

Robert M. Birach, Esq.
Michigan State Bar No. P29051
Birach Law, PC
26211 Central Park Blvd., Suite 209
Southfield, Michigan, 48076
email: bob@cgblegal.com
telephone: (313) 964-1234
facsimile: (313) 887-0263
Attorney for Petitioner

FILED

APR 17 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY T.T.
DERUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

REDA AHMED AOUN,
Petitioner

v.

SA25CA0430 JKP
Case No. _____

**PETITION FOR HABEUS
CORPUS RELIEF**

US IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY (USICE);
The GEO Group, owner/operator of South
Texas Detention Facility (STDF), BOBBY
THOMPSON, Warden, STDF, in his
official capacity; ROBERT LYNCH, Field
Office Director, Detroit Field Office,
USICE, in his official capacity; TODD M.
LYONS, Acting Director, USICE, in his
official capacity; THOMAS HOMAN,
White House Border Czar, in his official
capacity; and KRISTI NOEM, Secretary of
US Department of Homeland Security, in
her official capacity

Respondents.

TABLE OF CONTENTS

Cover Sheet	1
Table of Contents	i
Index of Authorities	ii
Petition for Habeas Corpus Relief.....	2
Introduction.....	2
Jurisdiction and Venue.....	3
Requirements of 28 U.S.C. § 2243.....	4
Parties.....	5
Statement of Facts.....	7
Legal Framework.....	11
Claims for Relief.....	17
One Count – Violation of Fifth Amendment Right to Procedural Due Process.....	17
Count Two – Violation of 8 U.S.C § 1231(a)(6) and Implementing Regulation at 8 C.F.R. § 241.13.....	18
Count Three – Violation of the 5 th Amendment Right to Substantive Due Process.....	19
Prayer for Relief.....	20
Verification Pursuant to 28 U.S.C. § 6 2242.....	22
Exhibit list.....	v
Exhibits.....	vi

.INDEX OF AUTHORITIES

STATUTES:

8 U.S.C. §1101 et seq. Immigration and Nationality Act (“INA”), as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (“IIRAIRA”), Pub. L. No. 104-208, 110 Stat 1570.....	3
5 U.S.C. § 701 et seq. (Administrative Procedures Act).....	3
28 U.S.C. § 2241 et seq. (Habeas Corpus).....	3
28 U.S.C. § 1331 (Federal Question).....	3
28 U.S.C. § 2241 et seq.....	3
28 U.S.C. § 2201 et seq. (Declaratory Judgment Act).....	3
5 U.S.C. § 702.....	3
28 U.S.C. § 1651 (All Writs Act).....	3
28 U.S.C. § 1391(e)(3)	3
28 U.S.C. § 2243.....	4
8 U.S.C. § 1231(a)(6).....	12, 14, 18, 19
8 U.S.C. § 1231(a).....	19, 20
28 U.S.C. § 2242.....	22

REGULATIONS:

8 C.F.R. § 241.13.....	2, 14, 15,18,19, 20
8 C.F.R. § 241.13(g)(1).....	14
8 C.F.R. § 241.13(i)(2).....	15
8 C.F.R. § 241.13(i)(3).....	15
8 C.F.R. § 244.10(a).....	15
8 C.F.R. § 244.5.....	15
8 C.F.R. 244.13.....	15
8 C.F.R. § 244(b)(3).....	16
8 CFR § 241.13(i).....	16

CASE LAW:

<i>Rumsfeld v. Padilla</i> , 542 U.S. 426, 443 (2004).....	3
<i>Fay v. Noia</i> , 372 U.S. 391, 400 (1963).....	4
<i>Zavadyas v. Davis</i> , 533 U. S. 678 (2001).....	12, 13, 17, 19
<i>Clark v. Martinez</i> , 543 U.S. 371 (2005).....	12

U.S. CONSTITUTION:

Article 1, § 9, cl. 2 of the United States Constitution.....3

Due Process Clause of the Fifth Amendment to the United States Constitution.....12

MISCELLANEOUS:

89 Fed. Reg. 93641 (November 27, 2024).....9

Executive Order issued January 20, 2025 entitled “Protecting the American People against
Invasion” at sections 3(b) and (4).....7, 18

PETITION FOR HABEAS CORPUS RELIEF

Respondent, by and through counsel, alleges and complains of Respondents as follows:

I. INTRODUCTION

1. Petitioner, Reda Ahmed Aoun (hereinafter “Aoun” or “Petitioner”) is a citizen of Lebanon and also a resident of Dearborn, Michigan. Aoun is presently being detained at the South Texas Detention Facility, 566 Veterans Dr., Pearsall, TX. He has been detained there since February 20, 2025, under a contract between the United States Department of Homeland Security (DHS) and The GEO Group whereby GEO Group houses Federal civil immigration detainees in such as the Petitioner. Petitioner is under the direct control of Respondents and their agents. His detention is unlawful because he has been detained pursuant to the unlawful orders of Respondents Robert Lynch, Todd M Lyons, Thomas Homan and Kristi Noem, which violate the Constitution, laws and regulations of the United States. Accordingly, to vindicate Petitioner’s constitutional and statutory rights, this court should

grant the instant petition for a writ of habeas corpus and order Petitioner's release from detention.

II. JURISDICTION AND VENUE

2. This action arises under the Constitution of the United States in the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 et seq. as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 ("IIRAIRA"), Pub. L. No. 104-208, 110 Stat 1570, and the Administrative Procedures Act ("APA"), 5 U.S.C. § 701 et seq. Petitioner is presently in custody under the color of the authority of the United States, and such custody is in violation of the constitution, laws or treaties of United States.
3. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article 1, § 9, cl. 2 of the United States Constitution. This court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e)(3) and *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) because this is in action against officers of the

United States, acting in their official capacities, brought in the district where the Petitioner currently resides and Petitioner's district of confinement.

5. Petitioner resides in Dearborn, Michigan however is confined in Pearsall, Texas, within the jurisdiction of the US District Court for the Western District of Texas, San Antonio Division. (EXH 1, Detainee Locator)
6. All Respondents live, work, operate, or function within the Western District of Texas, including that portion known as San Antonio.

III. REQUIREMENTS OF 28 U.S.C. § 2243

7. The court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the Respondent's "forthwith", unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the court must require Respondents to file a return "within 3 days unless for good cause, additional time not exceeding 20 days, is allowed" *Id.* (Emphasis added).
8. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The great writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

IV. PARTIES

9. Petitioner Reda Ahmed Aoun (hereinafter, “Aoun” or “Petitioner”) is a citizen of Lebanon who entered the United States and March 4, 2013 as a visitor for pleasure with a B-2 nonimmigrant visa (**EXH 2**, Visa with admission stamp & I-94 record) and two days later filed an administrative application for political asylum.
10. Respondent resides in Dearborn, Michigan (**EXH 3**, driver’s license) and until his recent arrest, has been employed as an auto mechanic with appropriate work authorization at Plymouth Auto Service 1, in Plymouth, Michigan (**EXH 4**, W-2, social security card and employment authorization card).
11. Petitioner has not engaged in, or been charged with, any criminal activity in the United States (**EXH 5**, MI State Police record check) and is currently detained at the South Texas Detention Facility, 566 Veterans Dr., Pearsall, TX, in the custody of and under the direct control of the respondents and their agents (**EXH 1**).
12. Respondent UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT is a subordinate agency of the Department of Homeland Security. Immigration and Customs Enforcement (“ICE”) has requested that the foregoing respondents detain Petitioner and is a legal custodian of Petitioner with the authority to release him.

13. Respondent GEO Group owns and operates the South Texas Detention Facility, a private prison facility which presently maintains physical control of the Petitioner pursuant to a contract with US Immigration and Customs Enforcement (EXH 6, facility information) to detain noncitizens and is a legal custodian of Petitioner.
14. Respondent BOBBY THOMPSON is the Warden of the South Texas Detention Facility. He is the person directing and maintaining physical and control of Petitioner pursuant to the GEO group's contract with US Immigration and Customs Enforcement to detain noncitizens. Respondent Thompson is the physical and legal custody of Petitioner and has the authority to release him. He is sued in his official capacity.
15. Respondent THOMAS HOMAN is the White House Border Czar appointed by President Donald J. Trump. Petitioner is detained pursuant to respondent Homan's unlawful orders. Respondent Homan is sued in his official capacity.
16. Respondent TODD M. LYONS is the Acting Director of US Immigration and Customs Enforcement. He is a legal custodian of Petitioner with authority to release him. He is sued in his official capacity.
17. Respondent ROBERT LYNCH is the Field Office Director of the Detroit, MI sub- office of US Immigration and Customs Enforcement's Enforcement and Removal Office. Petitioner is detained, in violation of law and regulations pursuant

to Respondent Lynch's execution of unlawful orders. Respondent Lynch is a legal custodian of petitioner with authority to release him. He is sued in his official capacity.

18. Respondent KRISTI NOEM is the Secretary of the Department of Homeland Security ("DHS"), under whose auspices and authority, the US Immigration and Customs Enforcement agency operates. Respondent Noem is responsible for delegation of authority to and oversight of the US Immigration and Customs Enforcement agency with the responsibility to ensure that the agency operates in accordance with the Constitution, the laws and the regulations of the United States. Petitioner is detained due to Respondent Noem's unlawful orders, lack of oversight and failure to ensure that the agency she oversees and its employees operate in accordance with the Constitution, the laws and the regulations of the United States. Respondent Noem is a legal custodian of Petitioner with authority to release him. She is sued in her official capacity.

V. STATEMENT OF FACTS

19. Petitioner is a 49-year-old citizen of Lebanon (EXH 7, birth certificate and biographic page from passport).

20. On March 4, 2013, Petitioner was admitted to the United States for 6 months, following inspection, as a B-2 nonimmigrant visitor for pleasure (**EXH 2**), Two days later he filed an administrative application for asylum which, following an interview by an asylum officer at the USCIS asylum office in Chicago, Illinois, was not granted but was referred to an Immigration Judge in Detroit Michigan for further consideration. 180 days after he filed his application for asylum, Petitioner filed an application for employment authorization, the application was granted and a social security card was issued to him (**EXH 4**). The Immigration Judge denied his application for asylum on May 14, 2019. He filed a timely appeal to the Board of Immigration Appeals (“Board” or “BIA”) which denied his appeal on May 19, 2022, thus rendering his removal order final (**EXH 8**, EOIR case information).
21. On August 2, 2021, while his appeal was still pending with the Board Petitioner married US citizen Fatmeh Aoun (no relation prior to marriage) who then filed an I-130 Petition for Alien Relative, on October 6, 2021, which petition remains pending as of the filing of the immediate petition for habeas corpus relief (**EXH 9**, naturalization certificate, marriage certificate, receipt for visa petition, USCIS notice of pendency). Respondent also has two US citizen stepsons, born to his wife, Fatmeh (**EXH 10**, birth certificate).

22. On October 16, 2024, respondent was ordered to report to the US Immigration and Customs Enforcement/Enforcement Removal Office in Detroit, Michigan, to be placed on and order of supervision as an alternative to detention, with the conditions that he renew his Lebanese passport, deliver a copy of the renewed passport to the Enforcement and Removal Officer assigned to his case, that he maintain employment authorization, not leave the state of Michigan without permission and that he not commit any crimes. He was ordered to report back to that office on November 13, 2024, January 28, 2025 and February 13, 2025, which he did. He has complied with all terms and conditions of his order of supervision. (**EXH 11**, order of supervision paperwork and receipt for employment authorization extension).
23. On February 13, 2025 Petitioner's order of supervision was revoked without warning or explanation, in spite of the fact that he had not violated any of the terms or conditions thereof, and he was immediately placed into ICE custody and detained at the St. Clair County Jail in Port Huron Michigan then, on February 20, 2025, was transferred to the South Texas Detention Facility, 566 Veterans Dr., Pearsall, TX. Which is owned and operated by respondent GEO Group.
24. On October 16, 2024, the Secretary of the US Department of Homeland Security ("US and DHS") announced the designation of Lebanon for Temporary Protected Status then published the final rule designating Lebanon for TPS, 89 Fed. Reg. 93641 (November 27, 2024), with an effective date of November 27, 2024,

ending on May 27, 2026, allowing Lebanese nationals who have continuously resided in the United States since October 16, 2024 and who have been continuously physically present in the United States since November 27, 2024 to apply for TPS (**EXH 12**, Federal Register designation) .

25. Petitioner filed an application for TPS on December 23, 2024 and his application is currently pending (**EXH 13**, receipt for filing, notice of the case status, receipt for employment authorization with notice of case processing time).
26. With his application, Petitioner submitted evidence establishing his prima facie eligibility for TPS including proof that, he is a national and citizen of Lebanon, that he has continuously resided in the United States since October 16, 2024, that he has been physically present in the United States since November 27, 2024, that he has complied with all terms and conditions of his order of supervision and that he has never been arrested, charged or convicted of a felony or a misdemeanor and proof that he filed for a new employment authorization document in conjunction with his application for TPS (**EXH 14**, instructions for an I-821 temporary protected status application with a list of required).
27. Within 24 hours of being taken into custody, Petitioner, through his counsel filed a demand for a stay of execution of Petitioner's final order of removal based on his pending TPS application and his immediate release from USICE custody pending adjudication of his application for TPS replete with citations to relevant

sections of the law and regulations mandating that the USDHS take no action to execute Petitioner's final order of removal, a copy of petitioner's application for TPS with evidence of prima facie eligibility for approval thereof, a receipt issued by USDHS and an online case status report issued by a USDHS proving both the filing and pendency of his TPS application, arguing that is removal is not imminent as his removal is automatically stayed until May 27, 2026 (**EXH 15**, copy of notice of automatic stay of removal and request for release from detention with supporting evidence).

28. There is not a significant likelihood that USICE will remove petitioner to Lebanon in the reasonably foreseeable future as he is afforded temporary treatment benefits, as a matter of law, while his application for TPS remains pending, through May 27, 2026 (if approved, longer if TPS for Lebanon is extended). Furthermore, removal to a third country is not reasonably foreseeable, as petitioner has no ties to any third country.
29. Petitioner has not been charged with or convicted of any crimes in the United States (**EXH 5**).
30. Petitioner has fully cooperated with efforts of USICE regarding his detention and removal.

VI. LEGAL FRAMEWORK

31. Petitioner's release is required by controlling Supreme Court precedent and 8 C.F.R. § 241.13.
32. In *Zavadyas v. Davis*, 533 U. S. 678 (2001), the US Supreme Court held that six months is the presumptively reasonable period during which ICE may detain non-citizens in order to effectuate their removal. *Id.* At 702. The *Zavadyas* standard applies to all noncitizens, *Clark v. Martinez*, 543 U.S. 371 (2005).
33. *Zavadayas* involved a noncitizen who had a final order of removal. Although the government had not yet been able to remove him, it asserted authority to continue to detain him under the post-removal-period detention statute, which authorizes detention beyond the normal 90-day removal period if the non-citizen is deemed a "risk to the community or unlikely to comply with the order of removal." *Zavadayas*, 533 US at 688; 8 U.S.C. § 1231(a)(6). The court rejected the Government's position. First, it noted that a statute permitting such potentially indefinite detention, which is civil and therefore non-punitive in nature, would violate the due process clause of the Fifth Amendment unless some "special justification" outweighs the individual's constitutionally protected interest in avoiding physical restraint, and that the statute employed a rigorous procedural protections to determine that detention was justified. *Zavadayas*, 533 US at 690.

34. The *Zavadayas* court held that the two justifications for the detention at issue, preventing flight and protecting the community, were inadequate to justify prolonged and indefinite detention. *Id.* Regarding risk of flight, the court stated “the first justification – preventing flight – is weak or nonexistent where removal seems a remote possibility at best.” *Id.* regarding protecting the community, the court held that this rationale should be reserved for “specially dangerous individuals,” and that clear and convincing evidence of requisite dangerousness, accompanied by strong procedural safeguards, as well as some other “special circumstance, such as mental illness, that helps to create the danger” would be required to justify prolonged and indefinite detention on that basis. *Id.* at 691. The court found that the administrative procedures available to Mr. Zavadayas were inadequate and that Mr. Zavadayas was not in the class of especially dangerous individuals that would justify indefinite detention. *Id.* at 684, 691-92 (suggesting that suspected terrorists and individuals with sexually violent pasts who also had a mental condition that made future violence likely could conceivably meet this standard).

35. To avoid finding the statute unconstitutional, the *Zavadayas* court construed §1231(a)(6) to contain an implicit “reasonable time” limitation subject to federal judicial review, rather than to authorize indefinite detention. *Id.* at 682. In doing so the court established a presumptively reasonable period of six months after the date of the final order of removal during which the government may detain a non-citizen

to effectuate removal, and it held that a reviewing habeas court must determine whether any detention beyond that period exceeds what is reasonably necessary to secure removal in any given case. *Id.* at 699, 701. After this period, “once the non-citizen provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the government must respond with evidence sufficient to rebut that showing.” *Id.* at 701. In addition, “as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink” *Id.*

36. The regulations that implement § 1231(a)(6) are codified in part at 8 C.F.R. § 241.13. Pursuant to the regulations, if there is not a “significant likelihood that the [noncitizen] will be removed in the reasonably foreseeable future,” then the Service “for the release” of the noncitizen unless there are “special circumstances” that justify continued detention. 8 C.F.R. § 241.13(g)(1).

37. In the immediate case there is no reason to give Respondents six months to effectuate Petitioner’s removal before affording him federal judicial review because, as an applicant for temporary protected status, they are enjoined from removing him by operation of law until at least May 27, 2026. Thus there is no likelihood, let alone a significant likelihood, that petitioner may be removed in the reasonably foreseeable future.

38. A noncitizens release may be revoked in the noncitizen may be returned to DHS custody, but only if the noncitizen violates the terms of their release or if, due to a change in circumstances, DHS “determines that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). However, the service is required to notify the noncitizen of the reasons for the revocation of the release. 8 C.F.R. § 241.13(i)(3) (proscribing revocation procedures).

39. Here, Petitioner is entitled to release under *Zavadayas* and 8 C.F.R. § 241.13.

40. First, by operation of law, there is not a significant likelihood of removing Petitioner in the reasonably foreseeable future on account of the fact that, under 8 C.F.R. § 244.10(a), “U.S. Citizenship and Immigration Services (‘USCIS’) “will” grant temporary treatment benefits to an applicant for TPS if the applicant establishes prima facie eligibility for TPS in accordance with 8 C.F.R. § 244.5” (emphasis added)

41. 8 C.F.R. § 244.5 states that,

“Prior to the registration period established by DHS, a national of a foreign state designated by DHS shall be afforded temporary treatment benefits upon the filing, after the effective date of such designation, of a completed application for temporary protected status which establishes the alien’s prima facie eligibility for benefits under section 244 of the [Immigration and Nationality Act]”

42. 8 C.F.R. § 244.13 states that,

“(a) Temporary treatment benefits terminate upon a final determination with respect to the alien’s eligibility for temporary protected status” and “(b) the temporary treatment benefits terminate, in any case, sixty (60) days after the date that notice is published of the termination of a state’s designation under section 244(b)(3) of the Act.”.

43. In designating Lebanon for TPS, on November 27, 2024, the Secretary of the Department of Homeland Security recognized that Lebanon is experiencing an ongoing armed conflict involving state and non-state actors as well as other “extraordinary” conditions that justify the granting of TPS. DHS has not published a termination of Lebanon’s designation for TPS. There has not been a change in circumstances that would impact DHS’s determination of whether there is a significant likelihood that Petitioner may be removed in the reasonably foreseeable future.

44. Second, in detaining Petitioner, the respondents have not complied with the requirements under 8 CFR § 241.13(i). When USICE revoked Petitioner’s order of supervision and detained him, he was not informed why his release revoked. Further there has not been a change in circumstances in Lebanon that would justify a determination by DHS to terminate the designation of Lebanon for TPS nor that there is now a significant likelihood that Petitioner may be removed in the reasonably foreseeable future.

45. Here, the only circumstance that is changed is the presidential administration. Upon entering office, President Donald J. Trump issued a slew of executive orders

and changes in US immigration policy to deport as many noncitizens as possible.

However, respondents must still comply with the law, and in petitioner's case, they have not done so.

VII. CLAIMS FOR RELIEF

COUNT ONE

Violation of the Fifth Amendment Right to Due Process

46. The allegations in paragraphs 1 through 43 above are repeated, realleged and are incorporated herein as though fully set forth below.
47. Under the Due Process Clause of the Fifth Amendment, even a noncitizen who can be held for a prolonged period of time due to the existence of a “special justification” for such detention is entitled to strong procedural safeguards to protect against unconstitutional indefinite civil detention. *Zavadayas*, 533 US at 691.
48. Petitioner in this case has been denied adequate procedural safeguards. He has received no hearing concerning whether his detention is justified, and the only officials who have considered whether or not he should be released are USICE agents who are responsible for his custody, and therefore do not make decisions concerning a noncitizens' custody status in a neutral or impartial manner, especially in view of the aforementioned executive orders and specifically the Executive Order issued January 20, 2025 entitled “Protecting the American People against Invasion”

at sections 3(b) and (4) (**EXH 16**, Executive Order). While there is an administrative mechanism in place for Petitioner to demand a review of the revocation of his release and while Petitioner has pursued such review, within 24 hours of being taken into custody by ICE, his request for review has fallen on deaf ears and has neither been considered or adjudicated by the Respondent Lynch, Field Office Director of the Detroit office of US Citizenship and Immigration Enforcement/Enforcement and Removal Office. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process.

49. Further, when Petitioner was detained, he was not informed why his release was revoked in there has not been a change of circumstances in Lebanon that would justify a determination by the DHS that there is now a significant likelihood that Petitioner may be removed in the reasonably foreseeable future.

50. For these reasons, Petitioners detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of 8 U.S.C. § 1231a)(6) and Implementing Regulation 8 C.F.R. § 241.13

51. The allegations in paragraphs 1 through 48 above are repeated, realleged and are incorporated herein as though fully set forth below.

52. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in *Zavadayas* and 8 C.F.R. § 241.13. Petitioner's removal to Lebanon or any other country is not significantly likely to occur in the reasonably foreseeable future.

53. For these reasons, Petitioner's detention violates 8 U.S.C. § 1231(a) and 8 C.F.R. § 241.13.

COUNT THREE

Violation of the Fifth Amendment Right to Substantive Due Process

54. The allegations in paragraphs 1 through 51 above are repeated, realleged and are incorporated herein as though fully set forth below.

55. Petitioner's continued detention violates Petitioner's right to substantive due process. Because respondents, by operation of law, are prohibited from effectuating Petitioner's removal, the justification of preventing flight is nonexistent, even assuming it could constitute a "special justification" sufficient to permit prolonged detention. Nor can Petitioner's detention be justified on public safety grounds. Petitioner has not committed nor been charged or convicted of any crimes in the United States. Neither does petitioner have a history of mental illness. Therefore, petitioner does not qualify as one of the "specially dangerous" individuals described by the court in *Zavadayas* that would justify indefinite detention. Thus, even if Petitioner's detention were authorized by statute or regulation, the government could

not meet the constitutional standard set forth in *Zavadayas*, as they have not provided clear and convincing evidence of dangerousness, along with the requisite special circumstance, such as mental illness, sufficient to justify prolonged detention based on dangerousness.

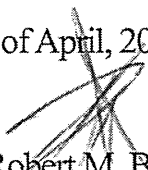
PRAYER FOR RELIEF

Wherefore, Petitioner requests this Court to:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this petition should not be granted within 3 days;
- (3) Declare that Petitioners detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231(a) and 8 CFR § 241.13
- (4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody on reasonable conditions of supervision;
- (5) Issue an order compelling Respondents to return Petitioner to his point of embarkation (Detroit, Michigan) by the same means of transportation it used to transport him to the South Texas Detention Facility, immediately upon his release from custody;

- (6) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under laws; and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted this 12th day of April, 2025.


/s/ Robert M. Birach
Robert M. Birach, Esq.
Michigan State Bar No.: P29071

Birach Law, PC
26211 Central Park Blvd., Suite 209
Southfield, Michigan, 48076
email: bob@cgblegal.com
telephone: (313) 964-1234
facsimile: (313) 887-0263
Attorney for Petitioner's

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent petitioner, Reda Ahmed Aoun, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 12th day of April, 2025.

A handwritten signature in dark ink, appearing to read 'Robert M. Birach', is written over a horizontal line.

/s/ Robert M. Birach
Robert M. Birach, Esq.
Michigan State Bar No.: P29051