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10 **UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

11 **HASSAN AMHIRRA,**

12 *Petitioner,*

13 v.

14 **WARDEN, Northwest Detention Center,**

15 *Respondent.*

Civil Case No.: 3:25-cv-05640

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

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24 **PETITION FOR WRIT OF
MANDAMUS**

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**PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

ORAL ARGUMENT REQUESTED.

COMES NOW the Petitioner, Hassan Amhirra, by and through undersigned counsel, and petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and for declaratory and injunctive relief, seeking immediate release from unlawful and prolonged detention by U.S. Immigration and Customs Enforcement (ICE). In support thereof, Petitioner alleges as follows:

I. INTRODUCTION

1. Petitioner Hassan Amhirra is a native and citizen of Morocco who has been in the custody of ICE at the Northwest Detention Center (NWDC) in Tacoma, Washington since September 15, 2024.

2. For nearly ten months of detention, the Department of Homeland Security (DHS) made no progress toward removing Petitioner.

3. No credible fear interview or other removal process has occurred because DHS has been unable to secure an interpreter in Petitioner's native (and only) language, Tamazight.

4. In other words, DHS cannot even communicate with Petitioner in any comprehensible language, rendering removal proceedings effectively impossible.

5. On December 13, 2024, an Immigration Judge terminated Petitioner's removal proceedings due to DHS's inability to communicate with Petitioner in a language he understands.

6. In the termination order, the Immigration Judge noted the failure to provide interpretation in Tamazight made it impossible to proceed without violating due process.

7. DHS has taken no action since that termination to reinstate removal proceedings or to effectuate Petitioner's removal to Morocco.

1 8. Petitioner remains detained with no pending removal case and no final removal
2 order.

3 9. As of the date of this Petition (July 17, 2025), more than six months have elapsed
4 since removal proceedings were terminated, yet Petitioner's detention continues with no end in
5 sight.

6 10. DHS has not made any progress indicating that Petitioner's removal is reasonably
7 foreseeable.

8 11. Under these circumstances, Petitioner's indefinite detention violates clearly
9 established law.

10 12. Once removal is no longer reasonably foreseeable, continued civil immigration
11 detention beyond a "presumptively reasonable" 6-month period is unlawful.

12 13. After six months, if the noncitizen provides good reason to believe that removal is
13 not significantly likely in the reasonably foreseeable future, the government must rebut that
14 showing or release the detainee.

15 14. Here, more than six months have passed since Petitioner's case was closed, and
16 removal is not on the horizon, triggering the constitutional limits identified in Zadvydas.

17 15. Petitioner's continued detention lacks any lawful basis. Because removal
18 proceedings have been terminated, Petitioner is not currently subject to any administratively final
19 order of removal (which could authorize post-order detention under 8 U.S.C. § 1231) nor to any
20 pending removal proceedings (which could authorize pre-removal detention under 8 U.S.C. §
21 1226).

22 16. ICE's continued detention of Petitioner bears no connection to the agency's
23 detention authority under the immigration statutes.

1 17. Detaining Petitioner indefinitely serves no legitimate purpose: DHS cannot
2 effectuate removal, yet refuses to release him.

3 18. The justifications for civil immigration detention – preventing flight and protecting
4 the community – evaporate when removal is not reasonably foreseeable.

5 19. Petitioner has no history of violence or dangerousness, and any theoretical flight
6 risk is “weak or nonexistent where removal seems a remote possibility”

7 20. His continued incarceration has thus become punitive, in violation of the Fifth
8 Amendment’s Due Process Clause.

9 21. Numerous courts have recognized that prolonged immigration detention without a
10 realistic prospect of removal or a hearing raises grave constitutional concerns.

11 22. “Indefinite detention” and limit detention to a period reasonably necessary to
12 secure removal is forbidden.

13 23. Petitioner’s prolonged detention – now surpassing ten months – is unconstitutional
14 and unlawful.

15 24. It violates 28 U.S.C. § 2241 because he is “in custody in violation of the
16 Constitution or laws of the United States.”

17 25. It violates the Due Process Clause of the Fifth Amendment because it has continued
18 long after it ceased to serve any valid governmental objective, without any individualized
19 assessment of necessity.

20 26. ICE detention of the Petitioner without making progress on removal lacks any
21 connection to the agency’s detention authority and cannot be justified.

1 27. Petitioner seeks the most basic relief: to be released from this unlawful custody. In
2 the alternative, at minimum, due process entitles him to a bond hearing where the government
3 must justify any further detention.

4 28. Accordingly, Petitioner respectfully requests that this Court issue a writ of habeas
5 corpus ordering his immediate release.

6 29. In the alternative, Petitioner requests declaratory and injunctive relief, including an
7 order requiring a prompt bond hearing before an impartial adjudicator at which the government
8 bears the burden to justify any continued detention.

9 30. Petitioner further seeks a declaration that his continued detention is unlawful and
10 unconstitutional.

11 31. Given the urgent nature of Petitioner's liberty interest and the ongoing harm he
12 suffers, Petitioner also moves for an emergency Temporary Restraining Order (TRO), as detailed
13 below, to secure his immediate release (or a bond hearing) during the pendency of this action.

14 **II. JURISDICTION AND VENUE**

15 32. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C.
16 § 2241 (habeas corpus jurisdiction) and 28 U.S.C. § 1331 (federal question jurisdiction), as
17 Petitioner is presently in custody under color of authority of the United States and claims
18 violation of the Constitution, laws, or treaties of the United States.

19 33. This Court also has jurisdiction under the Suspension Clause (Article I, § 9, cl. 2
20 of the U.S. Constitution), which guarantees the availability of habeas corpus review for persons
21 unlawfully detained by the government.

1 34. The Court may grant declaratory relief under the Declaratory Judgment Act, 28
2 U.S.C. §§ 2201–2202, and may issue injunctive relief pursuant to Federal Rule of Civil
3 Procedure 65 and its inherent equitable powers.

4 35. In addition, the All Writs Act, 28 U.S.C. § 1651, provides authority for the Court
5 to issue orders in aid of its jurisdiction, including orders necessary to protect Petitioner’s rights
6 during the pendency of this action

7 36. No statute strips this Court of jurisdiction to consider Petitioner’s challenge to his
8 detention.

9 37. Petitioner is not challenging a final order of removal, but rather the legality of his
10 indefinite detention and the failure to provide a bond hearing. The jurisdiction-stripping
11 provisions of 8 U.S.C. § 1252 do not bar habeas review of such detention claims. Federal district
12 courts therefore retain jurisdiction under § 2241 to hear noncitizens’ challenges to the legality of
13 their immigration detention.

14 38. Venue is proper in the Western District of Washington (Tacoma Division)
15 pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2241. Petitioner is detained within this District at
16 the NWDC in Tacoma, and the immediate custodian (the NWDC Warden) is located in this
17 District. A substantial part of the events and omissions giving rise to this claim (namely,
18 Petitioner’s detention) are occurring in this District.

19 39. No rule or precedent requires that the petition be filed in any other district. Venue
20 in this Court is therefore proper.

21 **III. EXHAUSTION OF REMEDIES**

1 40. Petitioner has no administrative remedies to exhaust for the claims raised in this
2 Petition. Petitioner challenges the legality and constitutionality of his continued detention, which
3 is a question squarely within the purview of the federal courts on habeas review.

4 41. There is no administrative process by which Petitioner could obtain the relief he
5 seeks (release or a bond hearing) now that removal proceedings have been terminated. In
6 particular, immigration courts lack jurisdiction to redress Petitioner's constitutional claim.

7 42. Petitioner did request a custody redetermination (bond) hearing, but on July 16,
8 2025 the Immigration Judge denied the request for lack of jurisdiction, given that no removal case
9 was pending.


10 43. Thus, Petitioner has no further administrative avenue to secure his release or even
11 a custody hearing.

12 44. Exhaustion is not required here in any event: to the extent Petitioner raises
13 constitutional due process claims, no administrative agency exists that could adjudicate those
14 claims.

15 45. Requiring exhaustion would cause irreparable injury through continued unlawful
16 detention, and any delay is unwarranted.

17 46. Accordingly, this Petition is properly before this Court, and Petitioner's claims are
18 ripe for judicial review.

19 **IV. PARTIES**

20 47. **Petitioner Hassan Amhirra** (A# ) is a citizen of Morocco. He fled
21 his home country due to fear of persecution and arrived in the United States in 2024 seeking
22 protection. Petitioner was apprehended by U.S. authorities and has been detained at the Northwest
23 Detention Center in Tacoma, Washington since September 15, 2024. Petitioner's primary language

1 is Tamazight (an Amazigh/Berber language). He has limited or no proficiency in languages
2 commonly used by DHS (such as English, French, or Arabic). Petitioner has no criminal record in
3 the United States. He is the sole party on whose behalf this Petition is brought.

4 **48. Respondent Warden of the Northwest Detention Center** is Petitioner's
5 immediate custodian. The Warden (currently believed to be Steven Langford) is the federal official
6 (or contractor acting under color of federal authority) responsible for the operation of NWDC and
7 for the custody of detainees held there, including Petitioner. The Warden is sued in his official
8 capacity as the representative of ICE and DHS in custody matters at NWDC. Respondent has the
9 immediate power to release Petitioner. No other or further respondent is necessary for this habeas
10 corpus action, as the Warden is the proper respondent under 28 U.S.C. § 2243. To the extent any
11 additional officials (such as the Seattle ICE Field Office Director or the Director of ICE) are
12 deemed necessary to effectuate relief, Petitioner asks the Court to construe this Petition as
13 including such officers as needed for full relief.

14 **V. FACTUAL BACKGROUND**

15 **A. Detention and Inability to Communicate with Petitioner**

16 **49.** Petitioner Amhirra arrived in the United States in or around 2024 and expressed a
17 fear of return to Morocco.

18 **50.** He was therefore placed in the custody of DHS/ICE pending removal proceedings.
19 Petitioner has been detained continuously since September 15, 2024.

20 **51.** He was initially in expedited removal proceedings and was slated for a credible fear
21 interview as part of an asylum screening process.

22 **52.** However, no credible fear interview has ever been conducted because DHS could
23 not obtain an interpreter who speaks Petitioner's language, Tamazight.

1 53. Tamazight is a rare language of North Africa, and despite efforts, DHS failed to
2 communicate with Petitioner in a language he understands.

3 54. Petitioner's inability to comprehend any proceedings in English (or other available
4 languages) brought the removal process to a standstill.

5 55. For months, Petitioner remained in detention while DHS ostensibly searched for a
6 qualified Tamazight interpreter.

7 56. During this time, Petitioner languished in custody with no progress on his case.

8 57. He could not meaningfully participate in any asylum interview or hearing due to
9 the language barrier.

10 58. This prolonged failure to communicate violated Petitioner's basic due process
11 rights and the regulations requiring interpretation for non-English speakers.

12 B. Termination of Removal Proceedings

13 59. By December 2024, Petitioner had been detained for approximately three months
14 with no legal process moving forward.

15 60. On December 13, 2024, an Immigration Judge convened a master calendar hearing
16 in Petitioner's case.

17 61. At that hearing, it became apparent that DHS still had no Tamazight interpreter
18 available and thus could not even explain the removal proceedings or charges to Petitioner.

19 62. Recognizing that continuing the case under these circumstances was futile and
20 unlawful, the Immigration Judge issued an order terminating the removal proceedings.

21 63. The grounds for termination were DHS's inability to communicate with
22 Respondent in any language he understands, which made it impossible to proceed without
23 violating due process and the regulations.

1 64. The termination was without prejudice, meaning DHS could theoretically re-
2 commence proceedings if it became able to do so in a fair manner (e.g. by providing an interpreter).

3 65. No appeal was taken by DHS from the IJ's termination order, and the termination
4 became final.

5 66. As a result of the Immigration Judge's decision, Petitioner no longer had any
6 removal case pending after December 13, 2024.

7 67. Crucially, Petitioner was not ordered removed; rather, his case was closed.

8 68. Despite the termination of proceedings, DHS continued to hold Petitioner in
9 detention at NWDC.

10 69. DHS did not release Petitioner, even though it had no active legal process to remove
11 him.

12 70. In effect, from that point forward, Petitioner has been detained without any legal
13 order, finding, or ongoing proceedings to justify his custody.

14 71. Since the termination on December 13, 2024, DHS has made no meaningful efforts
15 to effectuate Petitioner's removal to Morocco to justify custody.

16 72. Upon information and belief, DHS has not obtained any travel document for
17 Petitioner from the Moroccan government.

18 73. There is no indication that Morocco is willing or able to accept Petitioner at this
19 time.

20 74. Moreover, DHS has not attempted to re-issue a new Notice to Appear or reinstate
21 removal proceedings with appropriate language accommodations.

22 75. Petitioner has simply been left in jail.
23

1 76. Every day that has passed since then has only underscored that Petitioner's removal
2 is not reasonably foreseeable in the near or distant future.

3 77. As of mid-July 2025, Petitioner has been detained for over ten months
4 (approximately 306 days) and counting.

5 78. This far exceeds the presumptively reasonable 6-month detention period identified
6 in *Zadvydas*.

7 79. By comparison, six months from the termination of proceedings (June 13, 2025)
8 has come and gone.

9 80. Yet Petitioner remains behind bars, even though the government has no timeline or
10 plan for removal. Petitioner's prolonged detention has been characterized by inactivity and
11 uncertainty: no hearings, no interviews, no movement on removal – only the deprivation of liberty
12 in a jail-like environment.

13 81. Petitioner grapples with the mental strain of indefinite confinement, isolated from
14 family or community, without any clue if or when he will be freed or removed.

15 **C. Failed Request for Bond Hearing and Lack of Remedy**

16 82. In light of his extended detention, Petitioner sought to invoke what limited
17 procedural mechanisms might be available to challenge his custody.

18 83. Through counsel, Petitioner filed a Motion for Custody and Bond Redetermination
19 Hearing with the Immigration Court in Tacoma in early July 2025.

20 84. Petitioner argued that having been detained well over six months, he was entitled
21 at the very least to a hearing where he could request release on bond.

22 85. Petitioner's motion emphasized that he has been detained since September 2024
23 with no progress in his case, and cited the Ninth Circuit's reasoning in *Rodriguez v. Robbins* and

1 other cases that prolonged detention without a bond hearing raises serious due process concerns.
2 Petitioner asked the Immigration Court to grant him the “basic procedural right” of a custody
3 hearing to determine if continued detention was warranted.

4 86. On July 16, 2025, the Immigration Judge denied Petitioner’s bond hearing request.

5 87. The IJ ruled that she lacked jurisdiction to consider bond because Petitioner was
6 not in active removal proceedings.

7 88. In essence, because Petitioner’s case had been terminated, the Immigration Court
8 viewed itself as having no power to review custody.

9 89. The IJ did not reach the merits of whether Petitioner could be released or not; she
10 simply concluded no forum existed to even hear the request.

11 90. Petitioner was thus blocked from any administrative relief. He remains detained
12 with no bond hearing, no review, and no end in sight.

13 91. Petitioner has now exhausted all conceivable avenues within the immigration
14 system to secure his freedom.

15 92. There are no administrative proceedings pending that could result in his release.
16 DHS has not voluntarily released him on parole or otherwise, despite ample authority to do so
17 (e.g., 8 U.S.C. § 1182(d)(5) parole for urgent humanitarian reasons).

18 93. Petitioner’s continued detention is not meaningfully reviewed by any
19 administrative body.

20 94. Habeas corpus is therefore Petitioner’s only remaining recourse to challenge the
21 legality of his detention and to vindicate his constitutional rights.

22 **VI. CAUSES OF ACTION**

COUNT ONE: Violation of the Fifth Amendment – Unlawful Prolonged Detention (Due Process)

95. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

96. Respondent's continued detention of Petitioner violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

97. The Fifth Amendment guarantees that no person shall "be deprived of life, liberty, or property, without due process of law."

98. This protection extends to all persons on U.S. soil, including noncitizens such as Petitioner, and encompasses both substantive and procedural due process rights.

99. ***Substantive Due Process Violation.*** Petitioner's detention has surpassed a duration that is constitutionally permissible for civil immigration custody, especially given that his removal is not reasonably foreseeable. Civil detention becomes unreasonable and punitive when it is no longer tied to its regulatory purpose

100. Here, there is no legitimate governmental purpose served by continuing to detain Petitioner. Petitioner's ongoing imprisonment is indefinite – potentially permanent – since DHS cannot effectuate removal. Under *Zadvydas*, even where detention begins as lawful, it "violates [due process]" once it extends beyond a reasonable period with no prospect of removal

101. Petitioner's detention well beyond six months, with removal not in sight, constitutes an excessive and arbitrary infringement of his liberty. It is not narrowly tailored to any sufficient government interest and thus amounts to punishment, which is forbidden in civil detention

1 102. ***Procedural Due Process Violation:*** Petitioner's prolonged detention without any
2 opportunity for a hearing to contest his confinement also violates procedural due process.

3 103. The Fifth Amendment requires that a person detained by the government be given
4 a meaningful opportunity to be heard at a meaningful time.

5 104. Yet Petitioner has been denied any hearing whatsoever to determine if his continued
6 detention is justified. Unlike many immigration detainees who get at least one bond hearing (for
7 example, those under 8 U.S.C. § 1226(a)), Petitioner has had zero chance to present his case for
8 release.

9 105. The Immigration Judge's refusal to conduct a bond hearing leaves Petitioner with
10 no process at all to challenge his detention.

11 106. This complete deprivation of procedural safeguards violates due process, especially
12 given the extraordinary length of detention. As the Western District of Washington has noted,
13 prolonged detention without a bond hearing "will – at some point – violate the right to due
14 process."

15 107. Petitioner's detention has exceeded that point. Fundamental fairness dictates that
16 Petitioner should receive, at minimum, an individualized hearing where the government must
17 justify any further detention. By depriving him of this, Respondent has violated procedural due
18 process.

19 108. The *Mathews v. Eldridge* balancing test confirms the procedural due process
20 violation.

21 109. ***Private Interest:*** Petitioner's interest in freedom from bodily restraint is paramount
22 – the Supreme Court recognizes physical liberty as a fundamental interest. Petitioner has now lost
23 nearly a year of his life to prison-like confinement, which exacts a profound personal toll.

110. ***Risk of Erroneous Deprivation:*** The risk of error in Petitioner's case is exceedingly high because no neutral decision-maker has ever reviewed whether Petitioner's detention is necessary. ICE's custody decisions are entirely opaque and one-sided, with no adversarial testing of the facts. Petitioner may not be a flight risk or danger at all, but without a hearing, he remains jailed based on unreviewed assumptions. The value of additional safeguards (like a bond hearing) is obvious: an independent judge could assess alternatives to detention, consider Petitioner's circumstances, and correct any mistake in keeping him locked up.

111. ***Government's Interest:*** The government's interest in detaining Petitioner is minimal or nonexistent at this stage. Because removal cannot be effectuated, continued detention no longer serves the immigration system's goals of ensuring removal or protecting the community. Petitioner has no serious criminal history and has demonstrated compliance when not detained (indeed, he has never had the chance to be on supervision). Any generalized interest in deterrence or immigration enforcement does not justify indefinite detention of an individual who cannot be removed. Moreover, the administrative burden of providing a bond hearing is small, and the government has no valid interest in detaining people who are neither removable in the foreseeable future nor dangerous.

112. On balance, due process required the government to provide Petitioner with a custody hearing before a neutral adjudicator. Its failure to do so is unconstitutional.

113. By detaining Petitioner for an unreasonably prolonged period with no realistic prospect of removal, and by denying him any hearing to challenge his detention, Respondent has violated Petitioner's Fifth Amendment right to due process.

114. Petitioner has suffered and continues to suffer harm as a direct and proximate result of these violations. Each additional day of unlawful detention compounds the injury to Petitioner's liberty and well-being.

115. Declaratory and injunctive relief are warranted to remedy this ongoing constitutional violation.

COUNT TWO: Violation of 28 U.S.C. § 2241 and Immigration Laws (Unlawful Detention Not Authorized by Statute)

116. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

117. Petitioner's continued detention is not authorized by any statute and is therefore "in violation of the laws... of the United States" within the meaning of the federal habeas statute, 28 U.S.C. § 2241(c)(3).

118. The immigration detention scheme set forth in the Immigration and Nationality Act (INA) does not permit DHS to detain a noncitizen under these circumstances.

119. DHS appears to be holding Petitioner under the general rubric of immigration custody, but without identifying a valid statutory basis: 8 U.S.C. § 1226 governs detention of aliens "pending a decision on whether the alien is to be removed."

120. Petitioner's removal proceedings, however, have been terminated. There is no ongoing proceeding to which § 1226 can attach. Once proceedings were terminated on Dec. 13, 2024, Petitioner was no longer "pending" a removal decision – a decision had been made not to remove him at that time. Thus, § 1226 provides no authority for post-termination detention.

1 121. 8 U.S.C. § 1225(b) governs detention of applicants for admission (including asylum
2 seekers) during proceedings to determine their admissibility. Petitioner, as an arriving asylum
3 seeker, was initially detained under § 1225(b).

4 122. But § 1225(b)(2) mandates detention only until a removal proceeding under §
5 1229a is concluded. Here, the removal proceeding has been concluded – it was concluded by
6 termination, rather than by an order of removal or grant of relief.

7 123. The statute does not expressly contemplate continued detention after proceedings
8 are concluded in the alien's favor (termination). In any event, reading § 1225 as authorizing
9 indefinite post-proceeding detention would raise serious constitutional issues, which should be
10 avoided.

11 124. Thus, § 1225 does not authorize Petitioner's continued custody after the termination
12 of proceedings.

13 125. 8 U.S.C. § 1231 governs detention after an alien is ordered removed (i.e., during
14 and after the 90-day removal period following a final removal order).

15 126. Petitioner has not been ordered removed, so § 1231 by its terms is inapplicable.
16 Petitioner is not in the removal period because there is no final order.

17 127. Even if § 1231 did apply hypothetically, *Zadvydas* instructs that it “implicitly
18 limits” detention to a reasonable period (with six months as the baseline) and “does not permit
19 indefinite detention”

20 128. Petitioner's 10-month (and counting) detention would violate § 1231 as construed
21 in *Zadvydas*. But again, § 1231 cannot be stretched to cover a person who has no removal order at
22 all.

1 129. In short, no provision of the INA authorizes Respondent to keep Petitioner locked
2 up in this posture. DHS's detention power is tethered to the removal process. Once Petitioner's
3 removal process halted, the power to detain should have ceased as well.

4 130. By continuing to detain Petitioner in legal limbo, Respondent is acting ultra vires,
5 beyond any congressionally delegated authority. The detention is unlawful under the INA and
6 violates the Administrative Procedure Act (APA) as agency action "not in accordance with law"
7 and "in excess of statutory jurisdiction" (5 U.S.C. § 706(2)(A), (C)). Petitioner is entitled to habeas
8 relief because he is "in custody in violation of ... laws ... of the United States." 28 U.S.C. § 2241.

9 131. Additionally, even if some general detention authority could be asserted,
10 prolonging detention in the face of no foreseeable removal violates the constitutional canon of
11 constitutional avoidance, § 1231(a)(6) should be interpreted (as in *Zadvydas*) to forbid continued
12 custody here.

13 132. Under *Zadvydas*, 6 months is presumptively the maximum for post-order detention
14 absent special circumstances

15 133. By analogy and a fortiori, where there is not even a viable removal order or
16 proceeding, detaining someone beyond 6 months is unlawful. The Court should thus construe
17 whatever authority the government claims (be it § 1225 or otherwise) not to permit detention so
18 extended and hopeless that it raises due process problems.

19 134. Petitioner's detention fails *Zadvydas*'s test: "if removal is not reasonably
20 foreseeable, the court should hold continued detention unreasonable and no longer authorized"

21 135. Because Petitioner's removal is not foreseeable at all in the current posture, his
22 detention is not authorized.

1 136. By detaining Petitioner without statutory authority and in violation of the
2 constraints recognized in *Zadvydas v. Davis*, Respondent has acted unlawfully. Petitioner asks this
3 Court to declare his detention unlawful and order his release.

4 137. At minimum, the Court should order Respondent to provide Petitioner with a
5 prompt bond hearing at which the government must justify any further detention. Continued
6 detention without such process would further violate the law.

7 **COUNT THREE: Writ of Habeas Corpus (28 U.S.C. § 2241) – Unlawful Custody in**
8 **Violation of the Constitution and Laws**

9 138. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if
10 fully set forth herein.

11 139. By this Count, Petitioner expressly invokes 28 U.S.C. § 2241 to challenge his
12 custody as unlawful. The foregoing facts demonstrate that Petitioner is held in violation of both
13 constitutional and statutory law.

14 140. Habeas corpus is the appropriate remedy to address his unlawful detention.
15 Petitioner has a fundamental right to be free from restraints on his liberty except as permitted by
16 law.

17 141. Respondent's actions (and inaction) have resulted in Petitioner's imprisonment "in
18 custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. §
19 2241(c)(3).

20 142. Petitioner has established multiple independent grounds for relief: (a) violation of
21 the Due Process Clause (as alleged in Count One); (b) detention exceeding statutory authority (as
22 alleged in Count Two); (c) violation of *Zadvydas* constitutional standards; and (d) violation of
23 DHS's own regulations and duties to effectuate removal or release within a reasonable time.

1 143. Any one of these grounds renders his detention unlawful; combined, they present a
2 compelling case for immediate habeas relief.

3 144. Petitioner has no alternate remedy at law. Monetary damages cannot redress the
4 loss of liberty and hardship he is enduring.

5 145. Only release from custody (or a bond hearing leading to potential release) can
6 remedy the ongoing unlawful restraint on Petitioner's freedom. Each additional day of detention
7 is irreparable harm to Petitioner.

8 146. Accordingly, pursuant to 28 U.S.C. § 2241, this Court should issue the writ of
9 habeas corpus or an equivalent order commanding Respondent to release Petitioner from custody
10 forthwith.

11 147. In the alternative, the Court should order Respondent to provide Petitioner with a
12 constitutionally adequate custody hearing by a date certain, and if release is not granted at such
13 hearing, report back to this Court with justification for continued detention.

14 **VII. PRAYER FOR RELIEF**

15 WHEREFORE, Petitioner Hassan Amhirra respectfully requests that this Court grant the
16 following relief:

17 A. **ISSUE** a Writ of Habeas Corpus (28 U.S.C. § 2241) or an order in the nature of a writ,
18 directing Respondent to immediately **RELEASE** Petitioner from ICE custody.

19 Petitioner is prepared to comply with any appropriate conditions of release, such as
20 reporting or monitoring, that the Court or ICE may require to reasonably assure public
21 safety and future appearance.

22 B. **ORDER**, in the alternative to outright release, Respondent to provide Petitioner with a
23 prompt individualized bond hearing before an immigration judge (or, if that is not
24 available, before this Court), to take place within 14 days of the Court's order. At that

1 hearing, the government should bear the burden of proving by clear and convincing
2 evidence that Petitioner's continued detention is justified (i.e., that he poses a flight risk
3 or danger that cannot be mitigated). If the government cannot meet that burden,
4 Petitioner should be released on appropriate terms.

5 C. **DECLARE** that Petitioner's continued detention is unlawful and unconstitutional.
6 Specifically, declare that Petitioner's detention beyond six months without a
7 foreseeable removal or a bond hearing violates the Due Process Clause of the Fifth
8 Amendment and exceeds statutory authority.

9 D. **ENJOIN** Respondent, his agents, employees, and all persons acting under his direction
10 or control, from continuing to detain Petitioner in violation of the law. This may include
11 a permanent injunction against Petitioner's further detention on the same basis absent
12 a significant change in circumstances (such as securing of travel documents and a
13 likelihood of immediate removal). E

14 E. **AWARD** Petitioner his reasonable attorneys' fees and costs under the Equal Access to
15 Justice Act (EAJA), 28 U.S.C. § 2412, or other applicable law, if Petitioner prevails in
16 this action.

17 F. **GRANT** such other and further relief as the Court deems just and proper in the interests
18 of justice. This includes any relief necessary to ensure Petitioner's rights are protected
19 during the pendency of this action (such as the TRO requested below, or an order for
20 periodic status reports on efforts to remove Petitioner).

21 Dated: July 22, 2025

Respectfully Submitted,

22 /s/ Ines Ati

23 Ines Ati, Esq.*

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**Pending Pro Hac Vice*