

United States District Court
Western District of Texas
El Paso Division

Basel Bassel EBBADI,
Petitioner,

v.

Kristi Noem, in her official capacity as
Secretary, U.S. Department of Homeland
Security *et al*,
Respondents.

No. 3:25-CV-00292-LS

Response to Petitioner's Writ of Habeas Corpus

Federal¹ Respondents timely submit this response per this Court's Order dated August 5, 2025, directing service and ordering a response by August 25. *See* ECF No. 3. In his petition, Mr. Ebbadi ("Petitioner"), *pro se*, challenges his continued detention based on three grounds: an alleged (1) statutory violation of 8 U.S.C. § 1231(a)(6); (2) substantive due process violation due to no significant likelihood of removal in the reasonably foreseeable future; and (3) procedural due process violation related to post-order custody reviews. *Id.* at ¶¶ 24–30. In his Prayer for Relief, Petitioner seeks immediate release from custody under reasonable conditions of supervision. *Id.* at 7. Petitioner also requests an order enjoining his transfer outside of the ICE El Paso Field Office during this habeas proceeding. *Id.* The Court should deny this petition, as Petitioner's detention is lawful and his removal to Lebanon is imminent.

I. Relevant Facts and Procedural History

Petitioner concedes that he was apprehended immediately upon entering the United States without authorization in March 2024. ECF No. 1 ¶ 11. Petitioner was subsequently charged

¹ The named warden in this action is not a federal employee, and the Department of Justice does not, therefore, represent the warden. Federal Respondents, however, have detention authority over aliens detained under Title 8 of the U.S. Code.

criminally and convicted of violating 8 U.S.C. § 1325. *See U.S. v. Ebbadi*, No. 3:24-mj-01162-RFC, ECF No. 4 (W.D. Tex. Mar. 20, 2024). He was sentenced to five months imprisonment. *Id.* ECF No. 20 (Judgment).

Upon his release from federal criminal custody, Petitioner alleges that he was immediately detained by ICE and charged with removal as an alien present in the United States without admission or parole. *See* ECF No. 1 ¶¶ 13–14. He has remained in custody since that time and has a final order of removal.² *Id.* ¶ 14. On August 25, 2025, ICE received an official travel document for Petitioner. *See* Ex. A (Lebanese Travel Document – redacted). ICE intends to execute his removal order prior to the expiration of the travel document, which is November 25, 2025, and expects no impediments to that removal plan. *Id.*

II. Argument

Because Petitioner is lawfully detained as an applicant for admission with a final order of removal and a valid travel document, this habeas petition should be denied. *See Dep't. of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140–41 (2020) (aliens detained shortly after unlawful entry lack any due process rights beyond what Congress permitted INA). The decision to detain Petitioner in this context is unreviewable, as it is intertwined with the decision to execute his removal order. *See, e.g., Zuniga v. Bondi*, No. 24-60368, 2025 WL 958259 at *1 (5th Cir. Mar. 31, 2025) (citing *Thuraissigiam*); *see also Jennings v. Rodriguez*, 583 U.S. 281, 289, 306 (2018). As an applicant for admission, Petitioner is treated as an individual “on the threshold of entry” into the United States, because his apprehension and detention occurred contemporaneously with the

² Petitioner argues that his detention is governed by 8 U.S.C. § 1231, but the facts he alleges in the petition indicate, instead, that he was apprehended as an applicant for admission under 8 U.S.C. § 1225(b) and has remained in custody on a mandatory basis since that time. *See* ECF No. 1 ¶¶ 11–14.

unlawful entry. *Petgrave v. Aleman*, 529 F.Supp.3d 665, 678 (S.D. Tex. 2021). In other words, even though Petitioner is detained within the interior of the United States with a final order of removal, he “is not considered to have entered the country” for the purposes of constitutional due process. *Id.* (citing *Thuraissigiam*).

Even *Zadvydas* instructs that aliens apprehended during an illegal entry lack certain constitutional protections because they remain, as a legal matter, “outside of our geographic borders.” *Zadvydas*, 533 U.S. at 693. As such, it is not within the authority of the judicial branch to provide aliens similarly situated to Petitioner procedural recourse beyond that identified in the applicable statutes. *Petgrave*, 529 F.Supp.3d at 679.

In any event, Petitioner claims no lawful status that would entitle him to release from custody. He alleges that he waived his right to appeal his removal order, and the constitutionality of continued detention of applicants for admission until physical removal has been upheld by the Supreme Court. *Thuraissigiam*, 591 U.S. at 140.

III. Conclusion

The Court should deny this habeas petition, as Petitioner’s removal to Lebanon is imminent. Any other claims alleged in this Petition are expressly denied.

Respectfully submitted,

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Certificate of Service

On August 25, 2025, I caused a copy of this filing to be served by mail on Petitioner, *pro se*, at the following address:

Basel Bassel Ebbadi
A# 
El Paso Processing Center
8915 Montana Ave
El Paso, TX 79925

/s/ Lacy L. McAndrew
Lacy L. McAndrew
Assistant U.S. Attorney