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AUG 31 2026 10:41 A

U.S. DISTRICT COURT
SOUTHERN DISTRICT
OF OHIO-CINCINNATI

Adama Anne
Country Of Birth: Mauritania
A-Number: [redacted]
Butler County Correctional Complex
705 Hanover Street
Hamilton, OH 45011
Visitor Information: (513) 785-1191
Pro se

UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF OHIO

Adama Anne
A-Number: [redacted]
Proceeding Pro Se,
*Petitioner,*
v.
_____, WARDEN/FACILITY ADMINISTRATOR, Butler County Correctional Complex;
_____, FIELD OFFICE DIRECTOR, U.S. Immigration and Customs Enforcement, Columbus, OH Sub-Office; DAVID J. VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States,
*Respondents.*

Civil Action No: 1:26CV878

PETITION FOR WRIT OF HABEAS CORPUS

JUDGE COLE

MAGISTRATE JUDGE SILVAIN

## I. NATURE OF THE ACTION

1. This is a Petition for a Writ of Habeas Corpus under 28 U.S.C. Section 2241 seeking Petitioner Adama Anne's immediate release from unlawful civil immigration detention.
2. This Petition does not seek review of the merits of his asylum claim or his final order of removal. It challenges whether Respondents have statutory and constitutional authority to maintain his prolonged post-removal detention without a bond hearing.
3. Petitioner is a 31-year-old citizen of Mauritania, [redacted] and [redacted] who entered the United States in April 2023 and filed an asylum application.

4. He was detained on January 6, 2026, when he voluntarily appeared at a scheduled ICE appointment.
5. An Immigration Judge ordered him removed on February 11, 2026. No BIA appeal was filed.
6. As of August 27, 2026, he has been detained for approximately 233 days (about 7 months and 21 days) without any bond hearing.
7. The removal order became administratively final approximately 30 days after the Immigration Judge's decision, around March 13, 2026. The 90-day removal period under 8 U.S.C. Section 1231(a)(1)(A) has expired.
8. His detention is now governed by 8 U.S.C. Section 1231(a)(6), which the Supreme Court construed in Zadvydas v. Davis to contain an implicit reasonable time limitation, generally six months.
9. He is approaching or has reached the six-month presumptive period from the time his removal order became administratively final.
10. Removal to Mauritania is not reasonably foreseeable due to documented diplomatic and administrative difficulties in repatriating Mauritanian nationals.
11. The appropriate remedy is immediate release.

**II. JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction to grant a writ of habeas corpus pursuant to 28 U.S.C. Section 2241(a). Petitioner is in the custody of Respondents and challenges his detention as being in violation of the Constitution and laws of the United States.
2. Habeas jurisdiction under Section 2241 has not been repealed by the immigration statutes. INS v. St. Cyr, 533 U.S. 289, 301 (2001); Calcano-Martinez v. INS, 533 U.S. 348 (2001).

3. Venue is proper in the Southern District of Ohio, Western Division, because Petitioner is physically confined at the Butler County Correctional Complex in Hamilton, Ohio, which lies within this District.
4. Under the immediate custodian rule, the proper respondent in a habeas challenge to present physical confinement is the warden of the facility where the detainee is held. See Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004).
5. This Court has applied Zadvydas to Mauritanian petitioners in this District. See Wane v. Attorney General of the United States, No. 3:19-cv-00247 (S.D. Ohio Aug. 22, 2019).
6. Castro-Cano v. Warden, Butler County Correctional Complex, No. 1:21-cv-00230 (S.D. Ohio May 4, 2021) confirms the Butler County Correctional Complex as a proper respondent in this District.

**III. PARTIES**

1. Petitioner ADAMA ANNE is a native and citizen of Mauritania, born on [redacted] He is currently detained by Respondents at the Butler County Correctional Complex.
2. Respondent WARDEN of the Butler County Correctional Complex is the individual with immediate physical custody of Petitioner.
3. Respondent FIELD OFFICE DIRECTOR, ICE ENFORCEMENT AND REMOVAL OPERATIONS, ERO COLUMBUS SUB-OFFICE, is the ICE official responsible for detention operations in the region where Petitioner is detained.
4. Respondent DAVID J. VENTURELLA is the Acting Director of U.S. Immigration and Customs Enforcement.
5. Respondent MARKWAYNE MULLIN is the Secretary of the U.S. Department of Homeland Security.

6. Respondent TODD BLANCHE is the Acting Attorney General of the United States.

## IV. STATEMENT OF FACTS

1. Petitioner is a 31-year-old citizen of Mauritania, [redacted]
2. He entered the United States in April 2023 near San Ysidro, California.
3. He filed a Form I-589, Application for Asylum and for Withholding of Removal, seeking protection based on his race, membership in a particular social group, and the Convention Against Torture.
4. Petitioner fears imprisonment, abuse, and harm if he is returned to Mauritania.
5. He had an Employment Authorization Document under category C08 (asylum applicant), which was valid from June 24, 2025, to June 23, 2030.
6. He resided at [redacted] from approximately April 2023 until his detention.
7. Petitioner is married to Ramata Abdoulaye Anne, who is in Mauritania. They were married in January 2023. He has no children.
8. Petitioner has no criminal record.
9. On January 6, 2026, Petitioner voluntarily appeared at a scheduled ICE appointment and was detained.
10. He has been in continuous ICE custody since that date. As of August 27, 2026, he has been detained for approximately 233 days.
11. On February 11, 2026, an Immigration Judge at the Cleveland Immigration Court ordered Petitioner removed to Mauritania.
12. No appeal to the BIA was filed. The removal order became administratively final

approximately 30 days later, around March 13, 2026.

13. The EOIR automated system confirms that there are no future hearings scheduled and that no BIA appeal was received.
14. The 90-day removal period under 8 U.S.C. Section 1231(a)(1)(A) expired approximately on June 11, 2026.
15. Petitioner has not received any bond hearing before an Immigration Judge or any other neutral adjudicator.
16. Petitioner has never previously filed a petition for a writ of habeas corpus in federal court or a motion for bond.
17. Petitioner has no reported medical conditions and was not taking any medications before his detention.

## V. EXHAUSTION AND FUTILITY

1. Petitioner's removal order is administratively final. No administrative remedies remain to challenge the finality of the order.
2. This Petition raises constitutional claims under the Due Process Clause of the Fifth Amendment. Administrative bodies lack the authority to adjudicate these constitutional claims.
3. The BIA cannot grant the relief sought, which is immediate release from physical custody or a bond hearing before a neutral federal adjudicator.
4. Requiring exhaustion of administrative remedies that cannot provide the relief sought would be futile and would only prolong Petitioner's unlawful detention.
5. The Supreme Court has held that habeas corpus is available to challenge the legality of post-removal detention. Zadvydas v. Davis, 533 U.S. 678, 687 (2001).

## VI. FIRST CLAIM — PROLONGED POST-REMOVAL DETENTION WITHOUT A BOND HEARING VIOLATES DUE PROCESS UNDER ZADVYDAS AND THE FIFTH AMENDMENT

1. The Fifth Amendment's Due Process Clause protects the liberty of all persons within the United States, including noncitizens. Zadvydas v. Davis, 533 U.S. 678, 693-94 (2001); Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004).
2. In Zadvydas, the Supreme Court held that post-removal detention under 8 U.S.C. Section 1231(a)(6) must be limited to a reasonable period and that six months is presumptively reasonable. 533 U.S. at 701. After six months, once the alien provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. Id.
3. Petitioner's removal order became administratively final approximately March 13, 2026. The 90-day removal period expired approximately June 11, 2026. As of August 27, 2026, Petitioner has been detained for approximately 233 days total, including approximately 167 days since the order became administratively final. He is approaching the six-month presumptive period identified in Zadvydas.
4. The total duration of Petitioner's detention — nearly eight months — far exceeds the "brief" period of detention approved in Demore v. Kim, 538 U.S. 510, 523 (2003), and is approaching or has reached the six-month presumptive limit established in Zadvydas.
5. Removal to Mauritania is not reasonably foreseeable. Mauritania has a documented history of delays and difficulties in issuing travel documents and accepting repatriated nationals. This Court has previously recognized the application of Zadvydas to Mauritanian nationals in this District. See Wane v. Attorney General of the United States, No. 3:19-cv-00247

(S.D. Ohio Aug. 22, 2019).

6. The Sixth Circuit has held that when actual removal is not reasonably foreseeable, aliens may not be indefinitely detained without a government showing of a "strong special justification" that consists of more than a threat to the community and that overbalances the alien's liberty interest. Hoang Minh Ly v. Hansen, 351 F.3d 263, 271 (6th Cir. 2004).
7. Respondents have not provided any "strong special justification" for Petitioner's continued detention. Petitioner has no criminal record, posed no danger to the community, and voluntarily appeared at his ICE appointment. The Government's generalized interest in executing removal does not constitute a "strong special justification" under Ly.
8. Petitioner has not received any bond hearing at which the Government would be required to demonstrate that his continued detention is justified. This absence of process exacerbates the constitutional violation.

**VII. SECOND CLAIM — DETENTION WITHOUT ANY BOND HEARING VIOLATES DUE PROCESS UNDER THE MATHEWS BALANCING TEST**

1. Under the Mathews v. Eldridge balancing test, 424 U.S. 319, 335 (1976), Petitioner's continued detention without any individualized custody determination violates due process.
2. Private interest: Petitioner's interest in physical liberty is profound. He has been detained for 233 days, separated from his wife and family, and unable to work or live in the community. His EAD authorized him to work, and he was living peacefully in Cincinnati, Ohio.
3. Risk of erroneous deprivation: The risk is exceptionally high because no neutral decision-maker has ever assessed whether Petitioner's continued detention is necessary. The

Government has never been required to prove that Petitioner is a danger or a flight risk. Petitioner voluntarily appeared at his ICE appointment, demonstrating his willingness to comply with immigration authorities.

4. Government's interest: The administrative burden of providing a bond hearing or releasing Petitioner under supervision is minimal. The Government has no criminal basis for detention, and Petitioner has demonstrated compliance with immigration authorities.
5. The balance of these factors weighs overwhelmingly in favor of providing a bond hearing or releasing Petitioner. See Mulla v. Adducci, 178 F. Supp. 3d 573, 580 (E.D. Mich. 2016) (applying Ly v. Hansen and Zadvydas in the Sixth Circuit and examining facts to determine if detention has been unreasonably prolonged).

**VIII. THIRD CLAIM — PETITIONER'S VOLUNTARY COMPLIANCE, LACK OF CRIMINAL RECORD, AND ASYLUM CLAIM RENDER CONTINUED DETENTION UNCONSTITUTIONAL**

1. Petitioner voluntarily appeared at his scheduled ICE appointment on January 6, 2026. He was not arrested while fleeing, hiding, or committing a crime. This demonstrates that he is not a flight risk.
2. Petitioner has no criminal record of any kind. He has never been arrested for or convicted of any crime.
3. Petitioner filed an asylum application based on [redacted] membership in a particular social group, and fear of torture under the Convention Against Torture. He fears imprisonment, abuse, and harm if returned to Mauritania.
4. Petitioner was authorized to work in the United States under an EAD (category C08) and was living peacefully in Cincinnati, Ohio.

5. Under the Mathews balancing test, Petitioner's demonstrated compliance with immigration authorities, his lack of any criminal history, his pending asylum claim, and his willingness to submit to supervision conditions all weigh heavily in favor of release. The Government's interest in continued detention is minimal.
6. Continued detention of a non-dangerous, non-fugitive individual with a pending asylum claim and documented compliance with immigration authorities is not reasonably related to any legitimate nonpunitive purpose and violates the Due Process Clause. See Zadvydas, 533 U.S. at 690.

**IX. FOURTH CLAIM — IMMEDIATE RELEASE IS THE PROPER HABEAS REMEDY**

1. The traditional function of habeas corpus is to secure immediate release from unlawful imprisonment. Preiser v. Rodriguez, 411 U.S. 475, 484 (1973).
2. The constitutional violation stems from Petitioner's prolonged detention without a bond hearing, approaching or exceeding the six-month presumptive period under Zadvydas, with no significant likelihood of removal in the reasonably foreseeable future.
3. A future bond hearing cannot retroactively cure the prolonged deprivation of liberty Petitioner has already suffered — 233 days of detention without any individualized custody determination.
4. Because Petitioner's detention has become unconstitutionally prolonged, the Court should order his immediate release under conditions of supervision rather than merely ordering a hearing that may result in continued detention.
5. A lesser remedy would permit the Government to benefit from its own failure to provide due process and its inability to execute removal.

## X. ARGUMENT

Petitioner has been detained for 233 days. His removal order became administratively final around March 13, 2026. The 90-day removal period expired around June 11, 2026. He is now detained under Section 1231(a)(6), which Zadvydas construed to contain an implicit reasonable time limitation. The six-month presumptive period is approaching. Removal to Mauritania is not reasonably foreseeable due to documented diplomatic difficulties. The Sixth Circuit in Hoang Minh Ly v. Hansen requires a "strong special justification" for indefinite detention when removal is not foreseeable. No such justification exists here. Petitioner has no criminal record, voluntarily appeared at ICE, had an EAD, and filed an asylum claim. Under Mathews, the balance weighs overwhelmingly in favor of release. The proper remedy is immediate release. This Court has applied Zadvydas to Mauritanian nationals in Wane v. Attorney General (S.D. Ohio 2019). The Mulla court in the Eastern District of Michigan applied Ly v. Hansen within the Sixth Circuit to require examination of whether detention has been unreasonably prolonged. 233 days of detention without a bond hearing is unreasonable.

## XI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Grant the Petition for Writ of Habeas Corpus;

B. Declare that Respondents' continued custody of Petitioner violates 28 U.S.C. Section 2241, 8 U.S.C. Section 1231(a)(6), and the Fifth Amendment Due Process Clause;

C. Require Respondents to show cause within seven (7) days why the writ should not issue;

D. Order Respondents to release Petitioner immediately from physical custody and permit him to return to his residence in Cincinnati, Ohio, subject to appropriate conditions of supervision, including ICE check-ins, electronic monitoring, GPS, ISAP, passport surrender, and reasonable

bond;

E. In the alternative, if the Court declines to order immediate release, order a constitutionally adequate individualized bond hearing before a neutral adjudicator within seven (7) days, at which the Government bears the burden of proving by clear and convincing evidence that Petitioner is a danger to the community or a flight risk;

F. Prohibit Respondents from transferring Petitioner outside the Southern District of Ohio or removing him from the United States while this Petition is pending;

G. Require Respondents to produce the custody records necessary to establish the legal basis for detention, including any Form I-213, I-286, I-205, travel document efforts, and communications with Mauritanian authorities regarding repatriation;

H. Retain jurisdiction until Respondents demonstrate full compliance;

I. Grant such other relief as the Court deems just and proper.

**VERIFICATION**

I, Adama Anne, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on August 27, 2026.

Adama Anne

Adama Anne
Country Of Birth: Mauritania
A-Number: [redacted]
Butler County Correctional Complex
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Hamilton, OH 45011
Visitor Information: (513) 785-1191
Pro se