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

12 MODOU CAMARA,

13 Petitioner,

14 v.

15 MARK BOWEN, Warden, Adelanto
16 Detention Facility;
17 JAIME RIOS, Acting Field Office
18 Director, Los Angeles Field Office, U.S.
19 Immigration and Customs Enforcement;
20 TODD M. LYONS, Acting Director, U.S.
21 Immigration and Customs Enforcement;
22 KRISTI NOEM, Secretary of U.S.
23 Department of Homeland Security; and
24 PAMELA JO BONDI, Attorney General
25 of the United States,

26 Respondents.

CIVIL CASE NO.: 25-10842

**PETITION FOR WRIT OF HABEAS
CORPUS AND ORDER TO SHOW
CAUSE WITHIN THREE DAYS AND
COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF**

[28 U.S.C. § 2241]

1 Petitioner, Modou Camara, petitions this Court for a writ of habeas corpus
2 under 28 U.S.C. § 2241 to remedy Respondents' detaining him unlawfully, and states
3 as follows:
4

5 INTRODUCTION

6 1. Petitioner, Modou Camara, is a 59-year-old Gambian man detained at
7 the Adelanto Detention Facility in Adelanto, California. He respectfully petitions this
8 Court for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued
9 detention by U.S. Immigration and Customs Enforcement ("ICE") without belief that
10 his removal from the United States is reasonably foreseeable.
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12 2. Mr. Camara entered the United States lawfully in 1993 in B-2 status,
13 overstayed, and was ordered removed in 2007. He has no criminal history and is the
14 father of nine U.S. citizen children. One of his U.S. citizen daughters filed an I-130
15 petition on his behalf that remains pending, and his U.S. citizen son is preparing to
16 file another.
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18 3. On August 20, 2025, 18 years after an IJ concluded his removal
19 proceedings and 17 years after his BIA case was dismissed, without any notice –
20 much less the process that was due – ICE officers arbitrarily detained Mr. Camara
21 upon his arrival at Los Angeles International Airport during a business trip.
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23 4. ICE's detention of Mr. Camara was permissible only if ICE could
24 demonstrate that removal could occur "in the reasonably foreseeable future", which
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1 did not occur here. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); 8 C.F.R. §
2 241.13(h)(4).
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4 5. On September 30, 2025, Mr. Camara filed with the Board of
5 Immigration Appeals (“BIA”) a motion to reopen and an emergency request for stay
6 of removal seeking to rescind the 2007 removal order so that he may pursue
7 adjustment of status through his U.S. citizen children. ICE initially scheduled his
8 removal on October 1, 2025 but canceled the process after the BIA confirmed receipt
9 of the motion and stay request.
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11 6. Under the Supreme Court’s holding in *Zadvydas*, ICE may only detain
12 individuals after the removal period if there is a “reasonable foreseeability” of
13 removal within a predictable timeframe. Here, ICE’s own actions in canceling the
14 deportation process demonstrate the absence of any such reasonable foreseeability.
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16 7. Moreover, ICE failed to meet mandatory procedural requirements,
17 including the obligation to conduct a meaningful custody review under 8 C.F.R. §
18 241.13(b)(1), establish “a significant likelihood that the [non-citizen] may be
19 removed in the reasonably foreseeable future” under 8 C.F.R. § 241.13(i)(2), and
20 provide him with notice and opportunity to contest his detention as 8 C.F.R. §
21 241.13(i)(3) requires. This failure makes detention an arbitrary action. ICE’s actions
22 were all the more egregious because they occurred well beyond the ninety-day
23 removal period established by law (see 8 U.S.C. § 1231(a)(1)(A)), and only after Mr.
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1 Camara had been living lawfully in the community for almost two decades following
2 the conclusion of his proceedings.

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4 8. Because there is no imminent removal, ICE continues to detain Mr.
5 Camara indefinitely without an individualized assessment of flight risk or danger,
6 contrary to the Fifth Amendment and governing detention statutes. Mr. Camara's
7 detention violates *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001), which holds that
8 immigrants must be released if there is "no significant likelihood of removal in the
9 reasonably foreseeable future." And under the Fifth Amendment, immigrants cannot
10 be detained indefinitely with no bond hearing and no reasonably foreseeable prospect
11 of removal.
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14 9. Finally, ICE may not remove Mr. Camara to a third country without
15 providing an opportunity to assert fear of persecution or torture before an
16 immigration judge.
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18 10. Absent review in this Court, no other neutral adjudicator will examine
19 Mr. Camara's plight: Respondents will continue—unchecked—to detain him—
20 potentially indefinitely, despite *Zadvydas*'s and the regulatory requirements. He thus
21 urges this Court to review the lawfulness of his detention; declare that his detention is
22 unlawful; and order either his immediate release or that Respondents provide him a
23 bond hearing complying with the procedural requirements in *Singh v. Holder*, 638
24 F.3d 1196 (9th Cir. 2011).
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1 11. ICE's detention constitutes a flagrant violation of due process and
2 regulatory law. This Court should grant Mr. Camara's habeas petition.
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5 **CUSTODY**

6 12. Mr. Camara is currently in Respondents' legal and physical custody.
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8 They are detaining him at the Adelanto Detention Facility in Adelanto, California. He
9 is under Respondents' and their agents' direct control.
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12 **PARTIES**

13 13. Petitioner Modou Camara, A# [REDACTED], is a native and citizen of
14 Gambia. He arrived in the U.S. as a B-2 tourist in January 1993. He was ordered
15 removed in 2007 but continued to live peacefully and at liberty in the U.S. until
16 Respondents detained him on August 20, 2025.
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18 14. Respondent Mark Bowen is the Warden at the Adelanto Detention
19 Facility, where Mr. Camara is being held. Respondent Bowen is Mr. Camara's
20 immediate custodian. Mr. Camara sues him in his official capacity.
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22 15. Respondent Jaime Rios is the Acting Director of ICE's Los Angeles
23 Field Office for Enforcement and Removal Operations. That office determines
24 whether Mr. Camara will be detained in ICE custody or released. Respondent Rios
25 has custodial authority over Mr. Camara, who names him in his official capacity.
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1 20. This Court has jurisdiction under 28 U.S.C. § 1331, § 2241; 5 U.S.C. §§
2 701–706 (Administrative Procedure Act, “APA”); and the Suspension Clause, U.S.
3 Const. art. I, § 9, cl. 2, and the Fifth and Eighth Amendments of the United States
4 Constitution. Jurisdiction is not limited by a petitioner’s nationality, immigration
5 status, or any other classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008).
6
7 The Court may grant relief under the Suspension Clause; the Fifth and Eighth
8 Amendments; 5 U.S.C. § 706 (APA); and 28 U.S.C. §§ 1361 (Mandamus Act), 1651
9 (All Writs Act), 2001 (Declaratory Judgment Act), and 2241 (habeas corpus).
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12 21. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to
13 review Mr. Camara’s detention. Federal district courts possess broad authority to
14 issue writs of habeas corpus when a person is held “in custody in violation of the
15 Constitution or laws or treaties of the United States” (28 U.S.C. § 2241(c)(3)), and
16 this authority extends to immigration detention challenges that survived the REAL ID
17 Act’s jurisdictional restrictions. Because Mr. Camara seeks the traditional habeas
18 remedy of release from allegedly unlawful detention, his petition presents precisely
19 the type of threshold legality-of-detention question that § 2241 was designed to
20 address. *See INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Lopez-Marroquin v.*
21 *Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211-12). And
22 federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See, e.g.,*
23 *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). No court has ruled on the legality of
24 Mr. Camara’s detention.
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22. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this claim have happened here, Mr. Camara is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243 because Mr. Camara's immediate custodian resides in this District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004) (Kennedy, J., concurring).

FACTUAL ALLEGATIONS

23. Mr. Camara is a native and citizen of Gambia, born on [REDACTED]. He was admitted to the United States in B-2 status on or about January 6, 1993. Exhibit A, Notice to Appear.

24. Mr. Camara has lived in the United States for over 30 years and is the father of nine U.S. citizen children. Exhibit B, Seven of Nine Birth Certificates.

25. Mr. Camara was ordered removed by an Immigration Judge in New York, NY in 2007. Exhibit C, Automated Case Information Status Printout.

26. Mr. Camara has never been convicted of any crime.

27. One U.S. citizen daughter filed a Form I-130, Petition for Alien Relative, on June 30, 2022, which remains pending. Exhibit D, I-130 Receipt Notice. His U.S. citizen son will imminently file another.

28. ICE detained Mr. Camara on August 20, 2025.

29. On September 30, 2025, Mr. Camara filed a motion to reopen and request for emergency stay with the BIA. Exhibit E, BIA Filing Receipt for Motion.

30. ICE scheduled his removal for October 1, 2025 but canceled it after receiving notice from the BIA that the MTR and emergency stay were filed.

31. Because Mr. Camara entered lawfully and has immediate-relative U.S. citizen children, he is prima facie eligible to adjust status under INA § 245(a) once his removal proceedings are reopened and his removal order rescinded.

LEGAL FRAMEWORK

32. Section 1231(a) of Title 8 governs the detention of individuals whom immigration courts have ordered removed. The statute commands ICE to detain these individuals for ninety days while it executes the removal order. See 8 U.S.C. § 1231(a)(2). The ninety-day removal period starts the moment the removal order becomes final. Absent an applicable exception, ICE must release the person under supervision if it cannot complete removal within ninety days. See 8 U.S.C. § 1231(a)(3).

33. Subsection 1231(a)(6) authorizes ICE to extend detention beyond the ninety-day period, yet it bars indefinite custody. *See Zadvydas*, 533 U.S. at 689 (limiting ICE’s authority to a period “reasonably necessary” to carry out removal and prohibiting detention when removal is not “reasonably foreseeable”).

34. Regulations allow ICE to release a non-citizen after the ninety-day removal period if the agency determines that the non-citizen “would not pose a danger to the public or a risk of flight, without regard to the likelihood of the [non-citizen’s] removal in the reasonably foreseeable future.” 8 C.F.R. § 241.13(b)(1).

35. ICE may withdraw release approval if it can effectuate removal “in the reasonably foreseeable future” or if the non-citizen violates the release conditions. 8 C.F.R. § 241.13(h)(4). ICE may revoke release only when “there is a significant likelihood that the [non-citizen] may be removed in the reasonably foreseeable future.” *Id.* § 241.13(i)(2). Upon revocation, ICE must notify the non-citizen of the reasons for the revocation. *Id.* § 241.13(i)(3).

FIRST CAUSE OF ACTION

Unlawful Detention Where Removal is Not Reasonably Foreseeable

36. Post-removal order detention violates 8 U.S.C. § 1231(a)(6) where removal is not significantly likely to occur in the reasonably foreseeable future. *See also Zadvydas v. Davis*, 533 U.S. 678 (2001). The Supreme Court in *Zadvydas* held that detention beyond six months is presumptively unreasonable unless the government can demonstrate a significant likelihood of removal in the near future.

37. Detention where removal is not reasonably foreseeable also violates due process.

1 38. The ninety-day removal period ended in 2008. And ICE did not
2 effectuate Mr. Camara's removal. Given that the United States did not then
3 effectuate—and in the intervening decades has not since effectuated—removal, Mr.
4 Camara has made an initial showing under *Zadvydas* that his removal is not
5 significantly likely. *Zadvydas*, 533 U.S. at 701. Respondents cannot rebut this
6 showing as they do not have any individualized evidence to believe that Mr.
7 Camara's removal is reasonably foreseeable, as demonstrated by the fact that ICE has
8 not yet secured travel authorization for Gambia more than 10 weeks after ICE
9 officers detained Mr. Camara.

10 39. Mr. Camara's detention continues without a clear removal plan. This
11 indefinite detention violates 8 U.S.C. § 1231(a)(6).

12 40. Furthermore, Mr. Camara's extensive family ties, including nine U.S.
13 citizen children, and the pending I-130 petition filed on his behalf, further diminish
14 the likelihood of removal. His continued detention serves no legitimate government
15 interest and violates his rights under 8 U.S.C. § 1231(a)(6).

16 41. Mr. Camara is entitled to immediate release on an Order of Supervision
17 (OSUP).

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25 **SECOND CAUSE OF ACTION**

26 **Unlawful Detention Without Individualized Determination of Danger**
27
28 **or Flight Risk**

42. Detention violates 8 U.S.C. § 1231 and the Due Process Clause of the United States Constitution unless it is reasonably related to the government's purpose of preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690-91.

43. Before being detained, Mr. Camara lived in the community for 18 years, peacefully supporting his nine U.S. citizen children. He has received no process to determine whether his detention is warranted.

44. ICE's detention of Mr. Camara without providing adequate notice or an opportunity to contest his detention violates procedural due process rights under the Fifth Amendment. As established in *Demore v. Kim*, 538 U.S. 510 (2003), due process requires a meaningful opportunity to be heard.

45. Mr. Camara has not been afforded a bond hearing or a neutral determination of the necessity of his detention. This lack of procedural safeguards is contrary to the requirements set forth in 8 C.F.R. § 241.4, which mandates a meaningful post-order custody review. Mr. Camara is entitled to an individualized determination by impartial adjudicators as to whether detention is justified based on danger or flight. *See also Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

THIRD CAUSE OF ACTION

Arbitrary and Capricious Actions Under the Administrative Procedure Act (APA)

1 46. ICE's actions in detaining Mr. Camara without a foreseeable removal
2 plan are arbitrary and capricious, constituting an abuse of discretion under 5 U.S.C. §
3 706(2)(A). The APA prohibits agency actions that are arbitrary, capricious, an abuse
4 of discretion, or otherwise not in accordance with law.
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6 47. ICE's detention practices lack a rational basis and fail to consider Mr.
7 Camara's strong family ties, lack of criminal history, and pending I-130 petition filed
8 by his U.S. citizen daughter, that has been pending since June 2022. These factors
9 should weigh against continued detention.
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13 **PRAYER FOR RELIEF**

14 Mr. Camara respectfully requests that this Court grant the following relief:
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- 16 1. Assume jurisdiction over this matter;
- 17 2. Issue the writ of habeas corpus and order Respondents to show cause, within
18 three days of Mr. Camara's filing this petition, why the relief he seeks should
19 not be granted; and set a hearing on this matter within five days of
20 Respondents' return on the order to show cause (see 28 U.S.C. § 2243);
- 21 3. Declare that Respondents have violated Mr. Camara's rights;
- 22 4. Order Respondents to notify Mr. Camara of the reasons for his detention and
23 provide him with a prompt interview as required by regulation;
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- 1 5. Order Respondents to release Mr. Camara from detention because they lack
2 any individualized evidence that removal of Mr. Camara will occur in the
3 reasonably foreseeable future;
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- 5 6. Order Respondents to release Mr. Camara from detention absent an
6 individualized determination by an impartial adjudicator that his detention is
7 justified based on danger or flight risk, which cannot be sufficiently addressed
8 by alternative conditions of release or supervision;
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- 10 7. Enjoin Respondents from revoking Mr. Camara's release unless they have
11 individualized evidence that his removal is reasonably foreseeable;
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- 13 8. Enjoin Respondents from revoking Mr. Camara's release without providing
14 him a determination by an impartial adjudicator that his detention is justified
15 based on danger or flight risk, which cannot be sufficiently addressed by
16 alternative conditions of release or supervision, at which hearing Respondents
17 will bear the burden of proof of demonstrating that Mr. Camara is a flight risk
18 or a danger to the community;
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- 21 9. Award reasonable attorneys' fees and costs under the Equal Access to Justice
22 Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law (*see also*
23 *Daley v. Choate, et al.*, No. 24-1191 (10th Cir. Nov. 3, 2025)); and
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- 25 10. Grant any other relief that the Court may deem just and proper.
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1 DATED: November 12, 2025

Respectfully submitted,

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4 By: /s/ Jane Oak
Jane Oak

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6 Attorney for Petitioner
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TABLE OF EXHIBITS

Exhibit A:	Notice to Appear
Exhibit B:	Birth Certificates of Seven of Nine U.S. Citizen Children
Exhibit C:	Automated Case Information Status Printout
Exhibit D:	I-130 Receipt Notice Printout of I-130 Online Case Status
Exhibit E:	BIA Fling Receipt for Motion

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I, Jane Oak, do depose and state:

I represent Petitioner Modou Camara in these habeas corpus proceedings. Mr. Camara is currently being held in detention at the Adelanto Detention Facility and is not able to appear in my office to sign this Verification. I have reviewed the record of his detention and discussed this matter with Mr. Camara. I verify that the information contained in the foregoing petition is true and correct to the best of my knowledge and belief.

Dated: November 12, 2025

By: /s/ Jane Oak
Jane Oak

Attorney for Petitioner