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Pro Bono Counsels for Petitioner  
ZUHIR ZIN EDDIN

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ZUHIR ZIN EDDIN,  
  
Petitioner,  
  
v.

Case No. 2:25-cv-04817-JFW-DTB

KRISTI NOEM, Secretary of the U.S.  
Department of Homeland Security;  
PAM BONDI, Attorney General of  
the United States; THOMAS GILES  
Director of the Los Angeles Field  
Office of U.S. Immigration and  
Customs Enforcement; AND JAMES  
JANECKA, Warden Adelanto ICE  
Processing Center in their official  
capacities,

**PETITIONER'S NOTICE OF MOTION  
AND MOTION FOR RELEASE ON BAIL**

Respondents.

Hearing Date: September 4, 2025  
Hearing Time: 10:00 a.m.  
Courtroom: 4

1 **TO RESPONDENTS AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that, on September 4, 2025, at 10:00 a.m., in Courtroom  
3 4 of the United States District Court for the Central District of California, 3470 12th  
4 Street, 3rd Floor, Riverside, CA 92501, Petitioner Zuhir Zin Eddin, will and hereby does,  
5 move the Court for his release on bail pending the resolution of his petition for the writ  
6 of habeas corpus pursuant to 28 U.S.C. § 2241.

7 This motion is based on the attached Memorandum of Points and Authorities, as  
8 well as on all declarations, documents and exhibits previously filed in this case in  
9 conjunction with Petitioner's petition for habeas corpus, the files and records in this case,  
10 and on such further evidence as may be presented at a hearing on the motion.

11 The grounds for this motion are that Petitioner has satisfied the criteria for release  
12 on bail under *Land v. Deeds*, 878 F.2d 318 (9th Cir. 1989), because he has raised in his §  
13 2241 habeas petition substantial constitutional claims upon which he has a high likelihood  
14 of success, and exceptional circumstances exist that make the grant of bail necessary to  
15 make the habeas remedy effective.

16 DATED: July 30, 2025

17 Respectfully submitted,

18 /s/ Daniel T. Huang  
19 Daniel T Huang, Esq.

20 /s/ Paul Hoffman  
21 Paul Hoffman, Esq.

22 **Attorneys for Petitioner.**

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Case No. 2:25-cv-04817-JFW-DTB

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION FOR RELEASE ON BAIL**



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**INTRODUCTION**

Zuhir Zin Eddin has a pending habeas petition before this Court, challenging his unlawful detention by U.S. Immigration and Customs Enforcement (“ICE”) since February 25, 2025. This motion seeks his immediate release from detention on bail pending a decision on his habeas petition. Mr. Zin Eddin meets all the requirements for release on bail. He has raised substantial constitutional claims upon which he has a high probability of success, and extraordinary circumstances exist making his immediate release necessary. In particular, his health has deteriorated to the point where further detention could cause him even more catastrophic health consequences. The facility where he is being detained has become extremely overcrowded and there is not enough food, water, and basic hygienic items for all detainees, let alone proper medical care. If Mr. Zin Eddin is released on bail, he could obtain adequate treatment for his ailments and regain his good health. Furthermore, there is no reason to believe that he is a flight risk. He has no criminal record and has always fulfilled his commitments to immigration authorities.

The Immigration and Nationality Act (“INA”) protects Mr. Zin Eddin from removal because he has a pending *prima facie* application for Temporary Protective Status (“TPS”). TPS is a humanitarian program for aliens from certain designated countries who are unable to safely return to their home countries because of extraordinarily dangerous conditions there. Syria has been designated for TPS since 2012. Since Mr. Zin Eddin has established *prima facie* eligibility for TPS, his application is highly likely to be granted. In that case, he would be protected from removal as long Syria remains designated for TPS.

1 But even if his application were denied, Mr. Zin Eddin would still be entitled to an  
2 appeal before the Board of Immigrations Appeals (“BIA”). While such an appeal is  
3 pending, he could not be removed either. Furthermore, he has an order withholding his  
4 removal to Syria because of his Druze religion, and ICE has not identified a suitable third  
5 country for removal. Thus, his removal is not reasonably foreseeable, making his  
6 detention is unconstitutional under *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001), and the  
7 Due Process Clause of the Fifth Amendment. Consequently, he is highly likely to succeed  
8 on his constitutional claim.

9 ICE continues to pursue Mr. Zin Eddin’s erroneous deportation, ignoring his rights  
10 under the law. There is simply no reason for him to be detained given his immigration  
11 status and his conduct to date. His detention serves no important government purpose.  
12 Due to the extraordinary circumstances in this case and the high likelihood of Mr. Zin  
13 Eddin’s habeas petition’s success, this Court should grant his immediate release on bail.

#### 14 FACTS

15 Zuhir Zin Eddin is a 51-year-old Syrian national who entered the United States on  
16 December 21, 2023, and has been residing here ever since. Exh. F, TPS Packet, p. 49-50.  
17 He has no criminal record, *see id.*, p. 54-57, and has consistently complied with all ICE  
18 reporting requirements and check-ins. *See* Exh. B, Decl. of Monia Ghacha, ¶ 5, p. 33. He  
19 has been employed for at least some of his time in the United States. *See* Exh. F, p. 65.

20 On June 14, 2024, the El Paso SPC Immigration Court granted Mr. Zin Eddin  
21 withholding of removal to Syria pursuant to INA § 241(b)(3). Exh. E, p. 40. The order  
22



1 specifically states that “Removal to Syria is WITHHELD.” *Id.* On December 9, 2024, Mr.  
2 Zin Eddin filed an application for TPS, which is still pending. Exh. D, TPS Receipt  
3 Notice, p. 38. He meets—*prima facie*—every requirement for TPS and does not fall into  
4 any category precluding eligibility, such as having a criminal record. *See* Exh. F, p. 49-57.

5 On February 25, 2025, Mr. Zin Eddin appeared for a scheduled ICE check-in  
6 appointment at the ICE office in Santa Maria, California. Exh. A, Decl. of Zuhir Zin  
7 Eddin at ¶ 1, p. 29. He provided ICE officers with his withholding of removal  
8 (“withholding”) order, his previous ICE release documents, and his TPS receipt notice. *Id.*  
9 at ¶ 2, p. 29. After waiting approximately 30 minutes, he was called into a room where  
10 three ICE officers in civilian clothing arrested him. *Id.* at ¶ 3, p. 29. Despite Mr. Zin  
11 Eddin asserting that he has a pending TPS application and was granted withholding by an  
12 Immigration Judge, the ICE officers falsely told him that his withholding order was “no  
13 longer valid” and that there was a “new order” for his removal to Syria. *Id.* The officers  
14 made threatening statements about taking him to “Guantanamo Bay” if they could not  
15 remove him to Syria. *Id.* at ¶ 4, p. 29.

16 Mr. Zin Eddin was subsequently transferred to the Adelanto Detention Center  
17 (“Adelanto”) where he has been detained since. *Id.* at ¶ 5, p. 29. He was never informed  
18 of the specific country to which he is supposedly being removed. *Id.* at ¶ 9, p. 29. At  
19 Adelanto, Mr. Zin Eddin was asked if he wanted to contact the Syrian Arab Republic’s  
20 Embassy, an offer he declined pursuant to his withholding order. *Id.* at ¶ 6, p. 29.

21 On March 5, 2025, Mr. Zin Eddin was interviewed by ICE Officer J. Suarez who  
22

1 presented him with English-language forms demanding his signature, including a Form I-  
2 299 Warning for Failure to Depart, despite Mr. Zin Eddin's inability to comprehend their  
3 contents as he does not speak English. *Id.* at ¶ 7, p. 29. Mr. Zin Eddin declined to sign  
4 any documents, asserting his right to have all paperwork reviewed by his attorney. *Id.*  
5 Officer Suarez informed Mr. Zin Eddin that ICE would attempt to contact Syrian  
6 authorities for travel documents and remove him to Syria. *Id.* at ¶ 8, p. 29. Mr. Zin Eddin  
7 objected, citing his withholding order. *Id.* Officer Suarez claimed that he was unaware of  
8 the withholding order and would check Mr. Zin Eddin's file. *Id.*

9 During a March 17 call with Mr. Zin Eddin's attorney, Officer Suarez admitted that  
10 Mr. Zin Eddin's withholding order prevents his removal to Syria. *See* Exh. B, at ¶ 9, p. 34.  
11 Officer Suarez stated that ICE was attempting to find a third country for removal, such as  
12 Iraq or Mexico, with plans to contact an unnamed third country as well. *Id.*

13 Mr. Zin Eddin entered Respondents' custody in good health. *See* Exh. G, In-  
14 Processing Screening Form, p. 68. He first reported intermittent pain from his right  
15 shoulder the day after he arrived at Adelanto. *See* Exh. J, Intake Screening and Education  
16 Report 02.26.25, p. 82. Within less than a month, he reported consistent pain levels of 6  
17 out of 10 in his right shoulder, and his right arm's range of motion had decreased. Exh.  
18 H, Musculoskeletal Pain or Trauma Assessment 03.22.25, p. 69-71. By May 28, the pain  
19 had reached a consistent level of 10 out of 10, spread to his right hand, which he can no  
20 longer fully use, and compromised his ability to sleep. *See* Exh. I, Musculoskeletal Pain or  
21 Trauma Assessment 05-28-25, p. 74-76; Exh. M, Supplemental Declaration of Monia  
22

1 Ghacha 07.14.25, at ¶ 3-5, p. 101. Mr. Zin Eddin's most recent medical file notes that he  
2 suffers from "[r]ight shoulder pain[,] [which has been present] for three months and [is]  
3 still persistent and getting worse[;] [he is] unable to abduct the right shoulder now." Exh.  
4 K, Chronic Care Treatment Plan 06.04.25, p. 86.

5 This condition has only been treated with pain medication, specifically Voltaren gel  
6 and high doses of Ibuprofen. *See* Exh. L, Medical History and Physical Assessment  
7 03.06.25, p. 99 (prescribing 600mg of Ibuprofen twice daily from 03/06-03/20); Exh. H,  
8 Musculoskeletal Pain or Trauma Assessment 03.22.25, p. 72 (prescribing two 200mg tabs  
9 of Ibuprofen three times daily). Mr. Zin Eddin reported severe side effects, including  
10 blood in his stool and urine. Exh. M, ¶ 4-6, p. 101. The treatment has also been ineffective,  
11 and his condition has only worsened since. *See* Exh. K, p. 86. On or around July 4, 2025,  
12 he was rushed to the detention center's emergency room for internal bleeding. *Id.* The  
13 cause was determined to be the Ibuprofen, which was discontinued. *Id.* No further  
14 treatment has been provided. *Id.*

15 By the time his habeas petition is heard, Mr. Zin Eddin will have been detained for  
16 six months, yet he was never informed of the legal basis for his detention. Exh. A, ¶ 8, p.  
17 29. Since then, conditions at Adelanto have deteriorated rapidly due to a massive influx of  
18 detainees. Exh. M ¶ 7, p. 101-102. Mr. Zin Eddin has stated that he has not received food  
19 and water for more than a day at a time. *Id.* Even when there is food, his single daily meal  
20 consists of two boiled vegetables, a (sometimes rotten) piece of meat, and occasionally a  
21 piece of bread. *Id.* Toilet paper is also no longer available. *Id.* Mr. Zin Eddin has not  
22



received a notice of intended third-country removal or any indication that there is in fact a viable third country for his removal. Exh. B, ¶ 8, p. 34. His attorney has made numerous attempts to contact ICE officials, including phone calls, emails, and hand-delivered letters, but has faced significant difficulties in obtaining information about the legal basis for Mr. Zin Eddin's detention and ICE's removal plans. *See* Exh. B, ¶ 9-12, p. 34-35.

## **ARGUMENT**

### **I. THIS COURT HAS AUTHORITY TO GRANT MR. ZIN EDDIN'S RELEASE ON BAIL UNDER *LAND V. DEEDS*.**

"In extraordinary cases ... federal judges have the authority to release detainees on bail while their habeas cases are pending." *Zepeda Rivas v. Jennings*, 445 F. Supp. 3d 36, 41 (N.D. Cal. 2020); *see also Mapp v. Reno*, 241 F.3d 221, 229 (2d Cir. 2001) (noting that granting bail to habeas petitioners is among the "powers that are inherent in the federal courts"). The Ninth Circuit has held that bail pending a decision in a habeas case is available "for extraordinary cases involving special circumstances or a high probability of success." *Land v. Deeds*, 878 F.2d 318, 318 (9th Cir. 1989) (citing *Aronson v. May*, 85 S. Ct. 3, 5 (1964)). All other circuits to have addressed this issue have also recognized district courts' inherent power to grant bail to habeas petitioners. *See Woodcock v. Donnelly*, 470 F.2d 93, 94 (1st Cir. 1972); *Mapp*, 241 F.3d at 229; *Landano v. Rafferty*, 970 F.2d 1230, 1239 (3rd Cir. 1992); *Calley v. Callaway*, 496 F.2d 701, 702 (5th Cir. 1974); *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990); *Cherek v. United States*, 767 F.2d 335, 337 (7th Cir. 1985); *Martin v. Solem*, 801 F.2d 324, 329 (8th Cir. 1986); *Pfaff v. Wells*, 648 F.2d 689, 693 (10th

1 Cir. 1981); *Baker v. Sard*, 420 F.2d 1342, 1343–44 (D.C. Cir. 1969).

2 “Bail is appropriate pending a decision in a habeas case ‘only when the petitioner  
3 has raised substantial constitutional claims upon which he has a high probability of  
4 success, and extraordinary or exceptional circumstances exist which make the grant of bail  
5 necessary to make the habeas remedy effective.’” *Tam v. I.N.S.*, 14 F. Supp. 2d 1184, 1190  
6 (E.D. Cal. 1998) (quoting *Landano*, 970 F.2d at 1239). Numerous district courts within the  
7 Ninth Circuit have ordered habeas petitioners released on bail pursuant to *Land*. See, e.g.,  
8 *Zepeda Rivas*, 445 F. Supp. 3d at 41; *Wroclawski v. United States*, 634 F. Supp. 2d 1003, 1009  
9 (D. Ariz. 2009); *Tam*, 14 F. Supp. 2d at 1193; *Marino v. Vasquez*, 812 F.2d 499, 509 (9th  
10 Cir. 1987) (affirming petitioner’s release on bail).

## 11 **II. MR. ZIN EDDIN MEETS THE STANDARD FOR *LAND* RELEASE**

### 12 **A. Mr. Zin Eddin has raised a substantial constitutional claim.**

13 Through his habeas petition, Mr. Zin Eddin seeks to protect his constitutional  
14 rights under the Due Process Clause of the Fifth Amendment. The Supreme Court has  
15 made clear that “the Due Process Clause applies to all ‘persons’ within the United States,  
16 including aliens, whether their presence here is lawful, unlawful, temporary, or  
17 permanent.” *Zadvydas*, 533 U.S. at 693. While Mr. Zin Eddin was never informed of the  
18 legal basis for his detention, he is presumably being detained under 8 U.S.C. § 1231(a)(6).  
19 The Supreme Court has held that 8 U.S.C. § 1231, not §1226, governs the detention of  
20 aliens with final removal orders. *Johnson v. Guzman Chavez*, 594 U.S. 523, 526 (2021). After  
21 the initial 90-day removal period, the alien’s detention is governed by § 1231(a)(6). *Salad v.*

1 *Dep't of Corr.*, 769 F. Supp. 3d 913, 920 (D. Alaska 2025) (citing 8 U.S.C. § 1231(a)(6)).

2 While §1231(a)(6) does not specify any limit to the duration of detention it  
3 authorizes, the Supreme Court held in *Zadvydas* that the statute “implicitly limits an alien's  
4 detention to a period reasonably necessary to bring about that alien's removal.” *Zadvydas*,  
5 533 U.S. at 679. The Court rooted its ruling in the Fifth Amendment’s due process  
6 requirement that there must be “adequate procedural protections” to ensure that the  
7 government’s asserted justification for a noncitizen’s physical confinement “outweighs  
8 the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* at  
9 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). The Court explained that “[a]  
10 statute permitting indefinite detention would raise serious constitutional questions.” *Id.* at  
11 679. A *Zadvydas* claim constitutes a substantial constitutional claim because it directly  
12 implicates the Fifth Amendment's Due Process Clause.

13 **B. Mr. Zin Eddin has a high probability of success on his**  
14 **constitutional claim under *Zadvydas*.**

15 **1. Mr. Zin Eddin’s *Zadvydas* claim is ripe.**

16 The *Zadvydas* Court held that “once removal is no longer foreseeable, continued  
17 detention is no longer authorized by [§ 1231(a)(6)].” *Id.* at 699. The Court established a  
18 “presumptively reasonable period of detention ... of six months.” *Id.* at 701. “When that  
19 ‘presumptively reasonable’ six-month period ends, aliens seeking release from custody  
20 bear the initial burden of providing ‘good reason to believe that there is no significant  
21 likelihood of removal in the reasonably foreseeable future.’” *Trinh v. Homan*, 466 F. Supp.



3d 1077, 1082 (C.D. Cal. 2020) (quoting *Zadvydas*, 533 U.S. at 701). Then, the burden shifts to “the Government [which] must respond with evidence sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 701. Because Mr. Zin Eddin was detained on February 25, 2025, the six-month period will have passed by the time this Court hears this motion.

It should be noted, however, that Mr. Zin Eddin has not been removable at any point since he was detained and thus his detention has been unlawful from the beginning. The *Zadvydas* Court “held that detention for less than six months was presumptively reasonable but left the lower courts to determine whether detention has ‘exceed[ed] a period reasonably necessary to secure removal’ in individual cases.” *Trinh*, 466 F. Supp. at 1093 (quoting *Zadvydas*, 533 U.S. at 699). Any confinement exceeds “the period necessary to secure removal” if the alien is not removable in the first place.

**2. Removal is not reasonably foreseeable because Mr. Zin Eddin is  
statutorily protected from removal.**

Mr. Zin Eddin filed his still-pending TPS application on December 9, 2024. He meets—*prima facie*—all the requirements of the program, which means that he is statutorily protected from removal until his case has been decided: “In the case of an alien who establishes a *prima facie* case of eligibility for [TPS] benefits[,] ... until a final determination with respect to the alien's eligibility for such benefits ... has been made, the alien shall be provided such benefits.” 8 U.S.C. § 1254a(a)(4)(B). These benefits include that “the Attorney General ... shall not remove the alien from the United States during the period in which such status is in effect.” 8 U.S.C. § 1254a(a)(1); *see also Salad*, 769 F.

1 Supp. 3d at 922 (D. Alaska 2025) (“the INA prohibits removal of an individual who is  
2 *prima facie* eligible for TPS”). A person's unlawful entry into the United States will usually  
3 not preclude granting him TPS. *See* 8 C.F.R. § 244.3 (2011). A TPS recipient is protected  
4 from removal and authorized to work for as long as the TPS designation lasts. 8 U.S.C. §  
5 1254a(a)(1). Furthermore, he “shall not be detained by the Attorney General on the basis  
6 of the alien's immigration status in the United States.” 8 U.S.C. § 1254a(d)(4).

7 To be eligible for TPS, an applicant must: (1) be a national of a country designated  
8 for TPS; (2) file during the open initial registration or re-registration period; (3) have been  
9 continuously physically present in the United States since the most recent designation  
10 date; and (4) have been a United States resident since the date specified for his respective  
11 country. 8 U.S.C. § 1254a(c)(1); 8 C.F.R. §§ 244.2 (1998), 244.3–4 (2011). Grounds for  
12 ineligibility include (1) having been convicted of any felony or two or more misdemeanors  
13 committed in the United States; (2) having been found inadmissible as an immigrant  
14 under applicable grounds in 8 U.S.C. § 1182(a); or (3) being subject to any of the  
15 mandatory bars to asylum such as participating in the persecution of another individual or  
16 engaging in or inciting terrorist activity. 8 U.S.C. § 1254a(c)(2).

17 Mr. Zin Eddin meets all these requirements. He is a national of Syria, a country  
18 designated for TPS until at least September 30, 2025. *See* Extension and Redesignation of  
19 Syria for Temporary Protected Status, 89 Fed. Reg. 5562-01 (Jan. 29, 2024). He filed his  
20 TPS application on December 9, 2024, within the current registration period. *Id.* He has  
21 been physically present and residing in the United States since December 21, 2023, before  
22

1 the respective deadlines for continuous residency and physical presence. *Id.* Lastly, none  
2 of the grounds for ineligibility apply to Mr. Zin Eddin who has no criminal record and is  
3 not “an alien described in section 208(b)(2)(A) of the [INA].” 8 C.F.R. § 244.4; 8 U.S.C. §  
4 1158(b)(2)(A). Thus, Mr. Zin Eddin has established his *prima facie* eligibility for TPS,  
5 granting him removal protection under the INA.

6 Furthermore, Mr. Zin Eddin’s “*prima facie* eligibility supports an inference that he is  
7 highly likely to obtain TPS because USCIS makes the decision to grant TPS ‘consistent  
8 with the standards of eligibility.’” *Salad*, 769 F. Supp. 3d at 922–23 (citing 8 C.F.R. §  
9 244.10(b) (2011)). In that event, Mr. Zin Eddin will remain unremovable indefinitely  
10 unless the Secretary of State decides to terminate Syria’s TPS designation. If the Secretary  
11 takes no action by September 24, 2025, the program will be automatically extended for at  
12 least six months. 8 U.S.C. § 1254a(b)(3)(C).

13 More likely, Syria will be redesignated because it remains extremely dangerous. On  
14 June 24, 2025, the U.S. Embassy in Syria issued a security alert, warning that “[t]here is an  
15 ongoing risk of terrorist violence, including terrorist attacks and other activity in Syria  
16 [and that] [d]ue to high tensions in the region, the security environment remains complex  
17 and can change quickly.” *Security Alert – U.S. Citizens in Syria*, U.S. Embassy in Syria (June  
18 24, 2025), <https://sy.usembassy.gov/security-alert-u-s-citizens-in-syria-june-24-2025>. A  
19 “Do Not Travel” advisory by the Department of State also remains in place, warning that  
20 “[n]o part of Syria is safe from violence.” *Syria Travel Advisory*, U.S. DEPARTMENT of  
21 STATE — BUREAU of CONSULAR AFFAIRS (March 3, 2025),  
22



1 <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/syria-travel->  
2 [advisory.html](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/syria-travel-advisory.html). Even if Syria's TPS designation were to be revoked, any current TPS  
3 holder who would lose their benefits would have the right to appeal such a decision.  
4 "Temporary Protected Status benefits will be extended during the pendency of an  
5 appeal." 8 C.F.R. § 244.14(b)(3) (2011); *see also Sanchez Puentes v. Garite*, No. EP-25-CV-  
6 00127-DB, [2025 WL 1203179](#), at \*10 (W.D. Tex. Apr. 25, 2025) (finding that Venezuelan  
7 TPS recipient had a right to appeal termination of his TPS benefits after Venezuela's TPS  
8 designation had been cancelled, and that he was statutorily protected from removal and  
9 detention during appeals process).

10 Even in the unlikely scenario of Mr. Zin Eddin's TPS application being denied, he  
11 "would have a right to appeal the decision, during which time he would remain  
12 unremovable." *Salad*, [769 F. Supp. 3d at 923](#) (citing 8 C.F.R. §§ 244.10(c); 244.10(e)(2)). It  
13 takes at least about 180 days for such an appeal to be adjudicated. USCIS.gov, *Questions*  
14 *and Answers: Appeals and Motions*, U.S. Citizenship and Immigration Services (last updated  
15 May 14, 2024), [https://www.uscis.gov/forms/all-forms/questions-and-answers-appeals-](https://www.uscis.gov/forms/all-forms/questions-and-answers-appeals-and-motions)  
16 [and-motions](https://www.uscis.gov/forms/all-forms/questions-and-answers-appeals-and-motions). However, an appeal could potentially take years since immigration courts  
17 are currently facing an enormous backlog of cases.

18 And even if that appeal were denied as well, Mr. Zin Eddin's withholding order still  
19 prohibits his removal to Syria. In practice, aliens with withholding orders rarely end up  
20 being deported at all. "Rather, the alien typically remains in the United States for the  
21 foreseeable future." *Guzman Chavez*, [594 U.S. at 552–53](#) (Breyer, J., dissenting); *see also*

1 *Nadarajah v. Gonzales*, 443 F.3d 1069, 1081-82 (9th Cir. 2006) (finding removal not  
2 reasonably foreseeable where the government is not entitled to remove an alien to his  
3 country of origin and no third country has been identified for removal).

4 For the above reasons, Mr. Zin Eddin has been unremovable for the entire length  
5 of his detention and is likely to remain so for the foreseeable future. *See San Juan Bonilla v.*  
6 *Ashcroft*, 115 F. App'x 364, 365 (9th Cir. 2004) (holding that a “stay of removal will remain  
7 in effect until [petitioner’s] TPS appeal is adjudicated”). Thus, there never was a  
8 “reasonable relation” between Mr. Zin Eddin’s detention and the purpose for which he  
9 was detained. *Zadvydas*, 533 U.S. at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738  
10 (1972). Since Mr. Zinn Eddin’s detention fails the *Zadvydas* test, he is highly likely to  
11 prevail on the merits of his habeas petition.

12 **C. This case presents extraordinary circumstances.**

13 The Ninth Circuit has held that bail pending a decision in a habeas case is available  
14 in “extraordinary cases involving special circumstances.” *Land*, 878 F.2d at 318 (citing  
15 *Aronson*, 85 S. Ct. at 5). The special circumstances test employed by the *Land* court  
16 originated in *Wright v. Henkel*, which “established that district courts may release relators  
17 when ‘special circumstances’ are present.” *Wroclawski*, 634 F. Supp. 2d at 1005 (quoting  
18 *Wright v. Henkel*, 190 U.S. 40, 63 (1903). The Ninth Circuit has emphasized that “habeas  
19 corpus is not a static, narrow, formalistic remedy, but one which must retain the ability to  
20 cut through barriers of form and procedural mazes.” *Brown v. Vasquez*, 952 F.2d 1164,  
21 1166 (9th Cir. 1992) (quoting *Hensley v. Municipal Ct.*, 411 U.S. 345, 349-50 (1973). Courts

1 are not bound by an exhaustive list of “special circumstances.” *Wroclawski*, 634 F. Supp.  
2 2d at 1006. Rather, “[t]he determination of what factors to consider and how much  
3 weight to give them is within the ‘sound discretion’ of the Court.” *Id.* (citing *Beaulieu v.*  
4 *Hartigan*, 554 F.2d 1, 1 (1st Cir. 1977)).

5 Courts have found special circumstances where there has been “a serious  
6 deterioration of [the detainee’s] health while incarcerated,” *United States v. Mett*, 41 F.3d  
7 1281, 1282 n.4 (9th Cir. 1994) (quoting *Salerno v. United States*, 878 F.2d 317, 317 (9th Cir.  
8 1989)), detention conditions pose a serious risk to the detainee’s health and safety,  
9 *Ruderman v. Kolutwenzew*, 459 F. Supp. 3d 1121, 1135 (C.D. Ill. 2020), the detainee is neither  
10 a flight risk nor a danger to the community, *Mahdawi v. Trump*, No. 2:25-CV-389, 2025  
11 WL 1243135, at \*12 (D. Vt. Apr. 30, 2025), there is a serious risk of erroneous  
12 deportation, *Nak Kim Chhoeun v. Marin*, 442 F. Supp. 3d 1233, 1251 (C.D. Cal. 2020), and  
13 where the “[p]etitioner is a de facto permanent prisoner neither charged with nor  
14 convicted of any crime.” *Tam*, 14 F. Supp. 2d at 1192.

15 Special circumstances exist here because (1) Mr. Zin Eddin’s detention has been  
16 unlawful from the beginning because he is not removable at all; (2) his health has  
17 seriously deteriorated while in custody; (3) the conditions at Adelanto have deteriorated to  
18 the point of posing an acute threat to his health; (4) Mr. Zin Eddin is neither a flight risk  
19 nor a danger to the community; (5) his continued detention by ICE puts him at severe  
20 risk of erroneous deportation; and (6) he is a de facto prisoner who has not been charged  
21 with any crime and is being subjected to punitive conditions.



1                   **1. No legal basis for detention**

2           It is difficult to imagine circumstances more extraordinary than a government  
3 agency outright ignoring an unambiguous statute, as is the case here. Mr. Zin Eddin has  
4 not been removable since December 9, 2024, the date USCIS received his *prima facie* TPS  
5 application. Thus, his detention has been unlawful under *Zadvydas* from the beginning. *See*  
6 *supra* Part II.B.2. Furthermore, the initial 90-day removal period had already passed by the  
7 time ICE re-detained Mr. Zin Eddin on February 25, 2025, making § 1231(a)'s detention  
8 mandate for that period inapplicable as well. Yet ICE continues to detain Mr. Zin Eddin  
9 and attempt to deport him.

10           If a government agency were allowed to arrest and detain persons subject to the  
11 jurisdiction of the United States without authorization by either state or federal law, the  
12 Fifth Amendment and the rule of law itself will be undermined severely. Thus, courts  
13 have found that where an alien's detention is not authorized by the INA and the  
14 government has not presented evidence showing authorization under a different statute,  
15 the detainee is entitled to immediate release. *Sanchez Puentes*, 2025 WL 1203179 at \*16; *see*  
16 *also Campbell v. Barr*, 387 F. Supp. 3d 286, 301 (W.D.N.Y. 2019) (ordering petitioner's  
17 conditional release where detention was not authorized by the INA since petitioner was  
18 unremovable). Thus, this Court should grant Mr. Zin Eddin's immediate release on bail.

19                   **2. Serious deterioration of health while in custody**

20           “Special circumstances [also] include ‘a serious deterioration of health while  
21 incarcerated.’” *United States v. Mett*, 41 F.3d 1281, 1282 n.4 (9th Cir. 1994) (quoting *Salerno*  
22

1 *v. United States*, 878 F.2d 317, 317 (9th Cir. 1989)). The Ninth Circuit has granted motions  
2 for conditional release where the detainee’s “health [wa]s deteriorating, a deterioration  
3 that [wa]s only exacerbated by continuing detention.” *Nadarajah*, 443 F.3d at 1084. Courts  
4 in other circuits have stated that “[c]hronic and debilitating health conditions, ... certainly  
5 constitute exceptional circumstances ... making bail necessary to make the habeas remedy  
6 effective, and to prevent further deterioration of [petitioner’s] health.” *D’Alessandro v.*  
7 *Mukasey*, No. 08CV914RJAVEB, 2009 WL 799957, at \*4 (W.D.N.Y. Mar. 25, 2009); *see*  
8 *also Coronel v. Decker*, 449 F. Supp. 3d 274, 289 (S.D.N.Y. 2020) (“[s]evere health issues  
9 [are] the prototypical but rare case of extraordinary circumstances that justify release  
10 pending adjudication of habeas”); *Leslie v. Holder*, 865 F. Supp. 2d 627, 639 (M.D. Pa.  
11 2012) (holding that petitioner’s “array of medical problems” constituted extraordinary  
12 circumstances).

13 When Mr. Zin Eddin entered Respondents’ custody, he was in good health. Within  
14 less than a month, he was reporting pain levels of 6 out of 10 in his right shoulder and his  
15 right arm’s range of motion had decreased. Now, he can no longer abduct his right  
16 shoulder, and the pain, rated at 10 out of 10, has spread to his right hand, which he can  
17 no longer fully use. This condition has only been treated with pain medication, specifically  
18 Voltaren gel and high doses of Ibuprofen, which can lead to severe health issues if taken  
19 for a prolonged period of time. *See* Muhammed Ershad & Muhammad Atif Ameer,  
20 *Ibuprofen Toxicity*, National Center for Biotechnology Information (last updated April 30,  
21 2024), <https://www.ncbi.nlm.nih.gov/books/NBK526078/> (“[t]he severity of  
22

1 gastrointestinal adverse effects [caused by overuse of Ibuprofen] can range from  
2 dyspepsia to life-threatening upper gastrointestinal hemorrhage or viscous organ  
3 rupture”).

4 Not only has this treatment been ineffective but it has resulted in severe side effects.  
5 For weeks, Mr. Zin Eddin had been reporting blood in his stool and urine before he was  
6 rushed to Adelanto’s emergency room around July 4 due to severe abdominal pain and  
7 internal bleeding. The center’s own medical staff determined that the cause was the  
8 Ibuprofen prescribed to him, which was discontinued thereafter. No other treatment has  
9 been provided for his internal bleeding or his shoulder. Unless this Court orders Mr. Zin  
10 Eddin’s immediate release—allowing him to seek proper medical attention outside of  
11 Adelanto—his already severely compromised health is likely to deteriorate even further.

### 12 **3. Inhumane and dangerous detention conditions**

13 The Constitution does not permit inhumane conditions in prisons, let alone civil  
14 detention facilities. *See Farmer v. Brennan*, 511 U.S. 825, 832 (1994). Courts have found that  
15 detention conditions that put detainees’ health at serious risk “[v]iolate [their] Fifth  
16 Amendment Due Process Rights.” *Ruderman*, 459 F. Supp. 3d at 1135. For example,  
17 during the Covid-19 pandemic, numerous courts have found the risk to detainees’ health  
18 posed by inadequate safety precautions in detention centers constituted an extraordinary  
19 circumstance sufficient for petitioners’ immediate release on bail. *See, e.g., id.* at 1138;  
20 *Coronel*, 449 F. Supp. 3d at 290; *Thakker v. Doll*, 451 F. Supp. 3d 358, 371 (M.D. Pa. 2020);  
21 *Malam v. Adducci*, 455 F. Supp. 3d 384, 395 (E.D. Mich. 2020).



1 In recent months, conditions at Adelanto have deteriorated rapidly. “In less than  
2 two months, the number of detainees in [Adelanto] has surged from around 300 near the  
3 end of April to more than 1,200 as of [June 18, 2025].” Jenny Jarvie & Nathan Solis, *Moldy*  
4 *food, dirty towels: Critics warn of inhumane conditions at California’s largest detention center*, Los  
5 Angeles Times (Jun. 20, 2025), [https://www.latimes.com/california/story/2025-06-](https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center)  
6 [20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-](https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center)  
7 [detention-center](https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center). Even staff have “warn[ed] that conditions inside have become  
8 increasingly unsafe and unsanitary.” *Id.* Detainees report not receiving clean clothes,  
9 underwear or towels for 10 days, being given moldy food and having to sleep on the  
10 floor. *Id.* “In May, a detainee went into anaphylactic shock and ended up intubated in the  
11 hospital” because an overworked officer accidentally gave him food he was allergic to. *Id.*

12 Mr. Zin Eddin has been deprived of food and water for more than a day at a time.  
13 When he does receive food, his daily nutrition consists of only one or two pieces of  
14 boiled vegetables, one piece of sometimes rotten meat, and occasionally a piece of bread.  
15 Because ICE never established a “GettingOut” account for Mr. Zin Eddin, he has been  
16 unable to purchase additional food from Adelanto’s commissary.

17 Civil immigration detention facilities are supposed to be “nonpunitive in purpose  
18 and effect.” *Zadvydas*, 533 U.S. at 690. Yet, ICE detention centers around the country  
19 have been experiencing abhorrent conditions, with dire consequences. Marina Dunbar,  
20 *Two more Ice deaths put US on track for one of deadliest years in immigration detention*, The  
21 Guardian (June 30, 2025), <https://www.theguardian.com/us-news/2025/jun/30/us-ice->  
22

detention-deaths. Mr. Zin Eddin, who has not been accused of any crime, is subjected to worse conditions than many felons, putting his health in serious danger. Such detention conditions are in and of themselves extraordinary.

#### 4. No flight risk or danger to the community

“[T]hat there is no evidence to support a finding that [petitioner] is a flight risk or is a danger to the community’ can also constitute an extraordinary circumstance.” *Mahdawi*, 2025 WL 1243135 at \*12 (quoting *D’Alessandro*, 2009 WL 799957 at \*5); *see also Ruderman*, 459 F. Supp. 3d at 1138 (C.D. Ill. 2020) (“the Government’s legitimate interest in detaining Petitioner is already greatly diminished absent a showing that he is a danger to the community or a flight risk”). Here, ICE attempts to justify Mr. Zin Eddin’s continued detention by claiming that he is a flight risk, offering no evidence in support.

The BIA uses a nine-factor test to determine whether an immigrant detainee is a flight risk or poses a danger to the community. *Al-Sadeai v. U.S. Immigr. & Customs Enf’t*, 540 F. Supp. 3d 983, 991 (S.D. Cal. 2021) (citing *In Re Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006)). The test considers (1) whether the immigrant has a fixed address in the United States; (2) how long he has resided in the United States; (3) whether he has family in the United States; (4) his employment history; (5) his record of appearance(s) in court; (6) his criminal record; (7) any history of immigration violations; (8) any attempts to flee prosecution or otherwise escape from authorities; and (9) the manner of entry into the United States. *Id.*

Seven of the nine factors weigh in favor of Mr. Zin Eddin. (1) He has a fixed

1 address in the United States. (2) He has been residing in the United States for about  
2 nineteen months, suggesting that he has put down roots here. (4) He has been employed  
3 for at least part of his time in the United States. (5) He has an extensive record of  
4 appearing in court when summoned. (6) He has no criminal record. (7) He has never  
5 violated the conditions of his release. In fact, he has been exceptionally diligent in his  
6 compliance with ICE orders. (8) He has not attempted to flee prosecution or otherwise  
7 escape from authorities. In fact, he has voluntarily visited ICE offices and was re-detained  
8 while attending a scheduled ICE check-in appointment. The only factors weighing against  
9 him are that (3) he does not have family in the United States and (9) he initially crossed  
10 the border illegally. En balance, the *Guerra* factors strongly suggest that Mr. Zin Eddin is  
11 neither a flight risk nor a danger to the community.

12 Furthermore, Mr. Zin Eddin's pending *prima facie* TPS application provides a strong  
13 incentive for him to remain in compliance with any conditions placed upon his release  
14 because not doing so would jeopardize the legal status he is so close to gaining. Finally,  
15 ICE itself has previously released Mr. Zin Eddin after he was granted withholding of  
16 removal to Syria, strongly suggesting that he was not considered a flight risk at the time.  
17 ICE has not introduced any evidence suggesting that this has changed.

## 18 **5. Risk of erroneous deportation**

19 Courts have also found extraordinary circumstances where there is a serious risk of  
20 erroneous deportation. See *Nak Kim Chhoeun*, 442 F. Supp. 3d at 1251 (“[t]he extraordinary  
21 circumstances in this case ... includ[e] ... the sudden and unexpected threat of removal,  
22



1 and the barriers to accessing attorneys and documents while in detention”); *see also* *Kiadii v.*  
2 *Decker*, 423 F. Supp. 3d 18, 20 (S.D.N.Y. 2018) (finding extraordinary circumstances  
3 where the petitioner had been placed in removal proceedings despite claiming to have  
4 obtained derivative citizenship under a past version of the INA).

5 Mr. Zin Eddin notified ICE agents of his pending TPS application during his arrest,  
6 presenting them with his TPS receipt notice. Undeterred, ICE has chosen to simply  
7 ignore the removal protections afforded to Mr. Zin Eddin under 8 U.S.C. § 1254a.

8 Initially, Officer Suarez even stated that Mr. Zin Eddin would be deported to Syria, the  
9 very country for which removal withholding had specifically been granted. ICE continues  
10 its efforts to unlawfully deport Mr. Zin Eddin to a random list of third countries,  
11 including Iraq and Mexico, putting him at severe risk of erroneous deportation,  
12 potentially to a very dangerous place. *See* Mattathias Schwartz, *Court Rejects Effort to Keep*  
13 *Migrants From Being Sent to South Sudan*, N.Y. Times (Jul. 4, 2025),

14 <https://www.nytimes.com/2025/07/04/us/politics/trump-migrants-lawsuit-sudan.html>

15 (describing the deportation of “men hailed from Vietnam, Mexico, Laos, Cuba and  
16 Myanmar ... [to] South Sudan, a violence-plagued country”), *see also* *Nak Kim Chhoeun*, 442  
17 F. Supp. 3d at 1248 (“the haste with which the government seeks to remove [aliens]  
18 creates a high risk of erroneous liberty deprivations”).

19 In sum, ICE has repeatedly reiterated its intention to unlawfully remove Mr. Zin  
20 Eddin and continues to act as if Mr. Zin Eddin’s removal protections under 8 U.S.C. §  
21 1254a did not exist. Unless this Court grants Mr. Zin Eddin’s conditional release, there is  
22

1 a significant possibility that he will have been erroneously deported by the time his habeas  
2 petition has been adjudicated.

### 3 **6. De facto imprisonment without any charges or trial**

4 The Supreme Court has made clear that detainees may not be punished before they  
5 are adjudicated guilty. *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 325 (3d Cir. 2020)  
6 (citing *Bell v. Wolfish*, 441 U.S. 520, 549 (1979)). Courts have found that the indefinite civil  
7 detention of aliens who have not been charged with any crime can amount to de facto  
8 imprisonment, constituting exceptional circumstances.

9 In *Tam*, the petitioner had been detained by the INS for more than three years  
10 subject to a deportation order, but the INS could not “credibly assert that petitioner’s  
11 deportation [would] occur.” *Tam*, 14 F. Supp. 2d at 1192. The court concluded that  
12 “[p]etitioner is a de facto permanent prisoner neither charged with nor convicted of any  
13 crime ... [and] that these circumstances are exceptional.” *Id.* Relatedly, in determining  
14 whether immigration detainees are entitled to bond hearings, courts have considered  
15 “whether the facility for the civil immigration detention is meaningfully different from a  
16 penal institution for criminal detention.” *Arana v. Barr*, 451 F. Supp. 3d 271, 275  
17 (S.D.N.Y. 2020); *see also Sajous v. Decker*, No. 18-CV-2447 (AJN), 2018 WL 2357266, at  
18 \*11 (S.D.N.Y. May 23, 2018); *Ruderman*, 459 F. Supp. 3d at 1134.

19 The conditions of Mr. Zin Eddin’s detention at Adelanto are worse than those in  
20 many actual prisons. *See supra* Part II.C.3. And while Mr. Zin Eddin has not been detained  
21 for as long as the petitioner in *Tam*, there is even less justification for his detention since  
22

1 he has never been removable at all. *See supra* Part II.B.2. Notably, Mr. Zin Eddin had  
2 previously been detained by ICE for six months upon his arrival in the United States,  
3 meaning that he has spent almost eleven months total in ICE detention since December  
4 2023. Furthermore, “ICE has a plethora of means *other than* physical detention at their  
5 disposal by which they may monitor civil detainees and ensure that they are present at  
6 removal proceedings, including remote monitoring and routine check-ins.” *Thakker*, 451  
7 F. Supp. 3d at 371. The continued de facto imprisonment of Mr. Zin Eddin, an  
8 unremovable alien who has not been charged with any crime, thus constitutes an  
9 extraordinary circumstance.

10 **D. These extraordinary circumstances make the grant of bail necessary**  
11 **to make the habeas remedy effective.**

12 Courts have recognized that in the immigration context, justice delayed is often  
13 justice denied. *See Kabo v. Ilchert*, 765 F.2d 877, 880 (9th Cir. 1985); *Gaur v. Gonzalez*, 124 F.  
14 App'x 738, 743 (3d Cir. 2005). Whether the granting of release on bail is necessary to  
15 make the habeas remedy effective involves a totality of circumstances analysis. *See Brown*,  
16 952 F.2d at 1166 (“habeas corpus is not a static, narrow, formalistic remedy”).

17 Consequently, courts have found release on bail necessary in a wide variety of  
18 circumstances, such as where the petitioner “will very likely have continued to serve an  
19 excessive sentence in the meantime,” *United States v. Lee*, No. CR 12-00133 JMS (02), 2016  
20 WL 1039046, at \*5 (D. Haw. Mar. 15, 2016) (citing *Landano*, 970 F.2d at 1239), or where  
21 the petitioner was a de facto prisoner who had not been charged with any crime. *Tam*, 14  
22



1 F. Supp. 2d at 1190.

2 Courts have also repeatedly held that a habeas petitioner's deterioration of health  
3 while in custody makes release on bail necessary. *See Ozturk v. Trump*, No. 2:25-CV-374,  
4 2025 WL 1420540, at \*8 (D. Vt. May 16, 2025) (finding the granting of bail necessary  
5 where petitioner's "health ha[d] declined precipitously over the ... six weeks [she was  
6 detained], and she [wa]s at risk for needing emergency medical care, which may be  
7 difficult to obtain in detention"); *D'Alessandro*, 2009 WL 799957 at \*4 ("Chronic and  
8 debilitating health conditions ... certainly constitute exceptional circumstances ... making  
9 bail necessary to make the habeas remedy effective"); *Coronel*, 449 F. Supp. 3d at 289  
10 (finding conditional release necessary where petitioners faced a significant risk of  
11 contracting Covid-19, "the very outcome they seek to avoid").

12 All these categories apply to Mr. Zin Eddin. If he is not granted release on bail  
13 pending the outcome of those proceedings, he will be serving not just an excessive but a  
14 completely unlawful sentence since his detention has never been authorized by the INA  
15 or any other source of law to begin with. Furthermore, since Mr. Zin Eddin is neither a  
16 flight risk nor a danger to the community, the government lacks any justification for his  
17 detention and is illegally holding him as a de facto prisoner, just like the petitioner in *Tam*.  
18 Unless he is granted bail, Mr. Zin Eddin will continue to be illegally detained under  
19 inhumane and dangerous conditions, undermining the very remedy—freedom from  
20 detention—he seeks. Finally, Mr. Zin Eddin's health has deteriorated precipitously during  
21 his detention, to the point of him needing emergency medical care. The *Ozturk* court  
22

1 explicitly based its grant of bail on that exact possibility. *Ozturk*, 2025 WL 1420540, at \*8.  
2 If this Court does not grant Mr. Zin Eddin's motion for release on bail pending these  
3 proceedings, he is likely to suffer further severe health damage, undermining the  
4 effectiveness of the habeas remedy. For these reasons, Mr. Zin Eddin's release on bail is  
5 necessary to make the habeas remedy effective.  
6

### 7 CONCLUSION

8 In sum, Mr. Zin Eddin has raised a substantial constitutional claim with a very high  
9 likelihood of success and several extraordinary circumstances make the grant of bail  
10 necessary to make the habeas remedy effective. Thus, this Court should grant Mr. Zin  
11 Eddin's release on bail pending the outcome of his habeas petition.  
12

13 The undersigned, counsel of record for Zuhir Zin Eddin, certify that this brief contains  
14 6853 words, which complies with the word limit of L.R. 11-6.1.  
15

16 DATED: July 30, 2025

17 Respectfully submitted,

18 /s/ Daniel T. Huang  
19 Daniel T Huang, Esq.

20 /s/ Paul Hoffman  
21 Paul Hoffman, Esq.

22 **Pro Bono Counsels for Mr. Zin Eddin**