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Petition for a Writ of Habeas Corpus

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS EL PASO DIVISION

Basel Bassel Ebbadi
As [REDACTED] Petitioner,

v.

**PAMELA BONDI, ATTORNEY GENERAL,
KRISTI NOEM, SECRETARY OF THE DEPARTMENT OF
HOMELAND SECURITY;
ANGEL GARITE,
U.S. ICE FIELD OFFICE DIRECTOR FOR
THE EL PASO FIELD OFFICE; AND WARDEN OF IMMIGRATION DETENTION FACILITY,**

Respondents

FILED

August 05, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: **Elizabeth Y. Martinez**
DEPUTY

Civil Action No.

EP-25-CV-292-LS

PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241, BY A PERSON SUBJECT TO INDEFINITE IMMIGRATION DETENTION.

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BACKGROUND

Petitioner, Basel Bassel Ebbadi, hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, and to enjoin Petitioner's continued unlawful detention by the Respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at El Paso Processing Center in El Paso, Texas. ICE has contracted with El Paso Processing Center to house immigration detainees such as Petitioner. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, 28 U.S.C. §2241(c)(1), and the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §2241, Art. I §9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. §1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) ("We conclude that §2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention."); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) ("at its historical core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest.")' *Clark v. Martinez*, 543 U.S. 371 (2005) (holding that *Zadvydas* applies to aliens found inadmissible as well as removable).

VENUE

3. Venue lies in the western district of Texas, because Petitioner is currently detained in the territorial jurisdiction of this Court, at El Paso Processing Center . 28 U.S. C. §1391.

EXHAUSTION OF REMEDIES

4. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action. After the Supreme Court decision in *Zadvydas*, the Department of Justice issued regulations governing the custody of aliens removed. *See* 8 C.F.R. §241.4. Petitioner received a final order of removal on 1/13/2025. At his "90-day" custody review,

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on or about 4/13/2025, ICE decided to continue his detention. ICE's Headquarters Post-Order Detention Unit ("HQPDU") never informed Petitioner of a decision to continue to keep him in custody despite having been detained for six months after a final order of removal nor he got released. The custody review regulations do not provide for appeal from a HQPDU custody review decision. See 8 C.F.R. §241.4(d).

5. No statutory exhaustion requirements apply to Petitioner's claim of unlawful detention.

PARTIES

6. Petitioner is a native and citizen of Lebanon. Petitioner was first taken into ICE custody on 8/8/2020 and has remained in ICE custody continuously since that date. Petitioner was ordered removed on 1/13/2025. Petitioner is currently detained at El Paso Processing Center. Petitioner has been continuously detained by ICE for over 11 months.

7. Respondent Pamela Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, Ms. Bondi has ultimate custodial authority over Petitioner.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. As such Ms. Noem is the legal custodian of Petitioner.

9. Respondent Angel Garite is the ICE Field Office Director of El Paso Field Office of ICE and is Petitioner's immediate custodian. See *Vásquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), *cert. denied*, 122 S. Ct. 43 (2001).

10. Respondent Warden of El Paso Processing Center, where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

STATEMENT OF THE FACTS

11. Petitioner, Basel Bassel Ebbadi, was born in Lebanon on  Background : Petitioner first entered the United States illegally on 3/9/2024 shortly after entry Petitioner turned himself in to the authorities and intended to seek asylum fearing being prosecuted in Lebanon, Petitioner has since then not been paroled or admitted to the country ,Petitioner alleges that his passport was stolen from him in the way to the United States. Petitioner mentions that he got couple friends that lives in California that is willing to offer him job if released.

12. On 3/9/2025 Petitioner turned himself in at the borders after he knew that he was in the territory of the United States.

13. On 9/18/2024, ICE charged Basel Bassel Ebbadi with being deportable for not possessing a valid documentation .He was ordered deported to Lebanon by the Immigration Judge (IJ) on 1/13/2025. Petitioner waived his right to appeal from the order of deportation, thereby making it final on that same date.

(4)

Petitioner was subject to removal pursuant Section 212(a)(7)(A)(i)(I) and Section 212(a)(6)(A)(i), basically both charges stand for being undocumented.

14. On 8/8/2024, ICE took Petitioner into custody to await his deportation. Petitioner received a final removal order on 1/13/2025. Since that time, Petitioner has been continuously detained by ICE for over 11 months.

15. Petitioner's custody status was first reviewed on 4/1/2025. On 4/4/2025, Petitioner was served with a written decision ordering his continued detention.

16. On or about six months after Petitioner's removal order became final, ICE never conducted another review. In a letter dated 6/9/2025, ICE informed Petitioner that Petitioner would get an interview for review of custody status on 6/26/2025, ICE never called Petitioner to the interview. ICE did not specify how many individuals from Lebanon it had, in fact, repatriated, indicate whether it had contacted the government of Lebanon with respect to Petitioner's case, or mention whether it had received any information from Lebanon regarding the status of Petitioner's travel documents. Nor did it give an indication of when it expected Petitioner's travel documents would issue. Indeed, it gave no information concerning the existence or status of efforts to deport Petitioner.

17. In the 3 months that have passed since Petitioner's last custody review, ICE has not notified Petitioner of any progress in Petitioner's repatriation.

18. To Petitioner's knowledge, the government of Lebanon has not issued travel documents for him. Indeed, neither ICE nor Lebanon have provided any indication that Lebanon would accept Petitioner in the reasonably foreseeable future. Because of the failure of the Lebanese embassy providing their citizens with travel documents in timely manner.

19. Petitioner has cooperated fully with all efforts by ICE to remove Petitioner from the United States. Petitioner signed a travel document application, provided the Deportation Office with information about when and where he was born and provided ICE with photographs.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

20. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. §1231(a)(6), when "read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." 533 U.S. at 689. A "habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal." *Id.* at 699. If the individual's removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute." *Id.* at 699-700.

21. In determining the length of a reasonable removal period, the Court adopted a "presumptively reasonable period of detention" of six months. *Id.* at 701. After six months, the government bears the burden of disproving an alien's "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." See *Zhou v. Farquharson*, 2001 U.S. Dist. LEXIS 18239, *2-*3 (D. Mass. Oct. 19, 2001) (quoting and summarizing *Zadvydas*). Moreover, "for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Zadvydas*, 533 U.S. at 701. ICE's administrative regulations also recognize that the HQPDU has a six-month period for determining

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whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. See 8 C.F.R. §241.4 (k)(2)(ii).

22. Evidence showing successful repatriation of other persons to the country at issue is not sufficient to meet the government's burden to establish that an alien petitioner will be deported in the reasonably foreseeable future. See *Thompson v. INS*, 2002 U.S. Dist. LEXIS 23936 (E.D. La. September 16, 2002) (government failed to show that alien's deportation to Guyana was reasonably foreseeable where the government offered historical statistics of repatriation to Guyana, but failed to show any response from Guyana on the application for travel documents that INS and the petitioner had requested). Rather for the government to meet its burden of showing that an alien's repatriation is reasonably foreseeable, it must provide some meaningful evidence particular to the individual petitioner's case.

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23. An alien who has been detained beyond the presumptive six months should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. See *Agbada v. John Ashcroft*, 2002 U.S. Dist. LEXIS 15797 (D. Mass. August 22, 2002) (court “will likely grant” habeas petition after fourteen months if ICE is “unable to present document confirmation tha the Nigerian government has agreed to [petitioner’s] repatriation”); *Zhou*, 2001 U.S. Dist. LEXIS 19050 at *7 (W.D. Wash. February 28, 2002) (government’s failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there was no significant likelihood of petitioner’s removal in the reasonably foreseeable future).

CLAIMS FOR RELIEF COUNT ONE STATUTORY VIOLATION

24. Petitioner re-alleges and incorporates by reference paragraphs 1 through 23 above.

25. Petitioner’s continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for continued removal efforts has expired. Petitioner still has not been removed, and for the reasons outlined above in paragraphs 1 to 23, Petitioner’s removal to [country of citizenship] is not reasonably foreseeable.. The Supreme Court held in *Zadvydas* and *Martinez* that ICE’s continued detention of someone after six months where deportation is not reasonably foreseeable is unreasonable and in violation of 8 U.S.C. §1231(a). 533 U.S. at 701.

COUNT TWO SUBSTANTIVE DUE PROCESS VIOLATION

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Petitioner’s continued detention violates Petitioner’s right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. See e.g., *Tam v. INS*, 14 F.Supp.2d 1184 (E.D. Cal 1998) (aliens retain substantive due process rights).

28. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. §1231(a) to allow continued detention only for a period reasonably necessary to secure the alien’s removal, because any other reading would go beyond the government’s articulated interest - to effect the alien’s removal. See *Kay v. Reno*, 94 F.Supp.2d. 546, 551 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner’s substantive due process rights were violated, and noting that “If deportation can never occur, the government’s primary legitimate purpose in detention - executing removal - is nonsensical.”)

COUNT THREE PROCEDURAL DUE PROCESS VIOLATION

(7)

29. Petitioner re-alleges and incorporates by reference paragraphs 1 through 28 above.

30. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. ~~If you have not received a decision from HQPDU, insert:~~ Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates Zadvydas.]

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody, under reasonably conditions of supervision;
- 3) Order Respondents to refrain from transferring the Petitioner out of the jurisdiction of the ICE El Paso Field Office District Director during the pendency of these proceedings and while the Petitioner remains in Respondent's custody; and
- 4) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted this 28th of 7, 2025.

Signature: *Bl 313*

Basel Bassel Ebbadi, *Pro Se*.

EL PASO SPC
8915 MONTANA AVE EL
PASO, TX 79925

Certificate of Service

I, Basel Bassel Ebbadi , certify that a true copy of the above document (Petition for Writ of Habeas Corpus) together with the attached documents, was served on July / 28 / 2025 , upon the following :

U.S. Attorney's Office

DHS / ICE Office of Chief Counsel

El Paso Field Office

11541 Montana Avenue,

Suite O, El Paso,Tx 79936

Signed : *AB1313*

Basel Bassel Ebbadi, Pro se

EVD. 1

Department of Homeland Security

U.S. Citizenship and Immigration Services

1. [CIS No. 2789-25; DHS Docket No. USCIS-2024-0015]
2. RIN 1615-ZC11

AGENCY:

U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION:

Notice of Temporary Protected Status (TPS) designation.

SUMMARY:

Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is designating Lebanon for Temporary Protected Status (TPS) for 18 months, beginning on November 27, 2024, and ending on May 27, 2026. This designation allows Lebanese nationals (and individuals having no nationality who last habitually resided in Lebanon) who have continuously resided in the United States since October 16, 2024, and who have been continuously physically present in the United States since November 27, 2024, to apply for TPS.

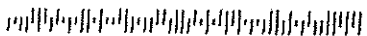
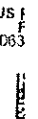
DATES:

Designation of Lebanon for TPS begins on November 27, 2024, and will remain in effect for 18 months. For registration instructions, see the Registration Information section below.

FOR FURTHER INFORMATION CONTACT:

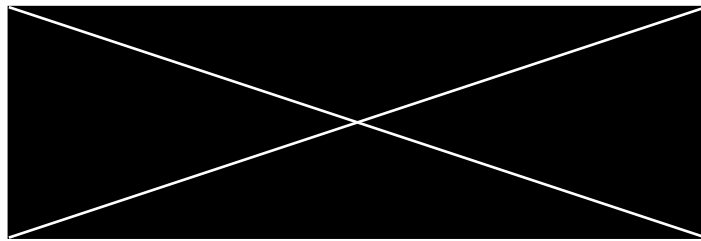
- You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 240-721-3000.
- For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS web page at <https://uscis.gov/tps>. You can find specific information about Lebanon's TPS designation by selecting "Lebanon" from the menu on the left side of the TPS web page.
- If you have additional questions about TPS, please visit <https://uscis.gov/tools>. Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you cannot find your answers there, you may also call our USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).
- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at uscis.gov, or visit the USCIS Contact Center at <https://uscis.gov/contactcenter>.
- You can also find more information at local USCIS offices after this notice is published.

ALBERT ARMENDARIZ, SR United States
Court House. 525 MA60 FFin Ave
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BASEL BASSER EBOALI

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