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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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OSARHIEME UYI OBAYAGBONA,

Petitioner,

v.

JEFF SESSIONS, *et al.*,

Respondents.

Case No. 2:17-cv-00884-APG-CWH

**ORDER: (1) DENYING EMERGENCY
MOTION FOR PRELIMINARY
INJUNCTION AND (2)
PRELIMINARILY RULING ON
PETITION FOR WRIT**

(ECF No. 4)

10 Petitioner is detained by the U.S. Immigration and Customs Enforcement (ICE) and is
11 housed at the Henderson Detention Center in Henderson, Nevada. Petitioner claims that he has
12 been detained in ICE custody since August 11, 2016, and that on August 31, 2016, an
13 immigration judge ordered his deportation. ECF No. 1, at p. 4. He asserts that his indefinite and
14 continued detention in ICE custody violates his Constitutional rights. *Id.*

15 Petitioner has filed an emergency motion for a preliminary injunction, seeking immediate
16 release from custody. ECF No. 4. He contends that he is stateless because he renounced his
17 Nigerian citizenship, and that “because of [his] stateless status there is no reasonable likelihood
18 that [a] foreign government will accept [his] return in the reasonably foreseeable future” *Id.*
19 at 2. The Government responds that Petitioner’s renunciation of his Nigerian citizenship is
20 invalid, he remains a citizen of Nigeria, and that “the Nigerian government has indicated that it
21 will issue travel documents for Petitioner [allowing him] to be removed in the near future.” ECF
22 No. 10 at 4.

23 The Government has submitted for my *in camera* review¹ travel documents indicating that
24 Petitioner will be removed to Nigeria on a specific date in the near future. Thus, the bases for
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¹ The Government contends it could not provide the removal date in a publicly available document based on “operational and security purposes.” ECF No. 10 at 2, n. 2.

1 Petitioner's emergency motion for preliminary relief are unfounded. I therefore will deny that
2 motion.

3 Petitioner's petition for a writ of habeas corpus is based upon the same unfounded
4 allegations as his motion: that he is not removable and "there is no significant likelihood that he
5 will be removed in the reasonably foreseeable future" ECF No. 1 at ¶¶ 92, 94, 99, 108. The
6 relief he seeks is to be released from custody subject to supervision until his removal can be
7 confirmed. Given Petitioner's impending removal—as confirmed by the travel documents
8 provided by the Government for *in camera* review—his request for relief will soon be moot.
9 Therefore, if Petitioner is removed on or near the date set forth in the travel documents submitted
10 by the Government, I will deny his petition for a writ of habeas corpus. Otherwise, I may allow
11 the petition to go forward. Within 30 days of this Order, the Government shall file a report
12 regarding Petitioner's removal; the report may be filed under seal if sufficient explanation of the
13 need for confidentiality is provided.

14 IT IS THEREFORE ORDERED that Petitioner's emergency motion for preliminary
15 injunction (**ECF No. 4**) is **DENIED**.

16 IT IS FURTHER ORDERED that, within 30 days of this order, the Government shall file
17 a report regarding Petitioner's removal; the report may be filed under seal if sufficient
18 explanation of the need for confidentiality is provided.

19 DATED this 28th day of June, 2017.

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23 ANDREW P. GORDON
24 UNITED STATES DISTRICT JUDGE
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