UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Said Ahmed MOHAMED, Petitioner, v. Kristi NOEM Secretary, U.S.Department of Homeland Security; Todd M. LYONS, Acting Director, U.S. Immigration & Customs Enforcement; and Kevin RAYCRAFT, Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Respondents.	Case No.: 1:26-cv-00931 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Petitioner Said Ahmed Mohamed is a citizen and national of Somalia who is unlawfully detained in the physical and legal custody of Respondents at the North Lake Processing Center in Baldwin, Michigan.
2. Mr. Mohamed remains imprisoned not because the government has proven, through constitutionally adequate procedures, that he poses a danger to the community or a risk of flight, but because the Immigration Court denied bond after treating the record as containing no supporting evidence and then foreclosed any meaningful opportunity to correct the evidentiary defect.
3. The Due Process Clause does not permit prolonged civil detention to be sustained by a process that produces an unacceptably high risk of erroneous deprivation of liberty.

4. On January 2, 2026, an Immigration Judge conducted a bond hearing and denied bond because Mr. Mohamed had not met his burden to demonstrate he was not a flight risk, expressly reasoning that no evidence had been presented in support of release, including testimony by Mr. Mohamed or witnesses.

5. Mr. Mohamed then sought reconsideration on grounds the documents were "unavailable" due to the court's clerical error, and filed a subsequent bond motion supported by documents. In written orders dated January 7, 2026 and January 13, 2026, Immigration Judge Joseph Kassell denied those requests, concluding that the later submission did not establish "materially changed circumstances" and that counsel's earlier failure to submit evidence did not qualify as such a change.

6. Immigration detention is civil and must remain reasonably related to legitimate governmental objectives; it may not become arbitrary. Civil immigration detention that rests on an unreliable process raises serious due process concerns. See *Zadvydas* v. *Davis*, 533 U.S. 678 (2001).

7. Mr. Mohamed therefore seeks a writ of habeas corpus ordering his immediate release. In the alternative, Petitioner seeks an order requiring Respondents to provide a prompt, constitutionally adequate custody redetermination hearing with specific procedural safeguards, including acceptance and consideration of Petitioner's documentary evidence packet and the opportunity to present testimony, and further requiring DHS to report back to this Court about the results of that bond hearing.

8. This is an individual habeas action. Petitioner does not seek classwide injunctive relief, and the relief requested is tailored to Petitioner's individual detention. See *Garland* v. *Aleman Gonzalez*, 596 U.S. 543 (2022).

JURISDICTION AND VENUE

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

10. This Court has jurisdiction under 28 U.S.C. § 2241 because Mr. Mohamed is in custody under the authority of the United States and challenges the legality and constitutionality of that detention.

11. This Court has jurisdiction under 28 U.S.C. § 1331 because this action presents federal questions under the Fifth Amendment and the INA.

12. This Court may grant relief under 28 U.S.C. § 2241, the Declaratory Judgment Act, and the All Writs Act.

13. The federal government has waived sovereign immunity and permitted judicial review of agency action under 5 U.S.C. § 702.

14. Venue is proper in this District because Petitioner is detained within the Western District of Michigan at the North Lake Processing Center. The writ properly runs to Petitioner's immediate custodian and officials responsible for his detention in this District.

PARTIES

15. Petitioner Said Ahmed Mohamed is a citizen and national of Somalia and is detained at North Lake Processing Center in Baldwin, Michigan. He has resided in the United States since January 15, 2021.

16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS") and is sued in her official capacity. She is responsible for implementing and enforcing the Immigration and Nationality Act (INA) and oversees ICE, which is

responsible for Petitioner's detention Petitioner seeks declaratory and injunctive relief against Secretary Noem concerning the legality and constitutionality of Petitioner's detention.

17. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration & Customs Enforcement ("ICE"), a component agency of DHS, and is sued in his official capacity. Petitioner seeks declaratory and injunctive relief against Acting Director Lyons concerning the legality and constitutionality of Petitioner's detention.

1. Respondent Kevin Raycraft is the Acting Field Office Director of ICE Enforcement and Removal Operations, Detroit Field Office, and is sued solely in his official capacity as a custodian for purposes of habeas relief. *See Roman v. Ashcroft*, 340 F.3d 314 (6th Cir. 2003).

FACTUAL BACKGROUND

18. Mr. Mohamed entered the United States on or about January 15, 2021.

19. On January 25, 2021, ICE released Mr. Mohamed on his own recognizance pursuant to INA § 236, and imposed supervision conditions requiring reporting and compliance with law. (Exhibit 1, Order of Release on Recognizance / Notice of Custody Determination.) The release order confirms DHS's discretionary custody determination that Mr. Mohamed could be managed in the community.

20. On October 27, 2025, DHS issued Mr. Mohamed a Notice to Appear initiating removal proceedings under INA § 240, charging inadmissibility under INA § 212(a)(7)(A)(i)(I) and INA § 212(a)(6)(A)(i). The Notice to Appear expressly designates Mr. Mohamed as "an alien present in the United States who has not been admitted or paroled," and does not designate him as an "arriving alien." The Notice to

Appear also reflects it was issued after an asylum officer found that Mr. Mohamed demonstrated a credible fear of persecution or torture. (Exhibit 2, Notice to Appear.)

21. Mr. Mohamed sought release through the custody redetermination process. On January 2, 2026, an Immigration Judge conducted a bond hearing and denied bond on the ground that Mr. Mohamed did not meet his burden to prove he was not a flight risk, expressly noting that Mr. Mohamed presented no evidence in support of release.

22. On January 7, 2026, Immigration Judge Joseph Kassell issued a written order denying a subsequent bond motion. The order states that Mr. Mohamed previously received a bond hearing on January 2, 2026; that he presented no evidence at that hearing; that bond was denied because he had not demonstrated he was not a risk of flight; and that a later bond motion with supporting evidence did not establish materially changed circumstances. The order specifically concludes that counsel's failure to submit evidence in support of the prior bond request is not a material change in circumstances warranting a second bond hearing. (Exhibit 3, IJ Bond Order dated Jan. 7, 2026).

23. On January 13, 2026, Immigration Judge Kassell denied a motion to reconsider. The order reiterates that the motion does not allege errors of fact or law in the January 8 bond order and that reconsideration is not a mechanism to allege the same errors previously addressed. The order further reasons that counsel's assertions about a missing evidence packet are not borne out by the record, emphasizes counsel's responsibility to review submissions and the record, and concludes that the prior Immigration Judge did not err in declining to continue or trail the bond hearing. The order states that any error was of counsel's own making and again concludes that the January 2 bond denial was not erroneous because Mr. Mohamed did not present

evidence showing he is not a flight risk. (Exhibit 4, IJ Bond Order dated Jan. 13, 2026.)

24. Mr. Mohamed remains detained as a result of these custody rulings. The combined effect of the January 2 denial and the January 7 and January 13 orders is that Petitioner's continued incarceration is sustained by a proceeding the Immigration Court treated as evidentiary-empty, while later attempts to submit the evidence relevant to the flight-risk and danger determinations are rejected under a "changed circumstances" gatekeeping rule. This posture produces an unacceptably high risk of erroneous deprivation of liberty.

LEGAL FRAMEWORK

25. Due process requires a meaningful opportunity to be heard where the government seeks to deprive a person of liberty. See *Goldberg* v. *Kelly*, 397 U.S. 254, 267-68 (1970).

26. The question of what process is due is governed by the balancing framework articulated in *Mathews* v. *Eldridge*, 424 U.S. 319, 321 (1976). Under that framework, courts weigh the private interest affected, the risk of erroneous deprivation and the probable value of additional or substitute safeguards, and the government's interests.

27. Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause. See *Zadvydas*, 533 U.S. at 679.

28. District courts retain habeas jurisdiction to consider substantial legal and constitutional questions arising from immigration detention absent a clear statement to the contrary. See *INS* v. *St. Cyr*, 533 U.S. 289 (2001).

29. Limits on classwide injunctions do not bar individualized relief in an individual habeas case. See *Garland,* 596 U.S. at 550 (citing *Reno* v. *American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 481-82 (1999) (Section 1252(f)(1) prohibits federal courts from granting classwide injunctive relief but does not extend to individual cases). 8 U.S.C. § 1252(f)(1).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Procedural Due Process

30. Petitioner realleges and incorporates by reference paragraphs 1 through 31 as though fully set forth herein.

31. Mr. Mohamed's interest in freedom from physical restraint is fundamental. Under *Mathews*, the private interest factor weighs heavily in his favor. 424 U.S. 319 (1976).

32. The risk of erroneous deprivation is substantial where the bond decision was expressly predicated on the absence of evidence, and subsequent efforts to submit supporting documents were rejected under a "materially changed circumstances" standard, leaving Mr. Mohamed detained without any reliable individualized adjudication of danger and flight risk based on the relevant evidence. Additional safeguards—acceptance and consideration of a documentary packet and testimony, with an individualized adjudication on a complete record—have obvious and substantial value in reducing the risk of error.

33. The government's administrative interests do not justify continuing to imprison Mr. Mohamed where a short, properly conducted custody redetermination process would

materially reduce the risk of erroneous detention. Due process requires a meaningful opportunity to be heard. See *Goldberg*, 397 U.S. 254 (1970).

34. Mr. Mohamed's continued detention therefore violates procedural due process and is unlawful.

COUNT TWO

Unlawful and Arbitrary Civil Detention in Violation of Due Process

35. Petitioner realleges and incorporates by reference paragraphs 1 through 36 as though fully set forth herein.

36. Civil immigration detention must remain reasonably related to permissible purposes and may not become arbitrary or indefinite. See *Zadvydas*, 533 U.S. 678 (2001).

37. Mr. Mohamed's continued detention is arbitrary because it persists without a reliable individualized determination on a complete and considered record of the evidence relevant to flight risk and danger, while the administrative process has been applied to foreclose any meaningful correction. Habeas relief is warranted.

COUNT THREE

Violation of the Administrative Procedure Act

38. Petitioner realleges and incorporates by reference paragraphs 1 through 39 as though fully set forth herein.

39. DHS's continued detention of Mr. Mohamed, sustained by a custody process that has not produced a reliable determination on the relevant evidence and that forecloses meaningful corrective process, constitutes agency action that is arbitrary and capricious and not in accordance with law. See 5 U.S.C. § 706.

40. Petitioner seeks non-monetary relief against DHS and ICE leadership, and sovereign immunity is waived for such relief. See 5 U.S.C. § 702.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1) Assume jurisdiction over this action.
2) Issue an Order to Show Cause directing Respondents to respond forthwith and justify Petitioner's continued detention.
3) Declare that Petitioner's continued detention under the circumstances described herein violates the Due Process Clause of the Fifth Amendment, including the requirement of a meaningful opportunity to be heard and to present evidence recognized in *Goldberg*, 397 U.S. 254, and the balancing framework articulated in *Mathews*, 424 U.S. 319.
4) Grant the writ of habeas corpus under 28 U.S.C. § 2241 and order Petitioner's immediate release from ICE custody.
5) In the alternative to immediate release, order Respondents to provide Petitioner with a prompt custody redetermination hearing before an Immigration Judge that satisfies due process, with specific procedural safeguards. At minimum, the Court should require that Petitioner be permitted to submit, and the Immigration Court must accept, docket, and consider, Petitioner's documentary evidence packet; that Petitioner be permitted to present testimony, including Petitioner's testimony and witness testimony if offered; that the burden shall be on the Respondents to demonstrate flight risk or risk to public safety by clear and convincing evidence;

and that the Immigration Judge make an individualized determination regarding flight risk and danger based on the evidence and testimony presented.

6) If the Court orders a bond hearing, require DHS/ICE to file a status report within three (3) days after the hearing (or within such other deadline as the Court sets) stating the date the hearing occurred, the Immigration Judge's custody determination (including any bond amount and conditions of release), and whether Petitioner was released; and if Petitioner was not released, identifying the asserted basis for continued detention.

7) Grant such other and further relief as the Court deems just and proper.

Dated: March 19, 2026

Respectfully submitted,

/s/ *Robin Chandler Carr*
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Attorneys for Petitioner Said Ahmed Mohamed

VERIFICATION

On this 19th day of March 2026, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. I make this verification in lieu of and acting on behalf of Petitioner, Said Ahmed Mohamed, because Petitioner is currently detained and because of the urgent nature of the relief requested. I am authorized to make this verification as a member of the legal team representing the Petitioner, Said Ahmed Mohamed.

/s/ Robin Chandler Carr

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EXHIBITS

Exhibit 1: DHS/ICE Order of Release on Recognizance and Notice of Custody Determination (Jan. 25, 2021)

Exhibit 2: DHS Notice to Appear (Oct. 27, 2025)

Exhibit 3: EOIR Detroit Immigration Court Order of the Immigration Judge (Kassell) dated Jan. 7, 2026

Exhibit 4: EOIR Detroit Immigration Court Order of the Immigration Judge (Kassell) dated Jan. 13, 2026