

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN THE MATTER OF

**ABDIKADIR DIINI TALASO
PETITIONER.**

CASE NO: 5:25-cv-01854-HDV-SP

-VS-

**ET. al
SECRETARY OF THE DEPARTMENT OF HOMELAND
SECRETARY
KRISTI NOEM
US .DEPARTMENT OF HOMELAND SECURITY
FIELD OFFICE DIRECTOR FOR THE LOS ANGELES FIELD OFFICE
ERNESTO SANTA CRUZ
WARDEN OF ADELANTO ICE PROCESSING CENTER
FERETI SEMALA
RESPONDENTS.**

PETITIONER RESPONSE

1. INTRODUCTION

Petitioner proceeding pro Se, respectfully , hereby moves this Honorable court for
Petitioner Response

STATEMENT OF FACTS

The Petitioner in the above caption case, Acting without Aide of Counsel_ and Pursuant to Federal Rules of Civil Procedure, Petitioner would respectfully remind the court that "The immigration Judge granted deferral of removal under Article 3 of the Convention Against Torture as to Somalia" in regards to ICE requesting travel documents from somalia On April 16th 2025. Petitioner Also was never notified that a request was made to HQ RIO for Petitioner to be considered for removal to multiple third-party countries not previously contacted, Regardless of the Fact, As Stated in the Respondents Answer "That Request is Pending Review" with no assurance of a decision being made in the "reasonably foreseeable

future” while Petitioner continues Possible “Indefinite Detention” resulting from Due Process Violations Because of “Government’s Interest”, As Kenya(s) significant outstanding delay in regards to a response for a completed I-241 Form “Request for Acceptance of Alien” Proves by the Governments own admittance that “Petitioner is not significant likely to be removed in the reasonably foreseeable future. Petitioner respectfully Reminds the court that Petitioner arrived at Adelanto ICE Processing Center, 10250 Rancho Road on JUNE 10th Therefore the statement on page 2, paragraph 25 line 16 of Respondents Answer “ LA ERO Sent the Form I-241 to HQ RIO on MAY 5, 2025” stands contrary to the Facts. On page 3 between lines 25-28 it states “ICE is seeking travel documents from multiple countries (without giving the names of any country or never having told petitioner any name of any of these Multiple Countries) and no country has yet refused these requests”. Therefore it is not possible for Petitioner to allege that “Any destination country is refusing to accept him” being that the Respondents Answer is the first time petitioner has been presented with such information as “Multiple Countries” and such, not to mention that it was previously stated in Respondents Answer on pg. 2 lines 19-21 that “On July 24th 2025, LA ERO issued a **REQUEST** to HQ RIO for Petitioner to be **CONSIDERED** for removal to multiple third countries.....**THAT REQUEST IS PENDING REVIEW BY HQ RIO**” That statement is in complete contradiction to statement on pg 3 lines 25-28.

Procedural History

Petitioner is a native of Somalia and resided in a refugee camp in Kenya prior to entry to the United States. Petitioner Legally entered the United States on September 3rd 2004, as a refugee and adjusted his status to a Lawful Permanent Resident on August 3rd 2006.

Petitioner Abdikadir Diini Talaso Filed a Petition for Writ of Habeas Corpus challenging his unlawful detention which violates his Fifth Amendment's Due Process Clause See. *Zadvydas v. Davis* 533 U.S 678 (2001). Petitioner seeks immediate released from detention as his relief sought .

STATUTORY VIOLATION

Due Process Clause
Fifth Amendment
Fourteenth Amendment

Section 241 of the Immigration and Nationality Act permits the detention of an alien with a final order of removal for a period of 90 days . Beyond the statutory period , the Supreme Court has held that six months is presumptive reasonable period of detention for the government to effect removal . *Zadvydas v. Davis* , 533 U.S 678. 701. Once six months have passed , the alien must be released if there is no reasonable likelihood of removal in the reasonably foreseeable future *Zadvydas v. Davis* , 533 U.S 699, 700. In this case , (D.H.S) has detained petitioner for more than six months since the issuance of his order of removal . No special circumstance exit to justify petitioner's continued detention.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

In *Zadvydas v. Davis* 533 U.S 678 (2001). The Supreme Court held that six months is the preemptively reasonable period during which ICE may detain alien in order to effectuate their removal Id at 702. In *Clark v. Martinez*. 543 U.S 371 (2005), the Supreme Court held its ruling

in Zadvydas applies equally to inadmissible alien . Department of Homeland Security Administrative regulation also recognize that the HQPDU has a six months period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future . 8 C.F.R 241. 13 (b)(2)(ii) .

SUBSTANTIVE DUE PROCESS VIOLATION

Petitioner's continued detention violates Petitioner's rights to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

The Due Process Clause of the Fifth Amendment requires that the deprivation of the Petitioner's liberty be narrow tailored to serve a compelling.

ARGUMENT

On September 7th 2016 , Petition was served with a Notice to Appear charging removable under section 237 (a)(2)(iii) & (E)(i) of the the Immigration and National Act. Petitioner was granted by a Immigration Judge Deferral of Removal under Article 3 of the Convention Against Torture as to Somalia. Petitioner was released on an order of supervision on November 16 2018.

The regulations state that ③[n]othing in this section shall alter the authority of the Service to detain an alien whose removal has been deferred under this section and who is otherwise subject to detention. ④ 45 Nevertheless, persons who have been granted withholding or deferral of removal and have final orders of removal may pursue release under an order of supervision. 46 Additionally, a detainee who has been granted withholding or deferral may be released before the ninety-day removal period has expired. Immigration agency field guidance states that if the government ⑤is not actively pursuing the alien ⑦s removal to an alternate country, the [immigration agency] has authority to consider the release of such an alien during the removal period. ④ 47

Memorandum from Bo Cooper, INS General Counsel, to INS Regional Counsels, File No. HQCOU 50/1.1, Detention and Release During the Removal Period of Aliens Granted Withholding or Deferral of Removal (Apr. 21, 2000), reprinted at 6 Bender ⑦s Immigration Bull. 743 (July 15, 2001), available at <https://web.archive.org/web/20170405225210/http://www.immigrationequality.org/wp-content/uploads/2011/12/Cooper-4-21-00-memo-on-detention-and-release-of-alien-with-WH-or-CAT-deferral.pdf> (last visited May 26, 2024); see also Memorandum from Michael J. Garcia, Ass ⑦t Secretary, U.S. Immigration and Customs Enforcement, to Anthony Tangeman, Office of Detention and Removal, Detention Policy Where an Immigration Judge Has Granted Asylum or CAT.

Not in Accordance with Law

Agencies Must Follow Their Own Regulations

Its is contrary to law for an agency to disregard it own regulation and policies. See Nat'l Ass 'n of Home Builders v. Norton, 340 F 3d 835 , 852 (9th Cir. 2003) ; Wallace v. Christensen , 802 F 2d 1539, 1552 n 8.(9th Cir. 1986) (an agency is bound by its own regulation so long as they remain in force.) As the District of Columbia has explained:

In a series of decisions, the Supreme Court has entertained challenges to agency action that failed to conform to agency regulation. *SEC v. Chenery Corp.*, 318 U.S. 80, 87-88 (1943), the Court held that an agency is bound to standards by which it professes its action to be judged. In *Accardi*, a case involving a habeas challenge to the denial of suspension of deportation, the Court objected to agency 's failure to exercise its own discretion contrary to existing valid regulation.

Lopez v. Fed Aviation Admin., 318 F. 3d 242, 246 (D.C Cir 2003) , as amended (Feb 11, 2003) (quoting *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 , 268, (1954) (parallel citations omitted) . Moreover ' a court's duty to enforce an agency regulation, while most evident when compliance with the regulation that are not so required '' Id at 247 (alteration omitted) (quoting *United States v. Caceres* 440 U.S 741, 749 (1979)).

The Ninth Circuit has affirmed that pursuant to the *Accardi* doctrine, an administrative agency is required to adhere to its own internal operating procedures . *Church of Scientology of California v. United States*, 920 F. 2d 1481, 1487 (9th Cir. 1990) see also *United States v. Nixon* , 418 U.S 683, 696 (1974); *Arizona Grocery Co. v. Atchison T. & S. F. Ry. Co.*, 284 U.S. 370.

389 (1932). Courts have framed the obligation for an agency to follow its own regulation as deriving from 706 (2) (A) or other APA provisions. See eg., *Suncor Energy (U.S.A) Inc . V United States Env't Prot. Agency.*, 50 F. 4th 1339, 1352 (10th Cir. 2022)(holding that EPA action violated 706 (2) (A) because it ignored the agency's regulatory definition of facility) ; *Kidd v. Mayorkas* , 734 F. Supp. 3D 967 , 983-984 (C.D Cal. 2024) (ICE policy of warrant less

“ knock and talk ‘ violated agency’s regulation and thus 706 (2) (A). Agencies must adhere to internal procedures designed to provide protection to individuals. *Morton v Ruiz*, 415 U.S 199, 235 (1974) (where the right of individuals are affected , its is incumbent upon agencies to follow their own procedures. See also *Lopez*, 318 F. 3d at 247; *Beshir v. Holder*, 853 F. Supp . 2D 1, 11 (D.D.C 2011) (DHS Secretary’s discretion to issues procedures rule pausing processing of adjustment of status application limited by regulation requiring adjudication in certain time frame ,

Respondent Failed to Follow Their Own Regulations and Procedures

The U.S Department of Homeland, Security , U.S. Immigration and Customs Enforcement (DHS), by and through its undersigned counsel, and respectfully submits its Opposition to the Petitioner ‘Opposition to Charge of Removability. For the following reasons, DHS request that the Court find the Petitioner removable as charged under Section 237 (a)(2) (A)(iii)of the Immigration and National Act (INA), in the Notice to Appear (NTA) .

CONCLUSION

Petitioner is likely to Succeed in the Argument that the detention on record is Unlawful.

Under the APA a court shall hold unlawful and set aside agency action that is Unconstitutional an abuse of discretion, or otherwise not in accordance with law.

Petitioner Fifth and Fourteenth Amendment was also violated. Neither the federal government nor state government may deprive any person of liberty or property without due process of the law. The due process clause requires that every man shall have protection of his day in court and the benefits of the general law.

Continuing to detain Petitioner under 8 U.S.C § 1231(a)(6) while there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future deprives Petitioner of his strong interest in liberty, and therefore violates the Fifth Amendment of the United States Constitution. **Vaskanyan v. Janecka**. 2025 U.S. DIST Lexis 120992 "The court cited precedent establishing that "It is always in the public interest to prevent the violation of a party's constitutional rights" and that "our system does not permit agencies to Act unlawfully, even in pursuit of desirable ends."

Dated: August 19, 2025

Respectfully Submitted,



Abdikadir Diini Talaso

A# [REDACTED]

Adelanto ICE Processing Center

Dorm [REDACTED]

10250 Rancho Road
Adelanto, CA 92301

**HONORABLE SHERI PYM
UNITED STATES MAGISTRATE JUDGE**



To: 10250 Rancho Rd.
Adalento, CA 92301

My name is Ibrahim Iftin, Somali Bantu Community organization of WNY Inc's Executive Director hereby confirming that Mr. Abdikadir Talaso is a member of the community who contributed to the community before his arrest. He volunteered through his free times as directed in the office or at the community Farm. Our organization mainly relies on volunteers from the community and outside the somali bantu community. Mr Talaso's presence here in the city of Buffalo in the county of Erie and state of New York will benefit our community if he chooses to help the community.

For any questions or concerns regarding the defendant, Please feel free to reach out to our office.

A handwritten signature in black ink, appearing to read 'Iftin' with a stylized flourish.

Sincerely,

Ibrahim Iftin

Executive Director

Somali Bantu Community Organization of WNY Inc.
351 Grant Street.
Buffalo, NY 14213.

www.sbcob.org

Email: sbcob1@gmail.com

Ph: (716) 881-9100

Cell: (443) 527-2096

Somali Bantu Community Organization of WNY Inc. 351 Grant Street. Buffalo, NY 14213.
www.sbcob.org Email: sbcob1@gmail.com. Ph: (716) 881-9100. Cell: (443) 527-2096.

CERTIFICATE OF SERVICE

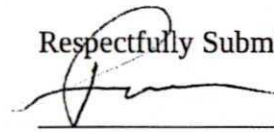
Petitioner herby certifies that on the day of **August 19th 2025** the original print and true copy of this forgoing **Response to Respondents Answer to Petition for Writ of Habeas Corpus** has been placed in an envelope, postage paid and delivered to mail room clerk at the Adelanto ICE Processing Center located at 10250 Rancho Road, Adelanto CA 92301 for forwarding to United States Postal Service.

Date of mailing: **August 19th 2025**. Place of mailing: Adelanto, California

Person(s) and/or Entity(ies) to Whom mailed:

Office of The Clerk
United States Courthouse
Eastern Division
3470 Twelfth Street, Rm. 134
Riverside, CA 92501

Respectfully Submitted



At 
Adelanto ICE Processing Center
10250 Rancho Road
Adelanto, CA 92301

PROOF OF SERVICE BY MAILING

On **August 19th 2025** I served **PETITIONER'S RESPONSE TO RESPONDENTS ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS** On persons or entities named below by enclosing a copy in a sealed envelope with postage fully prepaid and addressed as shown below and placing the envelope for collection and mailing with the Adelanto ICE Processing Center Mail Clerk.

Date of Mailing: **August 19th 2025**. Place of Mailing: Adelanto, California.

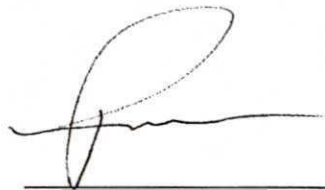
Person(s) and /or Entity(ies) to whom Mailed:

BILAL A. ESSAYLI
Acting United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DANIEL A. BECK
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
RYAN C. CHAPMAN (Cal. Bar No. 318595)
Assistant United States Attorney

Federal Building, Suite 7516
300 North Los Angeles Street
Los Angeles, California 90012
Telephone: (213) 894-2471
Facsimile: (213) 894-7819
E-mail: ryan.chapman@usdoj.gov

Attorneys for Respondents

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



A# 
Adelanto ICE Processing Center
10250 Rancho Road
Adelanto, CA 92301

Derm:

RECEIVED
CLERK U.S. DISTRICT COURT
AUG 25 2025



OFFICE of The Clerk
UNITED STATES Court house
EASTERN DIVISION
3470 Tulelth St. RM 131
RIVERSIDE, CA 92501

[illegible]