

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA

Yar Sar Ali v. Brian English

Ali · No. 3:26-CV-167-CCB-SJF · Decided April 16, 2026

SUMMARY

The United States District Court for the Northern District of Indiana grants Yar Sar Ali's petition for a writ of habeas corpus under 28 U.S.C. § 2241. Applying *Zadvydas v. Davis*, the court concludes that Ali's continued immigration detention is not authorized because his removal to Burma is not reasonably foreseeable. The court orders his release on the same supervised-release conditions that existed before his re-detention and directs the respondent to certify compliance.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	April 16, 2026
DOCKET	3:26-CV-167-CCB-SJF
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging continued immigration detention after entry of a removal order.
STANDARD OF REVIEW	The court reviewed the legality of continued immigration detention under 8 U.S.C. § 1231 and the reasonable-foreseeability standard governing detention after the presumptively reasonable six-month period described in <i>Zadvydas v. Davis</i> .
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Yar Sar Ali v. Brian English

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- immigration
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court had subject-matter jurisdiction under § 2241 to review Ali's post-removal-order immigration detention notwithstanding 8 U.S.C. §§ 1252(g) and 1252(b)(9).
2. Whether Ali's continued detention under 8 U.S.C. § 1231 was authorized when he had been detained for more than six months and the government failed to show that removal to Burma was reasonably foreseeable.

HOLDINGS

1. The district court had subject-matter jurisdiction over Ali's § 2241 petition challenging the legality of his post-removal-order detention.
2. Continued detention was not authorized because Ali had shown good reason to believe that there was no significant likelihood of removal in the reasonably foreseeable future, and the government failed to rebut that showing with sufficient evidence.

KEY QUOTATIONS

"[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." (533 U.S. at 699)

"the court should hold continued detention unreasonable and no longer authorized by statute" (533 U.S. at 699-700)

"After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." (533 U.S. at 701)

FACTUAL BACKGROUND

Ali, a Burmese citizen who entered the United States as a refugee in 2013, was convicted of a criminal offense in Texas in 2021 and ordered removed to Burma in January 2022. ICE released him on an Order of Supervision after determining that removal was not likely within the reasonably foreseeable future, but detained him again on August 11, 2025. At the time of the decision, Ali had been detained for eight months, and the government had only submitted a request for travel documents to Burma without explaining when removal might occur or whether Burma was likely to issue the documents.

PROCEDURAL HISTORY

Ali filed a § 2241 habeas petition alleging that his immigration detention was unlawful. The respondent answered, and Ali did not file a reply before the deadline. The district court concluded that it had jurisdiction, granted the petition, and ordered Ali released under the conditions of supervised release that existed before his re-detention.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

No remand was ordered. The respondent was ordered to release Ali on the same conditions of supervised release that existed before his re-detention and to certify compliance by filing a notice with the court by April 20, 2026. The clerk was directed to email the order to the warden of the Miami Correctional Facility to secure Ali's release.

CASES CITED

- Liang v. English, No. 3:25CV1052 DRL-SJF, 2026 WL 835853, at *1 (N.D. Ind. Mar. 26, 2026)
- Pho v. Noem, No. 3:25-CV-977-CCB-SJF, 2025 WL 3750684, at *1-*4 (N.D. Ind. Dec. 29, 2025)
- Zadvydas v. Davis, 533 U.S. 678 (2001)

OPINION

Ali

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF INDIANA

SOUTH BEND DIVISION

YAR SAR ALI,

Petitioner,

v. CAUSE NO. 3:26-CV-167-CCB-SJF

BRIAN ENGLISH,

Respondent.

OPINION AND ORDER

Immigration detainee Yar Sar Ali, representing himself, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, alleging that he is unlawfully confined in violation of the laws or Constitution of the United States. ECF 1. The respondent has answered the petition. ECF 7. While Ali did not file a reply brief, the time for him to do so expired on March 25, 2026, and he has not asked for an extension. ECF 3. The petition is ready to be decided.

BACKGROUND

Ali is a Burmese citizen who entered the United States as a refugee in 2013. ECF 7-1 at 31. On April 28, 2021, he was convicted of a criminal offense in Texas. Id. at 32. On January 4, 2022, an immigration judge ordered him removed to Burma.¹ Id. at 22-23. On January 14, 2022, Immigration and Customs Enforcement (ICE) released him on an Order of Supervision after finding no significant likelihood of removal within the foreseeable future. Id. at 32. On August 11, 2025, ICE detained him again, and he is currently held at the Miami Correctional Facility. ECF 7-2 at 3. On February 25, 2026, the respondent filed a status report representing that the government intended to remove Ali to China

and that it was unlikely that Ali would be removed within the next thirty days. ECF 6. However, in the response brief, the respondent now represents that ICE intends to remove Ali to Burma. ECF 7 at 3. He relies on an affidavit in which an ICE official attests, “[ICE] intends to remove [Ali] to Burma and assesses that there is a significant likelihood that he will be removed to Burma in the reasonably foreseeable future. [ICE] is engaged in ongoing efforts to effectuate [Ali’s] removal to Burma, to include, facilitating [Ali’s] completion of a travel document request for submission to the government of Burma on February 26, 2026.” ECF 7-2 at 3.

SUBJECT MATTER JURISDICTION

The respondent first argues that the court lacks subject matter jurisdiction over Ali’s habeas petition under 8 U.S.C. § 1252(g) and § 1252(b)(9). This court has thoroughly considered its jurisdiction to review post-removal-order immigration detention. For the reasons previously stated, jurisdiction is secure. See *Liang, v. English*, No. 3:25CV1052 DRL-SJF, 2026 WL 835853, at *1 (N.D. Ind. Mar. 26, 2026) (Leichty, J.); *Pho v. Noem*, No. 3:25-CV-977-CCB-SJF, 2025 WL 3750684, at *1-*4 (N.D. Ind. Dec. 29, 2025) (Brisco, J.) (discussing § 1252(g)).

MERITS

Regarding the merits of the petition, the respondent first argues that Ali’s detention is lawful under 8 U.S.C. § 1231 because the statute authorizes detention pending execution of a removal order. However, beyond the “removal period,”² which for Ali ended four years ago, continued detention is authorized only for certain noncitizens delineated in § 1231(a)(6) and only as long as removal is reasonably foreseeable. See *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001) (“[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.”). The Supreme Court has instructed that once removal is not reasonably foreseeable, “the court should hold continued detention unreasonable and no longer authorized by statute,” though any release “may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances, and the alien may no doubt be returned to custody upon a violation of those conditions.” *Id.* at 699–700. In *Zadvydas*, the Supreme Court adopted a “presumptively reasonable period of detention” of six months in recognition of the Executive Branch’s primary responsibility in foreign policy matters and the sometimes sensitive nature of repatriation negotiations that may call for difficult judgments regarding whether removal is reasonably foreseeable. *Zadvydas*, 533 U.S. at 689. “After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the 2 The removal period begins on the latest of three events: (1) the date the removal order becomes administratively final, (2) the date of a reviewing court’s final order if the noncitizen seeks judicial review and the court orders a stay of removal, or (3) upon the noncitizen’s release from non-immigration detention or confinement. 8 U.S.C. § 1231(a)(1)(B). reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.* at 701. Because Ali has been in detention for longer than six months, the court turns to whether his removal is reasonably foreseeable. To start, the respondent identifies Burma as the sole country under

consideration for removal. In 2022, the government concluded that removal was not likely to occur within the reasonably foreseeable future after holding Ali for just ten days. His immediate term of detention now spans eight months. The court finds that this showing suggests that Burma will refuse to accept Ali for removal and constitutes good reason to believe that there is no significant likelihood of Ali's removal in the reasonably foreseeable future. To rebut this showing, the respondent offers an attestation that the government submitted a request for travel documents to Burma on February 26, 2026. This showing does not persuade the court that Ali's removal is likely to occur within the reasonably foreseeable future. It does not explain why efforts to remove Ali to Burma will be successful now when the government determined that removal to Burma would not occur within the foreseeable future in 2022. It also does not adequately explain why the government has not yet obtained travel documents from Burma after eight months of detention and two months after requesting travel documents. The government provides no insight as to when Burma might reach a decision or the likelihood that Burma will issue the travel documents. Consequently, the court finds that the respondent has not adequately demonstrated that Ali's removal is reasonably foreseeable. Therefore, the respondent must release Ali. For these reasons, the court:

(1) GRANTS the petition for writ of habeas corpus (ECF 1) and ORDERS the respondent to release Yar Sar Ali on the same conditions of supervised release that existed before his re-detention and to certify compliance with this order by filing a notice with the court by April 20, 2026;

(2) DIRECTS the clerk to email a copy of this order to the Warden of the Miami Correctional Facility at the Indiana Department of Correction to secure his release; and

(3) ORDERS that any fee petition should be filed within the deadlines set by the Equal Access to Justice Act, 28 U.S.C. § 2412. SO ORDERED on April 16, 2026 /s/Cristal C. Brisco

CRISTAL C. BRISCO, JUDGE

UNITED STATES DISTRICT COURT