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

Jehad Alnajjar Petitioner, v. The GEO Group, Inc Rose Thompson, In her official capacity as Warden of Karnes County Residential Facility Kristi Noem, in her official capacity Secretary of the United States Department Of Homeland Security; Pamela Bondi, in her official capacity as Attorney General of the United States; Respondents	CASE NO. 5-25-cv-0822

PETITION FOR WRIT OF HABEAS CORPUS AND FOR ORDER TO SHOW CAUSE WITHIN THREE DAYS PRURSUANT TO 28 U.S.C.§ 2243

Introduction

Petitioner, Mr. Jehad Alnajjar, petitions this court for a writ of habeas corpus to order respondents to release petitioner from detention because there is not a significant likelihood that he will be removed to any country where he is a citizen, as he is stateless. *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). Additionally, if he is to be removed to any other country, he would be entitled to know

the country and be entitled to present, if he thought it appropriate, an objection and seek the fear-based reliefs of asylum, withholding and withholding under the Convention Against Torture. As a persuasive argument, this court may see, *D.V.D. v. United States Department of Homeland Security*, et al._F.3d __(25-10676), District of Massachusetts (March 28, 2025), where the Court temporarily restrains DHS against removal of alien to third countries without an opportunity to raise fear-based relief.

Mr. JEHAD ALNAJJAR, is challenging the validity of his detention in immigration custody. He is being held at the Karnes County Residential Center, an immigration detention center under the authority of Immigration Customs Enforcement (ICE) and operated by the GEO Group, Inc. Mr. Alnajjar was arrested by ICE in Dallas, Texas on June 14, 2025. The decision to detain him was made by ICE and not reviewed by a judge or third party. He therefore has not had an opportunity to exhaust administrative remedies.

Parties, Jurisdiction, and Venue

1. Petitioner Jehad Alnajjar is a native of Saudi Arabia. He is the subject of a removal order issued on January 19, 2023, and is being detained by the Respondents based on that order.
2. Respondent Rose Thompson is the Warden of Karnes County Residential Center, where Mr. Alnajjar is being detained. She is Mr. Alnajjar's immediate legal custodian and thus a proper respondent in this matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Rose Thompson is named in her official capacity.
3. Respondent GEO GROUP, Inc. is a private for-profit corporation that is under contract with the Department of Homeland Security and other government entities and is currently holding Mr. Alnajjar as part of its business activities in a for-profit prison facility in

Karnes County, Texas. GEO GROUP, Inc. is Mr. Alnajjar's immediate custodian.

4. Respondent Miguel Vergara is the San Antonio Field Director for U.S. Immigration and Customs Enforcement responsible for the geographic area including Karnes and has administrative jurisdiction over Mr. Alnajjar's case. He is a legal custodian of Mr. Alnajjar and named in his official capacity.

5. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Mr. Alnajjar and named in his official capacity.

6. Respondents Kristi Noem and Pamela J. Bondi are, respectively, the Secretary of Homeland Security and the Attorney General of the United States. As such, they are responsible for maintaining the immigration detention system. They are thus legal custodians of Mr. Alnajjar.

7. Jurisdiction is proper under 28 USC §§1331, 2241, and the Suspension Clause, U.S. Const. art. I, § 9, clause 2.

8. Pursuant to 28 USC § 2241, district courts have jurisdiction to hear habeas petitions by noncitizens who challenge the lawfulness of their detention under federal law. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Maldonado v. Macias*, 150 F. Supp. 3d 788, 794 (W.D. Tex. 2015).

9. Venue is proper in the United States District Court for the Western District of Texas because at least one Respondent is in this District, the Petitioner is detained in this District, and the Petitioner's immediate physical custodian is in this District. 28 USC § 1391(b).

Statement of Facts

10. Petitioner Jehad Alnajjar is a native of Saudi Arabia. He is ethnically Palestinian, and no country has ever recognized him as citizen. He is a stateless person. Mr. Alnajjar entered

the United States without inspection on or about April 12, 2022, at or near Del Rio, Texas. He was detained upon entry and charged with violating 19 U.S.C. § 1459. He pled guilty to the charges on June 29, 2022. Mr. Alnajjar was sentenced to eight months imprisonment with one-year supervised release.

11. After his criminal incarceration, Mr. Alnajjar was transferred to ICE custody where he claimed fear of returning to Saudi Arabia. On January 17, 2023, he was served with a negative credible fear determination. An Immigration Judge affirmed the decision on January 19, 2023. On February 2, 2023, Mr. Alnajjar was given a credible fear interview regarding his fear of removal to Israel. He received a negative determination for that interview on February 7, 2023. An Immigration Judge affirmed the Asylum Officer's determination on February 14, 2023.

12. Mr. Alnajjar remained in ICE custody for a period of approximately six months. Mr. Alnajjar was told he would be deported to Saudi Arabia or Israel based on the negative credible fear determinations affirmed by an immigration judge. However, Mr. Alnajjar is not a citizen of those or any country and has no travel document. Saudi Arabia and Israel were not willing to accept Mr. Alnajjar for removal. Having found that there was no significant likelihood of removal in the foreseeable future and having found that Mr. Alnajjar is not a flight risk or a threat to public safety, ICE released him on an Order of Supervision on July 21, 2023. *See* 8 CFR § 241.4(e), (f), (g); *see also Zadvydas v. Davis*, 533, U.S. 678 (2001).

13. From July 21, 2023, until his detention on June 14, 2025 – a period of almost two years - Mr. Alnajjar has been under an Order of Supervision and was compliant with the terms of said supervision, including cooperating to attempt to obtain travel documents and not violating any laws. As part of the terms of his Order of Supervision, Mr. Alnajjar

periodically presented to an ICE office. On June 12, 2025, Mr. Alnajjar did just that when he voluntarily presented at a scheduled check-in. On June 12, 2025, at the check-in, ICE secured an ankle monitor on Mr. Alnajjar and allowed him to leave the office.

14. On June 13, 2025, an ICE officer texted Mr. Alnajjar and instructed him to report to the ICE office the next day, Saturday, June 14, 2025. Mr. Alnajjar voluntarily complied with the request and presented to the office on Saturday, June 14, 2025, where his Order of Supervision was revoked and he was detained by ICE. He was not provided a specific reason for the detention, and even the arresting officer indicated that he believed Mr. Alnajjar could not be deported. Mr. Alnajjar was not given an opportunity to provide evidence in support of continuing his Order of Supervision, nor was there any indication that he had violated the terms of his release. There is no indication that any circumstances have changed from when ICE determined that Mr. Alnajjar met the conditions for supervised release on July 21, 2023.

15. Hence, Mr. Alnajjar is now being detained and would be deported without any reason; and potentially to a country in which he is not a citizen and never had the opportunity to present any asylum, statutory withholding of removal and Convention Against Torture reliefs (collectively "fear-based reliefs") against removal to those countries.

16. Mr. Alnajjar did not receive a written notice of the intent to revoke his Order of Supervision or other document to explain his detention.

17. Mr. Alnajjar is a stateless Palestinian and meets the criteria set out under 89 FR 26167, which is a declaration of Deferred Enforced Departure. Individuals covered under Deferred Enforced Departure are protected from deportation. This protection extends until August 13, 2025.

Grounds for Relief

Mr. Alnajjar's detention in immigration custody violates the Due Process Clause of the Fifth Amendment because he is stateless and cannot be removed.

18. Mr. Alnajjar is stateless. It is not possible for him to travel to any country in the world. This includes Saudi Arabia, his country of birth, which has denied him citizenship for his entire life. It also includes Israel, which controls the Palestinian territories, and where he has never been. Because he is stateless, travel documents are not available, and his immediate removal is not foreseeable. *See* 8 CFR § 241.4(e)(1).

19. Mr. Alnajjar is a Palestinian and is protected under the Deferred Enforced Departure declaration of February 14, 2024. 89 FR 26167. Even if there were travel documents available and a country willing to accept him, he would be protected from deportation under this declaration.

20. Mr. Alnajjar was ordered removed on January 19, 2023, and on February 14, 2023. *See* 8 USC § 1225(b)(1). Those orders triggered a statutory 90-day removal period during which time the government was required to remove him. *See* 8 USC § 1231(a)(1). Taking the latest order, the 90-day removal period expired on May 15, 2023. Because it was not possible to remove Mr. Alnajjar during the removal period, and because it is unconstitutional to detain an individual indefinitely, he was released from detention on July 21, 2023. *See Zadvydas* 533 U.S. at 690.

21. The 90-day removal period is statutorily the period immediately following the date when the removal order becomes administratively final. After that time, when the individual is on an Order of Supervision, ICE must follow the procedures set out in 8 CFR § 241.4(l) in order to revoke the Order of Supervision and re-detain a noncitizen. These procedures require a valid reason such as a violation of the terms of supervision or a change in the

ability to remove the noncitizen. 8 CFR § 241.4(l). The 90-day removal period, once it has expired, does not restart merely upon re-arrest. *Diaz-Ortega v. Lund*, No. 1:19-CV-670-P, 2019 WL 6003485, at *8 (W.D. La. Oct. 15, 2019), report and recommendation adopted, No. 1:19-CV-670-P, 2019 WL 6037220 (W.D. La. Nov. 13, 2019) ("[T]he text of § 1231(a)(1)(B) does not mention restarting the removal period. Nor does any interpretive regulation of which the Court is aware.").

22. The indefinite detention of an alien in petitioner's circumstances is not authorized by the Immigration and Nationality Act § 241(a)(6). *See Zadvydas v. Davis*, 533 U.S. at 699. The Supreme Court of the United States held that the "presumptively reasonable" period of detention is limited to three months after the removal period; thereafter, the Government must provide evidence sufficient to rebut a showing that removal is not reasonably foreseeable. *Id.* at 701. *See also Clark v. Martinez*, 543 U.S. 371, 386-87 (2005) (holding that six-month period in *Zadvydas* applies equally to individuals declared inadmissible). Although the Court recognized the six-month period as presumptively reasonable, this does not mean that detention for a short a period of time is always reasonable. *See County of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991) (noting, in probable-cause hearing context, that even if a hearing is provided within 48 hours, the Government "may nonetheless violate [constitutional promptness requirement] if the arrested individual can prove that his or her probable cause determination was delayed unreasonably").[1] Re-

[1] As a persuasive argument, this court can be moved by the following: "[r]espondents must release post-removal order detainees awaiting deportation when removal is no longer reasonably foreseeable. DHS no longer possesses the authority and justification to continue a non-citizen's detention when removal is not reasonably foreseeable." *See, e.g., Abdel-Muhti v. Ashcroft*, 314 F. Supp. 2d 418, 424-26 (M.D. Pa. 2004) (ordering Palestinian detainee who could not be deported released given

arresting an alien who was released from detention, without any change in the circumstances that led to his prior release is unreasonable.

23. The Plaintiff seeks and is entitled to recover reasonable attorney fees, expenses and costs pursuant to the Equal Access to Justice Act. 28 U.S.C.§ 2412

Prayer for Relief

WHEREFORE, Petitioner requests that this Court:

1. Assume jurisdiction over this matter.

2. Grant a writ of habeas corpus directing respondents to immediately release petitioner from custody under reasonable conditions of supervision; or in the alternative, order a constitutionally adequate custody hearing--or if applicable, a bond hearing-where respondents must demonstrate that Petitioner's continued detention is justified;

3. Order respondents not to remove petitioner to any country;

4. Order Respondents to show cause, returnable within three days pursuant to 28 U.S.C. § 2243, as to why the relief requested in this petition should not be granted;

5. Declare that respondents' continued detention of petitioner violates the Immigration and Nationality Act because it exceeds the period authorized by statute, or in the alternative, because respondents have failed to provide him with a hearing where the Government bears the burden of showing that his reinstated detention after a previous prolonged detention is justified;

6. Declare that respondents' detention violates the Due Process Clause of the

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no significant likelihood of removal in the reasonably foreseeable future).

Fifth Amendment because it bears no reasonable relationship to a legitimate governmental purpose, and/or because respondents have failed to provide him with a hearing where the government bears the burden of showing that such prolonged detention is justified;

7. Award Petitioner reasonable attorney fees, expenses and costs; and

8. Grant such further relief as the Court deems just and proper.

Respectfully Submitted,
Jehad Alnajjar
by his attorney:

s/Sharon M. Hernandez-Lopez
Attorney
15307 Comanche Grove
San Antonio, Texas 78233
(787)596-3335
Bar Number: Puerto Rico 16345

Attorney for Petitioner

TABLE OF EXHIBITS