

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

KHALED SALAH ABU-HAMDAH,

Petitioner,

v.

KRISTI NOEM, Secretary
of the U.S. Department of Homeland
Security, et al.

Respondents.

Case No. 1:25-CV-00142

RESPONSE TO GOVERNMENT'S MOTION FOR SUMMARY JUDGMENT

Comes now petitioner, Khaled Salah Abu-Hamdah, and files this response to the Government's motion for summary judgment. In its motion, the government asserts first that the petitioner cannot satisfy his burden of proof showing that there is no significant likelihood of removal in the reasonably foreseeable future; and, second, they claim petitioner's request for relief under the Convention Against Torture tolled the six month clock under Zadvydas.

Subsequent to its July 25 filed response, the government filed a supplemental pleading on August 14, 2025, claiming that the removal date for Mr. Abu-Hamdah is August 16, 2025. This will be the fourth promised removal date. The petitioner contends that three broken promises of removal prove that there is not a significant likelihood of removal in the reasonably foreseeable future. In fact, while the government promised a new removal date in its August 14 filing, it offered no explanation as to why Mr. Abu-Hamdah was not removed by July 31 as they had promised this Court on July 25.

In support hereof, the petitioner would show as follows:

I. Record of Broken Promises

The record will show that the government has broken its promise to remove Mr. Abu-Hamdah on three occasions so far. The dates they have failed to keep their promise to remove Mr. Hamdah are: June 4, 2025; by July 31, 2025; and, on or about August 7, 2025. See DE 12, Declaration of Deportation Officer Monica Peets and see attached Exhibit A, statement from Attorney Laura Allison Ramos. Attorney Ramos represented the petitioner during immigration proceedings and in the underlying 8 USC 1326 criminal case in U.S. District Court in Corpus Christi. This continued record of failure to remove does not inspire confidence that they will keep their word to the Court as they stated in their August 14 pleading. Last week's arbitrary exclusion of Mr. Abu Hamdeh from the flight with a group of people returned to Jordan suggests that the government is acting in bad faith. Ibid, Exhibit A, paragraph 5.

II. Six Month Clock Under Zadvydas

The government made no effort to refute the landmark Supreme Court holding made in the June 26, 2025 Riley v. Bondi decision: "An order denying relief under the CAT is not a final order of removal and does not affect the validity of a previously issued order of removal or render that order non-final." Riley v. Bondi, 145 S. Ct. 2190, 2199 (2025). Thus, arguably, Mr. Abu Hamdah's incarceration period should be calculated for purposes of the six-month standard under Zadvydas v. Davis ¹from the reinstatement date of his prior expedited removal order, October 17, 2024.

III. PRAYER

¹ 533 U.S. 678, 690 (2001)

Therefore, the petitioner respectfully asks the court to deny the Motion for Summary Judgment. In addition, should the government not remove the petitioner on August 16, the petitioner requests that a reasonable bond be set pending removal. The record before the court includes the findings made by Immigration Judge Pimentel (DE 7). The petitioner pointed out Judge Pimentel's conclusions in the application for writ of habeas corpus (DE 1). After concluding that Mr. Abu Hamdeh is not a danger and that there are good reasons to support relief, Judge Pimentel noted:: "To the extent these factors may be relevant to other decision-makers outside of the Immigration Court system, I would posit that this case bears careful consideration of those factors."

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that Assistant United States Attorneys Jimmy Rodriguez and Catina Perry were served
Via ECF on August 15, 2025.

/s/ Jon Muschenheim
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