IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINESOTA

Abraham Mwangala,

Petitioner

v.

Todd Blanche, Attorney General; Markwayne Mullin, Secretary of Homeland Security; David Venturella, Senior Official Performing the Duties of the Director of U.S. Immigration & Customs Enforcement; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; David Easterwood, Field Office Director for Enforcement and Removal Operations; U.S. Immigration & Customs Enforcement; U.S. Department of Homeland Security; John Doe, Warden of Federal Whipple Building.

Respondents.

Case No.: 26-CV-3888

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

EXPEDITED HANDLING REQUESTED PURSUANT TO 28 U.S.C. § 1657

INTRODUCTION

1. Respondents are detaining Petitioner, Abraham Mwangala (A[redacted] in violation of law.

2. Petitioner Abraham M. is a citizen of Uganda who has lived in the United States since 1979, when he entered this country at approximately two years old. Petitioner was ordered removed to Uganda in March 2006. After the Government was unable to effect his removal, Petitioner was released from immigration custody on an Order

of Supervision ("OSUP") in August 2007.

3. On May 11, 2026, Immigration and Customs Enforcement ("ICE") returned Petitioner to immigration custody. At the time, ICE represented that it was "seeking a travel document to effect [Petitioner's] expeditious removal to Uganda."

4. Petitioner promptly challenged that detention in *Abraham M. v. Mullin*, No. 26-cv-2609 (LMP/DJF) (D. Minn.) ("*Abraham I*"). On June 29, 2026, this Court denied the petition and dismissed the action without prejudice. The Court concluded that ICE possessed a valid I-205 warrant before Petitioner's arrest and had complied with the regulatory requirements governing revocation of his OSUP. *Abraham I*, ECF No. 9 at 5–10.

5. This Petition does not ask the Court to reconsider those determinations. Nor does Petitioner again challenge the lawfulness of his May 11 arrest or the initial revocation of his OSUP. Instead, this Petition challenges Petitioner's continued detention and Respondents' present efforts to remove him based upon material circumstances arising after the judgment in *Abraham I*.

6. More than three months have now passed since ICE returned Petitioner to custody. Petitioner remains detained. Despite ICE's representation that it was seeking a travel document for Petitioner's "expeditious removal to Uganda," Respondents did not remove him to Uganda.

7. The circumstances have now materially changed. Petitioner has recently been informed that Respondents intend to remove him to Ethiopia, a country of which Petitioner is not a citizen and which was not the country designated in his removal

order.

8. Petitioner is a citizen of Uganda. He does not claim Ethiopian citizenship. His final order of removal designated Uganda. And the Government justified his continued detention earlier this year by representing that it was pursuing his removal to Uganda. Respondents' present effort to remove Petitioner to Ethiopia therefore presents factual and legal questions that were not before this Court in *Abraham I* and could not have been adjudicated in that proceeding.

9. Petitioner does not seek to evade lawful removal from the United States. But civil immigration detention is permissible only insofar as it remains reasonably related to its nonpunitive purpose of effectuating removal. *Zadvydas v. Davis*, 533 U.S. 678, 690, 699–701 (2001). As the period of post-order detention grows, what constitutes the "reasonably foreseeable future" correspondingly shrinks. *Id.* at 701.

10. Respondents' own conduct now calls into question the premise that supported Petitioner's continued detention at the time of *Abraham I*. ICE previously represented that it was seeking the documentation necessary to remove Petitioner to Uganda. It now seeks instead to remove him to Ethiopia. Respondents cannot continue Petitioner's civil confinement indefinitely while moving from one prospective country of removal to another without demonstrating that a lawful removal is actually significantly likely to occur in the reasonably foreseeable future. Nor may Respondents accomplish a third-country removal without constitutionally adequate process. Where DHS seeks to remove a noncitizen to a country different from the country contemplated by his prior removal proceedings, due process

requires sufficient notice and a meaningful opportunity to pursue available fear-based protection concerning the proposed country of removal. *See, e.g.*, *Kumar v. Wamsley*, 817 F. Supp. 3d 1059, 1068–69 (W.D. Wash. 2025); *Gomez v. Mattos*, 817 F. Supp. 3d 1002, 1013 (D. Nev. 2025); *Sagastizado v. Noem*, 803 F. Supp. 3d 992, 1008 (S.D. Tex. 2025).

11. In *Onwuka v. Bondi*, the court recently applied those principles to circumstances materially similar to those presented here. After DHS sought to remove a Nigerian citizen to Sierra Leone, the court held that due process required written notice to both the petitioner and counsel of the intended country of removal, together with a meaningful opportunity and reasonable time to pursue fear-based protection and administrative review concerning that country. No. 4:26-cv-1406, ECF No. 18 at 1–2 (S.D. Tex. May 29, 2026).

12. Significantly, Onwuka further held that because the petitioner had not yet received the process necessary to permit his lawful third-country removal, "his removal is not reasonably foreseeable at this time and his immediate release is warranted." *Id.* at 2.

13. Petitioner presently lacks sufficient information concerning Respondents' purported arrangements with Ethiopia to meaningfully challenge his removal there. Upon information and belief, Respondents have not provided Petitioner and his counsel adequate written notice identifying the legal and factual basis for removal to Ethiopia, the documentation authorizing Ethiopia to receive him, or a meaningful opportunity to pursue any available fear-based protection concerning that country

before removal.

14. Respondents therefore cannot rely upon a prospective removal to Ethiopia to justify Petitioner's continued detention while simultaneously denying him the process necessary for that removal to lawfully occur. Unless Respondents can demonstrate that Petitioner may lawfully be removed in the reasonably foreseeable future, his continued detention no longer bears the constitutionally required relationship to the purpose for which he is confined.

15. This Petition thus presents a controversy materially different from *Abraham I*. The prior action determined whether Respondents lawfully returned Petitioner to custody in May 2026. This action concerns whether Respondents may continue to detain him in September 2026 and remove him to a newly identified third country under circumstances arising after judgment.

16. Petitioner remains detained at the Federal Whipple Building in Fort Snelling, Minnesota, in Respondents' custody.

17. Petitioner seeks an order requiring Respondents to demonstrate that his removal is significantly likely to occur lawfully in the reasonably foreseeable future and ordering his release if they cannot make that showing.

18. Petitioner further seeks emergency preliminary relief prohibiting Respondents from removing him to Ethiopia, or another previously unidentified third country, unless Petitioner and his counsel first receive adequate written notice of the intended country of removal and Petitioner receives a meaningful opportunity and reasonable time to pursue any fear-based protection available to him concerning that country.

19. Petitioner also requests expedited consideration pursuant to 28 U.S.C. § 1657. Because Respondents have informed Petitioner that they are presently attempting to effect his removal to Ethiopia, both Petitioner's continued loss of liberty and the possibility of removal before meaningful judicial review warrant expedited consideration.

20. Petitioner respectfully requests that the Court order his release from immigration custody and restore him to appropriate conditions of supervision unless Respondents establish that his lawful removal is significantly likely to occur in the reasonably foreseeable future.

JURISDICTION AND VENUE

21. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241 because Petitioner is in federal immigration custody and alleges that his continued detention violates the Constitution and laws of the United States. This action arises under the Fifth Amendment to the United States Constitution, 8 U.S.C. § 1231(a)(6), and the statutes and regulations governing Petitioner's post-order detention and removal.

22. Federal district courts retain habeas jurisdiction under 28 U.S.C. § 2241 to determine whether a noncitizen's immigration detention is authorized by statute and consistent with the Constitution. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001). Petitioner is presently detained pursuant to 8 U.S.C. § 1231(a)(6) and challenges the legality of that detention.

23. This Court also has jurisdiction under 28 U.S.C. §§ 1331 and 2241 over Petitioner's

claim that Respondents may not remove him to Ethiopia, or another newly identified third country, without constitutionally adequate notice and a meaningful opportunity to pursue available fear-based protection concerning that country. Petitioner does not challenge the validity of his underlying removal order or ask this Court to review or alter that order. He challenges Respondents' present detention of him and the process constitutionally required before Respondents may effectuate removal to a newly identified third country.

24. Nothing in this Petition seeks reconsideration of the Court's June 29, 2026 judgment in *Abraham M. v. Mullin*, No. 26-cv-2609 (LMP/DJF) (D. Minn.). That action challenged Petitioner's May 11, 2026 arrest and the revocation of his Order of Supervision. This Petition challenges Petitioner's continued detention and Respondents' newly asserted effort to remove him to Ethiopia based upon material circumstances arising after judgment in *Abraham I*.

25. Petitioner further invokes 28 U.S.C. §§ 1361 and 1651 to the extent necessary to effectuate this Court's habeas jurisdiction and protect its ability to adjudicate Petitioner's claims before Respondents remove or transfer him. Petitioner seeks declaratory relief pursuant to 28 U.S.C. §§ 2201–2202.

26. Venue is proper in this District because Petitioner is presently detained at the Federal Whipple Building in Hennepin, Minnesota, within the District of Minnesota, and his immediate custodian is located within this District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442–43 (2004). Venue is additionally proper under 28 U.S.C. § 1391(e) because Respondents perform the challenged federal actions

within this District.

27. Petitioner requests expedited consideration pursuant to 28 U.S.C. § 1657(a). Good cause exists because Petitioner remains in physical custody and Respondents have informed him that they are presently attempting to effectuate his removal to Ethiopia. Without expedited consideration, Petitioner risks removal before this Court can adjudicate whether Respondents have provided the process required before removing him to that country.

PARTIES

28. Petitioner is a native and citizen of Uganda who entered the United States in 1979 at approximately two years old. Petitioner's Alien Registration Number is . Petitioner is subject to an administratively final order of removal to Uganda entered in March 2006. Petitioner is currently in the custody of U.S. Immigration and Customs Enforcement ("ICE") at the Federal Whipple Building in Fort Snelling, Minnesota.

29. Respondent Todd Blanche is being sued in his official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the BIA and the immigration judges through the Executive Office for Immigration Review. Attorney General Blanche shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Mullin. Attorney General Blanche is a legal custodian of Petitioner.

30. Respondent Markwayne Mullin is being sued in his official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Mullin is responsible for the administration of the immigration laws pursuant to § 103(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the relevant ICE Field Office, and is legally responsible for pursuing Petitioner's detention and removal. As such, Respondent Mullin is a legal custodian of Petitioner.

31. Respondent Department of Homeland Security ("DHS") is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

32. Respondent David Venturella is the Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Venturella is responsible for Petitioner's detention.

33. Respondent Immigration and Customs Enforcement ("ICE") is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens.

34. Respondent Marcos Charles is the Acting Executive Associate Director for ICE Enforcement and Removal Operations ("ERO").

35. Respondent Davide Easterwood is being sued in his official capacity as the Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that

capacity, Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Petitioner.

36. Respondent John Doe is being sued in his official capacity as the authority responsible for the Federal Whipple Building. Because Petitioner is detained in the Federal Whipple Building, John Doe has immediate day-to-day control over Petitioner

EXHAUSTION

37. No statute requires exhaustion of administrative remedies before Petitioner may challenge the legality of his immigration detention under 28 U.S.C. § 2241. *See Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) ("There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention."). Petitioner challenges his present physical custody under 8 U.S.C. § 1231(a)(6) and *Zadvydas v. Davis*, 533 U.S. 678 (2001).

38. To the extent exhaustion may be required as a prudential matter, it should not be required here. Prudential exhaustion is excused where administrative review would be futile, where the petitioner would suffer irreparable injury while awaiting review, or where the agency lacks institutional competence to resolve the claim presented. *McCarthy v. Madigan*, 503 U.S. 140, 146–48 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).

39. Those considerations are present here. Petitioner has been detained continuously since May 11, 2026. He previously challenged that detention in *Abraham M. v.*

Mullin, No. 26-cv-2609 (LMP/DJF) (D. Minn.), and this Court denied his Petition without prejudice on June 29, 2026. Petitioner does not seek administrative reconsideration of the circumstances adjudicated in *Abraham I*. He challenges whether his **continued detention remains lawful in light of circumstances arising since that judgment**, including Respondents' present effort to remove him to Ethiopia after previously representing that they were pursuing his removal to Uganda.

40. Petitioner cannot obtain adjudication of his constitutional challenge to continued detention through the immigration courts. Immigration judges and the Board of Immigration Appeals lack authority to adjudicate constitutional claims. *See Matter of C-*, 20 I. & N. Dec. 529, 532 (BIA 1992); *Matter of Fuentes-Campos*, 21 I. & N. Dec. 905, 912 (BIA 1997). Nor is Petitioner required to remain unlawfully confined while awaiting discretionary administrative custody review before invoking the Great Writ. The continuing loss of physical liberty constitutes irreparable injury. *See Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018).

41. Exhaustion is independently inappropriate as to Respondents' present effort to remove Petitioner to Ethiopia. Petitioner seeks meaningful notice and an opportunity to pursue any available fear-based protection **before** Respondents effectuate that removal. Requiring Petitioner to complete an administrative process before seeking judicial protection would defeat the purpose of the claim if Respondents may remove him before that process or judicial review can occur.

42. Petitioner therefore has no available administrative remedy capable of providing timely relief from the injuries alleged in this Petition. To the extent prudential exhaustion applies, exhaustion is excused because further administrative proceedings would not resolve Petitioner's constitutional detention claim and could not provide adequate relief before the threatened third-country removal occurs.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

43. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

44. Petitioner is a native and citizen of Uganda. He entered the United States in 1979 at approximately two years old and has lived in this country for nearly his entire life.

45. In March 2006, an Immigration Judge ordered Petitioner removed from the United States to Uganda. Petitioner did not appeal, and his removal order became administratively final.

46. Respondents did not remove Petitioner during the statutory removal period. Petitioner instead remained in immigration custody until August 21, 2007, when ICE released him pursuant to an Order of Supervision ("OSUP").

47. Petitioner thereafter remained in the United States under supervision for approximately nineteen years.

48. On May 8, 2026, Petitioner was arrested by local law enforcement for driving an unregistered vehicle without insurance. The following day, ICE issued a Form I-205 Warrant of Removal/Deportation.

49. On May 11, 2026, a state-court judge ordered Petitioner released on his own recognizance. ICE thereafter took Petitioner into immigration custody at the Wright County Jail.

50. After taking Petitioner into custody, ICE served Petitioner with a Notice of Revocation of Release pursuant to 8 C.F.R. § 241.13(i). The Notice identified Petitioner's alleged failure to report to ICE in March 2020 and a post-release criminal conviction as bases for revocation of his OSUP.

51. The Notice further represented that changed circumstances supported Petitioner's detention because "ICE is seeking a travel document to effect [Petitioner's] expeditious removal to Uganda."

52. Petitioner was provided an informal interview on May 11, 2026. He remained detained thereafter.

Abraham I

53. On May 13, 2026, Petitioner filed a petition for writ of habeas corpus in this Court challenging the lawfulness of his arrest and ICE's revocation of his OSUP. *Abraham M. v. Mullin*, No. 26-cv-2609 (LMP/DJF) (D. Minn.) ("*Abraham I*").

54. On June 29, 2026, this Court denied the petition and dismissed *Abraham I* without prejudice.

55. The Court held that Petitioner's May 11 arrest was authorized by the I-205 warrant ICE had issued on May 9, notwithstanding ICE's service of a Form I-200 at the time of arrest. *Abraham I*, ECF No. 9 at 4–7.

56. The Court separately held that ICE complied with the procedures governing revocation of Petitioner's OSUP. The Court concluded that Petitioner's post-release criminal conduct provided a sufficient basis for revocation and that ICE provided the notice and informal interview required by 8 C.F.R. § 241.13(i)(3). *Id.* at 7–10.

57. In reaching that conclusion, the Court recognized that if Petitioner remained detained following the informal interview, the regulations provide for further custody review governing his continued detention. *Id.* at 9–10; *see* 8 C.F.R. §§ 241.4, 241.13(i)(3).

58. Petitioner does not relitigate those determinations here. For purposes of this Petition, Petitioner accepts *Abraham I* as establishing that Respondents lawfully took him into custody on May 11, 2026 and lawfully revoked his OSUP based upon the circumstances then before the Court.

Petitioner's Continued Detention

59. Petitioner has remained continuously detained since May 11, 2026.

60. Petitioner's current detention is not his first period of post-order immigration detention. Following entry of his final removal order in March 2006, Respondents detained Petitioner until releasing him on an OSUP on August 21, 2007.

61. Petitioner therefore spent approximately seventeen months in post-order immigration custody before his release in 2007 and has now accumulated an additional period of post-order detention since May 11, 2026.

62. Petitioner alleges that his periods of post-order civil detention must be considered in the aggregate when determining whether his removal remains significantly likely in the reasonably foreseeable future. As the period of post-order confinement grows, what qualifies as the "reasonably foreseeable future" correspondingly shrinks. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

63. When Respondents revoked Petitioner's OSUP in May 2026, ICE expressly represented that it was seeking a travel document for Petitioner's "expeditious removal to Uganda."

64. More than three months have passed since Respondents returned Petitioner to custody. Petitioner has not been removed to Uganda.

65. Petitioner has not been informed that Uganda has issued a travel document permitting his removal. Nor has Petitioner been informed of a scheduled removal to Uganda.

Respondents' Present Effort to Remove Petitioner to Ethiopia

66. Since the Court entered judgment in *Abraham I*, the factual circumstances underlying Petitioner's continued detention have materially changed.

67. On or about September 3, 2026, ICE informed Petitioner that Respondents are now seeking to remove him to Ethiopia.

68. Ethiopia was not the country designated in Petitioner's final order of removal. Petitioner is not a citizen of Ethiopia and does not claim Ethiopian citizenship.

69. Respondents have not provided Petitioner with written notice adequately identifying Ethiopia as the intended country of removal and explaining the basis upon which Respondents contend Petitioner may lawfully be removed there.

70. Respondents have not informed Petitioner whether Ethiopia has agreed to accept Petitioner or whether Respondents possess a travel document authorizing his admission into Ethiopia.

71. Respondents' present effort to remove Petitioner to Ethiopia was not before this Court in *Abraham I*. At the time *Abraham I* was litigated and decided, the Government represented that it was pursuing Petitioner's removal to Uganda.

72. Petitioner could not have challenged Respondents' present Ethiopia removal efforts in *Abraham I* because those facts had not yet occurred.

73. The present Petition therefore does not challenge the May 11 arrest or ask the Court to revisit its determination that Respondents lawfully revoked Petitioner's OSUP. It challenges whether Respondents may continue to detain Petitioner under 8 U.S.C. § 1231(a)(6) in light of the circumstances that have developed since *Abraham I*, and whether Respondents may remove him to Ethiopia without first providing constitutionally adequate notice and a meaningful opportunity to pursue any protection available to him concerning that country.

74. Respondents' shift from pursuing Petitioner's removal to Uganda to pursuing removal to Ethiopia is relevant to whether Petitioner's removal is actually significantly likely to occur in the reasonably foreseeable future. Respondents

cannot justify continued civil detention merely by identifying a prospective country of removal without evidence that Petitioner's **lawful removal to that country** can actually occur in the reasonably foreseeable future.

75. Petitioner does not seek to evade lawful removal from the United States. If Respondents obtain the documentation and authority necessary to lawfully remove Petitioner, following whatever process the Constitution and federal law require, Petitioner will remain subject to his final order of removal.

76. Until then, Petitioner's detention remains civil rather than punitive and must remain reasonably related to the purpose for which he is confined. *Zadvydas*, 533 U.S. at 690.

77. Petitioner remains detained at the Federal Whipple Building in Fort Snelling, Minnesota.

78. Petitioner seeks immediate release to appropriate conditions of supervision because Respondents cannot establish that his lawful removal is significantly likely to occur in the reasonably foreseeable future.

79. Petitioner additionally seeks emergency relief preventing Respondents from removing him to Ethiopia, or another newly identified third country, without providing Petitioner and counsel adequate notice and a meaningful opportunity to pursue any available fear-based protection concerning the proposed country of removal.

LEGAL FRAMEWORK

80. Petitioner's present detention is governed by 8 U.S.C. § 1231 and its implementing

regulations at 8 C.F.R. pt. 241.

81. Section 1231 establishes a 90-day "removal period" during which the Government must remove a noncitizen subject to a final order of removal and generally must detain him while doing so. 8 U.S.C. § 1231(a)(1)(A), (a)(2).

82. Petitioner's final order of removal became administratively final in 2006. His original 90-day removal period therefore expired long ago. Respondents' present authority to continue detaining Petitioner arises, if at all, under 8 U.S.C. § 1231(a)(6), rather than the mandatory-detention provision of § 1231(a)(2).

83. Section 1231(a)(6) permits detention beyond the removal period for certain noncitizens, but it does not authorize indefinite detention. *Zadvydas v. Davis*, 533 U.S. 678, 689, 699–701 (2001). To avoid the serious constitutional problem presented by indefinite civil confinement, the Supreme Court construed § 1231(a)(6) to authorize detention only for a period reasonably necessary to accomplish removal. *Id.* at 689, 699.

84. The governing regulations reflect that limitation. A noncitizen may obtain release upon demonstrating that "there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future." 8 C.F.R. § 241.13(a).

85. Once released, a noncitizen remains subject to the conditions imposed by an Order of Supervision. *See* 8 C.F.R. §§ 241.5, 241.13(h).

86. The regulations permit ICE to revoke that release under specified circumstances.

See 8 C.F.R. § 241.13(i). As this Court held in *Abraham I*, Respondents lawfully revoked Petitioner's release in May 2026 based upon the circumstances then presented.

87. But revocation of release does not itself authorize detention without temporal limitation. Section 241.13 expressly provides that where a noncitizen is not released following the initial revocation interview, "the provisions of § 241.4 shall govern the alien's continued detention pending removal." 8 C.F.R. § 241.13(i)(3) (emphasis added).

88. Section 241.4, in turn, governs whether continued detention remains warranted after the removal period. *See* 8 C.F.R. § 241.4. Those administrative regulations operate within the limits imposed by § 1231(a)(6) and *Zadvydas*. Whatever authority justified Petitioner's return to custody in May therefore does not resolve whether his **continued detention remains lawful now**.

A. Continued detention remains subject to Zadvydas.

89. Under *Zadvydas*, civil detention under § 1231(a)(6) is constitutionally permissible only while it remains reasonably related to its purpose—effectuating removal. 533 U.S. at 690. Once detention ceases to bear that reasonable relationship, continued confinement is no longer authorized. *Id.* at 699–700.

90. *Zadvydas* identified six months as a presumptively reasonable period of post-order detention. *Id.* at 701. The Court did not hold that every period of detention shorter than six months is necessarily lawful. Nor did it authorize the Government to detain a person for successive periods without regard to the amount of post-order

confinement he has already endured.

91. Instead, the Supreme Court expressly instructed that "as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Id.*

92. Petitioner was detained following his final removal order from approximately March 2006 until his release on an OSUP on August 21, 2007. Respondents returned him to post-order custody on May 11, 2026, and he remains detained today.

93. Petitioner alleges that his prior and present periods of post-order confinement must be considered when determining whether continued detention remains reasonably necessary to accomplish removal. At minimum, his extensive prior post-order confinement is relevant to *Zadvydas*' express command that the permissible horizon for reasonably foreseeable removal shrinks as "prior post-removal confinement grows." *Id.*

94. After the presumptively reasonable period, once a detained noncitizen provides "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the Government to produce evidence sufficient to rebut that showing. *Id.*

95. That inquiry concerns whether **removal**, not merely an attempt at removal, is significantly likely in the reasonably foreseeable future. Continued detention cannot be sustained indefinitely through speculation, changing proposed destinations, or efforts that do not establish a realistic prospect that lawful removal will actually occur.

B. The circumstances supporting continued detention must be evaluated as they exist now.

96. *Abraham I* addressed the legality of Petitioner's May 11, 2026 arrest and the revocation of his OSUP. It did not adjudicate whether Respondents could continue detaining Petitioner indefinitely thereafter.

97. At the time of the revocation, Respondents represented that "ICE is seeking a travel document to effect [Petitioner's] expeditious removal to Uganda." That representation formed part of the factual circumstances existing when *Abraham I* was litigated.

98. Respondents did not remove Petitioner to Uganda. They now seek instead to remove him to Ethiopia.

99. Respondents' present authority to detain Petitioner must therefore be evaluated on the facts that exist today. The question is no longer whether ICE possessed authority to return Petitioner to custody in May. It is whether, after months of additional confinement and an apparent shift from Uganda to Ethiopia, Respondents can establish that Petitioner's lawful removal remains significantly likely to occur in the reasonably foreseeable future.

100. The Government's identification of another possible country of removal does not end the inquiry. Section 241.13 itself asks whether there is a significant likelihood of removal "to the country to which [the noncitizen] was ordered removed, **or to a third country, in the reasonably foreseeable future.**" 8 C.F.R. § 241.13(a). Respondents therefore must do more than identify Ethiopia as a possible destination;

their continued detention of Petitioner must remain tied to a realistic prospect of accomplishing lawful removal there.

C. Third-country removal requires notice and a meaningful opportunity to be heard.

101. Section 1231 permits the Government, under specified circumstances, to pursue removal to a country other than the country originally designated in the removal proceedings. *See* 8 U.S.C. § 1231(b)(2). That authority does not permit Respondents to remove Petitioner to a newly identified country without constitutionally adequate process.

102. The Due Process Clause requires notice sufficient to inform a person of the contemplated removal and a meaningful opportunity to invoke available protections before that removal occurs. *See A.A.R.P. v. Trump*, 605 U.S. 91, 95 (2025) (holding that approximately twenty-four hours' notice, without information sufficient to permit meaningful exercise of the right to challenge removal, "surely does not pass muster").

103. Courts applying those principles to third-country removals have required written notice of the proposed country and a meaningful opportunity to raise fear-based protection before removal occurs. *See Tran v. Mullin*, No. 3:26-cv-3385, ECF No. 7 at 6–7 (S.D. Cal. Aug. 13, 2026); *Hassan v. Bondi*, No. 2:25-cv-2444, ECF No. 90 at 21–23 (W.D. Wash. July 24, 2026).

104. Those procedural requirements bear directly upon the legality of Petitioner's continued detention. Respondents cannot rely upon an anticipated removal to Ethiopia to establish that removal is reasonably foreseeable while withholding the

process necessary for that removal to lawfully occur.

105. Until Respondents establish both a realistic prospect that Ethiopia will receive Petitioner and that Petitioner can lawfully be removed there after constitutionally adequate process, the mere possibility of third-country removal does not establish that Petitioner's removal is significantly likely in the reasonably foreseeable future.

REMEDY

106. Petitioner's continued civil detention violates 8 U.S.C. § 1231(a)(6) and the Due Process Clause if it no longer bears a reasonable relationship to the purpose for which he is confined. *Zadvydas*, 533 U.S. at 690, 699–701.

107. Petitioner seeks immediate release because his extensive post-order confinement, Respondents' inability to effectuate the removal contemplated when he was returned to custody, and their subsequent shift from Uganda to Ethiopia provide good reason to believe that his lawful removal is not significantly likely to occur in the reasonably foreseeable future.

108. Once Petitioner makes that showing, *Zadvydas* places the burden on Respondents to produce evidence sufficient to rebut it. 533 U.S. at 701. If Respondents cannot do so, continued detention is unauthorized and Petitioner must be released subject to appropriate conditions of supervision.

109. Release is the traditional remedy for unlawful executive detention. *See Munaf v. Geren*, 553 U.S. 674, 693 (2008) ("The typical remedy for such detention is, of course, release."); *Wajda v. United States*, 64 F.3d 385, 389 (8th Cir. 1995) (the function of habeas under § 2241 is to obtain release from the fact or duration of

present custody).

110. Federal habeas courts possess authority to fashion relief "as law and justice require." 28 U.S.C. § 2243; *see Boumediene v. Bush*, 553 U.S. 723, 779 (2008) ("[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.").

111. Petitioner therefore requests immediate release from immigration custody subject to appropriate conditions of supervision.

112. Petitioner separately seeks preliminary and permanent relief prohibiting Respondents from removing him to Ethiopia, or another newly identified third country, unless Respondents first provide Petitioner and counsel constitutionally adequate written notice and a meaningful opportunity and reasonable time to pursue any available fear-based protection concerning that country.

113. Because Respondents' contemplated removal to Ethiopia may occur before this Petition can be adjudicated, preservation of the status quo is necessary to protect this Court's habeas jurisdiction and Petitioner's ability to meaningfully exercise the rights asserted herein.

CAUSE OF ACTION

UNLAWFUL CONTINUED DETENTION - 8 U.S.C. ¬ß 1231(a)(6)

114. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

115. Petitioner's present detention is governed by 8 U.S.C. § 1231(a)(6). Petitioner's 90-day removal period under 8 U.S.C. § 1231(a)(1) expired many years ago.

116. Section 1231(a)(6) does not authorize indefinite post-order civil detention. Rather, detention is authorized only for a period reasonably necessary to accomplish removal. *Zadvydas v. Davis*, 533 U.S. 678, 689, 699-701 (2001).

117. Petitioner was previously detained following entry of his final removal order from approximately March 2006 until August 21, 2007, when Respondents released him on an Order of Supervision. Respondents returned Petitioner to post-order custody on May 11, 2026, and he remains detained.

118. When Respondents revoked Petitioner's release in May 2026, ICE represented that it was seeking a travel document to effect Petitioner's "expeditious removal to Uganda."

119. Respondents have not removed Petitioner to Uganda. Instead, after this Court entered judgment in *Abraham M. v. Mullin*, No. 26-cv-2609 (LMP/DJF) (D. Minn.) ("*Abraham I*"), Respondents began pursuing Petitioner's removal to Ethiopia.

120. Respondents' identification of Ethiopia as another possible country of removal does not, standing alone, establish that Petitioner's removal is significantly likely to occur in the reasonably foreseeable future.

121. Petitioner has provided good reason to believe that his lawful removal is not significantly likely to occur in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701.

122. Once Petitioner makes that showing, Respondents must produce evidence sufficient to rebut it. *Id.* Respondents cannot satisfy that burden through speculation, changing

prospective countries of removal, or evidence establishing only that removal is being attempted rather than that lawful removal is significantly likely to occur.

123. In determining whether Petitioner's removal remains reasonably foreseeable, his prior post-order confinement is relevant. Zadvydas expressly instructs that "as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Id.*

124. The legality of Petitioner's May 11, 2026 arrest and initial revocation of his Order of Supervision does not resolve whether his continued detention remains authorized under § 1231(a)(6).

125. To the extent Respondents cannot establish that Petitioner's lawful removal is significantly likely to occur in the reasonably foreseeable future, his continued detention exceeds the authority conferred by 8 U.S.C. § 1231(a)(6).

126. Petitioner is entitled to a writ of habeas corpus ordering his release subject to appropriate conditions of supervision.

COUNT TWO: FIFTH AMENDMENT — UNLAWFUL CONTINUED CIVIL DETENTION

127. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

128. The Fifth Amendment provides that no person may be deprived of liberty without due process of law. U.S. Const. amend. V.

129. Civil immigration detention must "bear[] a reasonable relation to the purpose for which the individual was committed." *Zadvydas*, 533 U.S. at 690 (quoting *Jackson*

v. Indiana, 406 U.S. 715, 738 (1972)).

130. The legitimate purpose of Petitioner's detention is to effectuate his removal from the United States. Because that detention is civil rather than punitive, Respondents may not continue to confine Petitioner once detention ceases to bear a reasonable relationship to accomplishing lawful removal.

131. Petitioner has already endured an extensive period of post-order civil confinement. He was detained following entry of his final removal order until his release in August 2007 and has again been continuously detained since May 11, 2026.

132. Respondents initially justified Petitioner's present detention in part by representing that they were pursuing his expeditious removal to Uganda. That removal did not occur. Respondents now seek instead to remove Petitioner to Ethiopia.

133. As Petitioner's period of post-order confinement continues to grow while Respondents pursue different potential destinations, the permissible period within which his removal may reasonably be considered foreseeable correspondingly contracts. Id. at 701.

134. Continued physical confinement without a significant likelihood that Petitioner can lawfully be removed in the reasonably foreseeable future no longer bears the constitutionally required relationship to the nonpunitive purpose of his detention.

135. Respondents' continued detention of Petitioner therefore violates the Due Process Clause of the Fifth Amendment.

136. Petitioner is entitled to immediate release subject to appropriate conditions of

supervision.

COUNT THREE: FIFTH AMENDMENT — REMOVAL TO ETHIOPIA WITHOUT ADEQUATE PROCESS

137. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

138. Petitioner's final removal order designated Uganda as the country of removal. Petitioner is a citizen of Uganda and does not claim Ethiopian citizenship.

139. Since entry of judgment in *Abraham I*, Respondents have informed Petitioner that they are now seeking to remove him to Ethiopia.

140. Respondents possess statutory authority in certain circumstances to pursue removal to a country other than the country originally designated in removal proceedings. *See* 8 U.S.C. § 1231(b)(2). That authority remains subject to the Due Process Clause and other statutory protections governing removal to a country where a noncitizen may face persecution, torture, or other legally cognizable harm.

141. Due process requires notice reasonably calculated to inform Petitioner of the contemplated removal and a meaningful opportunity to invoke available legal protections before removal occurs. *See A.A.R.P. v. Trump*, 605 U.S. 91, 95 (2025).

142. Where Respondents seek removal to a newly identified third country, Petitioner must receive sufficient notice identifying the intended country of removal and a meaningful opportunity, before removal, to pursue whatever fear-based protection federal law makes available concerning that country.

143. Respondents have not provided Petitioner adequate written notice of the intended

removal to Ethiopia.

144. Respondents have not provided Petitioner a meaningful opportunity to present his fear of removal to Ethiopia or to pursue available fear-based protection concerning Ethiopia.

145. Respondents have not disclosed whether Ethiopia has agreed to accept Petitioner or whether Respondents possess a valid travel document permitting his admission into Ethiopia.

146. Removal before constitutionally adequate notice and a meaningful opportunity to be heard would irreparably deprive Petitioner of the ability to exercise the protections he invokes.

147. Respondents may not remove Petitioner to Ethiopia, or another newly identified third country presenting a claim for fear-based protection, unless Petitioner and counsel first receive adequate notice and Petitioner is afforded a meaningful opportunity and reasonable time to pursue available protection concerning that country.

148. Petitioner therefore seeks preliminary and permanent injunctive relief preserving the status quo until Respondents provide the process required by the Fifth Amendment and federal law.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Abraham Mwangala respectfully requests that this Court:

1. Assume jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 2241.

2. Expedite consideration of this Petition pursuant to 28 U.S.C. § 1657 and:

a. issue an Order to Show Cause requiring Respondents to state the legal and factual basis for Petitioner's continued detention, and to produce evidence concerning the present likelihood and contemplated manner of his removal, within three days of the Court's Order;

b. if this matter is referred to a magistrate judge, shorten the period for objections to any Report and Recommendation as necessary to permit meaningful review before Petitioner is removed from the United States; and

c. direct the Clerk of Court to promptly serve the Petition and any subsequent Order upon Respondents pursuant to Rule 4 of the Rules Governing Section 2254 Cases, as applicable to this proceeding.

3. Pending adjudication of this Petition, temporarily restrain Respondents from removing Petitioner from the United States to Ethiopia, or to any other newly identified third country, without further Order of this Court.

4. Pending adjudication of this Petition, require Respondents to provide Petitioner and undersigned counsel at least seventy-two hours' written notice of:

a. any intended removal of Petitioner from the United States;

b. the country to which Respondents intend to remove him; and

c. any transfer of Petitioner from the State of Minnesota that would materially interfere with his ability to consult with counsel or litigate this Petition.

5. Require Respondents, before removing Petitioner to Ethiopia or another newly identified third country, to provide Petitioner and counsel constitutionally adequate written notice of the proposed country of removal and a meaningful opportunity and

reasonable time to pursue any fear-based protection available to him concerning that country, including reasonable time to seek available administrative and judicial review.

6. Order Respondents to disclose whether Ethiopia, or any other proposed third country, has agreed to accept Petitioner and whether Respondents possess a valid travel document or other authorization permitting Petitioner's admission into that country.

7. Issue a writ of habeas corpus ordering Petitioner's immediate release from immigration custody, subject to appropriate conditions of supervision, unless Respondents establish that Petitioner's lawful removal is significantly likely to occur in the reasonably foreseeable future.

8. Declare that Petitioner's continued detention violates 8 U.S.C. § 1231(a)(6) if Respondents cannot establish that his lawful removal is significantly likely to occur in the reasonably foreseeable future.

9. Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment if it no longer bears a reasonable relationship to the legitimate, nonpunitive purpose of effectuating his removal.

10. Declare that Respondents may not remove Petitioner to Ethiopia, or another newly identified third country as to which Petitioner raises a legally cognizable fear of removal, without first providing constitutionally adequate notice and a meaningful opportunity to pursue available protection concerning that country.

11. Upon release, require Respondents to return Petitioner to appropriate conditions of

supervision and return any personal property retained solely as a consequence of his present detention, to the extent such property may lawfully be returned.

12. Award Petitioner reasonable costs and attorney's fees to the extent authorized by law, including under the Equal Access to Justice Act, 28 U.S.C. § 2412, if applicable.

13. Grant such other and further relief as this Court deems just and proper.

DATED: September 3, 2026

Respectfully submitted,

RATKOWSKI LAW PLLC

/s/ Liz Eckholm

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Attorney for Petitioner

Verification by Petitioner Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that all of the factual allegations and statements in the Petition are true and correct to the best of my knowledge.

/s/ Abraham Mwangala Dated: September 3, 2026
Abraham Mwangala