

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

ABDUL MUMUNI OSMAN,  
Petitioner

CIVIL ACTION NO. 1:17-CV-1472-P

VERSUS

JUDGE JAMES T. TRIMBLE JR.

JEFFERSON SESSIONS,  
Respondent

MAGISTRATE JUDGE PEREZ-MONTES

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**MEMORANDUM ORDER**

Before the Court is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 by pro se Petitioner Abdul Mumuni Osman (“Osman”) (#A209159036). Osman is an immigration detainee in the custody of the Department of Homeland Security/U.S. Immigration and Customs Enforcement (“DHS/ICE”). He is being detained at the LaSalle Detention Center in Jena, Louisiana.

**I. Background**

Osman claims that his detention violates the rule announced in Zadvydas v. Davis, 533 U.S. 678 (2001), because he has been detained in excess of six months and there is no significant likelihood of his removal in the reasonably foreseeable future.

**II. Instructions to Amend**

Under Zadvydas, it is presumptively constitutional for an alien to be detained six months past the 90-day removal period following a final order of removal. Id. After the expiration of the six-month period, an alien may seek his release from custody by demonstrating a “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” Agyei–Kodie v. Holder, 418 F. App’x

317, 318 (5th Cir. 2011). Not every alien in custody will be entitled to automatic release after the expiration of the six-month period under the scheme announced in Zadvydas.

In Andrade v. Gonzales, 459 F.3d 538 (5th Cir. 2006), the Fifth Circuit Court of Appeals reiterated that the Supreme Court's holding in Zadvydas creates no specific limits on detention. In fact, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future. Id. at 543 (citing Zadvydas, 533 U.S. at 701). The alien bears the initial burden of proof to show that no such likelihood of removal exists. Id.

Osman shall amend his complaint to provide a copy of the report from his latest custody review. Osman shall also provide the reason he believes that there is no significant likelihood of removal in the reasonably foreseeable.

IT IS ORDERED that Osman amend his complaint within 30 days of the filing of this Order to provide the information outlined above.

Failure to comply with this Order may result in dismissal of this action under Rule 41(b) or 16(f) of the Federal Rules of Civil Procedure. Petitioner is further required to notify the Court of any change in his address under Rule 41.3 of the Local Rules for the Western District of Louisiana.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this  
14th day of February, 2018.

  
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Joseph H.L. Perez-Montes  
United States Magistrate Judge