FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 16 2026
JEFFREY P. COLWELL
CLERK

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

# UNITED STATES DISTRICT COURT

for the District of Colorado ☑

SAYED HAFIZ HUSSAINI

*Petitioner*

v.

The Warden Juan Baltazar
The Area field Officer Director of ICE Robert Hoban
The Director of ICE Todd Lyons
The Attorney General Pamela Bondi

*Respondent*

*(name of warden or authorized person having custody of petitioner)*

Case No. _____
*(Supplied by Clerk of Court)*

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

### Personal Information

1. (a) Your full name: Sayed Hafiz Hussaini
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: Aurora ICE Processing Center
   (b) Address: 3130 North Oakland street Aurora Colorado 80010
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you: _____
   (b) Docket number of criminal case: _____
   (c) Date of sentencing: _____
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*: _____

### Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*:

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Aurora ICE Processing Center 3130 North Oakland street Aurora Colorado 80010

(b) Docket number, case number, or opinion number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: My Prolonged detention, continued detention after my final order of removal is unlawful.

(d) Date of the decision or action: 06/05/2025

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: Neither the immigration court nor the board of immigration appeals can consider constitution question and appealing my detention when they say they do not have jurisdiction is futile.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal: No appeal available

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal: No appeal available

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 12/03/2024

(b) Date of the removal or reinstatement order: 06/05/2025

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** My deportation to any country is not significantly likely in the reasonably foreseeable future my detention no longer serves ICE's purpose and violates the immigration and nationality act and fifth Amendment of the constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
After my final order of removel. I have and still am being unlawfully detained for or about (9) months. I have complied with ICE's attempts several times and most importantly. I and my family have contacted a numerous embassies if they could assist or granted me asylum but unfortunetly they all rejected our request Please kindly review the attacheed documents.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

**GROUND TWO:** My detention has become unconstitutionally Prolongeed and violates the fifth Amendment of the constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
Being held in custody for or about a year and 3 months unables me to communicate with my family who are living geographically very distant from me. it has created or put me in a high depression and unstable health condition.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No

**GROUND THREE:** My Prolongeed detention has violated my Due Process clause.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
Everytime. an ICE officer comes into the Pod on the detention center to discuss regarding about my removel. I have always been cooperating with their terms and Polices however they still can not help me and failed to deport me.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

**GROUND FOUR:** My continued detention without a bond hearing violates my constitutional, civil and human rights.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
Please kindly review the memorandum of law in support of my Petition.

(b) Did you present Ground Four in all appeals that were available to you?
☐ Yes ☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: I respectfully ask the court to grant me the writ of Habeus Corpus and order my immediate release from detention in the alternative order a bond hearing at which the Government must Prove by clear and convincing evidence that my continued detention is necessary.
I also ask the court enjoining respondents from re-detaining me unless they obtain a travel document for my removal, whitout following the Procedures set forth in 8 C.F.R §§ 241.4(1) 241.13(i) and unless they Provide written notice a meaningful opportunity to raise a fear-based claim for convention Against Torture ("CAT") Protection and reopening or Providing me an opportunity to seek to reopen my immigration Proceedings.
I respectfully request the court to use it is authority under 28 U.S.C § 2243 to order the respondents to file a return within three days unless they can show good cause for additional time.

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

03/09/2026

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 03/07/2026

*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

Print Save As... Reset

# PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Instructions

1. **Who Should Use This Form.** You should use this form if
   - you are a federal prisoner and you wish to challenge the way your sentence is being carried out *(for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits)*;
   - you are in federal or state custody because of something other than a judgment of conviction *(for example, you are in pretrial detention or are awaiting extradition)*; or
   - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form.** You should not use this form if
   - you are challenging the validity of a federal judgment of conviction and sentence *(these challenges are generally raised in a motion under 28 U.S.C. § 2255)*;
   - you are challenging the validity of a state judgment of conviction and sentence *(these challenges are generally raised in a petition under 28 U.S.C. § 2254)*; or
   - you are challenging a final order of removal in an immigration case *(these challenges are generally raised in a petition for review directly with a United States Court of Appeals)*.

3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

6. **Required Filing Fee.** You must include the $5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

7. **Submitting Documents to the Court.** Mail your petition and ____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

   If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

**MEMORANDUM OF LAW IN SUPPORT OF PETITION OF WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

**Name:** Sayed Hafiz Hussaini

**Alien Registration No.** [redacted]

**Pro Se Petitioner-Detained**

**Detention Center:** Aurora ICE Processing Center

**Address:** 3130 North Oakland Street
Aurora Colorado 80010

## INTRODUCTION

1. Petitioner, Sayed Hafiz Hussaini petitions this Court for a Writ of Habeas Corpus to remedy Petitioner's indefinite detention by Respondents. Petitioner submits this Memorandum of Law in Support of the Petition for a Writ of Habeas Corpus.

2. As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), noncitizens cannot be detained indefinitely if the government is unable to carry out their removal. Instead, detention after a final order of removal is authorized only when removal is reasonably foreseeable. As a guide to courts, the Court in *Zadvydas* established a presumption that detention after a final order of removal was permissible for six months. Detention after a final order may be unlawful even when six months have not passed, particularly if it is clear that the United States will not be able to effect a noncitizens's removal. But after that six months period, once a noncitizen provides "good reason to believe that there is not significant likelihood of removal in he reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." And the longer a noncitizen has been detained, the stronger the government's showing must be.

3. Petitioner is entitled to release under the framework of *Zadvydas* unless the government promptly demonstrate that there is a significant likelihood of removal in the reasonably foreseeable future.

4. Petitioner respectfully request that the Court use its authority under 28 U.S.C. § 2243 To order the Respondents to file a return within three days, unless they can show good cause

for additional time. See 20 U.S.C. § 2243 (stating that an Order to Show Cause why a petition for a Writ of Habeas Corpus should be denied is returnable "within three days unless for good cause additional time, not exceeding twenty days, is allowed").

5. In order to permit full judicial review of the claim herein and requested relief, Petitioner respectfully requests that the Court orders Respondents not to transfer Petitioner outside the jurisdiction of this Court pending considerations of this petition.

## STATEMENTS OF FACTS

6. Petitioner was born in: 03/21/1993.

7. Petitioner entered the United States on or about: 12/03/2024.

8. An Immigration Judge ordered Petitioner removed from the United States on or about: 06/05/2025.

9. Regarding Appeals: No appeal available

10. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner. Petitioner has cooperated with ICE in the following ways: I always cooperate with all ICE's rules and regulation. I also had a personal interview with my deportation officer regarding to my removal multiple times however ICE failed to complie with their rules and regulations. ICE failed to successfully deport me, after my final order.

11. Nonetheless, ICE has been unable to remove Petitioner from the United States. ICE is unlikely to remove Petitioner in the reasonably foreseeable future because: I have always complied with ICE's terms and conditions. I have also contacted numerous embassies seeking an asylum or humaintarian Protection but all of them rejected our request. therefore ICE is unlikely to remove me in the reasonably foreseeable future.

12. Regarding Petitioner Detention: I entered in th USA on december 2024 and immeciatly got held in Adams County Mississippi for about (9) months and then I got transfered to Colorael Aurora ICE Processing Center where I am unlawfully detained for six months or more which I Personaly believe, it violets my consititutional and due Process clause.

13. I release, Petitioner will be supported by family and friends in the United States. In particular: Up on my realese, I have US citizen family member who is willing to assist me with housing, food, transportation and find a job until I settled successfully.

## ARGUMENT

14. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA") §§ 101-507, 8 U.S.C. § 1101-1537, amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-1570.

15. This Court has jurisdiction under 28 U.S.C. § 2241, The Suspension Clause, U.S. Const. Art. 1 § 9, cl 2, and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and Petitioner's custody is in violation of the Constitution, laws, or treaties of the United States. *See Zadvydas*, 566 U.S. 678. This Court may grant relief under 28 U.S.C. § 2241 (Habeas Corpus), 5 U.S.C. § 702 (establishing the right of review for a person suffering a legal wrong due to agency action), and 28 U.S.C. § 1651 (All Writs Act).

16. The Due Process Clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary or permanent." *Zadvydas*, 533 U.S. at 693. In *Zadvydas*, the Supreme Court emphasized, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical lies at the heart of the liberty that [the Due Process] Clause protects." 533 U.S. at 690 (citing Foucha v. Louisiana, 504 U.S. 71, 80 (1992). The Court noted, "[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem," *Id.; see also Plyer v. Doe, 457 U.S. 202, 210 (1982)* ("Aliens, even aliens whose presence in this country is unlawful, have long been recognized as "persons" guaranteed due process of law by the Fifth and Fourteenth Amendments").

17. Under 8 U.S.C. § 1231(a)(2), noncitizens subject to final orders of removal "shall" be detained during the first 90 days—the "removal period"--and they "shall" be removed during that period under § 1231(a)(1). Under 8 U.S.C. § 1231(a)(6), the government "may" continue detention beyond the 90-days removal period if a noncitizen falls within certain broad categories of removability or is determined "to be a risk to the community or unlikely to comply with the order of removal." 8 U.S.C. § 1231(a)(6).

18. In *Zadvydas*, the Supreme Court construed 8 U.S.C. § 1231(a)(6) to authorize detention only where it is significantly likely that removal will occur in the reasonably foreseeable future, in order to avoid the serious due process concerns that would be presented by permitting detention for an indefinite period of time. *Zadvydas*, 533 U.S. at CITE. After a noncitizen meets his o her initial burden to show that no such likelihood of removal exists, the burden shifts to the government to "respond with evidence sufficient to rebut [the alien] showing, "*Id.* At 701.

19. Courts have rejected conclusory claims by ICE agents which claim, without submitting concrete factual information about scheduled flights or repatriation agreements, that removal is imminent. "[A] theoretical possibility of eventually being removed does not satisfy the government's burden once the removal period has expired and the petitioner establishes good reason to believe his removal is not significantly likely in the reasonably foreseeable future." *Balza v. Barr, No. 6:20-CV-00866, 2020 WL 6143643, at *5 (W.D. La. Sept. 17, 2020)* (internal quotation and citation omitted). "[I]f [ICE] has no idea of when it might reasonably expect [Petitioner] to be repatriated, [a] Court certainly cannot conclude that [a] removal is likely to occur—or even that it might occur—in the reasonably foreseeable future." *Id. at* *5 (internal quotation marks and citation omitted). *See also, Gomez Barco v. Witte, No.* 6:20-CV-00497, 2020 WL 7393786 (W.D. La. Dec. 16, 2020) (ordering release of a petitioner who was detained longer than six months because ICE had not be able to secure necessary travel document, nothing that the ICE officer "clearly has no factual basis for his 'belief' that there is not foreseeable impediment of Petitioner's removal or that her removal is imminent," and that there was not foundation for the "expectation" that the COVID-19 related travel restrictions in place would soon be lifted); *Balza v. Barr,* No. 6:20-CV-00866,2020 WL 6064881 (W.D. La.

Oct. 14, 2020) (same).[1] In granting Ms. Balza's release, the Court considered and rejected a conclusory declaration by a local ICE Assistant Field Officer that removal was imminent. *Id.* at *5. In *Alexis v. Smith*, the Petitioner, Mr. Alexis, had been in detention for almost a year and subject to a removal order for over a year. An ICE official testified to an informal agreement that permitted removals but acknowledged that there were far fewer removals to Haiti in the aftermath of the 2010 hurricane. The Haitian government had an issue with identity documents and it was unknown when that would be resolved. The magistrate did not credit ICE's vague statements that it was "endeavoring to rectify the issue" and conclude there was no end in sight for detention, and recommended release. The District Court Judge agreed and ordered release. ICE then released Mr. Alexis on an Order of Supervised release and moved to get the judgment vacated on mootness, which it was. However, this does not invalidate the reasoning and conclusions of the Magistrate Judge and District Court Judge on this subject, and this case is still informative and persuasive to the body of law on this subject. *Alexis v. Smith*, No. CIV.A. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011) report and recommendations adopted, No. CIV.A 11-0309, 2011 WL 3954945 (W.D. La. Sept. 6, 2011), vacated, No. CV 11-0309, 2011 WL 13386020 (W.D. La. Sept. 15, 2011).

20. Courts in this Districts have—pursuant to *Zadvydas*—released individuals who have been detained for over six months. *See. e.g. Gomez Barco*, 2020 WL 7393786 (ordering released of an immigrant detained who was a native and citizen of Venezuela who was

1 Other districts courts in the Fifth Circuit and Elsewhere have similarly granted Habeas relief when the noncitizen has shown that there is no significant likelihood of removal in the reasonably foreseeable future. *See, e.g., Carreno v. Gillis*, No. 5:20-cv-44-KS-MTP, 2020 WL 8366735 (S.D. Miss. Dec. 16, 2020) (granting habeas relief to petitioner detained for approximately sixteen months due to a lack of diplomatic relations with Venezuela); *Ali v. Dep't of Homeland Sec.*, *451 F. Supp. 3D 703 (S.D. Tex. 2020)* (granting habeas relief to petitioner initially detained for three years, released and detained again for four months when petitioner could not be removed due to travel restrictions to Pakistan); *Saharifi v. Gillis*, No. 5:20-cv-5-DCB-MTP, 2020 WL 7379211 (S.D. Miss. Oct. 9, 2020) (granting habeas relief to petitioner detained for seventeen months after Iranian officials failed to respond a travel document request for more than seven months).

detained longer than six month because ICE had not been able to secure necessary travel documents); *Balza*, 2020 WL 6143643, at *5 (ordering release of petitioner and nothing that "[a]fter more than a year of detention, Petitioner's removal need not necessarily be imminent, but it cannot be speculative") (internal quotation marks omitted).

21. Under *Zadvydas*, courts have found that there is no significant likelihood of removal and granted relief where:

- No country will accept the petitioner. *See, e.g. Jabir v. Ashcroft*, No. 03-2480, 2004 WL 60318 (E.D. La. Jan. 8, 2004) (granting habeas relief to petitioner detained for more than fourteen months after numerous countries refused to repatriate the petitioner).[2]
- The Petitioner's country of origin refuses to issue a travel document, *See. e.g., Alexis v. Smith*, No. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011) (granting habeas release to petitioner detained for approximately one year due to the Haitian government rejecting the quality of identity documents provided); *Fermine v. Dir. Of Immigr. Custom Enf't*, No. 2:06-cv-1578, 2007 WL 2284606 (W.D. La. May 23, 2007) (granting habeas relief to petitioner detained for fifteen months due to Trinidad's refusal to issue travel documents); *Lijadu v. Gonzales*, No. 06-1208, 2006 WL 3933850 (W.D. La. Dec. 18, 2006) (granting habeas relief to petitioner detained nineteen months because Nigeria refused to issue travel documents due to petitioner's HIV status).[3]

2 *See also Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019 WL 78984, at *4 (W.D.N.Y. Jan. 2, 2019) (ordering release of petitioner detained fourteen months after petitioner showed "that the countries with he has any affiliation will not accept him"), *Yusupov v. Love*, No. 4:CV-06-1804, 2007 WL 5063231 (M.D. Pa. Jan. 12, 2007); *Abel-Muhti v. Ashcroft*, 314 F. Supp. 2d 418 (M.D. Pa. 2004) (ordering release of petitioner detained approximately two years after refusal of several countries to accept petitioner).

3 *See also Ka v. Bureau of Immigr. & Custom Enf't*, No. B-07-197, 2008 WL 11462867, at *8 (S.D. Tex. June 24, 2008) (ordering release of petitioner detained twelve months after Senegal "refuses to issue Ka a travel document because he d[id] not have proper identity documentation"); *Moreira v. Gonzales*, No. CIVA CV05-588 A, 2006 WL 3861972 (W.D. La. Nov. 2, 2006) (granting habeas relief to petitioner detained for three years because Cape Verde advised that it would not accept the petitioner for repatriation); *Khan v. Gonzales*, 481 F. Supp. 2d 638 (W.D. Tex. 2006).

- There is not removal agreement between the United States and a country. In this scenarios, courts have found that the lack of a normal agreement regarding repatriation, lack of diplomatic relationship, and lack of a functioning government support a finding that there is no significant likelihood of removal. *See, e.g. Negusse v. Gonzales*, No. 06-1382, 2007 WL 708615 (W.D. La. Mar. 1, 2007) (granting habeas relief to petitioner detained for approximately one year because the United States did not have a repatriation agreement with Ethiopia and Ethiopia would not issue travel documents because one of the petitioner's parents was not Ethiopian).[4]

- There is either no response from a country designated for removal or a significant delay in receiving a response. *See. e. g., Gonzales-Rondon v. Gillis*, 5:19-cv-109-DCB-MTP, 2020 WL 3428983 (S.D. *Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no response from Venezuelan officials.*[5]

- ICE fails to take action to secure travel documents for a prolonged period. *See, e.g. Senor*, 401 F. Supp. 3d at 430-31 (granting habeas relief after ICE initially requested travel documents but where "there [wa]s no identification from the record that anyone ha[d] taken

4 *See also Gomez Barco*, 2020 WL 7393786, *Islam v. Kane*, No. CV-11-515-PHX-PGR (LOA), 2011 WL 4374226, at *3 (D. Ariz. Aug. 30, 2011) (ordering release of petitioner detained ten months where petitioner presented evidence that Bangladesh "is one of fifteen countries identified by ICE as least likely to issue travel documents"); *Carreno*, 2020 WL 8366735, *Simoza Rangel v. Gillis*, No. 5:19-cv-118-DCB-MTP, 2020 WL 7223258 (S.D. Miss. Sept. 2, 2020) (granting habeas relief to petitioner detained for sixteen months due to lack of diplomatic relation with Venezuela); *Abduelle v. Gonzales*, 422 F. Supp. 2d 774 (W.D. Tex. 2006) (concluding that the petitioner met the burden to show removal was not reasonably foreseeable after being detained for more than one year when an injunction restricted the government's ability to remove the petitioner to Somalia).

5 *See also Sharif*, 2020 WL 7379211; *Aung v. Barr*, No. 20-CV-681-LJV, 2020 WL4581465 (W.D.N.Y. Aug. 10, 2020); *Edwards v. Barr*, No. 4:20cv350-WS-MAF, 2020 WL 6747737 (N.D. Fla. Oct. 14, 2020); *Rual v. Barr*, No. 6:20-CV-06215 EAW, 2020 WL 3972319 (W.D.N.Y. July 14, 2020); *Rodriguez Del Rio v. Price*, No. EP-20-CV-00217-FM, 2020 WL 7680560 (W.D. Tex. Nov. 3, 2020); *Singh v. Whitaker*, 362 F. Supp. 3d 93 (W.D.N.Y. 2019); *Butt v. Holder*, No. CA 08-0672-CG-C, 2009 WL 1035354 (S.D. Ala. Mar. 19, 2009) (holding that petitioner met his initial burden where he was held in ICE custody for more than ten months after the issuance of his removal order with no indication from the Pakistan Embassy that travel documents would be issued); *Lawrikov v. Kollus*, No. CV-08-1403-PHX-GMS (LOA), 2009 WL 2905549 (D. Ariz. July 27, 2009); *Reid v. Crawfort*, No. 06-02436 PHX-JWS (MEA), 2007 WL 1063413 (D. Ariz. Jan. 31, 2007); *Gui v. Ridge*, No. 3CV031965, 2004 WL 1920719 (M.D. Pa. Aug. 13, 2004); *Shefqet v. Ashcroft*, No. 02C 7737, 2003 WL 1964290 (N.D. Ill. Apr. 28, 2003).

any further action in the eight months since that time. . .to facilitate Senor's receipt of the necessary travel documents").[6]

22. As the length of detention grows, the period of time that would be considered the "reasonably foreseeable future" shrinks. *See e.g., Zadvydas*, 533 U.S. at 701 (stating that as the length of time in detention grows "what counts as the 'reasonably foreseeable future' conversely would be to shrink"); *Senor*, 401 F. Supp. 3d at 430 ("'[T]he passage of time combined with 'the' government [being] no closer to . . . repatriating [a detainee] than they were once they first took him into custody' [is] sufficient to meet that 'initial burden.'"); *Lawrikow*, 2009 WL 2905549, at *12.

23. Petitioner's continued detention is unlawful, and petitioner is unlikely to be removed in the reasonably foreseeable future. Therefore, Petitioner's detention violates the statute and s/he is entitled to immediate release.

24. Petitioner's detention also violates the Due Process Clause. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. Amend. V. "Freedom from imprisonment—from government custody, detention or other form of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Founcha v. Louisiana*, 504 U.S. 71, 80 (1992). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See, id.* (*citing Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.* Petitioner's prolonged civil detention, which has lasted well beyond the end of the removal period, and

6 *See also Chun Yat Ma v. Asher*, No. C11-1797 MJP, 2012 WL 1432229, at *4 (W.D. Wash. Apr. 25, 2012) (ordering petitioner's release where the government failed "to provide any documentation of efforts. . . to effectuate removal . . . [for] nearly six months").

which is likely to continue indefinitely, is no longer reasonably related to the primary statutory purpose of ensuring imminent removal. Thus, Petitioner's detention violates Petitioner's right to due process.

## CONCLUSION

25. In conclusion, Petitioner's indefinite detention violates the detention statute and is unconstitutional. Petitioner respectfully requests that this Court order Respondents to show cause why should not be granted "within three days unless for good cause additional time, not exceeding twenty days, is allowed," and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243 and grant the Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from their custody.

Respectfully submitted.

Signature: _____

Name: Sayed Hafiz Hussaini

A-Number: [redacted]

Detention Center: Aurora ICE Processing Center

# Declaration Of Sayed Hafiz Hussaini

(in Support of Petition for Writ of Habeas Corpus)

I am Sayed Hafiz Hussaini. I was born on [redacted] and I am a citizen of Afghanistan. I make this declaration based on my personal knowledge and in support of my petition for Writ of Habeas Corpus challenging my continued immigration detention. on December 3, 2024. I entered the United States through the Arizona border. I was taken into custody and initially held at a border processing facility in Arizona on or about December 20, 2024. I was transfered from the Arizona border facility to the Adams County Mississippi. on December 20, 2024, I was interviewed by officers of U.S. Immigration and Customs Enforcement (ICE) for a credible fear interview. On December 23, 2024, I was informed that the interview result was positive. my first immigration court hearing was held on february 13, 2025 an a non-detained proceeding in Virginia. After that time, my case was converted to detained proceeding. My final individual hearing was held on June 5, 2025. On that date, the Immigration Judge issued a final order of removal to Afghanistan. Since the issuance of the final order of removal on June 5, 2025, ICE has not been able to carry out my removal. I have remained in immigration detention continuously. On August 27, 2025, I was transfered

Declaration Of Sayeed Hafiz Hussaini
(in Support of petition for Writ of Habeas Corpus)

- From Adams County Detention facility in Mississippi to the Aurora ICE Processing Center in Colorado, where I remain detained today.

Me and my family from inside and outside of detention tried to send letters for diffrent countries embassies for assist or grant me asylum but unfortunetly no country has not agreed to accept me. Since my final order of removel, ICE has not provided me with any timeline or concrete plan for my removel. I have fully cooperated with ICE at all time. I have complied with all requests, attended all interviews, and followed all detention facility rules. ICE has conducted internal post-order custody reviews of my detention, these reviews are discretionary and non-adversarial. I was not provided with a hearing, a written decision subject to appeal, or any mechanism to challenge ICE's custody determinations. There was no appealable decision avialable to me. During custody reviews, ICE informed me they can not deport me to my country until they make for me a transportation letter from embassy of Afghanistan in Doha, Qatar and they are still waiting for my transportation letter. and that continued detention has become prolonged with no foreseeable end. I have no criminal history, I do not pose a danger to the community.

# Declaration Of Sayed Hafiz Hussaini
(in support of petition for Writ of Habeas Corpus)

- I not a flight risk. I have a confirmed sponsor in Virginia who is willing to provide housing, transportation and supervision upon my release. I am willing to comply with any reasonable condition of supervision.

Being held in custody for or about a year and 3 months unables me to communicate with my family who are living geographically very distant from me. It has created or put me in high depression and unstable health condition. Prolonged detention has caused me several health problem: stomach acid, tooth pain, bones pains because of lacks of vitamins. detention center is like prison we don't have access to sunshine because it is cover. and also we have limited time outside. we don't have good medical care. I am living with too much stress because of prolonged continued detention. The lack of any clear timeline for release or removel has been extremely difficult for me and my family.

I respectfully seek release from detention so that I may reside with my sponser under supervision while my case remains unresolved.

I declare under penalty of perjury that the foregoing is true and correct.

Sayed Hafiz Hussaini

Signature 

A. Number [redacted]

## DECLARATION OF SPONSOR IN SUPPORT OF HABEAS PETITION

I, [redacted] declared as follows:

1. **Identity and Relationship**
   I am over the age of eighteen and competent to make this declaration. I reside at [redacted]. I am a **[U.S. citizen]**. I make this declaration in support of **[Sayed Hafiz Hussaini]**, A [redacted], whom I have known for **[10]** years as **[describe relationship: family member]**.

2. **Knowledge of Respondent's Immigration Detention**
   I am aware that **[Sayed Hafiz Hussaini]** has been in ICE custody for approximately **[10]** months and is currently detained pending removal. I understand that he is seeking release from detention through a petition for writ of habeas corpus.

3. **Offer of Housing and Residence**
   If released from custody, I am willing and able to provide **stable housing** for **[Sayed Hafiz Hussaini]** at my residence located at [redacted] This housing is available immediately upon his release, and he may reside there for as long as necessary to comply with any conditions imposed by ICE or the Court.

4. **Financial and Logistical Support**
   I am prepared to assist **[Sayed Hafiz Hussaini]** with basic financial and logistical needs, including transportation to ICE check-ins, court hearings, attorney appointments, and medical appointments if required. I understand the importance of ensuring compliance with all conditions of release.

5. **Assurance of Compliance with ICE Conditions**
   I am willing to ensure that **[Sayed Hafiz Hussaini]** complies with all reporting requirements, conditions of supervision, or other obligations imposed by ICE or the Court. I understand that release from detention is conditioned on strict compliance, and I am committed to supporting that compliance.

6. **Community Ties and Stability**
   I am familiar with **[Sayed Hafiz Hussaini]** long-term residence in the United States, his family ties, and his recent efforts to live a stable and law-abiding life. To my knowledge, for the past several years prior to his detention, he has maintained steady work and has not had any new criminal involvement.

7. **Risk of Flight and Public Safety**
   Based on my knowledge of **[Sayed Hafiz Hussaini]**, I do not believe he poses a danger to the community or a risk of flight. He has strong ties to family and community in the United States, and he has a clear incentive to comply with all legal requirements while his case is pending.

8. **Purpose of This Declaration**
   I submit this declaration to demonstrate that **[Sayed Hafiz Hussaini]** has a reliable sponsor, a stable release plan, and meaningful community support if released from detention. I respectfully ask that this declaration be considered in evaluating the lawfulness and necessity of his continued detention.

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

Executed on **[02/24/2026]**, at **[Haymarket, Virginia]**.

