UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

ASSANE DIOUF, A[redacted] Petitioner, vs. ROBERT K. LYNCH, Immigration and Customs Enforcement, Acting Director of the Detroit Field Office, Enforcement and Removal Operations, Respondent.	Case No. District Judge Magistrate Judge

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

Petitioner, by and through undersigned Counsel, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful detention by Respondent, Robert K. Lynch, Immigration and Customs Enforcement (ICE), Acting Director of the Detroit Field Office, Enforcement and Removal Operations (ERO).

INTRODUCTION

1. This case challenges the unlawful detention of Assane Diouf (Petitioner or Mr. Diouf), who is currently in the custody of ICE at the Butler County Correctional Complex. ICE has contracted with the facility to house detainees such as Petitioner. Petitioner is under the direct control of the Respondent and his agents.

2. Petitioner was ordered removed to Mauritania on March 30, 2012. Petitioner appealed the decision of the Immigration Judge. The Board of Immigration Appeals (BIA) denied the appeal on August 29, 2013.

3. Petitioner filed a habeas petition on November 14, 2025. Judge Susan Dlott in the Southern District of Ohio denied the petition on April 30, 2026.

4. Petitioner contends that he is unlawfully detained under 8 U.S.C. § 1231(a) because removal is not reasonably foreseeable, and that Respondent's actions violate the Due Process Clause of the Fifth Amendment to the United States Constitution, the Immigration and Nationality Act and implementing regulations.

PARTIES

5. Petitioner, Mr. Assane Diouf, entered the United States on or around June 2, 2003. Mr. Diouf was admitted to the United States at a port of entry in New York. Petitioner is currently detained at the Butler County Correctional Complex. Petitioner has been in the custody of ICE since October 28, 2025.

6. Respondent, Robert K. Lynch is named in his official capacity as the Acting Director of Enforcement and Removal Operations for the ICE Field Office in Detroit, and within the United States Department of Homeland Security (DHS). In this capacity, he is responsible for the administration of immigration laws and the execution of detention and removal determinations and is the immediate custodian of Petitioner.

JURISDICTION AND VENUE

7. The Court has subject matter jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, Article I, § 9, cl. 2 (the Suspension Clause) and Article III of the U.S. Constitution.

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

8. Under 28 U.S.C. § 2241, district courts have the authority to grant a writ of habeas corpus to any petitioner "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).

9. The Court has jurisdiction to review Petitioner's petition for writ of habeas corpus because Petitioner is incarcerated within Ohio's southern federal judicial district. *See* 28 U.S.C. § 2241; *see also Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) ("The plain language of the habeas statute … confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.").

10. The use of the writ of habeas corpus to challenge detention by ICE is not foreclosed by the REAL ID Act. The REAL ID Act of 2005 only deprives the district court of habeas jurisdiction to review orders of removal, not challenges to detention. *See* REAL ID Act of 2005, Pub. L. 109-13, 119 Stat. 231 (May 11, 2005), Title I, Section 106(c) (amending INA §§ 242(a)(2)(A), (B), (C) and § 242(g)); *see also Karki v. Jones*, Case No. 1:25-cv-281, 2025 WL 1638070, at *8 (S.D. Ohio June 9, 2025) (McFarland, J.) (finding that 8 U.S.C. § 1252(g) does not suspend habeas review of post-removal-order detention under Sixth Circuit precedent). Petitioner is not challenging the removal order itself or the Attorney General's decision to execute it. Instead, Petitioner challenges his continued detention when removal is not reasonably foreseeable.

11. Venue is proper in the United States District Court for the Southern District of Ohio, specifically in the Western Division at Cincinnati, because Petitioner is currently

detained in the Butler County Correctional Complex in Hamilton, Ohio. *See* 28 U.S.C. § 1391, 28 U.S.C. § 2241, S.D. Ohio Civ. R. 82.1(b).

EXHAUSTION

12. Exhaustion is not statutorily required for *Zadvydas* relief. *See Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018), *vacated on other grounds, Hamama v. Adducci*, 946 F.3d 875 (6th Cir. 2020); *Shurney v. I.N.S.*, 201 F. Supp. 2d 783, 788 (N.D. Ohio 2001) ("Under the INA, exhaustion of administrative remedies is only required for appeals of final orders of removal." (citing 8 U.S.C. § 1252(d)(1)); *Nassar v. Clausen*, No. 1:07-cv-1066, 2008 WL 314698, at *1 (W.D. Mich. Feb. 4, 2008) ("[T]here is no administrative exhaustion requirement as to this kind of habeas challenge." (citation omitted)). Petitioner is not appealing a final order of removal. Instead, Petitioner challenges his post-removal order detention when removal is not reasonably foreseeable.

13. When, as here, exhaustion is not statutorily required, courts must examine whether exhaustion should be required as a matter of prudence. *See, e.g., Salad v. Department of Corrections*, 769 F. Supp. 3d 913, 921 (D. Alaska 2025) ("Administrative exhaustion is prudential rather than a jurisdictional requirement for habeas review under § 2241.") (citing *Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 541 (9th Cir. 2004)). The Supreme Court has recognized three "broad sets of circumstances in which the interests of an individual weigh heavily against requiring administrative exhaustion: (1) where such requirement would subject an individual to an unreasonable or indefinite time frame for administrative action; (2) where the administrative agency lacks competence to resolve the particular issue presented; or (3) the exhaustion of administrative remedies

would be futile because the administrative body is shown to be biased or has predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 146-48 (1992); *see also Shurney*, 201 F. Supp. 2d at 788-89.

14. Petitioner is currently unable to access administrative remedies due to the fact that his removal order was finalized almost 13 years ago. Thus, requiring exhaustion would impose undue delay.

STATEMENT OF FACTS

15. Petitioner, Mr. Assane Diouf, entered the United States on or around June 2, 2003. Mr. Diouf was admitted to the United States at a port of entry in New York. (Notice to Appear, Ex. A).

16. Mr. Diouf submitted an application for asylum and withholding of removal to remain in this country based on a fear of returning to Mauritania. On March 30, 2012, approximately 5,242 days ago, the Immigration Judge denied Petitioner's asylum application and ordered his removal to Mauritania.

17. Mr. Diouf appealed his case to the Board of Immigration Appeals (BIA). On August 29, 2013, approximately 4,725 days ago, the BIA denied the appeal. On December 12, 2014, approximately 4,255 days ago, the Sixth Circuit Court of Appeals denied the petition for review of the BIA order. On February 27, 2018, ICE issued Form I-220B, Order of Release on Supervision (OSUP) to Petitioner.

18. Among other conditions, the OSUP required that "[Petitioner] provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.". (Copy of OSUP, Ex. B). On June 7, 2023 and May 8, 2024, respectively, ICE confirmed Mr. Diouf's OSUP compliance. (Letters of Compliant Reporting, Ex. C).

19. Petitioner had been regularly reporting to ICE via video call. However, at the request of ICE, Petitioner appeared in-person for his ICE check-in on October 28, 2025. There, ICE apprehended and detained Petitioner. It is unclear why ICE revoked Mr. Diouf's order of release on supervision, and subsequently detained him.

20. Petitioner filed a habeas petition on November 14, 2025. Judge Susan Dlott in the Southern District of Ohio dismissed the petition without prejudice on April 30, 2026. Judge Dlott concluded that, while the Petitioner's removal was previously not reasonably foreseeable, given that he has remained in the United States since his 2013 removal order, removal is now reasonably foreseeable because Mauritania may accept certain travel documents and has recently accepted the return of other individuals subject to final orders of removal. Judge Dlott also held that "if his detention continues for an extended period or circumstances change, he may file another habeas petition…."

21. Since Mr. Diouf's prior habeas petition was dismissed, approximately 98 additional days have elapsed, he remains detained and to Petitioner's knowledge, no *laissez-passer* has been issued, no travel documents have been issued, and no removal flight has been scheduled to execute his removal. Mr. Diouf has now been in ICE custody for over 8 months pending his removal.

22. Respondent's decision to detain Mr. Diouf is not legally justifiable because it is unlikely that he will be removed to Mauritania in the reasonably foreseeable future. To date, Mr. Diouf has been unable to obtain travel documents from Mauritania. For this reason, despite the Government's prior prediction that removal was imminent, additional months have passed without travel documentation or a removals schedule, undermining

the prior basis for concluding that removal was reasonably foreseeable. There is no better time for the Court to consider the merits of Petitioner's request for release.

LEGAL FRAMEWORK

23. "[T]he Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis,* 533 U.S. 678, 693 (2001). "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects." *Id.* at 690.

24. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. §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 form the United States." 533 U.S. at 689. 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.

25. In *Jama v Immigration & Customs Enforcement*, 543 U.S. 335, 347 (2005), the Supreme Court found that the petitioner had satisfied his burden of showing that a significant likelihood of removal is not reasonably foreseeable because the petitioner established that no country would accept him. Aliens under those circumstances are deemed "removable-but-unremovable" because their detention would be indefinite and potentially permanent in defiance of the letter and spirit of *Zadvydas*. *See also Demore v. Kim*, 538 U.S. at 527 (touchstone inquiry is whether removal is "no longer practically attainable.").

STATUTES AND REGULATIONS

26. A non-citizen with a final order of removal "who is not removed within the [90-day] removal period . . . shall be subject to [an order of] supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3) (titled "Supervision after 90-day period").

27. A non-citizen may only be detained past the 90-day removal period following a removal order if found to be "a risk to the community or unlikely to comply with the order of removal" or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).

28. But even where initial detention past the 90-day removal period is authorized, if "removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances . . . ." *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

29. Regulations purport to give additional reasons, beyond those listed at § 1231(a)(6), that an order of supervision may be revoked and a non-citizen may be re-detained past the removal period: "(1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order . . . ; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(l)(2); *see also id.* § 241.13(i) (permitting revocation of an order of supervision if a non-citizen "violates any of the conditions of release").

CLAIMS FOR RELIEF

COUNT 1
CONSTITUTIONAL CLAIM
Substantive Due Process

30. Petitioner re-alleges and incorporates by reference all paragraphs above as if fully set forth here.

31. 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 e.g.*, *Tam v. INS*, 14 F.Supp.2d. 1184 (E.D. Cal. 1998) (aliens retain substantive due process rights).

32. 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. §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.2d. 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.")

33. Petitioner is unable to obtain travel documents, therefore, there is no significant likelihood of removal in the reasonably foreseeable future. As such, Petitioner is

effectively "removable-but-unremovable". Respondent's detention of Petitioner would be indefinite and potentially permanent.

34. While Respondent previously represented, and this Court previously found, that Petitioner's removal appeared reasonably foreseeable, subsequent events have undermined that conclusion. More than two months have elapsed since the Court's April 30, 2026 decision and Petitioner remains detained. To Petitioner's knowledge, Mauritania has not issued travel documents or a *laissez-passer* on his behalf, nor has Respondent effectuated his removal. As the period of detention lengthens without meaningful progress toward removal, continued detention becomes increasingly arbitrary and bears a diminishing relationship to the government's asserted purpose of effectuating removal.

COUNT 2
CONSTITUTIONAL CLAIM
Procedural Due Process

35. Petitioner realleges and incorporates by reference all paragraphs above as if fully set forth here.

36. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity.

37. Petitioner's continued detention without a significant likelihood of removal in the reasonably foreseeable future violates his due process rights guaranteed by the Fifth Amendment to the United States Constitution. *See Zadvydas v. U.S.*, 533 U.S. 678.

38. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the

probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

39. The first factor, the private interest at issue, favors Petitioner. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690. Petitioner is currently detained.

40. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner. To safeguard against erroneous deprivations of liberty, the statute specifies the limited circumstances under which an order of supervision may be revoked and a noncitizen may be returned to custody. The applicable regulations further specify who may revoke an order of supervision and require procedures designed to ensure fairness, including notice and an opportunity to be heard. Respondent did not adhere to those regulations before revoking Petitioner's Order of Supervision, thereby creating a substantial risk of erroneous deprivation of liberty. That risk is especially acute here because Petitioner had remained compliant with the terms of supervision for years, had received prior confirmations of compliance from ICE, and is neither a danger to the community nor a flight risk. The consequences of an erroneous revocation have been severe: Petitioner has now remained detained for more than eight months following revocation of his Order of Supervision, despite the absence of meaningful progress toward effectuating his removal. Requiring notice and an opportunity to respond before revocation would significantly reduce the likelihood of unnecessary and prolonged detention.

41. The third factor, the government's interest, also favors Petitioner. When the government fails to follow procedures designed to ensure notice and an opportunity to respond before revoking an Order of Supervision, it increases the likelihood that individuals who pose no danger and present no meaningful risk of absconding will be subjected to prolonged detention. Petitioner had lived in the community under supervision for many years and complied with the conditions imposed upon him. The government's interest in ensuring compliance with a final order of removal does not outweigh the significant liberty interest at stake when supervision is revoked without the procedural protections contemplated by the regulations. Moreover, when months of detention have passed following the revocation of supervision and removal has still not occurred, the administrative value of continued detention becomes increasingly attenuated. Requiring Respondent to provide notice and a meaningful opportunity to be heard before revoking an Order of Supervision promotes accurate decision-making, conserves government resources, and reduces the likelihood of prolonged detention that ultimately serves no practical removal purpose.

42. For these reasons, revoking Petitioner's order of supervision without providing notice and a meaningful opportunity to respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

43. The government's action in detaining Petitioner pending his removal profoundly impacts his private interest in physical liberty and could result in indefinite detention because his removal is not reasonably foreseeable.

44. When this Court denied Petitioner's prior habeas petition on April 30, 2026, the Court concluded that Respondent had demonstrated a significant likelihood of removal in

the reasonably foreseeable future. The Court relied upon evidence that Mauritania had recently accepted the repatriation of other Mauritanian nationals and that Petitioner's removal was expected to occur in the foreseeable future.

45. Since that ruling, however, Petitioner's removal has not occurred. Petitioner remains detained more than eight months after being taken into ICE custody. To Petitioner's knowledge, Mauritania still has not issued travel documentation for him and no removal date has been scheduled. The additional passage of time without removal materially undermines Respondent's prior assertion that removal was reasonably foreseeable and demonstrates that continued detention is no longer authorized under 8 U.S.C. § 1231(a)(6), as interpreted by *Zadvydas*.

COUNT 3
STATUTORY CLAIM

46. 8 U.S.C. § 1231(a)(6) authorizes detention past the 90-day removal period for a person who is found to be a danger to the community, unlikely to comply with a removal order, or whose removal order is on certain grounds specified in the statute. Even then, if removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances . . . ." *Zadvydas v. Davis*, 533 U.S. 678, 699-700. Petitioner's continued detention by Respondent is unlawful and contravenes 8 U.S.C. § 1231(a)(6), as interpreted by the U.S. Supreme Court in *Zadvydas*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. **Assume jurisdiction** over this Petition pursuant to 28 U.S.C. § 2241;

2. **Issue an Order to Show Cause** requiring Respondent to justify why the writ should not be granted within three (3) days, or another timeframe the Court deems just;
3. **Enjoin** Respondent from transferring the Petitioner from the jurisdiction of this District pending the adjudication of this Petition;
4. **Declare** that Respondent's actions to arrest and detain Petitioner violate 8 U.S.C. § 1231(a) and the Due Process Clause of the Fifth Amendment;
5. **Order Petitioner's immediate release** from ICE custody under appropriate supervision pursuant to 8 U.S.C. § 1231(a)(3);
6. **Award attorneys' fees and costs** to Petitioner pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, or other applicable authority; and
7. **Grant such further relief** as this Honorable Court deems just, necessary, and appropriate to preserve Petitioner's statutory and constitutional rights.

DATED: August 6, 2026

Respectfully submitted,

/s/ Julie C. Nemecek

Julie C. Nemecek (0078104)
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JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Assane Diouf (A[redacted])

(b) County of Residence of First Listed Plaintiff Butler
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Julie C. Nemecek, The Nemecek Firm, Ltd., 471 E Broad St, Suite 1200, Columbus, Ohio 43215, (614) 459-2180

DEFENDANTS

Robert K. Lynch, Field Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs

County of Residence of First Listed Defendant United States
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ **790 Other Labor Litigation**
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ **462 Naturalization Application**
- ☐ **465 Other Immigration Actions**

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ **820 Copyrights**
- ☐ **830 Patent**
- ☐ **835 Patent - Abbreviated New Drug Application**
- ☐ **840 Trademark**
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. § 2241

Brief description of cause:
Petition for a Writ of Habeas Corpus

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY *(See instructions)*:

JUDGE _____ DOCKET NUMBER _____

DATE 8/6/2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

U.S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: [redacted]

In Matter of:

Respondent: DIOUF, ASSANE currently residing at:

[redacted]
(Area code and phone number)

☐ 1. You are an arriving alien.

☐ 2. You are an alien present in the United States who has not been admitted or paroled.

☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

1) You are not a citizen or national of the United States;

2) You are a native of MAURITANIA and a citizen of MAURITANIA;

3) You were admitted to the United States at NEW YORK, NY (IA) on or about UNKNOWN DOE;

4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by the Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237 (a) (1) (A) of the Immigration and Nationality Act (Act), as amended, in that at the time of entry or adjustment of status, you were within one or more of the classes of aliens inadmissible by the law existing at such time, to wit: alien immigrants who are not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card or other valid entry document required by the Act, or who are not in possession of a valid unexpired passport, or other suitable travel document, or identity and nationality document if such document is required by regulations issued by the Attorney General under section 212 (a) (7) (A) (i) (I) of the Act.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
550 MAIN STREET, ROOM 4001, CINCINNATI, OH 45202-0000
(Complete Address of Immigration Court, Including Room Number, if any)

on December 30, 2003 (Date) at 1:00 PM (Time) to show why you should not be removed from the United States based on the charge(s) set forth above.

Edward R. Jeszka
Edward R. Jeszka, Supervisory Asylum Officer
(Signature and Title of Issuing Officer)

Date: AUG 0 1 2003

CHICAGO, IL
(City and State)

See reverse for important information

Form I-862 (4-1-97)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the judge before whom you the appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

_____
(Signature of Respondent)

Before:

_____
(Signature and Title of INS Officer)

Date: _____

Certificate of Service

This Notice to Appear was served on the respondent by me on AUG 0 1 2003, in the following manner and in compliance with section 239(a)(1)(F) of the Act:

☐ in person ☐ by certified mail, return receipt requested ☒ by regular mail

☒ Attached is a list of organizations and attorneys which provide free legal services.

☐ The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

_____
(Signature of Respondent if Personally Served)

K Burch, Asylum Clerk
(Signature and Title of Officer)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION (Continuation Page)

Alien Name	Picture	Right Index Print
DIOUF, ASSANE		
File Number [redacted]		
Date: February 27, 2018		
Alien's Signature: X Assane Diouf		
Alien's Telephone Number (if applicable) [redacted]		
Alien's Address [redacted]		

PERSONAL REPORT RECORD

Date	Officer	Comment/Changes
2/27/2018	[illegible]	Next Report 3/26/2018
3/26/18	[illegible]	Next Report 6/27/18
6/27/18	LA	NEXT REPORT 9/25/2018
9/25/18	[illegible]	Next Report 12/19/2018
12/19/18	LA	NEXT REPORT 6/17/2019
6/17/19	[illegible]	Next 8/16/19
08/20/2019	6300	Next Report 04/21/2020 @ 10AM.
~~10/9/2019~~	~~[illegible]~~	~~Next Report FOR Due to COVID 19, IF DF #7035~~
10/13/20	FOX	NEXT REPORT FEBRUARY 25, 2021

Signature: [illegible] HUZL, TRAVIS

Title: DO

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION (Addendum)

File No.: [redacted]

Date: February 27, 2018

Name: DIOUF, ASSANE

- [X] That you do not associate with know gang members, criminal associates, or be associated with any such activity.
- [ ] That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- [ ] That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- [ ] That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- [X] That you do not commit any crimes while on this Order of Supervision.
- [ ] That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- [ ] That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- [X] That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- [X] That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- [X] Any violation of the above conditions will result in revocation of your employment authorization document.
- [X] Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.
- [ ] Other:

X _____
Alien's Signature

Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
675 Brooksedge Blvd
Westerville, OH 43081

U.S. Immigration and Customs Enforcement

June 7, 2023

Assane Diouf
[redacted]

RE: Letter of Compliant Reporting – A[redacted]

To Whom It May Concern,

Pursuant to your request, this letter serves as confirmation that Assane Diouf is compliant with his ICE reporting requirements as of the date provided above. Please direct further inquiries to Deportation Officer Whitman at 614-948-4101.

Sincerely,

Timothy Hinman
Deportation Officer
Non-Detained/Alternatives to Detention Section
ICE-ERO – Detroit Field Office/Westerville, OH Sub-Office

Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
Alternatives to Detention Section
333 Mount Elliott Street
Detroit, Michigan 48207

U.S. Immigration and Customs Enforcement

May 8, 2024

Assane Diouf

RE: Letter of Compliant Reporting – A [redacted]

To Whom It May Concern,

Pursuant to your request, this letter serves as confirmation that Assane Diouf is compliant with his/her order of supervision as of the date provided above. Please direct further inquiries to Deportation Officer Benjey at (614) 579-3562 or SDDO Kacar.

Sincerely,

Michael H. Benjey
Deportation Officer
Non-Detained/Alternatives to Detention Section
ICE-ERO – Detroit Field Office