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UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Abdulla Mohamita Had Nagi
Petitioner,

V.

Todd Blanche, United States Attorney General,
Markwayne Mullin, DHS Secretary,
Jason Streeval, Warden of Stewart Detention Center
Respondents.

PETITIONER FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. SECTION 2241

(I), Petitioner, Abdulla Mohamita Had Nagi, appearing pro SE, hereby petitions this Court for a **writ of Habeas Corpus** and seeks declaratory injunction relief to review the lawfulness of this detention by the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) for more than six months because ICE has been unable to obtain the travel documents necessary to deport me to Vietnam. In support of this Petition and Complaint, petitioner alleges as follows:

CUSTODY

1. (I), Petitioner is in the physical custody of respondents and detained at the Stewart Detention Center in Lumpkin, GA, pursuant to a contractual agreement with the Department of Homeland Security, since October 13, 2025.

JURISDICTION

2. This action arises under the United States Constitution, the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1101 et seq. (the Act), and the Administrative Procedure Act, 5 U.S.C. 701 et seq.

(the APA).

3. Jurisdiction exists in this Court pursuant to 28 U.S.C 2241 et seq., 28 U.S.C 1331, the APA,

5 U.S.C et seq., the Declaratory Judgment Act, 28 U.S.C. et seq., and the All Writs Acts, 28

U.S.C. 1361.

4. (I),Petitioner has exhausted any and all administrative remedies to the extent required by law.

VENUE

5. Pursuant to Braden v. 30th Judicial Circuit court of Kentucky, 410 U.S 484, 493-500 (1973), venue lies in the United States District of Georgia, the Judicial District in which petitioner is currently detained.

PARTIES

6. (I), Petitioner is a native and citizen of Vietnam. (I), Petitioner was first taken into the respondents custody on October 13, 2025 and has remained in their custody continuously since that date. (I), Petitioner was removed on June 21, 2006.

7. Respondent-defendant Todd Blanche, United States Attorney General; Markwayne Mullin, Acting Secretary of Department of Homeland Security; Jason Streeval, Warden of Stewart Detention Center.

FACTS

(I), Petitioner, Abdulla Mohamita Had Nagi, was born in Vietnam on [redacted]

To date, however, ICE has been unable to remove (I), Petitioner to Vietnam or any other country (I), Petitioner has fully cooperated with all the efforts ICE regarding my removal from United States.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

In Zadvydas v. Davis, 533 U.S.678 (2001), the U.S. Supreme Court held that 8 U.S. C. ss 1231(a)(6), when read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States.533 U.S. at 689. A "habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal,"Id at 699. If the individual's removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute." Id at 699-700.

In determining the length of a reasonable removal period, the Court adopted a "presumptive reasonable period of detention" of six months. Id at 701. After six months, the government bears the burden of disproving an alien's "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." See Zhou v. Farquharson, 2001 U.S. Dist. LEXIS 182239, 2-3 (D. Mass. Oct. 19, 2001)(quoting and summarizing Zadvidas). Moreover, "for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future,' conversely would have to shrink." Zadvydas, 533 U.S. at 701. ICE's administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future See 8 C.F.R. Ss 241.4(k)(2)(ii).

Evidence showing successful repatriation of other persons to the country at issue is not

sufficient to meet the government's burden to establish that an alien petitioner will be deported in the reasonably foreseeable future. See Thompson v. INS, 2002 U.S. Dist. LEXIS 23936 (E.D. La. September 16, 2002)(government failed to show that alien's deportation to Guyana was reasonably foreseeable where the government offered historical statistics of repatriation to Guyana, but failed to show any response from Guyana on the application for travel documents that INS and the petitioner had requested). Rather for the government to meet its burden of showing that an alien's repatriation is reasonably foreseeable, it must provide some meaningful evidence particular to the individual petitioner's case.

An alien who has been detained beyond the presumptive six months should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. See Agbada v. Aschroft 2002 U.S. Dist. LEXIS 15797(D Mass. August 22, 2001) (court "will likely grant" habeas petition after 14months if ICE is unable to present document confirmation that the Nigerian government has agreed to [petitioner's] repatriation")Zhou, 2001 U.S. DISt. LEXIS 19050 at *7(W. D. Wash. Feb 28, 2002)(government failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there was no significant likelihood of petitioner's removal in the reasonably foreseeable future).

CLAIMS FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. Ss 1231(a)(6) as interpreted by the U.S. Supreme Court in Zadvydas. The six-month presumptive reasonable period for continued removal efforts has expired. Petitioner still has not been removed, and for the reasons outlined above in the previous paragraphs. Petitioner's removal to is not reasonably

foreseeable. The Supreme Court held in Zadvydas and Martinez that ICE's continued detention of someone after six months where deportation is not reasonably foreseeable is unreasonably and in violation of 8 U.S.C.ss 1231(a) 533 U.S. at 701

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. See Tom v. INS, 14 F. Supp.2d 1184 (E.D. Cal 1998)(aliens retain substantive due process rights).

The Due process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in Zadvydas thus interpreted 8 U.S.C. Ss 1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest-to effect the alien's removal. See Kay v. Reno, 94 F. Supp. 546,551 (M.D. Pa 2000) (granting writ of habeas corpus because petitioner's substantive due process rights were violated, and noting that "if deportation can never occur, the government's primary legitimate purpose in detention- executing removal-is nonsensical.")

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. [If you have not

received a decision from HQPDU. Further, Respondents have failed to acknowledge or act upon Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates Zadvydas.]

PRAYER FOR RELIEF

WHEREFORE, (I),Petitioner prays that this Court grant the following relief:

1) Assume jurisdiction over this matter;

2) Grant (I),Petitioner a writ of habeas corpus directing the Respondents to immediately release (I), Petitioner from custody, under reasonable conditions of supervision;

3) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of ICE Lumpkin district.

4) Grant any other and further relief that this Honorable Court deems just and proper.

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

Respectfully submitted,

Executed on: 6-23-2026

Abdulla Mohamita Had Nagi

MIKETAVIOUS A HALLBACK
NOTARY PUBLIC
Terrell County
State of Georgia
My Comm. Expires May 31, 2030

6/23/26

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Petitioner for a writ of Habeas Corpus upon counsel for Respondents by depositing the same in the U.S. mail addresses to:

Asst. United States Atty

United States Attorney's office

Middle District of Georgia

P.O box 124

Columbus, GA 31902-2568

Respectfully submitted,

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Abdulla Mohamita Had Nagi

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