remedy available to
2 challenge detention: a custody redetermination hearing before the Immigration Court.
3
4 10. The Immigration Judge twice denied bond on the ground that he lacked authority to
5 consider release because Petitioner is subject to mandatory detention under §235
6 pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). [Exhibit 3 –
7 Immigration Judge Bond Decisions].
8
9 11. As a result, no official within the executive branch now claims authority to determine
10 whether Petitioner’s detention is justified.
11
12 12. If both DHS and the Immigration Court maintain that detention is mandatory,
13 Petitioner may be imprisoned indefinitely without any neutral decisionmaker
14 authorized to evaluate whether his detention is lawful.
15
16 13. The Constitution does not permit such a system.

17 JURISDICTION AND VENUE

- 18 14. This Court has jurisdiction under 28 U.S.C. §2241, 28 U.S.C. §1331, the Suspension
19 Clause of the United States Constitution, and the Administrative Procedure Act.
20
21 15. Federal courts retain jurisdiction to review the legality of immigration detention.
22
23 16. Venue is proper in this District because Petitioner is detained in Willmar, Minnesota.
24
25 17. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are U.S. officers
26 and agencies, and a substantial part of the events giving rise to the claims occurred in
27 this District.
28

CHANGED CIRCUMSTANCES AFTER PRIOR HABEAS

18. Petitioner previously filed a habeas petition challenging his detention. After the Court denied that petition, Petitioner sought a custody redetermination hearing before the Immigration Court.

19. The Immigration Judge denied bond on the ground that he lacked authority to grant release because Petitioner is subject to mandatory detention under §235 pursuant to *Yajure Hurtado*. Petitioner filed a Motion to Reconsider after the Central District of California vacated the Board's decision. *Maldonado Bautista v. Noem*, No. 5:25-cv-01873- SSS-BFM (C.D. Cal.). On March 6, 2026, the Immigration Judge again denied bond pursuant to *Yajure Hurtado* (Exhibit 3).

20. The Immigration Judge therefore did not consider flight risk or dangerousness. The Immigration Judge's rulings created a new constitutional injury that did not exist at the time of the prior habeas petition.

21. Petitioner now faces continued detention in circumstances where no executive decisionmaker claims authority to evaluate whether detention is necessary.

NEW CLAIM BASED ON POST-JUDGMENT CUSTODY DECISION

22. This petition challenges a new and independent basis for Petitioner's continued detention.

23. Following the Court's prior decision, the Immigration Court determined that it lacks authority to review Petitioner's custody because detention is mandatory under §235. This ruling creates a detention posture not previously before this Court: the executive branch now asserts that no official may evaluate Petitioner's custody. This petition therefore challenges post-judgment detention following the Immigration Judge's

1 custody determination rather than the detention posture previously addressed by the
2 Court.

3 **PARTIES**

4
5 24. Petitioner ABDOULWAHAB MOHAMED ABDILLAHI is a citizen of Djibouti. He
6 was arrested by ICE on January 22, 2026, and is presently detained by the
7 Respondents at Kandiyohi County Jail in Willmar, MN. He has resided in the United
8 States since February 23, 2023.

9
10 25. Respondent Kristi NOEM is the Secretary of the Department of Homeland Security.
11 She is responsible for implementing and enforcing the Immigration and Nationality
12 Act (INA) and oversees ICE, which is responsible for Petitioner's detention. Ms.
13 Noem has ultimate custodial authority over Petitioner and is sued in her official
14 capacity.

15
16 26. Todd M. LYONS, is the Acting Director of U.S. Immigration & Customs
17 Enforcement, a component agency of DHS. As ICE is responsible for Petitioner's
18 detention, Mr. Lyons has custodial authority over Petitioner and is sued in his official
19 capacity.

20
21 27. Respondent David EASTERWOOD, is the Acting Director of ICE's St. Paul Field
22 Office whose jurisdiction includes Willmar, MN. As such, Mr. Easterwood is
23 responsible for Petitioner's detention and removal. He is named in his official
24 capacity.

25
26 28. Eric TOLLEFSON is the Kandiyohi County Sheriff. As such, he is Petitioner's
27 immediate custodian. He is named in his official capacity.
28

FACTUAL BACKGROUND

29. Petitioner entered the United States on February 23, 2023. Border Patrol apprehended Petitioner shortly after entry and issued a Notice to Appear charging him as removable (Exhibit 2).

30. DHS released Petitioner on his own recognizance pursuant to §1226(a) (Exhibit 1)

31. Petitioner complied fully with DHS supervision for nearly three years. During that period he retained counsel, appeared for required appointments, and pursued his asylum claim in immigration court.

32. On January 22, 2026, ICE arrested Petitioner during a routine check-in appointment. ICE did not obtain a warrant issued by the Attorney General.

33. ICE asserted that Petitioner was subject to mandatory detention under §1225(b). Petitioner filed a habeas petition challenging that detention. The Court denied relief.

34. Petitioner then requested a custody redetermination hearing before the Immigration Court.

35. The Immigration Judge twice denied bond because he concluded he lacked authority to consider release (Exhibit 3). The Immigration Judge therefore did not assess flight risk or dangerousness.

36. DHS continues to maintain that detention is mandatory.

37. As a result, no official claims authority to determine whether Petitioner should remain detained).

**THE COURT'S PRIOR STATUTORY INTERPRETATION DOES NOT
RESOLVE THE CONSTITUTIONAL DEFECT**

38. The Court previously concluded that Petitioner is an “applicant for admission” subject to detention under 8 U.S.C. §1225(b).

39. That interpretation did not address the constitutional consequences of a detention regime in which no decisionmaker has authority to evaluate whether detention is justified.

40. Following the Court’s decision, the Immigration Court concluded that it lacks jurisdiction to grant bond because detention is mandatory under §235. As a result the executive branch now maintains that DHS lacks discretion to release Petitioner while the Immigration Court lacks authority to review custody.

41. If both propositions are correct Petitioner may be detained indefinitely without any neutral decisionmaker authorized to determine whether his detention is necessary.

42. The Supreme Court has repeatedly held that executive detention must remain subject to meaningful review.

43. A statutory interpretation that eliminates all custody review raises serious constitutional concerns and cannot be sustained.

LEGAL CLAIMS

COUNT I

Unlawful Detention Under the Immigration and Nationality Act

44. The INA distinguishes between individuals seeking admission at the border and individuals already present in the United States.

45. Section 1225 governs applicants for admission at the border. Section 1226 governs detention of individuals already present in the country.

46. Petitioner was arrested more than two years after entry while living in the United States.

47. Post-entry detention is governed by §1226 rather than §1225.

COUNT II

Detention Without Statutory Authority

48. Section 1226 authorizes arrest only on a warrant issued by the Attorney General.

Respondents did not obtain such a warrant. Petitioner's detention therefore violates the statute.

COUNT III

Violation of the Fifth Amendment Due Process Clause

49. The Due Process Clause prohibits indefinite executive detention without meaningful review. The Immigration Judge denied bond because he believed he lacked authority to grant release. DHS likewise asserts that detention is mandatory.

50. As a result no decisionmaker within the executive branch has authority to evaluate whether detention is necessary. Such a system violates the Fifth Amendment.

COUNT IV

Violation of the Suspension Clause

51. The Suspension Clause protects the right to challenge unlawful detention through habeas corpus. If the executive branch may detain individuals while simultaneously asserting that no decisionmaker has authority to review custody, habeas corpus becomes the only available safeguard.

52. A detention system that eliminates meaningful custody review violates the Suspension Clause.

COUNT V
Administrative Procedure Act

53. Respondents have adopted a policy treating individuals who entered without inspection as arriving aliens subject to mandatory detention. This policy conflicts with the statutory framework of the INA.

54. Agency action that is arbitrary, capricious, or contrary to law is unlawful under the Administrative Procedure Act.

REQUEST FOR PROMPT ISSUANCE OF ORDER TO SHOW CAUSE

55. Under 28 U.S.C. §2243, a court entertaining a petition for writ of habeas corpus shall either grant the writ or issue an order directing the respondent to show cause why the writ should not be granted. The statute further provides that the return to the order to show cause shall be made within three days unless additional time is allowed for good cause.

56. Because Petitioner remains detained and no executive decisionmaker claims authority to evaluate his custody, Petitioner respectfully requests that the Court promptly issue an order to show cause directing Respondents to justify the legal basis for his continued detention.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue an Order to Show Cause directing Respondents to justify detention within three days;
- 3) Issue a Writ of Habeas Corpus
- 4) Declare that Respondents' detention of Petitioner is unlawful;

- 1 5) Order Respondents to immediately release Petitioner;
- 2 6) Enjoin Respondents from transferring Petitioner outside this judicial district
- 3 during the pendency of this litigation;
- 4
- 5 7) Award attorney's fees and costs under the Equal Access to Justice Act; and
- 6 8) Grant such other and further relief as the Court deems just and proper.

7 DATED: March 7, 2026

/s/ Robin Chandler Carr

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