

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Rachad TAHA,

Petitioner,

v.

Drew BOSTOCK, Seattle Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement (ICE); Bruce SCOTT, Warden, Northwest ICE Processing Center; Kristi NOEM, Secretary, United States Department of Homeland Security; Pamela BONDI, U.S. Attorney General; UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

Respondents.

Case No. 2:25-cv-649

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

1 **INTRODUCTION**

2 1. Petitioner Rachad Taha is a person detained by Immigration and Customs  
3 Enforcement (ICE) at the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington.

4 2. Mr. Taha was previously detained by ICE when he entered the United States in  
5 2023. At that time, ICE detained Mr. Taha for over five months after he received an order of  
6 removal and released him on an Order of Supervision (OSUP) after determining that he could  
7 not be removed to his country of removal, Lebanon.

8 3. Since being released in January 2024, Mr. Taha has complied with all of his  
9 conditions of release, including by undertaking efforts to obtain his passport. In January 2025,  
10 Mr. Taha also applied for Temporary Protected Status (TPS), for which he is *prima facie* eligible.

11 4. Even though the Immigration and Nationality Act (INA) prevents the removal of  
12 individuals who are *prima facie* eligible for TPS, and even though ICE has not obtained a travel  
13 document for Mr. Taha, ICE re-detained Mr. Taha in January 2025 without any prior notice or  
14 justification.

15 5. Respondents' re-detention of Mr. Taha violates the Due Process Clause. Supreme  
16 Court precedent provides that Respondents may not continue to detain Mr. Taha if his removal is  
17 not foreseeable. Mr. Taha's pending TPS application and Respondents' failure to obtain a travel  
18 document thus make plain that his detention is unlawful, as Respondents are legally barred from  
19 removing Mr. Taha and also lack the means to do so.

20 6. Further, Mr. Taha has a liberty interest in remaining free from physical  
21 confinement. To protect that interest, due process requires a hearing, prior to any re-detention, at  
22 which he can advance any arguments available to him for why his re-incarceration would be  
23 unlawful.

1           7.       Accordingly, Mr. Taha respectfully requests that this Court order Respondents to  
2 immediately release him unless they demonstrate to this Court that his removal is imminent.

## **JURISDICTION**

4 8. Petitioner Rachad Taha is in the physical custody of Respondents at the NWIPC  
5 in Tacoma, Washington.

6 9. This action arises under the Constitution of the United States and the Immigration  
7 and Nationality Act (INA), 8 U.S.C. § 1101–1537.

8       10.     This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C.  
9     § 1331 (federal question).

10        11.     This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
11 Judgment Act, 28 U.S.C. § 2201, and the All Writs Act, 28 U.S.C. § 1651.

## VENUE

13 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,  
14 493–500 (1973), venue lies in the United States District Court for the Western District of  
15 Washington, the judicial district in which Petitioner currently is in custody.

16 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
17 Respondents are employees, officers, and agencies of the United States, and because a  
18 substantial part of the events or omissions giving rise to the claims occurred in the Western  
19 District of Washington.

## PARTIES

14. Petitioner Rachad Taha is a citizen of Lebanon who has a pending application for  
TPS. He was previously detained by ICE and released in January 2024. On January 26, 2025, he  
was re-detained by ICE and remains in custody at NWIPC in Tacoma, Washington.

1 15. Respondent Drew Bostock is the Director of the Seattle Field Office of ICE's  
2 Enforcement and Removal Operations division. As such, Mr. Bostock is Petitioner's immediate  
3 custodian and is responsible for Petitioner's detention and removal. He is named in his official  
4 capacity.

5       16.    Respondent Bruce Scott is employed by the private corporation The Geo Group,  
6 Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody  
7 of Petitioner. He is sued in his official capacity.

8 17. Respondent Kristi Noem is the Secretary of the Department of Homeland  
9 Security. She is responsible for the implementation and enforcement of the Immigration and  
10 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.  
11 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

12 18. Respondent Pamela Bondi is the Attorney General of the United States. She is  
13 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
14 and the immigration court system it operates is a component agency. She is sued in her official  
15 capacity.

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

## LEGAL FRAMEWORK

20 | Section 1231(a) Detention Framework

21        20. The INA authorizes the removal, detention, and release of noncitizens who have  
22 administratively final removal orders under 8 U.S.C. § 1231.

1       21.     The statute provides that DHS “shall remove” such individuals during a 90-day  
 2 “removal period,” during which DHS “shall detain” the noncitizen. 8 U.S.C. § 1231(a)(1)(A)–  
 3 (B), (a)(2).

4       22.     If the noncitizen is not removed within the removal period, they “shall be subject  
 5 to supervision”—that is, released under conditions. *Id.* § 1231(a)(3).

6       23.     Even so, where the individual is deportable or inadmissible on certain grounds, or  
 7 “has been determined . . . to be a risk to the community or unlikely to comply with the order of  
 8 removal,” the individual “may be detained beyond the [90-day] removal period.” *Id.*  
 9 § 1231(a)(6).

10      24.     The Supreme Court has interpreted detention under § 1231(a)(6) to be subject to  
 11 an implicit limitation of six months of detention, unless a person’s removal is reasonably  
 12 foreseeable. Otherwise, as the Court has explained, a person may be subject to indefinite  
 13 detention if ICE cannot secure the person’s removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690–  
 14 92, 699–701 (2001).

15      25.     Under *Zadvydas* and the regulations ICE issued following that case, Respondents  
 16 have historically released persons after six months if ICE is unable to obtain a travel document  
 17 after six months of § 1231(a)(6) detention. *Id.* at 701; *see also generally* 8 C.F.R. § 241.13.

18      26.     The regulations also require ICE to conduct a post-order custody review by the  
 19 end of the 90-day removal period to assess the need for further detention. 8 C.F.R. § 241.4(h)(1).

20      27.     If, after the removal period elapses, DHS determines that an individual’s  
 21 detention is no longer warranted, the noncitizen may be released subject to an order of  
 22 supervision. *Id.* §§ 241.4(j); 241.13(h). Such an order typically requires, among other things, that  
 23

1 the person report to ICE periodically and continue cooperating with ICE's efforts to carry out  
 2 removal. *Id.* § 241.5(a).

3 28. The Due Process Clause underlies these limitations on detention in § 1231(a)(6).  
 4 *Zadvydas*, 533 U.S. at 690–91, 699–01. As the Court explained there, “[f]reedom from  
 5 imprisonment—from government custody, detention, or other forms of physical restraint—lies at  
 6 the heart of the liberty” protected by the Due Process Clause. *Id.* at 690.

7 29. These due process principles also limit re-detention under § 1231(a)(6).  
 8 Individuals released on parole or other forms of conditional release have a liberty interest in their  
 9 “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

10 30. Such liberty is protected by the Fifth Amendment because, “although  
 11 indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to  
 12 be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the  
 13 [released individual] and often on others.” *Id.*

14 31. To guarantee against arbitrary re-detention and to guarantee the right to liberty,  
 15 due process requires “adequate procedural protections” that ensure the government’s asserted  
 16 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally  
 17 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (internal quotation  
 18 marks omitted).

19 32. Due process thus guarantees notice and an individualized hearing before a neutral  
 20 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.  
 21 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law  
 22 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (internal  
 23 citation and quotation marks omitted)); *see also*, e.g., *Morrissey*, 408 U.S. at 485 (requiring

1 “preliminary hearing to determine whether there is probable cause or reasonable ground to  
2 believe that the arrested parolee has committed . . . a violation of parole conditions” and that  
3 such determination be made “by someone not directly involved in the case”).

4       33. Even when a prior release has occurred and removal now appears reasonably  
5 foreseeable, detention must serve a legitimate government interest—namely, to prevent danger  
6 or flight risk. *Zadvydas*, 533 U.S. at 700. Accordingly, the government’s own regulations  
7 implementing § 1231 permit the release of a person who does not pose a danger or flight risk  
8 pending removal—“without regard to the likelihood of the [noncitizen]’s removal in the  
9 reasonably foreseeable future.” 8 C.F.R. § 241.13(b)(1).

10       34. Under the regulatory framework, a person who was released because removal was  
11 not reasonably foreseeable can be re-detained only for violating a condition of release, *id.* §  
12 241.13(i)(1), or if removal has become reasonably foreseeable in light of changed circumstances,  
13 *id.* § 241.13(i)(2).

14       35. In addition, at a minimum, ICE’s own regulations provide that the agency must  
15 inform the person of the reasons for revocation and allow the person to respond. *Id.*  
16 § 241.13(i)(3).

17       36. The revocation procedures require ICE to evaluate any “contested facts relevant  
18 to the revocation” and assess “whether the facts as determined warrant revocation and further  
19 denial of release.” *Id.*

20       37. Due process, however, requires more: a hearing before a neutral decisionmaker to  
21 evaluate whether any violations in the conditions of release warrant re-detention or whether  
22 removal is now foreseeable. *See, e.g., Morrissey*, 408 U.S. at 485; *Perera v. Jennings*, 598 F.

23

1 Supp. 3d 736 (N.D. Cal. 2022); *Jorge M.F. v. Jennings*, 534 F. Supp. 3d 1050 (N.D. Cal. 2021);  
 2 *cf. Zadvydas*, 533 U.S. at 690–91, 699–701.

3 Temporary Protected Status

4       38.     Congress established the Temporary Protected Status (TPS) program as part of  
 5 the Immigration Act of 1990, Pub L. No. 101-649, § 302, 104 Stat. 4978, 5030–36, to provide  
 6 temporary relief to noncitizens from countries facing wars, disasters, or emergencies that make  
 7 safe return to their countries of origin impossible.

8       39.     The DHS Secretary may designate a country for TPS if the Secretary finds that  
 9 there is: (A) an “ongoing armed conflict” in the country that “pose[s] a serious threat to the[]  
 10 personal safety” of people from that country; (B) there has been an “environmental disaster in  
 11 [that country] resulting in a substantial, but temporary, disruption of living conditions,” where  
 12 the state cannot handle return of the country’s nationals, and where the foreign state officially  
 13 requests TPS designation; or (C) there “exist extraordinary and temporary conditions in the  
 14 foreign state that prevent” noncitizens from safely returning. *See* 8 U.S.C. § 1254a(b)(1).

15       40.     Initial TPS designations last between six to eighteen months. *Id.* § 1254a(b)(2).  
 16 The DHS Secretary may extend TPS designations beyond the initial designation period following  
 17 a periodic review. *See id.* § 1254a(b)(3).

18       41.     To qualify for TPS, a national of a TPS-designated country must show that the  
 19 applicant: (1) was “continuously physically present in the United States since the effective date  
 20 of the [country’s] most recent designation”; (2) has “continuously resided in the United States”  
 21 since the TPS designation date; and (3) “is admissible as an immigrant,” with certain exceptions  
 22 and opportunities for waivers. *Id.* § 1254a(c)(1)(A)(i)–(iii).

23

1 42. To obtain TPS benefits, a noncitizen must apply on Form I-821 during the  
 2 “registration period” established by the DHS Secretary. *Id.* § 1254a(c)(1)(A)(iv).

3 43. TPS provides at least three important benefits to recipients.

4 44. First, if TPS is granted, DHS “shall not remove the [noncitizen] from the United  
 5 States during the period in which [TPS] status is in effect.” *Id.* § 1254a(a)(1)(A).

6 45. Second, DHS “shall authorize [noncitizens granted TPS] to engage in  
 7 employment in the United States and provide the [noncitizen] with an ‘employment authorized’  
 8 endorsement or other appropriate work permit.” *Id.* § 1254a(a)(1)(B).

9 46. Finally, those granted to TPS “shall not be detained . . . on the basis of the  
 10 [noncitizen]’s immigration status in the United States.” *Id.* § 1254a(d)(4).

11 47. Under the TPS statute, the benefits prohibiting removal and granting employment  
 12 authorization also extend to TPS *applicants*. *Id.* § 1254a(a)(4)(B). Such “temporary” benefits  
 13 “shall” be granted when an applicant “establishes a *prima facie* case of eligibility for benefits,”  
 14 and remain effective “until a final determination with respect to the [noncitizen’s] eligibility for  
 15 such benefits . . . has been made.” *Id.*

16 48. The regulations implementing the TPS statute also provide that “[u]pon the filing  
 17 of an application for Temporary Protected Status, [a noncitizen] shall be afforded temporary  
 18 treatment benefits, if the application establishes the [noncitizen]’s *prima facie* eligibility for  
 19 Temporary Protected Status.” 8 C.F.R. 244.5(b). These benefits “shall remain in effect until a  
 20 final decision has been made on the application for Temporary Protected Status.” *Id.*  
 21 § 244.10(e)(2); *see also id.* § 244.13(a) (“Temporary treatment benefits terminate upon a final  
 22 determination with respect to the [noncitizen]’s eligibility for Temporary Protected Status.”).

23

1       49.    Taken together, these provisions guarantee TPS-eligible noncitizens the right to  
 2 prohibition on their removal from the time they apply for TPS through the time their country's  
 3 TPS designation ends or TPS is otherwise withdrawn, *see id.* § 1254a(c)(3).

4       50.    ICE's policy manual reflects this statutory scheme and provides that TPS  
 5 applicants should not be removed. *See, e.g.*, ICE, Detention and Deportation Officer's Field  
 6 Manual § 20.10(b) (2006), [https://www.ice.gov/doclib/foia/dro\\_policy\\_memos/09684drofieldpolicymanual.pdf](https://www.ice.gov/doclib/foia/dro_policy_memos/09684drofieldpolicymanual.pdf); ("[Noncitizens] who have registered for TPS may not be  
 7 removed from the United States."); 8 C.F.R. § 244.1 (defining "register" for purposes of TPS as  
 8 meaning "to properly file, with the director, a completed application, with proper fee, for [TPS]  
 9 during the registration period designated under [8 U.S.C. § 1254a(b)]"). Moreover, Respondents  
 10 have also long recognized that persons who are *prima facie* eligible for TPS "*must [be] released*"  
 11 from detention. U.S. Dep't of Just., Immigr. & Naturalization Serv., *Administrative Closure*  
 12 *When Alien is Prima Facie Eligible for TPS or DED*, HQCOU 120/12.2-P, at 9 (Feb. 7, 2002)  
 13 (Att. A).

15       51.    The receipt of a completed application establishes the necessary *prima facie*  
 16 eligibility for temporary benefits. As noted above, the regulations state that "[u]pon the filing of  
 17 an application for [TPS], the [noncitizen] shall be afforded temporary treatment benefits, if the  
 18 application establishes the [noncitizen]'s *prima facie* eligibility for [TPS]." 8 C.F.R. § 244.5(b)  
 19 (emphasis added); *see also id.* § 244.10(a) ("USCIS will grant temporary treatment benefits to  
 20 the applicant if the applicant establishes *prima facie* eligibility for Temporary Protected  
 21 Status . . .").

22       52.    The regulations define *prima facie* eligibility to mean "eligibility established with  
 23 the filing of a completed application for Temporary Protected Status containing factual

1 information that if unrebutted will establish a claim of eligibility." *Id.* § 244.1 (emphasis added).  
2 In other words, if a TPS application includes evidence of eligibility, and USCIS does not already  
3 have information in its possession to rebut that evidence, the submission of a "completed"  
4 application establishes *prima facie* eligibility for TPS, entitling the applicant to temporary  
5 benefits.

## 6 FACTUAL ALLEGATIONS

7 53. Mr. Taha is a 27-year-old noncitizen from Lebanon.

8 54. In 2015, when Mr. Taha was around 18 years old, he fled Lebanon due to death  
9 threats by Hezbollah. He first remained in Colombia for a few months, then resided in Venezuela  
10 until 2023, when he suffered kidnapping by the Judicial Technical Police of Venezuela.

11 55. Mr. Taha entered the United States in 2023 and was apprehended by Border  
12 Patrol shortly thereafter. He expressed a fear of returning to Lebanon. While Mr. Taha was  
13 detained at an immigration detention center in Pearsall, Texas, an asylum officer for U.S.  
14 Citizenship and Immigration Services (USCIS) conducted a credible fear interview. The officer  
15 determined that Mr. Taha was ineligible for asylum due to a new rule entitled Circumvention of  
16 Lawful Pathways, 88 Fed. Reg. 31314 (May 16, 2023), and that he did not have a reasonable  
17 possibility of demonstrating that he would be persecuted or tortured if removed to Lebanon.

18 56. On July 26, 2023, Mr. Taha was ordered removed from the United States pursuant  
19 to an expedited removal order, and an immigration judge subsequently affirmed the negative  
20 credible fear determination on August 9, 2023.

21 57. ICE continued to detain Mr. Taha pending his removal to Lebanon pursuant to  
22 8 U.S.C. § 1231(a). For nearly five months, Mr. Taha complied with requests to facilitate his  
23 removal by assisting with efforts to obtain a travel document.

1 58. In January 2024, ICE determined that it could not remove Mr. Taha to Lebanon  
2 and released him under an Order of Supervision (OSUP), requiring him to wear a GPS ankle  
3 monitor and to enroll in the Intensive Supervision Appearance Program (ISAP).

4 59. Upon release, Mr. Taha complied with all supervision requirements and  
5 conditions of release. He initially went to a cousin's home in San Francisco, California, and later  
6 moved to his uncle's house near Portland, Oregon. Mr. Taha notified ICE both before and after  
7 his relocation. Upon arrival in Portland, Mr. Taha reported to the local ICE Field Office as  
8 instructed and again enrolled in ISAP. Mr. Taha later moved to Beaverton, Oregon, to live with  
9 his partner and her children. He again received permission prior to moving.

10 60. Since his release, Mr. Taha has complied with his check-in requirements through  
11 the BI SmartLink mobile app.

12 61. Mr. Taha also made efforts to obtain a new Lebanese passport, as requested by  
13 ICE. He has not been able to obtain a valid passport.

14 62. In November 2024, DHS designated Lebanon for TPS, permitting Lebanese  
15 citizens who have resided in the United States since October 16, 2024, to apply for and receive  
16 TPS. *See Designation of Lebanon for Temporary Protected Status, 89 Fed. Reg. 93641 (Nov. 27,*  
17 *2024).*

18 63. In December 2024, Mr. Taha retained a law firm in Oregon to apply for  
19 Temporary Protected Status. Mr. Taha is *prima facie* eligible for TPS, as he is a citizen of  
20 Lebanon, has continuously resided in the United States since before October 2024, and is not  
21 subject to any bars to eligibility. Through counsel, Mr. Taha prepared and filed an application for  
22 TPS, including evidence of his eligibility. His application was received by USCIS on January 30,  
23 2025.

1       64. On January 26, 2025, around the same time that his TPS application was filed,  
2 Mr. Taha received a notification via the BI SmartLink app requesting that he report to the ICE  
3 Field Office in Portland that same day. The notification did not contain any other information.

4       65. Mr. Taha immediately presented himself to the ICE office. Upon his arrival, ICE  
5 re-detained Mr. Taha without any prior notice, other than to state that he had a final order of  
6 removal. Mr. Taha transferred to NWIPC, where an ICE officer informed him that he had been  
7 re-detained “because of Trump.” Following his transfer, Mr. Taha’s attorney notified him that  
8 she could no longer represent him because he was now detained outside of Oregon.

9       66. Mr. Taha repeatedly inquired with ICE officers at NWIPC regarding the reasons  
10 for his re-detention and notified them of his pending TPS application. Mr. Taha received one  
11 message noting that he had a final order of removal, but received no other explanation regarding  
12 his re-detention and whether his removal to Lebanon was imminent.

13       67. In March 2025, Mr. Taha retained the Northwest Immigrant Rights Project to  
14 assist him in matters relating to his detention and TPS application. His counsel then contacted  
15 James Yi, Deputy Chief Counsel for ICE’s Office the Principal Legal Advisor, to request release.  
16 In that email, counsel explained that Mr. Taha was *prima facie* eligible for TPS and therefore  
17 entitled to the benefits of TPS, including its protection against removal.

18       68. On March 28, shortly after Mr. Taha’s counseled request for release, and over two  
19 months after Mr. Taha’s re-detention, Acting Deputy Field Office Director Erik Johnson issued  
20 Mr. Taha a Notice of Revocation of Release. The notice stated that “changed circumstances”  
21 justified Mr. Taha’s re-detention, and that his “case is under current review by Lebanon for the  
22 issuance of a travel document.”

23

1       69.    The notice also stated that Mr. Taha would be “promptly be afforded an informal  
2 interview” at which he would “be given an opportunity to respond to the reasons for the  
3 revocation.”

4       70.    Mr. Taha’s counsel promptly requested that she be permitted to be present at the  
5 interview and be provided notice regarding when the interview would occur.

6       71.    ICE has not yet held Mr. Taha’s “prompt[]” interview or provided notice of when  
7 it will occur.

8       72.    Following Mr. Taha’s receipt of the Notice of Revocation of Release, Mr. Taha’s  
9 counsel again emailed James Yi, reiterating the request for release and explaining that his  
10 removal is not foreseeable given the pending TPS application.

11       73.    Mr. Taha and his counsel have not received any additional explanation from ICE  
12 regarding his re-detention, and he remains detained at NWIPC.

### 13                    CLAIMS FOR RELIEF

#### 14                    Count I

##### 15                    Violation of Immigration and Nationality Act, 8 U.S.C. § 1231(a)

16       74.    The allegations in paragraphs 1–73 are realleged and incorporated herein.

17       75.    Mr. Taha is detained under 8 U.S.C. § 1231, the statute governing detention  
18 following a final order of removal.

19       76.    The statute requires mandatory detention only during the 90-day removal period.  
20 8 U.S.C. § 1231(a)(2). Mr. Taha is not subject to this provision.

21       77.    Section 1231(a)(3) requires that a noncitizen who is not removed within that  
22 period “shall be subject to supervision under regulations prescribed by the Attorney General.”

1       78.     While § 1231(a)(6) permits detention beyond the removal period in certain  
2 situations, “once removal is no longer reasonably foreseeable, continued detention is longer  
3 authorized by statute.” *Zadvydas*, 533 U.S. at 699.

4 79. Detention is presumptively reasonable only for a six-month period. *Id.* at 700-01.

5        80.      Neither the statute nor the Due Process Clause permits Respondents to re-detain  
6 an individual who has been released under § 1231 without evidence that the person's removal is  
7 now reasonably foreseeable.

8 81. Mr. Taha's removal is not reasonably foreseeable both because there is no travel  
9 document allowing him to be removed to Lebanon and because he is entitled to protection from  
10 removal as a TPS applicant who has established *prima facie* eligibility.

11 82. For these reasons, Mr. Taha's re-detention violates the INA.

**Count II**

83. The allegations in paragraphs 1-73 are realleged and incorporated herein.

84. The government's own regulations require Respondents to provide notice of the reasons for re-detention. 8 C.F.R. § 241.13(i)(3).

16        85. The regulations also require Respondents to afford an initial interview promptly  
17 after re-detention at which the individual can respond to the purported reasons for revocation.

18        86.      Respondents have not provided Mr. Taha adequate and timely notice of the  
19 reasons for revocation.

87. Respondents also have not timely provided Mr. Taha an initial interview or an opportunity to respond to specific allegations underlying the revocation.

88. For these reasons, Mr. Taha's re-detention violates the applicable regulations.

### Count III

89. The allegations in paragraphs 1-73 are realleged and incorporated herein.

90. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

91. Mr. Taha was previously detained by ICE and released after a determination that his removal to Lebanon is not feasible. He has a vested liberty interest in remaining free from physical confinement.

92. The Due Process Clause forbids Mr. Taha's detention where his removal is not foreseeable. Respondents' inability to procure a travel document and Mr. Taha's pending TPS application, which legally bars his removal, render his removal non-foreseeable.

93. Even if Mr. Taha's removal was foreseeable, the Due Process Clause forbids his removal if he is not a flight risk or danger and removal is not imminent. Mr. Taha has no criminal history and strong, established connections to the Oregon area. He is not a flight risk or danger and his removal is not imminent.

94. Furthermore, the Due Process Clause does not permit the government to strip Mr. Taha of his liberty without a hearing before a neutral decisionmaker to determine whether re-detention is warranted. *See Morrissey*, 408 U.S. at 487-88.

95. Respondents revoked Mr. Taha's release and deprived him of liberty without affording him any notice or meaningful opportunity to be heard by a neutral decisionmaker, without any evidence that his removal is reasonably foreseeable, and without any evidence he is a flight risk or danger.

96. For these reasons, Mr. Taha's re-detention violates the U.S. Constitution.

## PRAYER FOR RELIEF

WHEREFORE, Mr. Taha prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Grant a writ of habeas corpus and order Respondents to immediately release Mr. Taha absent a demonstration to this Court that his removal is imminent;
- c. Declare that Respondents have violated the Due Process Clause, the INA, and its implementing regulations in re-detaining him;
- d. Enjoin Respondents from transferring Petitioner without his consent outside of this judicial district pending litigation of this matter;
- e. Award reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law; and
- f. Grant any other and further relief as the Court deems just and proper.

DATED this 10th day of April, 2025.

s/ Matt Adams

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