

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 25-CV-23131-ALTONAGA

SAMIR ABUELHAJ,
a/k/a/ Samir Ahmed Zaied Mohammed

Petitioner,

v.

KROME IMMIGRATION DETENTION CENTER,

Respondent.

RESPONDENT'S RESPONSE TO AMENDED PETITION

Respondent, the Krome Immigration Detention Center, by and through the undersigned Assistant United States Attorney, consistent with this Court's Order [ECF No. 10],¹ respectfully files this Response to Petitioner Samir Abuelhaj a/k/a/ Samir Ahmed Zaied Mohammed's Amended Petition for Writ of Habeas Corpus under 28 U.S.C. section 2241 ("Amended Petition") [ECF No. 8].

BACKGROUND

I. Factual Background

Petitioner, Samir Abuelhaj ("Petitioner"), is a native and citizen of Qatar and a citizen of Jordan. *See* Exhibit A (Form I-213). On February 13, 2001, Petitioner was admitted to the United States near Detroit, Michigan as a non-immigrant temporary visitor for pleasure

¹ Petitioner's initial Petition left it "unclear what aspect of Petitioner's detention he challenges" [ECF No. 5 at 2], and this Court ordered Petitioner to file an Amended Petition [*id.* at 6]. That Amended Petition, likewise, lacks clarity, and Respondent cites to the initial Petition [ECF No. 4] to the extent that it can help elucidate Petitioner's claim in the Amended Petition.

or tourism with a B2 visa that granted him permission to remain in the United States until August 12, 2001. Petitioner overstayed that visa and remained in the United States without authorization beyond August 12, 2001. *See id.*; *see also* Exhibit B (Declaration of Deportation Officer Jason Clarke dated Sept. 5, 2025 (“Declaration”)). On June 16, 2004, Petitioner was convicted of Domestic Abuse Battery in violation of Louisiana Revised Statute Section 14:35.3 and received a sentence of 15 days’ imprisonment and time served. *See id.*

On June 17, 2004, a Notice to Appear (“NTA”) was filed with the Immigration Court charging the Petitioner with removability pursuant to sections 237(a)(1)(B) (visa overstay) and 237(a)(2)(E) (conviction of crime of domestic violence, stalking, or child abuse) of the Immigration and Nationality Act (“INA”). *See id.* On January 10, 2007, an Immigration Judge (“IJ”) ordered Petitioner removed to Qatar and entered an alternative removal order to Jordan. *See* Exhibit C (IJ decision dated Jan. 10, 2007). Petitioner appealed the IJ’s decision to the Board of Immigration Appeals (“BIA” or “Board”), which dismissed Petitioner’s appeal on October 24, 2008. *See* Exhibit D (BIA decision dated Oct. 24, 2008). Petitioner filed a motion to reconsider with the Board, and the Board denied the motion on April 22, 2009. *See* Exhibit E (BIA decision dated April 22, 2009). Petitioner filed an untimely motion to reopen with the Board, and the Board denied the motion on October 19, 2009. *See* Exhibit F (BIA decision dated October 19, 2009).

On July 14, 2013, Enforcement and Removal Operations (“ERO”) encountered Petitioner at the Lake County Jail in Tavares, Florida following Petitioner’s arrest for possession of a controlled substance (Hydrocodone). ERO Orlando issued a detainer on the same date, and Petitioner was taken into ICE custody on July 19, 2013. *See* Exhibit B (Declaration). Petitioner filed another untimely motion to reopen with the Board, and the

Board denied the motion on August 21, 2015. *See* Exhibit G (BIA decision Aug. 21, 2015). Petitioner filed a third motion to reopen with the Board, which the Board denied on October 8, 2015. *See* Exhibit H (BIA decision dated Oct. 8, 2015). On October 19, 2015, Petitioner filed a Writ of Habeas Corpus in the United States District Court for the Northern District of Alabama ("Alabama Habeas"). *See* Exhibit B (Declaration). *See, generally*, Case No.: 15-CV-00707 (N.D. Ala.).

On October 30, 2015, Petitioner filed a Petition for Review in the Eleventh Circuit Court of Appeals, challenging the Board's decision denying the motion to reopen. *See id.* (Declaration). *See, generally*, Appeal No. 15-14855-B (11th Cir.). On March 23, 2016, the Eleventh Circuit dismissed the Petition for Review. *See id.* On May 26, 2016, Petitioner was released from U.S. Immigration and Customs Enforcement ("ICE") custody on an Order of Supervision. *See* Exhibit B (Declaration). On June 29, 2016, the Alabama Habeas was dismissed as moot. *See id.*

On June 4, 2025, Petitioner was encountered by ERO Orlando and taken into ICE custody. Petitioner arrived at the Krome Processing Center on June 5, 2025. *See* Exhibit A (Form I-213). On August 5, 2025, ERO Miami served Petitioner with a Notice to Alien of File Custody Review. *See* Exhibit I (Notice to Alien of File Custody Review). On September 4, 2025, ERO Miami served Petitioner with the Notice of Revocation of Release. An informal interview regarding the revocation was also conducted. *See* Exhibit J (Notice of Revocation of Release); *see also* Exhibit B (Declaration).

Petitioner has remained in ICE custody since June 5, 2025. *See* Exhibit K (Detention History); *see also* Exhibit B (Declaration). On or about July 2, 2025, ICE submitted a travel document request package to the Embassy of Jordan. *See* Exhibit B (Declaration). On or about

August 14, 2025, ICE received Petitioner's travel document for his removal to Jordan. *See id.* ICE routinely removes aliens to Jordan via commercial flights, depending on flight capacity. *Id.* There are flights scheduled for September 2025. *Id.* The Jordanian Government's issuance of a travel document confirms that it will accept Petitioner's repatriation, meaning there is a significant likelihood of Petitioner's removal to the Kingdom of Jordan in the reasonably foreseeable future. *Id.*

II. Procedural Background

On or about July 13, 2025, Petitioner filed a "Notice of Habeas Corpus Releas[e] under Ninety Day Law Order" [ECF No. 1]. In that initial Petition, Petitioner asked this Court to order his release "under supervision" on the grounds that "the agency has not affected your [sic.] deportation or removal [order] during the period prescribed by law..." [*id.* at 1]. Petitioner then proposed a list of conditions for his supervision [*id.* at 2. *See also* ECF No. 4 (similar); ECF No. 5 at 1 n. 1 (describing overlap)].

On July 22, 2025, this Court noted that it "cannot discern the facts on which Petitioner seeks release" in his original Petition [ECF No. 5 at 5]. The Court then described legal requirements related to "Pleading Requirements" [*id.* at 2-3] and "Post-Removal Detention" [*id.* at 3-4 (citing authorities including 28 U.S.C. § 1231(a) and *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001))]. The Court ordered Petitioner "to file an amended section 2241 petition" in which he explained "why he believes that his current detention violates due process and is not presumptively reasonable" [*id.* at 6]. That Amended Petition must state sufficient, particularized facts supporting the basis for his requested relief" [*id.* at 7].

Petitioner filed an Amended Petition [ECF No. 8] in which he raised three grounds for release: (1) his medical conditions [*id.* at 3, 7]; (2) the fact that he ran "an auto mechanical

& electric repair” company [*id.* at 7], and (3) the fact that he “never tried fleeing” after being “released on supervision” in 2019 [*id.*]. Petitioner concludes that Amended Petition by asking this Court to “release [Petitioner] once again under supervision” [*id.* at 8].

ARGUMENT

This Court should dismiss the Petition because Petitioner failed to comply with this Court’s Order [ECF No. 5] that his Amended Pleading comply with applicable “fact pleading” requirements. In the alternative, this Court should deny the Petition because Petitioner’s removal to the Kingdom of Jordan is imminent and brief detention pending Petitioner’s removal is lawful.

I. Petitioner Failed to Comply with the Pleading Requirements.

In its Order, this Court correctly noted that “Habeas corpus petitions must meet heightened pleading requirements,” in that they must satisfy “fact pleading” requirements and not just “notice pleading” requirements [ECF No. 5 at 2-3 (quoting *McFarland v. Scott*, 512 U.S. 849, 856 (1994) (alteration added; citation omitted); *Borden v. Allen*, 646 F.3d 785, 810 (11th Cir. 2011) (alternations added)]. Petitioner’s Amended Petition, like the initial Petition, is plainly deficient [*see* ECF No. 5 at 5 (finding initial Petition “plainly deficient”)], in that Petitioner failed to explain why his medical conditions, previous employment or purported compliance with the terms of his previous supervision [ECF No. 8 at 7] warrant his immediate release from custody. For these reasons, this Court should dismiss the Amended Petition.

II. Petitioner’s Detention Pending Removal Is Lawful.

To the extent that the Amended Petition can be construed generously as seeking Petitioner’s immediate release [ECF No. 5 at 5 (interpreting the initial Petition as seeking

immediate release)], neither the initial Petition nor the Amended Petition allege facts supporting release and Petitioner's temporary detention pending removal is lawful.

As this Court correctly noted [ECF No. 5 at 3-4], 28 U.S.C. § 2241 enables this Court to grant habeas relief only to petitioners held "in custody in violation of the Constitution or laws or treaties of the United States." *Id.* § 2241(c)(3). *See also Oscar v. Ripe*, 751 F. Supp. 3d 1324, 1329 (S.D. Fla. 2024) (alteration added; citation omitted). In this case, however, the continued detention of Petitioner pending his imminent removal to the Kingdom of Jordan is lawful.

As previously noted, Petitioner is subject to a final removal order, *see* Exhibit C (IJ decision dated Jan. 10, 2007), and has been in custody only since early June 2025, *see* Exhibit A (Form I-213), Exhibit K (Detention History); Exhibit B (Declaration). The initial 90 days of Petitioner's detention were authorized by statute [*see* ECF No. 5 at 3-4 (citing 8 U.S.C. § 1231(a))].

The continued detention of Petitioner after those initial 90 days is also authorized by statute. [ECF No. 5 at 4 (citing 8 U.S.C. § 1231(a)(6)).] As the Supreme Court explained in *Zadvydas v. Davis*, 533 U.S. 678 (2001), while an alien may be detained during the 90-day removal period contemplated by the statute, an alien can be held for only a reasonable period thereafter. *Id.* at 699–700. The total reasonable period of detention is presumed to be six months — the 90-day statutory period under section 1231(a)(1)(A) plus an additional 90 days under section 1231(a)(6) — unless there is a "significant likelihood of removal in the reasonably foreseeable future[.]" *Zadvydas*, 533 U.S. at 701 (alteration added).

Here, Petitioner's removal to the Kingdom of Jordan is imminent. On or about August 14, 2025, ICE received Petitioner's travel document for his removal to Jordan. *See*

Exhibit B (Declaration). The Jordanian Government's issuance of a travel document confirms that it will accept Petitioner's repatriation and ICE routinely removes aliens to Jordan via commercial flights (depending on flight capacity) meaning there is a significant likelihood of Petitioner's removal to the Kingdom of Jordan in the reasonably foreseeable future. *Id.*

For all these reasons, Petitioner cannot provide good reason to believe there is no significant likelihood of his removal in the foreseeable future. *See Akinwale v. Ashcroft*, 287 F.3d 1050, 1051–52 (11th Cir. 2002); *Zadvydas*, 533 U.S. at 701.

CONCLUSION

This Court should deny the Amended Petition because Petitioner failed to comply with the pleading requirements in that Petitioner failed to explain why his medical conditions, previous employment or purported compliance with the terms of his previous supervision [ECF No. 8 at 7] warrant his immediate release from custody. Alternatively, this Court should deny the Petition because Petitioner cannot establish that there is a significant likelihood that his removal is not imminent in the foreseeable future. To the contrary, his removal to the Kingdom of Jordan is imminent in that he received his travel documents and ICE routinely removes individuals to that country.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 5, 2025, I uploaded the attached document to the Court's PACER system. Moreover, I certify that a copy with exhibits was mailed to:

SAMIR ABUELHAJ A-
KROME Service Processing Center – Inmate Mail
18201 SW 17th Street
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By: /s/ H. Ron Davidson
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