

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA**

AHMAD MOHAMMAD FALEH CASE NO.  
ALALAWNEH,

Petitioner/Plaintiff,

JUDGE:

v.

MAGISTRATE JUDGE

GARRETT RIPA, Field Office Director,  
U.S. Department of Homeland Security  
("DHS") Immigration and Customs  
Enforcement ("ICE") Enforcement and  
Removal Operations ("ERO") Miami Field  
Office; TODD M. LYONS; Acting Director,  
U.S. DHS ICE; KRISTI NOEM, Secretary,  
DHS; PAMELA J. BONDI, U.S. Attorney  
General; SHEREA GREEN, Director,  
Miami-Dade County Corrections and  
Rehabilitation Department; and SIRCE  
OWEN, Acting Director, U.S. Department of  
Justice Executive Office for Immigration  
Review ("EOIR");

Respondents/Defendants.

**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241 AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF**

COMES NOW the Petitioner/Plaintiff, AHMAD MOHAMMAD FALEH  
ALALAWNEH, by and through undersigned counsel, and hereby brings this Petition and sues the  
Respondents/Defendants and alleges as follows:

**INTRODUCTION**

1. The Petitioner/Plaintiff is a citizen and national of Jordan, and the  
Respondents/Defendants, in their official capacities, have been detaining the Petitioner/Plaintiff at  
the temporary immigration detention facility located on the border of Miami Dade and Collier



Counties, Florida, that the Respondents/Defendants have named “Alligator Alcatraz.” See copy of the Petitioner/Plaintiff’s Passport at Exhibit No. 1; Ana Ceballos, “Alligator Alcatraz is No Nickname. It’s Detention Camp’s Official Name”, *Tampa Bay Times*, July 01, 2025 (available at <https://www.tampabay.com/news/florida/2025/01/01/alligator-alcatraz-is-no-nickname-its-detention-camps-official-name>) (explaining facility originally referred to as “Collier Dade Transition and Training Center”).

2. President Donald Trump has stated regarding the facility that “we’re going to teach them how to run away from an alligator if they escape prison [...] The only way out, really, is deportation.” Adriana Gomez Licon and Will Weissert, “Trump Tours Florida Immigration Lockup and Jokes about Escapees Having to Run from Alligators”, *Associated Press*, July 01, 2025 (available at <https://apnews.com/article/trump-everglades-immigrant-detention-facility-visit-5dc5568ec15534947c29c9149b773d1d>).

3. Although detainees report poor conditions inside the detention center, including insufficient food and infrequent showers, Ronald DeSantis, the State of Florida’s Governor, has mocked “detainees for wanting ‘toasted hoagies’.” Patricia Mazzei, “First Deportation Flights Depart From Florida’s ‘Alligator Alcatraz’”, *The New York Times*, July 25, 2025 (available at <https://www.nytimes.com/2025/07/25/us/alligator-alcatraz-deportation-flights.html>).

4. Defendant/Respondent Ripa, the ICE ERO Miami Field Office Director, has indicated that “there is not a person here (at ‘Alligator Alcatraz’) that is not on a final removal order.” Devon M. Sayers and Isabel Rosales, “Deportation flights from ‘Alligator Alcatraz’ begin as Florida vows a ‘surge’ of immigration arrests”, *CNN*, July 25, 2025 (available at <https://www.cnn.com/2025/07/25/us/alligator-alcatraz-deportation-flights>).



5. Detainees and their attorneys note that not every detainee inside the detention center is on a final removal order, however, and some detainees are unable to pursue release from detention or removal relief because “judges at Krome Immigration Court in Miami are canceling court hearings because the court does not have jurisdiction over detainees at Alligator Alcatraz” and that “ICE officers are also saying they aren’t responsible for detainees at the facility, which the DeSantis administration erected in eight days on a remote airfield in the Everglades.” See Ana Ceballos and Siena Duncan, “Lawyers question legality of Alligator Alcatraz, ask federal judge to intervene”, *Miami Herald*, July 27, 2025 (available at <https://www.miamiherald.com/news/local/immigration/article311473837.html>).

6. The Plaintiff/Petitioner’s counsel in his removal and bond proceedings before the EOIR, Scott D. Devore, noted that the Plaintiff/Petitioner finds himself in the same predicament that the *Miami Herald* reporters described, as Attorney Devore explained in an email on July 25, 2025, to undersigned counsel as follows:

I called EOIR and spoke with the clerk named Nicki [...] and inquired why my bond hearing was off and why the online system said that the alien withdrew the bond request. She said that since Alligator [Alcatraz] is a state facility they no longer have jurisdiction and that they got a memo to that effect earlier this week. She thought it was Monday or Tuesday. She said as far as she knows no other immigration court has jurisdiction [...] and that we would need to call ICE to see if they would parole him. She had no telephone number for them and said she had heard they weren’t answering anyhow. This conversation was 7/25/2025 and 12:37 pm for two minutes according to my phone log.

7. The Petitioner/Plaintiff challenges his detention as a violation of the Immigration and Nationality Act (“INA”), 8 U.S.C. §§ 1101 *et seq.*, and regulations thereunder, Administrative Procedure Act (“APA”), and the Due Process Clause of the Fifth Amendment.



8. The Petitioner/Plaintiff respectfully requests *inter alia* that this Honorable Court grant a Writ of Habeas Corpus and order the Respondents/Defendants to release him from custody or grant a bond hearing, and order other relief as described herein.


9. This action arises under the United States Constitution and the INA. This Honorable Court has jurisdiction over this complaint under: 28 U.S.C. § 2241 (power to grant Writ of Habeas Corpus); the All Writs Act, 28 U.S.C. § 1651; 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346 (United States Defendant); the Mandamus Act, 28 U.S.C. § 1361 (jurisdiction to compel an officer to perform a duty owed to Plaintiff); and APA, 5 U.S.C. § 555(b), 5 U.S.C. § 702 (APA waiver of sovereign immunity), 5 U.S.C. § 704 (no other adequate remedy) and 5 U.S.C. § 706 (compel agency action unlawfully withheld or unreasonably delayed).

### **VENUE**

10. Venue is proper in this district under 28 U.S.C. § 1391(b), 28 U.S.C. § 1391(e)(1) (United States defendant resides in this district), 28 U.S.C. § 1391(e)(2) (cause of action arose in this district), and 28 U.S.C. § 1391(e)(4) (plaintiff resides in this district and no real property is at issue).

11. The Petitioner/Plaintiff has indicated that she is in the Respondents/Defendants' physical custody within this district at Alligator Alcatraz, an immigration detention center under the direct control of the Respondents/Defendants and their agents.

### **PARTIES**

12. Petitioner/Plaintiff ALALAWNEH is a citizen and national of Jordan in the Respondents/Defendants' physical custody. The Respondents/Defendants have assigned him Alien Registration No. A .



13. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Garrett Ripa, the DHS ICE ERO Miami Field Office Director. In this official capacity, he is responsible for the ICE Field Office with administrative jurisdiction over the Petitioner/Plaintiff and he is a legal custodian of the Petitioner/Plaintiff.

14. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Todd M. Lyons, the DHS ICE Acting Director. In this official capacity, he is a legal custodian of the Petitioner/Plaintiff.

15. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Kristi Noem, the DHS Secretary. In this official capacity, she is a legal custodian of the Petitioner/Plaintiff.

16. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Pamela J. Bondi, the Attorney General of the U.S. Department of Justice. In this official capacity, she is responsible for EOIR, the agency that administers the immigration courts and accepts bond motions.

17. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Sherea Green, the Director of the Corrections and Rehabilitation Department of Miami-Dade County. In this official capacity, she is a legal custodian of the Petitioner/Plaintiff.

18. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Sirce E. Owen, the Acting EOIR Director. In this official capacity, she is responsible for EOIR, the agency that administers the immigration courts and accepts bond motions.

### **CUSTODY**

19. The Petitioner/Plaintiff is in the Respondents/Defendants' physical custody within this district at Alligator Alcatraz, an immigration detention center under the direct control of the Respondents/Defendants and their agents



## **LEGAL BACKGROUND**

### **A. Detention and Bond**

20. Within the INA, Congress established a discretionary detention framework for noncitizens who are “arrested and detained” “[o]n a warrant issued by the Attorney General.” 8 U.S.C. § 1226; *see also Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (“Section 1226 generally governs the process of arresting and detaining that group of aliens pending their removal”).

21. For such noncitizens, the Attorney General (1) “may continue to detain the arrested alien,” (2) “may release the alien on [...] bond of at least \$1,500,” or (3) “may release the alien on [...] conditional parole.” 8 U.S.C. §§ 1226(a)(1)-(2).

22. An arresting officer makes an initial custody determination, but a detained noncitizen has the right to request a custody redetermination hearing before an Immigration Judge. *See* 8 C.F.R. §§ 1236.1(c)(8), (d)(1); *see also Jennings*, 583 U.S. at 306 (noting that 8 C.F.R. §§ 236.1(d)(1) and 1236.1(d)(1) “provide that aliens detained under [8 U.S.C.] § 1226(a) receive bond hearings at the outset of detention”).

23. “Under 8 U.S.C. § 1226(a) and its implementing regulations, a detainee may request a bond hearing before an [Immigration Judge] at any time before a removal order becomes final.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022) (citing to 8 C.F.R. §§ 236.1(d)(1), 1003.19).

24. “The detainee maybe represented by counsel and can submit evidence in support of his claims.” *Rodriguez Diaz*, 53 F.4th at 1197 (citing to 8 C.F.R. § 1003.19(b) and *Matter of Fatahi*, 26 I&N Dec. 791, 792 (BIA 2016)).



25. “If the respondent is detained,” regulations require applications for Immigration Judge review of bond determinations “to the Immigration Court having jurisdiction over the place of detention.” 8 C.F.R. § 1003.19(c)(1).

26. An Immigration Judge may deny bond only if the DHS “either (1) prove[s] by clear and convincing evidence that [the detained noncitizen] poses a danger to the community or (2) prove[s] by a preponderance of the evidence that [the detained noncitizen] poses a flight risk.” *Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021).

27. The sole exception to Section 1226(a)’s discretionary detention framework at 8 U.S.C. § 1226(c) requires detention on noncitizens who are inadmissible or deportable because of criminal grounds or affiliation with terrorist groups or activities.

#### **B. Due Process, Statutory, and Regulatory Rights**

28. The right to file a petition for habeas corpus pursuant to 28 U.S.C. § 2241 provides “a means of reviewing the legality of Executive detention.” *Rasul v. Bush*, 542 U.S. 466, 474 (2004) (quoting *INS v. St. Cyr*, 533 U.S. 289, 301 (2001)).

29. The civil habeas statute applies to individuals who are “in custody.” 28 U.S.C. § 2241(c).

30. Detainees file habeas petitions in the district court with jurisdiction over the filer’s place of custody. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

31. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

32. Immigration detention must always “bear [...] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003).



33. Moreover, under the Fifth Amendment, ICE cannot deprive a petitioner of notice and an opportunity to be heard “at a meaningful time and in a meaningful manner.” *Mathews v. Elridge*, 424 U.S. 319, 333 (1976).

34. Procedural due process “imposes constraints on government decisions which deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” *Id.* at 332.

35. Once a petitioner has identified a protected liberty or property interest, the Court must determine whether respondents have provided constitutionally sufficient process. *See id.* at 332-33.

36. In making this determination, the Court balances (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.* at 335.

37. Due process cases recognize a broad liberty interest in deportation and removal proceedings. *See Bridges v. Wixon*, 326 U.S. 135, 154 (1945) (deportation “visits a great hardship on the individual and deprives him of the right to stay and live and work in the land of freedom”).

38. Due process also protects an alien’s liberty interest in the adjudication of applications for relief and benefits under the INA. *See Arevalo v. Ashcroft*, 344 F.3d 1, 15 (1st Cir. 2003) (recognizing protected interests in the “right to seek relief” even when there is no “right to the relief itself”).



### **C. The APA**

39. Federal agencies must comply with the APA when crafting and enforcing decisions, regulations, and legislative rules. 5 U.S.C. § 553.

40. Courts have authority to review and invalidate final agency actions that are not in accordance with the law, exceed agency authority, lack substantial evidence, or are arbitrary and capricious. 5 U.S.C. § 706.

41. Under the APA, this Honorable Court has authorization to compel agency action that has been unreasonably delayed. 5 U.S.C. § 706(1).

42. An agency must “conclude a matter presented to it [...] within a reasonable time.” 5 U.S.C. § 555(b).

43. “A person suffering legal wrong because of agency action [...] is entitled to judicial review thereof.” 5 U.S.C. § 702.

44. Agency action includes the failure to act. *Norton v. S. Utah Wilderness Alliance*, 542 U.S. 55, 62 (2004).

### **STATEMENT OF THE FACTS**

45. On or about September 03, 2021, a DHS Customs and Border Protection (“CBP”) inspected and admitted the Petitioner/Plaintiff to the United States in F-1 nonimmigrant status for the duration of this status. *See* copy of passport, visa, and I-94 record at Exhibit No. 1

46. On or about August 08, 2024, the Petitioner/Plaintiff married Farm Saetern Whitman, a United States citizen. *See* copy of State of Florida Marriage Record and Certificate of Naturalization (Form N-560) at Exhibit No. 2.

47. On or about October 25, 2024, the Petitioner/Plaintiff’s spouse filed a Petition for Alien Relative (Form I-130) on behalf of the Petitioner/Plaintiff and the Petitioner/Plaintiff filed a concurrent Application to Register Permanent Residence or Adjust Status (Form I-485) with the



DHS U.S. Citizenship and Immigration Services (“USCIS”); the I-130 Petition and I-485 Application remain pending. *See* copies of USCIS Receipt Notices and Case Status updates from USCIS.gov at Exhibit No. 3.

48. On or about December 20, 2024, USCIS issued the Petitioner/Plaintiff an Employment Authorization Document (“EAD”) pursuant to his pending I-485 Application. *See* copy of EAD at Exhibit No. 4.

49. As Attorney Devore explained in his Motion for Bond and Custody Redetermination dated July 14, 2025, the Petitioner/Plaintiff has been in the Respondents/Defendants’ custody since on or about July 09, 2025. *See* copy of Bond Motion and Motion to Appear for Bond Hearing by Webex at Exhibit No. 5.

50. In the Bond Motion, Attorney Devore argued that the Petitioner/Plaintiff merited an order from the Immigration Judge releasing him on his own recognizance or at the lowest bond possible because of *inter alia*: (1) his pending I-485 Application; (2) a lack of criminal convictions despite one arrest in the early morning hours of January 01, 2023, that resulted in a *nolle prosequere* and did not render him inadmissible or deportable or subject to mandatory detention; (3) work authorization; and (4) admission for the fall semester at Florida Atlantic University. *See id*; *see also* 8 U.S.C. § 1226(c) (mandatory detention), 8 U.S.C. § 1227(a)(2) (criminal deportation grounds), and 8 U.S.C. § 1182(a)(2) (criminal inadmissibility grounds).

51. On or about July 15, 2025, the Krome Immigration Court in Miami, Florida, scheduled a custody redetermination hearing at 1 p.m. on July 25, 2025, and entered an order granting the motion to appear by Webex. *See* Hearing Notice and Order at Exhibit No. 6.

52. On or about July 18, 2025, Attorney Devore filed additional documents for the bond hearing, including a letter from the Petitioner/Plaintiff’s spouse and copy of her nursing license. *See* Filing at Exhibit No. 7.



53. As Attorney Devore explained in an email to undersigned counsel on July 25, 2025, the EOIR records indicated erroneously “that the alien withdrew the bond request” and that no immigration court had jurisdiction to review the Petitioner/Plaintiff’s bond hearing. *See supra* at ¶6.

54. The EOIR Website indicates that the Petitioner/Plaintiff’s removal proceedings remain pending with no future hearing at the Krome Immigration Court. *See* EOIR Case Status as of July 27, 2025, at Exhibit No. 8.

55. EOIR has not provided any information on its website as to which Immigration Court has jurisdiction over Alligator Alcatraz, however. *See* EOIR, “Immigration Court List – Administrative Control” available at <https://www.justice.gov/eoir/immigration-court-administrative-control-list> (last visited July 27, 2025).

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **RESPONDENTS/DEFENDANTS HAVE VIOLATED THE APA, INA, AND REGULATIONS**

56. Petitioner/Plaintiff ALALAWNEH repeats and re-alleges paragraphs 1 through 55 as though fully set forth herein.

57. Under the APA, “final agency action for which there is no other adequate remedy in court [is] subject to judicial review.” 5 U.S.C. § 704.

58. The reviewing court “shall [...] hold unlawful and set aside agency action, findings, and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or “unsupported by substantial evidence.” 5 U.S.C. § 706(2)(A).

59. In the instant matter, the Respondent/Defendant Owens has violated 8 U.S.C. 1226(a) and 8 C.F.R. § 1003.19(a) by failing to adjudicate the Petitioner/Plaintiff’s bond motion.



**COUNT II**

**RESPONDENTS/DEFENDANTS HAVE VIOLATED THE DUE PROCESS  
CLAUSE TO THE FIFTH AMENDMENT**

60. Petitioner/Plaintiff ALALAWNEH repeats and re-alleges paragraphs 1 through 55 as though fully set forth herein.

61. The Respondents/Defendants have failed to provide the Petitioner/Plaintiff with due process pursuant to the Fifth Amendment.

62. The Petitioner/Plaintiff has a liberty interest in pursuing procedures to obtain release from detention made available by statute, regulation, and Board of Immigration Appeals precedent. *See* 8 U.S.C. § 1226(a)(2); 8 C.F.R. § 1003.19(a).

63. By failing to identify an Immigration Court that has jurisdiction over Alligator Alcatraz and refusing to accept bond motions, the Respondents/Defendants have created a high risk of erroneous deprivation of Petitioner/Plaintiff's liberty.

64. The failure to identify an Immigration Court that has jurisdiction over Alligator Alcatraz is not related to any governmental interest.

65. Thus, the Respondents/Defendants have failed to provide notice and an opportunity to be heard that comports with due process requirements.

**RELIEF REQUESTED**

**WHEREFORE**, Petitioner/Plaintiff ALALAWNEH prays that this Honorable Court grant the following relief:

1. Accept jurisdiction over this action.
2. Issue a Writ of Habeas Corpus requiring the Respondents/Defendants to produce the Petitioner/Plaintiff and to show why his detention is not unlawful.



3. Declare that the Respondents/Defendants detention of the Petitioner/Plaintiff violates the Due Process Clause of the Fifth Amendment, the INA, the APA, and regulations.
4. Declare that the Respondents/ Defendants failure to provide the Petitioner/Plaintiff with an opportunity to obtain Immigration Judge review of his bond motion violates the Due Process Clause of the Fifth Amendment, the INA, the APA, and regulations.
5. Award Plaintiff ALALAWNEH reasonable costs and attorney fees for bringing this action.
6. Grant such further relief as Plaintiff ALALAWNEH may request and/or this Honorable Court deems just and proper under the circumstances.

Respectfully submitted this 28th day of July, 2025,

By: /s/ Andrew W. Clopman

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**VERIFICATION**

Pursuant to 28 U.S.C. § 2242, undersigned counsel certifies under penalty of perjury that I am submitting this verification because I am one of the Petitioner/Plaintiff's attorneys and I have discussed the facts within this Petition with the Petitioner/Plaintiff's counsel in removal proceedings before Respondents/Defendants. Pursuant to these discussions, I have reviewed the foregoing petition and that, to the best of my knowledge, the facts therein are true and accurate and the attachments to the petition are true and correct copies of the originals.

Respectfully submitted this 28th day of July, 2025,

By: **/s/ Andrew W. Clopman**

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