UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMADOU DIA ([redacted])	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 1:26-cv-01054
	)	
KEVIN RAYCRAFT, Acting Field Office Director, Detroit Field Office, Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security,	)	
	)	
Respondents.	)	

PETITION FOR WRIT OF HABEAS CORPUS

The Petitioner, AMADOU DIA, by and through his own and proper person, and through his attorney, LAUREN E. MCCLURE, of the LAW OFFICES OF KRIEZELMAN BURTON & ASSOCIATES, LLC; hereby petitions this Honorable Court to issue a Writ of Habeas Corpus to review his continued unlawful detention, and states as follows:

Introduction

1. Plaintiff AMADOU DIA is presently being detained by Immigration and Customs Enforcement ("ICE") at North Lake Processing Center located in Baldwin, Michigan.
2. Petitioner is a native and citizen of Senegal.
3. Petitioner was previously granted withholding of removal by an Immigration Judge on November 7, 2012. He has reported to ICE yearly since that decision.
4. Petitioner was arrested by ICE on September 17, 2025 at his routine ICE check-in in Columbus, Ohio.
5. He has been detained since that time. However, he has not been removed and is not likely to be removed in the reasonably foreseeable future.

Jurisdiction and Venue

6. The action arises under the Constitution of the United States, the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. section 1101 *et seq*., and the Administrative Procedure Act ("APA"), 5 U.S.C. section 701 *et seq*.

7. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. section 2241, and Article I, section 9, clause 2 of the United States Constitution (the "Suspension Clause"), as Petitioner is presently subject to immediate detention and custody under the of authority of the United States government, and said custody is in violation of the Constitution, law or treaties of the United States.

8. This action is brought to compel the Respondents, officers of the United States, to accord Petitioner the due process of law to which he is entitled under the, Fourth, Fifth and Fourteenth Amendments of the United States Constitution.

9. This Court may grant relief pursuant to 28 USC §2241, the Declaratory Judgments Act, 28 USC §2201 *et seq*., 28 U.S.C. §1331 (federal question jurisdiction), 28 U.S.C. §1361 (mandamus), and the All Writs Act, 28 USC §1651.

10. Nothing in federal immigration law strips this Court of its jurisdiction over Petitioner's claims. *See* 8 U.S.C. § 1252 (specifying provisions governing judicial review of orders of removal). Here, Petitioner does not challenge his removal order, he only challenges his current detention, which violates the First, Fourth, Fifth, and Fourteenth Amendments to the Constitution.

11. Venue is proper in the Western District of Michigan because Petitioner is presently detained by Respondents at North Lake Processing Correctional Facility, which is located within the Western District. 28 U.S.C. § 1391(b), (e)(1).

Parties

12. Petitioner AMADOU DIA is a native and citizen of Senegal. Petitioner is presently detained at North Lake Correctional Facility, located in Baldwin, Michigan.

13. Respondent KEVIN RAYCRAFT is being sued in his official capacity only. As the Field Office Director of the Detroit Field Office of Immigration and Customs Enforcement (ICE), he is charged with the detention and removal of aliens, which fall under the jurisdiction of the Detroit Field Office. *Roman v. Ashcroft*, 240 F.3d 314 (6th Cir. 2003).

14. Respondent MARKWAYNE MULLIN is being sued in his official capacity only. Pursuant to the Homeland Security Act of 2002, Pub. L. 107-296, Defendant MULLIN, through his delegates, has broad authority over the operation and enforcement of the immigration laws.

Custody

15. Plaintiff AMADOU DIA has been detained by the Respondents, post-removal order, since September 17, 2025. He has remained at North Lake Processing Correctional Facility since that time.

Factual and Procedural Background

16. Petitioner AMADOU DIA is a native and citizen of Senegal.

17. On November 7, 2012, the Immigration Judge granted Petitioner's withholding of removal application. At the same time, the Immigration Judge issued an order of removal.

18. Since 2012, Petitioner has routinely and properly attending his ICE check-ins on a yearly basis.

19. On or about September 17, 2025, Petitioner attended a check-in appointment at his local ICE office in Columbus, Ohio, where he was arrested by ICE.

20. Petitioner has now remained detained nearly seven months.

21. Petitioner has three U.S. citizen children who are 6, 3 and 1 years old. He has had limited contact with his children since his detention.

22. Petitioner has several medical conditions that impact his overall health, including diabetes, an eye condition and issues with his leg. All of these conditions have worsened since his detention.

23. Since September 17, 2025, ICE has failed to obtain travel documents for Petitioner.

24. On October 28, 2025, the government of Gabon has declined to issue a travel document for Petitioner and there is no indication from ICE that there is another country where they are seeking removal.

25. The continued detention of Petitioner is a violation of law and the Constitution of the United States.

Causes of Action

26. The continued detention of Petitioner is not authorized by statute and is in violation of the 5th Amendment of the United States Constitution in that prolonged lengthy detention is unconstitutional.

COUNT ONE
(Detention not Authorized by Statute)

27. Petitioner has been detained by ICE since September 17, 2025, when he appeared for his last ICE check-in appointment.

28. Petitioner is being held in detention pursuant to 8 U.S.C. section 1231. This statute should be rationally interpreted to authorize only that detention which is reasonably related to effectuating removal. Under the doctrine of constitutional doubt, the Court should adopt a reasonable interpretation of the statute which would avoid constitutional infirmity. Thus, the Court should interpret the statute to prohibit the continued detention of Plaintiff for any

reason unrelated to removal. *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).

29. The Supreme Court stated in *Zadvydas* that the purpose of detention under 8 USC § 1231 is to effectuate removal. 533 U.S. 678 at 697. The Court has rejected a reading of the statute that would permit the detention of a foreign national for purposes of punishment. *See Wong Wing*, 163 U.S. 228, 237 (1896).

30. Plaintiff has now been in Defendant's custody for nearly seven months, after being detained pursuant to a final order of removal. The Supreme Court has found that the indefinite detention of an alien in Plaintiff's circumstances is not authorized by the Immigration and Nationality Act section 241(a)(6). *See Zadvydas*, 533 U.S. 678, 699 (2001).

31. Respondents must release post-removal order detainees awaiting deportation when removal is no longer reasonably foreseeable. The burden is on Respondents to justify the continued detention of Petitioner and the Supreme Court has found that this length and type of detention goes beyond the detention authority permitted by statute. *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001).

32. Respondents have had 14 years to remove Petitioner and have failed to do so.

33. Respondents have also failed to obtain travel documents for Petitioner in the last seven months while he has remained detained.

34. On October 28, 2025, the government of Gabon has declined to issue a travel document for Petitioner, and to Petitioner's knowledge, no other attempts to obtain alternative documents have been attempted.

35. Because there is no reasonable likelihood that Respondents can effectuate deportation in this case, the continued detention of Petitioner no longer falls within the grant of authority to the Attorney General, which permits the Attorney General to continue to hold Petitioner in

detention. *Sow v. U.S. Dep't of Homeland Sec.*, No. 1:25-CV-1816, 2026 WL 733680, at *3 (W.D. Mich. Mar. 16, 2026); *Zeng v. Noem*, No. 1:26-CV-386, 2026 WL 621350, at *3 (W.D. Mich. Mar. 5, 2026); *Shamma v. Raycraft*, No. 1:26-CV-492, 2026 WL 598451, at *3 (W.D. Mich. Mar. 4, 2026).

36. Petitioner's prolonged detention is not authorized by statute and therefore he is now being held unlawfully by the Respondents.

COUNT TWO
(Detention in Violation of Fifth Amendment Due Process Clause)

37. Petitioner re-alleges and incorporates by reference each and every allegation above.

38. Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment. It is well-settled that the rights contained in the Due Process Clause of the Fifth Amendment extend to "all persons" present in the United States. *Zadvydas*, 533 U.S. at 693 ("Due Process Clause applies to all 'persons' within the United States, including aliens."); *see also Clark v. Martinez*, 543 U.S. 371 (2005).

39. Petitioner has a liberty interest in not being detained for an indeterminate length of time by the Attorney General. *Zadvydas*, 533 U.S. at 696.

40. Deprivation of a fundamental liberty interest can only be justified if narrowly tailored to serve a compelling government interest. *Flores v. Reno*, 507 U.S. 292, 302 (1993).

41. The Court in *Zadvydas* found that the government interests at stake were not compelling. The Court considered two interests asserted by the government, ensuring the alien's appearance at future proceedings, and preventing danger to the community. The first interest was held to be "weak or inconsistent" when an individual cannot be deported in the foreseeable future. *Zadvydas*, 533 U.S. at 690. The second interest, preventative detention, could only be upheld

where "limited to especially dangerous individuals and subject to strong procedural protections." *Id.* at 690-91. Neither interest is compelling here.

42. This statute is not narrowly tailored to protect any interest that the Respondents might assert. The statute only provides vague protections, and those protections are in the hands of the very Respondents who are detaining Petitioner. No reasonable administrative or judicial safeguards exist to protect detained immigrants from unreasonable detention. It would violate Due Process to permit the Attorney General to exercise such unbridled power to indefinitely detain human beings.

43. There is no implication here that Petitioner is a threat to national security, a terrorist or spy, or that such extraordinary conditions exist, such that Petitioner should continue to be detained longer than reasonably necessary to secure deportation or removal. *Zadvydas*, 533 U.S. at 696.

WHEREFORE, Petitioner AMADOU DIA respectfully request that this Honorable Court:

A. Accept jurisdiction over this action;

B. Issue a Writ of Habeas Corpus requiring the Respondents to show why Petitioner's detention is not unlawful;

C. Declare that Petitioner's detention is beyond the authority granted to the Attorney General by statute;

D. Declare that Petitioner's detention is in violation of the United States Constitution;

E. Order the Department of Homeland Security to immediately release Petitioner under appropriate and reasonable conditions; and

F. Grant any other relief that is equitable and just.

Respectfully Submitted,

Amadou Dia

By: /s/ Lauren McClure
One of his attorneys

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