

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

ABDIKHALAQ MOHAMED ALI	)	CIVIL ACTION NO. 25-cv-00419
	)	SEC. P
	)	
VERSUS	)	JUDGE DOUGHTY
	)	
JUSTIN WILLIAMS, ET AL	)	MAGISTRATE JUDGE PEREZ-
	)	MONTES

**FEDERAL RESPONDENTS' RESPONSE TO PETITIONER'S
MOTION FOR TEMPORARY RESTRAINING ORDER**

Petitioner filed a habeas petition on March 31, 2024 (ECF 1) and an amended petition on April 11, 2025 (ECF 3) seeking his release pending his removal from the United States. On July 12, 2025, Federal Respondents responded advising the Court that Ali's removal was imminent; therefore, Ali is not entitled to release under *Zadvydas*. ECF 11-1 at 7-8. Now, Petitioner has filed a motion for a temporary restraining order asking this Court to halt his imminent removal, advising the Court that two days after Federal Respondents filed their response to his petition, Petitioner filed a second application for temporary protected status (TSP) for Somalia, which remains pending. ECF 14.

Petitioner's motion for a TRO seeks to have the Court enjoin Federal Respondents from removing Petitioner during the pendency of his application for TSP or from removing Petitioner to Ethiopia without an opportunity to challenge removal

based on a fear of being removed to Ethiopia. ECF 14-1 at 2. In support of his motion, Petitioner has attached numerous documents.

Given the recent notice of Petitioner's new application for TSP, the U.S. Attorney's Office has been able to verify the filing and pendency of the TSP application and to verify that Petitioner was removed from the flight schedule on July 16, 2025. However, additional time is needed to determine whether Petitioner can "illustrate" prima facie eligibility for his claim for TSP under Somalia. Unfortunately, Petitioner is in a situation of his own making. As indicated in its initial memorandum and supporting by Petitioner's admission, Petitioner arrived in the United States with Ethiopian documents, claiming to be a native and citizen of Ethiopia. See ECF 14-25 (Ex. T) and 14-26 (Ex. U). However, Petitioner now claims to be a native and citizen of Somalia. Although Petitioner was charged as removal as a native and citizen of Somalia, the documents provided by Petitioner indicate that there was indeed suspicion that documents purportedly provided by *Somalia* were fraudulent. See ECF 14-18. Moreover, it appears that Petitioner also claimed to live in Ethiopia for only eight months (ECF 14-17 at 9), he later indicated that he lived in Ethiopia for almost two years (ECF 14-20 at 4). Additionally, in his credible fear interview, Petitioner indicated a fear of returning to Somalia because he was threatened because his brother killed someone of another family, and a fear of returning to Ethiopia because of pressure to extradite him from Ethiopia to Somalia. ECF 14-20 at 12. Despite this claim of fear of returning to Somalia, Petitioner withdrew his applications for asylum and withholding of removal to Somalia at the time he was

ordered removed to Somalia.¹ ECF 14-6. Now that his removal to Ethiopia was imminent, Petitioner claims a fear of removal to Ethiopia, rather than Somalia, where he alleges his life was threatened on three occasions. ECF 14-17.

STANDARD OF REVIEW

A TRO or preliminary injunction is an “*extraordinary remedy never awarded as of right.*” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (emphasis added). A party seeking a TRO must show: (1) a “substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted; and (4) that the grant of the injunction will not disserve the public interest.” *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011) (quoting *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009)). “[A] movant must demonstrate ‘at least some injury’ for a preliminary injunction to issue.” *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006)).

“The same standard applies to both temporary restraining orders and to preliminary injunctions.” *Council on Am.-Islamic Relations v. Gaubatz*, 667 F. Supp. 2d 67, 74 (D.D.C. 2009) (quoting *Chaplaincy*, 599 F. Supp. 2d 1, 3, n. 2 (D.D.C. 2009)).

ARGUMENT

Given the short turnaround time, the U.S. Attorney’s Office has not been able to procure a copy of Petitioner’s alien file to determine whether Petitioner will be able to establish a substantial likelihood of success on the merits of his claim or establish

¹ Federal Respondents concede that Petitioner was ordered removed to Somalia. Information regarding Petitioner’s removal was obtained from ICE based upon electronic records. Additional time is needed to obtain the actual alien file to further respond.

a substantial threat of irreparable injury. However, it is certainly within the public interest for the Department of Homeland Security to enforce the country's immigration laws. Petitioner arrived at a point of entry without valid immigration documents, making him inadmissible. He was referred for expedited removal. Petitioner has claimed to be from one country, and now claims to be from another country. Petitioner has claimed that his removal is not likely in the reasonably foreseeable future; however, he has hampered his removal from the United States.

Considering Petitioner's removal from the flight schedule for removal, additional time is requested to respond to Petitioner's application for TRO. Alternatively, Federal Respondents request that the Court deny Petitioner's motion for TRO as moot or defer the matter to the merits of the Petition and allow Federal Respondents to review Petitioner's Complaint and allegation of TPS and respond accordingly.

Respectfully submitted,

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