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APR 23 2026
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY: _____ DEPUTY

UNITED STATES DISTRICT COURT

for the

_____
Petitioner

v.

_____
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. CV26-02832-PHX-JCH--ASB
(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: MOHAMED sharif ABDULLAHI SARANE
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: Florence SPC detention
   (b) Address: 3250 N pinal. pkwy AVE Florence AZ 85132
   (c) Your identification number: A[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)

Name MOHAMED, Sharif ABDULLAHI SARANE

A# [redacted]

LEGAL CLAIMS

Claim : 5

Prolonged Civil Detention With Meaningful Review Violate Due Process

Petitioner prolonged detention violates the Fifth Amendment Due process Clause and constitutes Unlawful detention without individualized review for months is unconsitutional.

Prolonged Civil Detention without Meangful Review Violates Due process

petitioner's continued detention without a meaningful bond hearing and giving the oportunity to hear petitioner testimoney violate the Fifth Amendment., Due Process Clause.

Civil immigration detention must bear a reasonable relationship to it's purpose. Prolonged detention without individualized review becomes unconsitutional.

Claim :6

Automatic Detention Base on " Arriving Alien status is Unconstitutional as Aplied

while regulations may limit bond jurisdiction for arriving aliens, continue detention without individualzed assessment after months of custody violates Due process. The Constitution requires more than caregorical detention when less restrictive alternatives exist.

Claim :7

failure to conduct an individualized Bond determination

the immigration Judge failed to ;

1.Allow meaningful testimoney,

2.wiegh petitioner's Humanitarian parole

3.Consider alternatives to detention

4.This failures violate due process.

Claim :8 pretermit

Asylum applicant's oral testimony is enssential aspect of asylum adjudication process and refusal to hear that testimony is violation of du process; IJ violated asylum applican'ts Fifth amendment rights at petitioner's removal hearing by cutting off petitioner testimony on events of alleged past persecution in Cameroon that were foundation of petitioner Asylum claim to

DECLARATION

I, MOHAMED SARANE, hereby declare under penalty that the following statements are true and correct. I was born in Somalia on January 02nd. I left my native country because my life was in danger. I come here to look for a better life. I was working, paying my taxes, renting an apartment, having my own car, and most importantly, showing up to all my ICE Visits. I had a Dec/22 office visit with the ICE officer, and next thing I knew, I was in detention at Florence, Arizona. (where I am present

I'm detained here in Florence, and my health is in bad condition. I'm getting anxious; my right hand is dislocated. I made a couple of requests that I need to see a doctor, but there has been no response. The hygiene is terrible, a bad living environment for my condition.

I am in Florence detention seen Dencenbre last year, and it is unlikely that I'll be released anytime soon, as my case is active.

My prolonged detention violates the immigration nationality ACT(INA) and the due process clause of the fifth AMENDMENT OF U.S Constitition. the fifty Amendment provides that no person shall be deprived of life, liberty, or property without due process of law U.S . Constition AMEND .V.

Due Process requires the Government to provide him with an individualized bond hearing. The Due Process Clause of the Fifth Amendment "applies to all persons within United States, including noncitizens, whether their presence here is lawful or unlawful, temporary or permanent." Also, under 8 U.S.C paragraph 1226 (a) he must receive a bond hearing. His detention is contrary to law, arbitrary and capricious, through violative of the Fifth Amendment of the United States Constitution. Government is holding him unlawfully and he could be eligible for release. Paragraph 1226 applies to aliens already present in the United States.

The water detained forced to drink is the same water used to shower, and it has a specific smell and taste. The flu doesn't end; there's no medication. The conduct in the faculty is punitive, not civil.

I am only at the earliest stages of process. Most likely I will face many more months or even years in detention. See Banda, 385 F. Supp 3D at 1119 (finding an appeal to the BIA and subsequent judicial review "may take up to two years or longer".

Banda v. McAleenan, 385 F. Supp. 3D 1099, 1117-18 (W.D. Wash.2019) is persuasive proof.

I do not pose any danger to community and I am not a flight risk. I do not cause any problems here in detention, I don't have any criminal history, I'm peaceful and always follow all rules and orders from officers. If the Government asserts that I am a flight-risk or a danger to the community, they should establish it by clear and convincing evidence, not only their words. See Sing v. Holder, where the Ninth Circuit ruled that immigration detainees "facing prolonged detention" were "entitled to a bond hearing before a neutral immigration judge".

If released, I will live with my family here in Arizona, and I will follow all rules and orders from Immigration and Customs Enforcement and other Government Authorities.

WHEREFORE,I RESPECTFULLY request that the court

Grant the petition for writ of habeas corpus; order my immediate release or for a Bond Hearing.

I will staying to this adresse.

ADRESS

[redacted]

SIHANE ISMAEL

☐ 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: U.S Immigration and customs Enforcement, Florence AZ

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
Lawfull of detention, refusal to release me from ICE Detention.

(d) Date of the decision or action:

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:

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: _____

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: _____

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: Dec-22-2025

(b) Date of the removal or reinstatement order: 3-12-2026

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

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: 4-12-2026

(2) Case number: A [redacted]

(3) Result: pending

(4) Date of result: 4-14-2026

(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: violation of 8 U.S.C § 1231(a)(6)

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I have been detained by ICE for no reason for couple of months.

my case is active. Theres no reason for me to be detaine

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

☐ Yes ☐ No

GROUND TWO: violation of the Due process clause of the fifth Amendment to the constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

ICE is Taking Away my right, I'HAVE been detained by ICE for a proconged period.

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

☐ Yes ☒ No

GROUND THREE: Zadvydas v. Davis under the 28 U.S.1225 I am Wrongful detained mandelory detention I Should be able to be entitel for a Bond hearing

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I dont have any criminal record, I not a flight-Risk I have right for a Bond Hearing (28.U.S.1226)

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

☐ Yes ☒ No

GROUND FOUR: FRANCO Reopening Agreement

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

due to Heath and Humanitarian ISSE, and ICE refused to release me under the parole.

(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 am request for my immediate release from ICE custody over this matter on order to 28.U.S.C § 2243

I am respectful requesting for release and Bond Hearing from ICE.

Declaration Under Penalty Of Perjury

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

_____

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: 4-21-2026 MOHAMMAD SARRAWE

Signature of Petitioner

_____

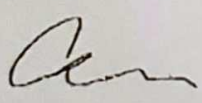
Signature of Attorney or other authorized person, if any

Affidavit

I am Christopher Lee Middleton, a US citizen. I met Mohamed Abdullahi Sarane when he started the hiring process at the company where I am owner and CEO, Catalyst Community Corporation, where I interviewed and hired him as a behavioral health technician/direct support. His work experience with challenging cases in a group home with developmentally disabled individuals and professional attitude stood out to me. I hired him to work weekday overnights and supervise our QRTP (qualified residential treatment program) foster kids (the most challenging cases) and developmentally delayed individuals. He worked with them on the overnight shift, and though I would not assign this task to just anyone, I had confidence he could handle it, and he did so with excellence. His ability to perform these tasks in this environment for these people who are in need is a testament to his character. We started our company in 2014, before that I was a caseworker for the Department of Child Safety. I have known, worked with, and hired many people in this field, and Mohamed stands out to me as one of the most skilled and qualified.

I have told Mohamed that upon his release, we will have a job for him immediately. I am also willing to offer him a place to stay and help he may need to get to court if need be during his case. Please feel free to contact me if you have any questions.

I attest under penalty of perjury that the above is true,



Christopher Lee Middleton

[redacted]

Department of Homeland Security

Florence Detention Center

3250 North Pinal Parkway

Florence, AZ 85132

Reference Letter on Behalf of Mohamed Sarane

My name is Radia Abeba. I am a citizen of the United State of America, I am writing this to recommend Mr. Sarane, a close family friend and relative. He is an understanding and peaceful man whom I had the opportunity of knowing for these couple years. I met him through work and quickly grew to understand and respect his character and values. Mr. Sarane is an honest and charitable business man. I was able to witness his growth and success in business while he continued to support the community. He is very personable and never forgot to give back to our community, causing him to make a remarkable name for himself in such a short amount of time. His character can definitely be seen through his discipline and calm demeanor. Although he is a man of few words, He participates in non-profit charities and works as a caregiver in a mental/disable clinic, where he takes care of every basic needs his clients are in need of. Yet that has never changed his character, he is honest in the way he works and diligently follows his routines. I've only known him for a couple of years yet he has earned my respect and those part of our community. I strongly recommend Mr. Sarane, for it will be in the best interest of this country, and I believe that his talent and goals will only flourish more from her on out. The U.S. has plenty of opportunities that will lead him just there. I am more than confident that Mr. Sarane will not pose a flight risk or danger to the community. I know he will be staying in Arizona as I will follow up on him often and make sure he attends all of his court appointments. Feel Free to contact me at [redacted] below for any more information.

Radia Abeba

[redacted]

INTRODUCTION

1. Petitioner, MOHAMED ABDULLAHI SHARIF, SAKARA 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 noncitizen's removal. But after that six-month period, once a noncitizen provides "good reason to believe that there is no significant likelihood of removal in the 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 demonstrates that there is a significant likelihood of removal in the reasonably foreseeable future.

4. Petitioner respectfully requests 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* 28 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").

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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: my case is pending and I'm not a any flight-risk, I have my job still available. and my family are There for any support.

12. Regarding Petitioner Detention: I'm in the detention of Florence AZ I'm requesting for a release.

13. If released, Petitioner will be supported by family and friends in the United States. In particular: I will be staying in ARIZONA with my family at [redacted]

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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-day 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 or 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's] 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 marks 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,*

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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 been able to secure necessary travel documents, noting that the ICE officer "clearly has no factual basis for his 'belief' that there is no foreseeable impediment to Petitioner's removal or that her removal is imminent," and that there was no 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 concluded 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

[1] Other district 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); *Sharifi 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 to a travel document request for more than seven months).

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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 recommendation 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 District have—pursuant to *Zadvydas*—released individuals who have been detained for over six months. *See, e.g.*, *Gomez Barco*, 2020 WL 7393786 (ordering release of an immigrant detainee who was a native and citizen of Venezuela who was detained longer than six months because ICE had not been able to secure necessary travel documents); *Balza*, 2020 WL 6143643, at *5 (ordering release of petitioner and noting 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 relief to petitioner detained for approximately one year due to the Haitian government rejecting the quality of identity documents provided); *Fermine v. Dir.*

[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 which 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).

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of Immigr. & Customs 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]

- There is no removal agreement between the United States and a country. In these scenarios, courts have found that the lack of a formal 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 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.*, *Gonzalez-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]

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[3] *See also Ka v. Bureau of Immigr. & Customs 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 "refused 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).

[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 a lack of diplomatic relations 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 Sharifi*, 2020 WL 7379211; *Aung v. Barr*, No. 20-CV-681-LJV, 2020 WL 4581465 (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

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- 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 indication from the record that anyone ha[d] taken 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 have 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.'"); *Lavrikov*, 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

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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 Pakistani Embassy that travel documents would be issued); *Lavrikow v. Kollus*, No. CV–08–1403–PHX–GMS (LOA), 2009 WL 2905549 (D. Ariz. July 27, 2009); *Reid v. Crawford*, No. 06–02436 PHX JWS (MEA), 2007 WL 1063413 (D. Ariz. Jan. 31, 2007); *Gul v. Ridge*, No. 3CV031965, 2004 WL 1920719 (M.D. Pa. Aug. 13, 2004); *Shefqet v. Ashcroft*, No. 02 C 7737, 2003 WL 1964290 (N.D. Ill. Apr. 28, 2003).

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").

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government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha 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 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 the writ 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.

RespecFull Submitted

Signature : MOHAMED SARHANE

NAME : MOHAMED . Shauf ABDULLAHI SARHANE

A-Number : [redacted]

Detention center : U.S Immigration and caslons Enforcenet

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