

I. Petitioner's Undisputed Allegations

Petitioner Hussein “Mike” Ali Yassine was born and raised in Ivory Coast but does not have Ivorian citizenship. Dkt. 1 ¶ 23. Both his parents were born in Lebanon and previously obtained a Lebanese passport on his behalf. *Id.* ¶ 24. Yassine entered the United States on a visitor visa in 1989 and became a lawful permanent resident (“LPR”) through his marriage to a U.S. citizen. *Id.* ¶ 25. He applied for naturalization but was denied. *Id.*

Yassine was convicted of tax evasion and money laundering in 2013 and served a sentence of eight years and three months. *Id.* ¶ 26. He alleges that his expired Lebanese passport was seized by law enforcement when he was arrested in 2012. *Id.* ¶¶ 24, 26.

After serving his sentence, in June 2020, Yassine was transferred to the custody of Immigration and Customs Enforcement (“ICE”) in El Paso, Texas, where he alleges he was assaulted by detention officers. *Id.* ¶¶ 26, 27. Yassine alleges that he began having mental health issues because of the assault and subsequent retaliation by ICE. *Id.* ¶¶ 27, 28.

While Yassine was in ICE detention, on October 20, 2020, an immigration judge revoked his LPR status and denied his application for asylum. *Id.* ¶ 29. The immigration judge ordered Yassine removed to Ivory Coast or, in the alternative, Lebanon. *Id.* Yassine did not appeal the immigration judge’s decision, so the removal order became final on November 20, 2020. *Id.*

Yassine alleges that he continued to suffer mental illness while in ICE detention. *Id.* ¶ 31. He was transferred to mental health treatment facilities multiple times before he was released on January 19, 2021 on Orders of Supervision under court injunction due to his mental health diagnosis. *Id.* ¶¶ 31-35. Over the next four years, Yassine alleges that he complied with the conditions of his release, including reporting for ICE check-ins and not leaving the state without contacting his ICE officer, did not engage in criminal conduct, managed his mental illness, and obtained stable employment. *Id.* ¶¶ 36, 37.

On March 3, 2025, Yassine reported for an in-person ICE check-in, where an ICE officer took photographs of him and told him that ICE was going to try to obtain travel documents for his removal. *Id.* ¶ 38. On April 3, 2025, he returned for another check-in and was detained. *Id.* ¶ 40. Yassine alleges that the ICE officer told him during his arrest that his removal was unlikely and ICE had not yet obtained his travel documents, but he was being detained because ICE was getting “pressure from Washington” to make arrests. Declaration of Hussein “Mike” Ali Yassine, Dkt. 19-1 ¶ 10. He has been detained at the T. Don Hutto Residential Center in Taylor, Texas since the arrest. Dkt. 1 ¶ 7. Yassine requested an administrative stay of removal with ICE, which was denied on April 15, 2025. *Id.* ¶ 41.

Both ICE officials and Yassine have made many attempts to obtain proof of citizenship and travel documents for Yassine since he was ordered removed in October 2020. Around the time he was ordered removed, Yassine tried to obtain travel documents from Ivory Coast. Dkt. 19-1 ¶ 6. The Embassy of Ivory Coast told him he was not a citizen of that country by virtue of being born there and that he had to be physically present in Ivory Coast to apply for citizenship. *Id.* Yassine believes ICE officials also tried to contact the Embassy of Lebanon around the same time to obtain travel documents from that country and alleges that he helped with those efforts, but ICE officials never received a response from the Embassy. *Id.*

Around the time Yassine was released in January 2021, his now-deceased father also tried to obtain Lebanese documentation for him, but officials at a civil registration office in Lebanon told Yassine’s father they could not find records for Yassine. *Id.* ¶ 8. Yassine again contacted the Ivorian Embassy after his release, and an official confirmed that his birth in Ivory Coast did not entitle him to Ivorian citizenship. *Id.* ¶ 9. Beginning in 2024, ICE officials again told Yassine that they were contacting Lebanon and trying to obtain documents from Lebanon or Ivory Coast. *Id.*

¶ 7. At his check-ins, ICE officials photographed him and told him they were sending his pictures “to Lebanon.” *Id.* Yassine again contacted the Ivorian Embassy in 2024 but received no response. *Id.* ¶ 9.

After his re-detention, on April 18, 2025, Yassine spoke with his Deportation Officer Andrade, who confirmed there were no travel documents for Yassine. Andrade said he made a travel document request to the Lebanese Embassy on April 14, 2025, and the Embassy confirmed receipt. *Id.* Dkt. 19-1 ¶¶ 11-12. Andrade told Yassine that he would check in with the Lebanese Embassy around May 15, 2025, if he had heard nothing. *Id.*

The Lebanese Embassy interviewed Yassine on June 25, 2025. *Id.* ¶ 16. In the interview, a Lebanese official explained that Andrade had asked the Embassy to try to verify Yassine’s Lebanese citizenship three times and the Embassy told Andrade each time that they could not. *Id.* The official told Yassine that the Embassy would try again to check the records of the village his parents were from but that they had tried several times without success. *Id.* The official said there was little likelihood the Embassy would find new information, but they would keep looking and had no sense how long it would take. *Id.* The official explained that the Embassy would not agree to accept Yassine for removal without first verifying his identity as a Lebanese citizen. *Id.*

On July 7, 2025, Yassine received ICE’s Decision to Continue Detention (“Decision”) dated June 26, 2025. Dkt. 19-1 ¶ 17; Dkt. 17-1. The Decision explained that Yassine would remain detained because (1) he posed a risk to public safety and (2) “ICE is in receipt of or expects to receive the necessary travel documents to effectuate your removal, and removal is practicable, likely to occur in the reasonably foreseeable future, and in the public interest.” Dkt. 17-1 at 1. The Decision also stated that “ICE expects to encounter no delay in effecting your removal.” *Id.*

Yassine again spoke with Andrade, who said he had emailed the Lebanese Embassy again on July 2, 2025 but received no response and would continue to email the Embassy every thirty days until he received an indication Lebanon would never issue a travel document for Yassine. Dkt. 19-1 ¶ 18. On July 14, 2025, Supervisory ICE Officer Rivas told Yassine that Andrade had most recently contacted the Lebanese Embassy on July 8, 2025, with no response. *Id.* ¶ 19. On July 30, 2025, Yassine signed what appeared to be a Lebanese passport application, which Andrade said had come in the mail. *Id.* ¶ 20. Andrade confirmed on July 29 and 30, 2025 that he still had heard nothing from the Lebanese Embassy. *Id.* ¶¶ 20, 21.

The record contains no more recent information about the status of ICE’s efforts to verify Yassine’s Lebanese citizenship or obtain travel documents for him. Andrade told Yassine sometime after July 7, 2025 that he had investigated removal to Ivory Coast and decided it was “impossible.” *Id.* ¶ 18.

II. Legal Standards

Yassine argues that his detention violates Section 241 of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1231, and his substantive due process rights. The Court has jurisdiction to review his constitutional challenge to his detention under 28 U.S.C. § 2241. *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001); *Glushchenko v. United States Dep’t of Homeland Sec.*, 566 F. Supp. 3d 693, 702 (W.D. Tex. 2021). To prevail, a habeas corpus petitioner must show that he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c).

The INA establishes procedures for removing aliens living unlawfully in the United States. *Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). Once an alien is ordered removed, the Department of Homeland Security (“DHS”) must physically remove him from the United States within a ninety-day “removal period,” which begins on the latest of three dates: (1) the date the order of removal becomes “administratively final,” (2) the date of the final order of any court that

entered a stay of removal, or (3) the date on which the alien is released from non-immigration detention or confinement. 8 U.S.C. § 1231(a)(1). During the removal period, detention is mandatory. *Id.* § 1231(a)(2)(a).

If DHS does not remove the alien during those ninety days, certain aliens “may be detained beyond the removal period and, if released, shall be subject to the terms of supervision” of § 1231(a)(3). *Id.* § 1231(a)(6). An alien may be detained only for “a period reasonably necessary to bring about that alien’s removal from the United States.” *Zadvydas*, 533 U.S. at 689. “Once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699. The “post-removal period” presumptively is six months. *Glushchenko*, 566 F. Supp. 3d at 704.

III. Analysis

Yassine argues that his continued detention violates the INA and his substantive due process rights under the Fifth Amendment to the U.S. Constitution. Respondents contend that Yassine’s petition should be denied because he is lawfully detained and any constitutional challenge to his continued detention is not ripe. They argue that Yassine’s challenge is premature because he cannot show that he has been detained for six months or longer after a removal order, while Yassine asserts that he has been detained for more than six months as of August 1, 2025. In the alternative, Yassine argues that *Zadvydas* does not require petitioners to be detained for six months to challenge their detention.

A. Petitioner’s Claim Is Ripe

First, the Court finds that Yassine is no longer detained within the ninety-day removal period. To correctly identify a removal period, the Court must determine which of the “triggering events” under § 1231(a)(1)(B) occurred latest in Yassine’s case. *Andrade v. Gonzales*, 459 F.3d 538, 543

(5th Cir. 2006). Yassine's order of removal became final on November 20, 2020. Dkt. 1 ¶ 29; Dkt. 17 at 2. Therefore, the ninety-day removal period closed February 18, 2021.

Respondents argue that "the 90-day removal period may be extended where ICE determines the alien is unlikely to comply with the removal order." Dkt. 17 at 5. Section 1231(a)(1)(C) permits extended detention when an alien fails to cooperate with removal efforts. *Glushchenko*, 566 F. Supp. 3d at 705. Respondents allege no facts showing that Yassine has "willfully obstructed efforts to obtain travel documents." *Tekleab v. Kelly*, No. SA-17-CA-00267-JWP, 2017 WL 11699662, at *2 (W.D. Tex. June 19, 2017). To the contrary, the Court finds that Yassine has not only complied with ICE's efforts to obtain travel documents but also repeatedly made his own efforts to do so. *Cf. Lyimo v. Price*, No. EP-16-CV-00457-FM, 2017 WL 8161003, at *3 (W.D. Tex. Aug. 4, 2017) (tolling removal period when petitioner refused to sign applications for travel documents). Yassine's removal period is not tolled, and he is detained under § 1231(a)(6).

Detention under § 1231(a)(6) is presumptively reasonable for six months. *Zadvydas*, 533 U.S. at 701; *Abdulle v. Gonzales*, 422 F. Supp. 2d 774, 778 (W.D. Tex. 2006). Courts consider this detention period cumulatively. *E.g., Kaijage v. Johnson*, No. 3:19-CV-294, 2019 WL 2290001, at *2 (N.D. Tex. Apr. 17, 2019), *R. & R. adopted*, No. 3:19-CV-294, 2019 WL 2287858 (N.D. Tex. May 29, 2019). Yassine's release and re-detention do not restart the six-month period. *Diaz-Ortega v. Lund*, No. 1:19-CV-670, 2019 WL 6003485, at *7 n.6 (W.D. La. Oct. 15, 2019), *R. & R. adopted*, No. 1:19-CV-670, 2019 WL 6037220 (W.D. La. Nov. 13, 2019).

Yassine was first detained in ICE custody in June 2020. Dkt. 1 ¶ 26. His removal order became final on November 20, 2020, and he was released on Orders of Supervision on January 19, 2021. *Id.* ¶¶ 29, 35. Yassine has been detained since ICE re-arrested him on April 3, 2025. *Id.* ¶ 42. This

Magistrate Judges finds that Yassine reached six months of post-removal-order detention on August 1, 2025, and his claim is ripe.

B. Petitioner Has Met His Burden

To bring a *Zadvydas* challenge to detention, the alien bears the initial burden of proof of showing “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Khan v. Gonzales*, 481 F. Supp. 2d 638, 643 (W.D. Tex. 2006) (quoting *Zadvydas*, 533 U.S. at 701); *Andrade*, 459 F.3d at 543. Once the alien makes that showing, the burden shifts to Respondents to provide sufficient evidence to rebut it. *Glushchenko*, 566 F. Supp. 3d at 705. “For detention to remain reasonable, what counts as ‘the reasonably foreseeable future’ must shrink as the period of detention increases.” *Khan*, 481 F. Supp. 2d at 641 (quoting *Zadvydas*, 533 U.S. at 701). If the Government cannot meet its burden to rebut the alien’s showing, the alien must be released. *Glushchenko*, 566 F. Supp. 3d at 705.

Yassine argues that there is no significant likelihood of removal in the reasonably foreseeable future “due to his stateless status and no change in the circumstances that make Mr. Yassine’s removal unforeseeable.” Dkt. 1 ¶ 9. Both Yassine and DHS have attempted to obtain travel documents for nearly five years without success. Dkt. 19-1 ¶¶ 6, 8. Yassine alleges that the Lebanese Embassy confirmed it has been unable to verify his Lebanese citizenship despite multiple attempts and that it is unlikely to find new information. Dkt. 19-1 ¶ 16. Yassine’s Deportation Officer has acknowledged that removal to Ivory Coast is impossible. *Id.* ¶ 18.

The Court finds that Yassine’s circumstances are like those of other petitioners who have been granted a writ of habeas corpus in this District. He has (1) shown that the Lebanese Embassy is “unlikely to provide him with the necessary travel documents any time soon,” (2) “spoken with representatives of the [Embassy] on multiple occasions,” and (3) completed an application for travel documents, “to no avail.” *Khan*, 481 F. Supp. 2d at 643.

Respondents assert that “lack of visible progress in the removal process does not satisfy the petitioner’s burden.” Dkt. 17 at 7. They cite *Ali and Idowu v. Ridge*, No. 3:03-CV-1293, 2003 WL 21805198 (N.D. Tex. Aug. 4, 2003), in which petitioners asserted only an absence of progress. Here, Yassine’s stateless status presents a “particular barrier to repatriation” and the Lebanese Embassy has confirmed that his removal is unlikely. *Davis v. Gonzales*, 482 F. Supp. 2d 796, 800 (W.D. Tex. 2006). This Magistrate Judge finds that Yassine has met his burden to show that there is “no significant likelihood of removal in the reasonably foreseeable future.” *Andrade*, 459 F.3d at 543-44.

C. Respondents Have Not Rebutted Petitioner’s Showing

Because Yassine meets his burden, Respondents must either rebut his showing or release him. *Glushchenko*, 566 F. Supp. 3d at 705. Respondents deny that there is no significant likelihood of removal to Lebanon² in the reasonably foreseeable future, quoting their June 26, 2025 Decision to Continue Detention. Dkt. 17 at 3 (quoting Dkt. 17-1 at 1). But they describe no further attempts to obtain travel documents for Yassine or dispute his allegations. Instead, Respondents assert that the “‘reasonably foreseeable future’ is not a static concept; it is fluid and country-specific, depending in large part on country conditions and diplomatic relations.” Dkt. 17 at 6 (citing *Ali*, 2021 WL 4897659, at *3). They do not show how conditions in Lebanon or diplomatic relations with that country rebut Yassine’s showing, given that Lebanese officials have confirmed they have not been able to verify Yassine’s Lebanese citizenship and will not accept his removal without doing so. Dkt. 19-1 ¶ 16.

Apart from stating that they are “actively seeking” Yassine’s removal to Lebanon, Dkt. 17 at 4, and that ICE “is in receipt of or expects to receive the necessary travel documents,” Dkt. 17-1

² Respondents’ reference to Yassine’s removal to Iran appears to be an error. Dkt. 17 at 3.

at 1, Respondents provide no time period for establishing his Lebanese citizenship. Nor do they explain how the Lebanese government will issue the necessary travel documents to effect his removal in the reasonably foreseeable future. The Court finds that Respondents have not met their burden to rebut Yassine's showing. *See Heagan v. Jolicoeur*, No. EP-05-CA-0413-FM, 2006 WL 897709, at *3 (W.D. Tex. Mar. 31, 2006) (finding that government did not rebut petitioner's showing when it could not establish "any time period" in which it believed it could effectuate removal).

Respondents also argue that "Petitioner has an aggravated felony conviction, which could lead ICE to continue his detention in the exercise of discretion beyond the 90-day removal period by finding that he is a risk to public safety." Dkt. 17 at 6. Section 1231(a)(6), which permits an alien's detention beyond the removal period for certain criminal violations or when the alien is a risk to the community, is limited to "specially dangerous individuals." *Zadvydas*, 533 U.S. at 690-91. Respondents do not argue that Yassine satisfies these requirements.

Courts "have consistently granted habeas relief where: (1) petitioners acted in good faith and attempted to cooperate with the government to secure travel documents to finalize their removal; and (2) diplomatic barriers outside of petitioners' control hampered their removal." *Fuentes-De Canjura v. McAleenan*, No. EP-19-CV-00149-DCG, 2019 WL 4739411, at *8 (W.D. Tex. Sept. 26, 2019). This Magistrate Judge finds this case meets these circumstances and recommends that the District Court grant the Petition.

IV. Request for Fees and Costs

Yassine requests reasonable costs and attorneys' fees. Dkt. 1 at 24. Attorneys' fees are not authorized for 28 U.S.C. § 2241 motions. *Barco v. Witte*, 65 F.4th 782, 785 (5th Cir. 2023). Yassine did not file a proposed bill of costs required under 28 U.S.C. § 1920 and Local Rule CV-54(a). The Court recommends that Yassine's request for fees and costs be denied.

V. Recommendation

This Magistrate Judge **RECOMMENDS** that the District Court **GRANT** Hussein “Mike” Ali Yassine’s Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Dkt. 1) and **ORDER** Respondents to immediately release Yassine on an Order of Supervision in accordance with 28 U.S.C. § 1231(a)(3) and **DENY** Petitioner’s request for attorneys’ fees and costs.

The Court **ORDERS** the Clerk to remove this case from this Magistrate Judge’s docket and return it to the docket of the Honorable Alan D Albright.

VI. Warnings

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Court need not consider frivolous, conclusive, or general objections. *See Battle v. United States Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987). A party’s failure to file written objections to the proposed findings and recommendations contained in this Report within fourteen (14) days after the party is served with a copy of the Report shall bar that party from de novo review by the District Court of the proposed findings and recommendations in the Report and, except on grounds of plain error, shall bar the party from appellate review of unobjected-to proposed factual findings and legal conclusions accepted by the District Court. *See* 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985); *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

SIGNED on August 28, 2025.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE