United states District Court
western District of Texas

FILED
APR 07 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

prepared by Detainee
in Absense of Legal & Technical Suppor

Samoury ALY
petitioner

V.

Attorney General, secretary of Department of Homeland Security, Director of ICE, Director of ICE enforcement & Removal operation, warden: Karnes County Immigration processing Center et al; all named in their official Capacity.
Respondents.

Petition For writ of Hapeas Corpus pursuant to 28 U.S.C 2241

petitioner, Samoury ALY, A No A # [redacted], by amd through this petition and response to Respondents'

Response Received on 04/03/2026 perta ing to Civil Action / Case Number 5:26-cv-00275, seeking a writ of Hab Corpus to challenge his prolonged and Un Lawful Detention by Respondents, which violates the petitioner's Statutor Rights, which are protected and maintai ed by U.S. Constitution, Fifth Amendme and Federal Laws.

Challenges to Detention
petitioner challenges the Legality of his Continued detention by the U.S. Immigrati and Customs Enforcement (ICE) on Immigra charges Despite the Existance of valid Documents such as
the petitioner has been detained since 11/29/2025, since his First arrest and has been in Custody despite being in Immigration Court proceedings.

pre-Determined Judgements
it has been witnessed that Immigration Judges are under Extreme preasure from the Executive Branch, and as a Result Judges are entering Courts with

pre-determined Judgement, which supports ICE's claims for Deportation/ Removal which in Turn violates the very basis of Democracy and Judicial independan in the United States of America.

Depention/Removal and Deportation order under the precedent of Zadvydas v. Davis, 53 U.S. 678(2001), Such Prolonged, indefinite detention is Constitutionally suspect.
Asylum Application vs Court Decision.
An Asylum Application has been Subm by petition since his first entry into the united stateg.

Jurisdiction of Court
this Court has Jurisdiction to hear this petition pursuant to 28 U.S.C 2241, as it challenges the Lawfulness of the petitione Detention under Federal Law, See Demore v. Kim 538 U.S. 510 (2003)

Venue is proper in the western District of Texas as the petitioner is curently Confin within this district.

Flight Risk / Threat to Community.

Since my entry to the united states of America and my Continued Residence and Despite mistakes I now regret doing, I have never Committed any crime or being Involves in Traffic violations. in Addition being a family person, Responsible worker, I am always keen to follow and Adhere to the Country's Laws whether federal or State based. As a Result of holding a clean Record with No Criminal or Moral Crimes, I am positive I shall always be a usefull member of society and shall always attend my Immigration Court hearings without Delay.

Fear-Based Relief and Hardship.
the Court may also Consider the persuasiv Argument made in D.V.D. United States Dep of Homeland Security, (25-10676) where the Court temporarily restrained DHS fro removing an Alien to a third Country with the opportunity to raise fear-based relief this highlights the importance of fair proce

such ongoing detention also raises a human-itarian Concerns, at my age, such long and repeated detentions inflict a significant emotional and psychological toll, revivi painfull memories and causing trauma where I suffer Constant Depression and Anxiety as well as Lack of sleep, and Constant nightmaire, it is like a ground Hog day, a recurring nightmaire of non-sto cruel, unusual punishment in Contraventi of the 8th Amendment.

I understand the American need for Immigration Regulations and I am fully willing to Co-operate with Authorities, However, No one should forget, specially the Respondents that the American Democ and Freedom principles do not exist wher I Come from and my fear for my life is what has encourage me to Come to the United State of American - the Cradle of Democracy and freedom.

which is protected by U.S.C., Laws and treat one of which is "the Immigration and nationality Act, which prohibts detenti

for over 90 or 180 days unless justified by and governed by Legal grounds with violation to the U.S Constitution, Federa Laws and treaties where U.S. is a member or a party to, Such as Geneva Convention and U.S statute for Human Rights.

Due process and Ground Relief

Ground 1:

pro-longed Detention is a violation of Due process and Statutory Rights.

ICE Detention violates the due process clause of the Fifth Amendment and 8 U.S.C 1231(a)(6) as Interpreted by the Supreme Court in Zadvydas v. Davis. the petitioner's detention is no longer reasonab related to the purpose of effectuating Removal Deportation and has become indefinite and Punitive.

the petitioner has fully Cooperated with Authority through the Detention process and relief has become due to enable the petitioner to Continue the Court hearin outside the Detention, petitioner here agrees to be placed under supervision while outside Detention, where appropriate and Suitable to the Respondents.

petitioners Request for Relief.

the petitioner appeals to the Honourable Court and the Respected Respondants to approve the Relief as suggested below:

1. Respondants release petitioner from Custod under appropriate Conditions of release to a Suitable public place of the petitioner's original place of Arrest.
2. Respondents notify petitioner's Counsel of the Exact Location and time of Releas as soon as practicale.
3. the Respondents' party shall file a Joint Status report Confirming that petitioner has been released.
4. Respondents are enjoined from re-detain the petitioner without notice and a pre-deprivation hearing before a neutral Decision maker pursuant to U.S.C.1226.

Precedents of Fifth Circuits.

the petitioner to the Best of his ability presents the following 5th Circuits precendents in support of the petitioner request for releas

See Martinez v. Hyde 792 F. Supp 3d 211 223 n.23 (D. Mass 2025)

because petitioner can't be detained under section 1225(b)(2), the remaining option is section 1226, as Respondents do not claim the petitioner is being detained under section 1226. However, the Court has seen No Reason to Consider section 1226 as a Basis for petitioner's current detention. His detention is unlawfull and Hapeas Relief is proper. see also ECF No 6 at 3 (Respondents acknowledgment that the only relief available to petitioner through Hapeas Corpus is release from Custody.

Additional 5th Circuit precedents

Quandos v. Noem, 2025 U.S. Dist Lexis 232321

pineda v. noem, 2025 U.S. Dist lexis 253622

Camacho-Gutierrez v. Thompson, 2026 U.S. Dist Lexis 167

vazquez-Dela Torre v. Bondi, 2026 U.S. Dist lexis 430

Gonzalez-perez. v. Bondi, 2026 U.S. Dist lexis 26797

Coulibaly v. Thompson, 2025 U.S. Dist lexis 250958

Hernandez santos v. Merrick, 2026 U.S. Dist lexis 2318

Luis C. v. Bondi, 2026 U.S. Dist Lexis 15371

Jose G. v. Bondi, 2026 U.S. Dist Lexis 14414

Amelia C.P. v. Noem, 2025 U.S. Dist Lexis 26058

Leon v. Noem, 2025 U.S. Dist Lexis 273815

Singh v. Taylor, 2026 U.S. Distr Lexis 26160

Lopez v. Bobby Thompson, warden, S. Tex, Det Ctr, 2025 U.S. District Lexis 26713

Naveda v. Noem, 2026 U.S. Dist Lexis 15136

Brito Rosales v. Noem, 2026 U.S. Dist Lexis 450

Lorenzo C.P. v. Noem No 1:25-CV-181, 2025 U.S. Dist Lexis 264574

Cuzman v. Bondi, 2025 U.S Dist Lexis 268695

Lopez v. Noem, 2026 U.S. Dist Lexis 13625

Cordova. v. Noem, 2026 U.S. Dist Lexis 15489

Colmenares-Silva v. Bondi, 2026 U.S. Dist Lexis 2802

(8)

LORENZO C.P V NOEM No 1:25-CV-181, 2025 U.S DIST LEXIS 264574

LOPEZ V. NOEM, 2026 U.S. DIST LEXIS 13625

CORDOVA. V. NOEM, 2026 U.S DIST LEXIS 15489.

COLMENARES SILVA V. BONDI, 2026 U.S. DIST LEXIS 2802

BRITO ROSALES. V NOEM, 2026 U.S. DIST LEXIS 4508

BLANCO V BONDI, 2025 U.S. DIST LEXIS 270379

- KARNES COUNTY PRECEDENTS:

MOGO S V. THOMPSON, 2026 U.S. DIST LEXIS 33672

Conclusion

it is important to respond to Respondents assertion that the Courts Jurisdiction is circumscribed in making its determination due to the sweeping powers granted to the other government branches. in the field of immigration ECF No. 11 at 2. one must However distinguish between the substantive power of the Executive Branch over immigration Issues, an area in which it indeed has plenary power, and the means the government has chosen to excercise that plenary power to which no executi defence is necessary Ashley v. Ridge 288 F Supp. 2d 662, 667 (D N J 2003), See also Zadvydas v. Davis, 533 U.S. 678, 695, 121 S Ct 2491. 150 L Ed 2d 653 (2001). " Noting the government's plenary power to expel immigrants, but stating that Congress must choose a Constitutionally permissible means of implementing its Immigration power, INS v. Chadha, 462 U.S. 919. 940-941. 103 S Ct 2764. 77 L Ed 2d 317 (1982).

petitioner believes that his detention pursuant to the automatic stay provision of 8 C.F.R §1003 .19(i)(2) not the mandatory Detention provision of 8 U.S.C § 1225(b), there fore the Court should only be concerned with the Lawfullness of

the automatic stay, the present Basis for the petitioner's detention.
in Addition, the Respondents only minimally address the TRO Le-gal standards, See ECF No. 11 in this regard, Respondents' primary argument Concerning the Question of Detentio does addren the merits on which this petitio was made for release from Detention.

A Likelihood of Succes on the Merits
Non citizens are entitled to due procen of the law under the Fifth Amendment, see Demore v Kim 538 U.S. 510. 523. 123 S. ct 1708 155L Ed 724 (2003) to determine whether a Civil Detention violates a detainee's due process rights
Courts apply the three-part test set in Mathews v. Eldridge. 424 U.S. 319. 96 S. Ct 893. 47L Ed 2d 18 (1976) pursuant to Mathews, Courts weight the following 3 Factor
(1) the private Interest that will be affected by the official Action
(2) the risk of an erronous deprivation of such Interest through the procedures used, and the probable value, if any, of Additional or substitute Procedural

safeguards, and

(3) the government's interest; including the function involved and the fiscal and Administrative burdens. that the addition or substitute procedural requirement would entail.

(1) private Interest

it is undisputed, petitioner has a significant private interest in being free from Detention. "the interest in being free from physical detention" is the most elemental of liberty interests. when Addressing the private interest; Courts should Consider the detainee's Conditions of Confinement.

in this declaration, petitioner reports being held at the Karnes County Immigration processing Center, and is experiencing all the deprivations of incarceration, including loss of Contact with friends and family, loss of income earning, lack of privacy and most fundamentally, the lack of freedom of movement, See Ganaydin, 2025 U.S. Dist Lexis 99237, 2025 WL 1459154 at *7

Thus, the first Mathews factor "private interest" supports the petitioner's claim of a Fifth Amendment violation.

(2) Risk of Erronous Deprivation

Under this factor, the Honourable court must assess whether the challenged procedure creates a Risk of Erroneous deprivation of individual's private rights and the degree to which alternative procedures could ameliorate these risks. the risk of Deprivation is high because, taking into account the past period, proofing that petitioner is neither a flight Risk nor a Community Risk taking into account, that petitioner has seeked alternative means such as Bonds, where immigration Judges are Denying such opportunities, specially in States like Texas.

therefore the Case presents a serious Risk of erronous deprivation of the petitioner's private interest and §1003.19(i)(1) already provides a simple alternative that would safeguard these Rights.

Thus the second Mathews factor also

supports petitioner's claim of a fifth Amendment violation.

(3) Respondents Competing interest and Burdens of Additional or substitute procedural Requirements.

As to the third Mathews factor, Courts have found in numerous Cases that Mathews is likely to ~~succeed in determining~~ demonstrating that ensuring persons subject to removal do not Commit Crimes or evade Law enforcement is a significant governmental interest in this Case and under this factor, Court should weigh the private interest at stake and the Risk of erronous deprivation of those interests against Respondents' Interests in persisting with the automatic stay and the Burdens of additional or substitute requirements, See Mathews 424 U.S. at 335.

Further more, Respondents state only in Conclusory fashion "the government and the public at large have a strong interest in the enforcement of

the immigration laws and the removal of of Criminal Aliens. There is no Doubt that such interests have already been secured by the Judge(s) throughout the immigration Court hearings, the petitioner is neither a danger nor a flight Risk thus the government's interest is Both vague and minimal especially in contrast to the significant liberty interest at stake for the petitioner

Based on the above, the petitioner appeal to the Honourable Court to adopt the view that petitioner is likely to succeed in demonstrating the automatic stay Regulation found at 8 C.F.R § 1003.19(i)(2) (i) violates the petitioner's procedural due process rights under the Fifth Amendment, fulfilling the first element an applicant must satisfy to obtain a TRO

(4) No Doubt petitioner has suffered greatly of irreparable harm, including but not limited to psychological, financial not just to him but to his immediate

family whether in the U.S.A or in his home country.

Respondents gave short shrift to irreparable harm, failing to refute or respond to the petitioner's claims other stating " petitioner has provided No basis for this Court to determine that his continued detention will cause him irreparable harm, therefore the honourable Court should notice that the harm is self-evident, fullfiling the second element, the petitioner satisfy to obtain TRO

(5) Balance of Harms & public Interest

the Balance of harm and public Interest favour the petitioner, as Judge(s) have not cited during the hearings any events of danger or Risk in addition Respondents have not presented any evidence to support their Request for continuous detention.

the petitioner clearly reports here that this unlawfull detention

outweigh in terms of of harm and suffering due to the deny of his Liberty.

No Doubt the protection of Constitution and National security are the Ultimate interest of the public, yet, the Respondents state only in Conclusory fashion the government and the public at Large have strong interest in the Enforcement of the Immigration Laws and the removal of Criminal Aliens. ECF No 11 at 6, Thus, the petitioner here clearly meets his burden of persuasion.

Accordingly, I, the petitioner here with urge the Honourable Court to Issue the writ of Hapeas Corpus relief of Release, subject to reasonable conditions of Supervision if necessary. further grant deems just and proper

Respectfully Submitted.

Verification

I, Samoury ALY, the petitioner declare under penalty of perjury under the Laws of the United States of America that the foregoing is true and Correct to the Best of my ability.
I. farther understand that a false statement of a material fact herein may serve as the Basis for prosecution for perjury

Excuted on 04/04/2026

Name: Samoury ALY

Alien No: [redacted]

Certificate of Service

I, Samoury ALY declare that I mailed a Copy of this foregoing document to the respondents on this date 04/04/2026 to the following Address.
Attorney's office
601 NW Loop, Loop 410, Suite 600, S. Antonio TX 78216