UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-03300-JRT-ECW

Omar DERONJIC,

Petitioner,

v.

Todd BLANCHE, *et al.*,

Respondents.

RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner files his Verified Petition for Writ of Habeas Corpus (Petition) alleging his unlawful custody by U.S. Immigration and Customs Enforcement (ICE) on two separate bases that ultimately both contest the projected removal of Petitioner. Respondents submit this Response to counter that Petitioner is in the lawful custody of ICE while ICE works to execute Petitioner's final order of removal. This habeas action should resolve on recent factual developments.

BACKGROUND

All facts not specifically admitted herein are denied. The following background derives from the Declaration of Deportation Officer Ivan Sabin ("Sabin Decl.") and its accompanying exhibits.

A. Early Immigration History

On June 20, 2010, Respondents granted Petitioner and his parents B2 nonimmigrant visas for admission into the United States. Sabin Decl. ¶ 4. On February 4,

2011, United States Citizenship and Immigration Services (USCIS) initiated removal proceedings by issuing Form I-862, charging Petitioner as deportable under 8 U.S.C. § 1227(a)(1)(B). *Id.* On June 13, 2019, an Immigration Judge granted Petitioner and his parents asylum. *Id.* One June 25, 2019, the Department of Homeland Security (DHS) filed an appeal with the Board of Immigration Appeals (BIA). *Id.*

B. Criminal History Summary

On July 3, 2023, Petitioner received a conviction for aggravated assault in violation of North Dakota Statute § 12.1-17-02(1)(b), reckless endangerment in violation of North Dakota Statute § 12.1-17-03, and terrorizing in violation of North Dakota Statute § 12.1-17-04(1). *Id.* at 5. The North Dakota court sentenced Petitioner to five years imprisonment. *Id.* On August 21, 2023, Petitioner received a conviction of terrorizing in violation of North Dakota Statute § 12.1-17-04(1) and a corresponding sentence of five years imprisonment. *Id.* at 6.

C. Post-Conviction Immigration Proceedings

On January 8, 2026, the BIA granted Petitioner's motion to sever and motion for removal. *Id.* at 7. The BIA further ordered Petitioner removed to Bosnia and Herzegovina. *Id.*

D. Travel Documents

To issue travel documents, the government of Bosnia and Herzegovina requires a U.S. identification card for Petitioner. *Id.* at 8. On July 14, 2026, U.S. Immigration and

Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) received an Employment Authorization Document for Petitioner from USCIS. *Id.* On the same day, an ICE/ERO officer mailed the request and supporting documentation to the government of Bosnia and Herzegovina. *Id.*

Based on previous requests to the government of Bosnia and Herzegovina, ICE/ERO anticipates having Petitioner's travel documents by August 7, 2026. *Id.* at 9. After ICE/ERO receives travel documents, it typically takes two to three weeks to execute removal. *Id.* Petitioner remains subject to a final order of removal. *Id.* at 10. Respondents find there is significant likelihood of removal in the reasonably foreseeable future based on past performance with the government of Bosnia and Herzegovina. *Id.* Petitioner remains detained at the Kandiyohi County Jail. *Id.* at 11.

ARGUMENT

Petitioner alleges two claims of relief. First, Petitioner alleges that his detention is not likely to end in the reasonably foreseeable future, citing his lack of travel document and preceding ineligibility to obtain a work authorization document that could feasibly operate as Petitioner's travel document. Pet. ¶¶ 56-62. Second, Petitioner alleges that, because removal is no longer reasonably foreseeable on the foregoing facts, his detention is no longer authorized by statute. Pet. ¶¶ 63-64. Because each claim relies on the same facts, the Response will condense argument that the allegation for lack of a significant likelihood of removal is rebutted by the factual record at this time for expedient resolution of the habeas. No disrespect is intended in doing so.

Petitioner, as the party seeking relief, bears the burden of proving he is entitled to relief. *Copenhaver v. Bennett*, 355 F.2d 417, 422 (8th Cir. 1966); *Harris v. Tahash*, 353 F.2d 119, 123 (8th Cir. 1965). Petitioner bears the burden of proving his detention is unlawful by a preponderance of the evidence. *Jose J. O. E. v. Bondi*, 797 F. Supp. 3d 957, 965 (D. Minn. 2025); *Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025) (collecting cases).

While district courts may not review discretionary decisions made by immigration authorities, they may review immigration-related detentions for their lawfulness using the habeas vehicle. *See Deng Chol. A. v. Barr*, 455 F. Supp. 3d 896, 901 (D. Minn. 2020) (following *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001)). The initial pleading in a habeas must "specify *all* the grounds for relief available to the petitioner." *Mayle v. Felix*, 545 U.S. 644, 645 (2005) (referencing in part *Rules Governing Section 2254 and 2255 Proceedings for the United States District Courts*).

I. Petitioner's *Zadvydas* claim is rebutted by the record.

Petitioner's detention arises under the post-final-order framework Congress enacted in 8 U.S.C. § 1231. That statute applies after an alien has been ordered removed and the removal order has become final. Once that occurs, the Government must remove the alien within the statutory removal period, and detention during that period is mandatory. 8 U.S.C. § 1231(a)(1)(A), (a)(2). The statute then authorizes continued detention beyond the removal period for specified categories of aliens, including inadmissible aliens, aliens

removable on certain criminal or security grounds, aliens determined to be a risk to the community, and aliens unlikely to comply with the order of removal. 8 U.S.C. § 1231(a)(6).

The removal period begins on the latest of three dates: the date the removal order becomes administratively final; if the removal order is judicially reviewed and a court orders a stay of removal, the date of the court's final order; or, if the alien is detained or confined outside the immigration process, the date the alien is released from that non-immigration custody. 8 U.S.C. § 1231(a)(1)(B). The statute also provides that the removal period may be extended, and the alien may remain detained during that extended period, if the alien fails or refuses to make timely application in good faith for travel or other documents necessary to departure, or otherwise acts to prevent removal. 8 U.S.C. § 1231(a)(1)(C).

The Supreme Court in *Zadvydas v. Davis* construed that post-removal-period authority to contain an implicit reasonableness limitation: detention may continue for the period reasonably necessary to accomplish removal, and six months is presumptively reasonable. 533 U.S. 678, 689, 701 (2001). But *Zadvydas* did not create an automatic release rule. After the six-month period, the alien must first provide good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future before the Government must respond with rebuttal evidence. *Id.* at 701.

The statutory claim and the constitutional claim in § 1231 cases are hard to divorce in this context, hence why Respondents condense argument of Petitioner's

statutory and constitutional claim. The Supreme Court read a "reasonableness" limitation on the statute in *Zadvydas*. 533 U.S. at 688-701.

That framework rebuts the petition here. Petitioner cannot obtain habeas relief merely by asserting that removal has not yet occurred or by speculating that travel documents may not issue. *Zadvydas* addresses whether present detention has become unreasonable because removal is not reasonably foreseeable; it does not require release based on delay alone. On the record as it stands now, Petitioner could not carry his burden to show that there is not significant likelihood of removal in the reasonably foreseeable future.

The Supreme Court was explicit about the burden-shifting framework. After the six-month period, the alien must first "provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701. Only after the alien makes that threshold showing must the Government "respond with evidence sufficient to rebut that showing." *Id.* And even then, the six-month marker "does not mean that every alien not removed must be released after six months." *Id.* To the contrary, an alien may remain detained until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future. *Id.* Thus, the relevant question is not whether Petitioner has been detained, whether Petitioner prefers release, or whether removal has already occurred. The question is whether Petitioner has carried the burden to show that removal is not significantly likely in the reasonably foreseeable future.

Here, Respondents concede it experienced difficulty in getting Petitioner removed to Bosnia and Herzegovina due to facts unique to circumstances unique to Petitioner and

the country of removal. However, neither the statute nor the constitution guarantee easy removal. What *Zadvydas* guarantees is that the post-final-order-of-removal detention not become so unlikely that it is potentially indefinite. 533 U.S. at 701. That is not the scenario we have here.

Instead, ICE/ERO officers anticipate that Bosnia and Herzegovina will accept Petitioner's U.S. identification document in the form of USCIS's Work Authorization Document and issue a travel document on or about August 7, 2026. Sabin Decl. ¶¶ 8-9. The basis for this anticipatory belief is ICE/ERO's past experience with the government of Bosnia and Herzegovina. Sabin Decl. ¶ 9. Even with travel document in hand, Petitioner may need to remain detained to arrange additional logistics to accomplish the removal. Sabin Decl. ¶ 9.

In another habeas before this Court, ICE/ERO has identified the sort of logistics that removals inherently entail. *Chay T. v. Mullin*, No. 26-cv-3908 (LMP/ECW), ECF No. 6, at 2-3 (D. Minn. June 18, 2026) ("there was insufficient time to secure the necessary country clearances, escorts, and commercial airline permissions for Petitioner's travel to [native country] prior to the travel documents expiring"). These similar concerns may pop up when Respondents receive Petitioner's travel document, but that too does not rise to the level of making continued detention unreasonable. Removal has multiple moving parts.

Zadvydas does not make post-final-order detention unlawful merely because removal has not yet occurred. Nor does it require release whenever an alien asserts that

removal may be difficult, delayed, or uncertain. Instead, *Zadvydas* supplies a limited rule for post-removal-period detention under § 1231(a)(6): detention remains authorized for the period reasonably necessary to accomplish removal, and six months is presumptively reasonable. *Id.* at 689, 701.

Petitioner's requested relief is unavailing for the same reasons Petitioner's claims misses the mark. Habeas relief depends on unlawful custody. Here, Petitioner is subject to a final order of removal, detention is governed by 8 U.S.C. § 1231, and Respondents retain lawful authority to detain Petitioner while ICE works to execute that order. Because Petitioner has not satisfied his *Zadvydas* burden and any potential claim is rebutted by the record, Petitioner is not entitled to immediate release.

Respondents acknowledge that Petitioner does not contest his removal. Respondents also acknowledge that he has been in detention for a long time. Respondents hope this Response accounts for what has delayed removal and that they continue to work to effect his final order of removal.

EVIDENTIARY HEARING

Respondents do not recommend an evidentiary hearing. Respondents believe the Court can rule on this petition without holding an evidentiary hearing. The only issues before the Court are ones of legal interpretation capable of resolution on the parties' submissions.

CONCLUSION

The Court should deny the Petition in full.

Dated: July 29, 2026

Respectfully submitted,

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