

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initialing the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Ayman Soliman</p> <p>(b) County of Residence of First Listed Plaintiff <u>Hamilton County, Ohio</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Robert A. Ratliff, Brennan, Manna and Diamond, LLC 200 Public Square Suite 1850, Cleveland, OH 44114</p>	<p>DEFENDANTS Todd M. Lyons, Acting Director, DHS-ICE</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) _____</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <p><i>(For Diversity Cases Only)</i></p> <table style="width:100%;"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td>PTF</td> <td><input type="checkbox"/> 1</td> <td>DEF</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td></td> <td><input checked="" type="checkbox"/> 2</td> <td></td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input checked="" type="checkbox"/> 3</td> <td></td> <td><input type="checkbox"/> 3</td> <td></td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	PTF	<input type="checkbox"/> 1	DEF	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2		<input checked="" type="checkbox"/> 2		<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> 3		<input type="checkbox"/> 3		<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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<p>IV. NATURE OF SUIT <i>(Place an "X" in One Box Only)</i></p>					<p>Click here for: Nature of Suit Code Descriptions.</p>				
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES				
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Arbitration <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 168) or 1692 <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes				
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS							
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement							

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District *(specify)*
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
28 U.S.C. § 2241

Brief description of cause:
Emergency Habeas action, seeking stay of any transfer or removal pending bond decision in Immigration Court

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE 08/07/2025 SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AYMAN SOLIMAN,

Petitioner,

v.

TODD M. LYONS, Acting Director,
Immigration and Customs Enforcement,

JOSEPH B. EDLOW, Director, Immigration
And Customs Enforcement

KRISTI NOEM, Secretary, United States
Department of Homeland Security;

RICHARD K. JONES, Sheriff, Butler County
Jail;

Respondents.

HEARING REQUESTED

Case No.:

**AMENDED DOCKET # 1
EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28
U.S.C. § 2241 AND REQUEST FOR TEMPORARY RESTRAINING ORDER**

INTRODUCTION

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner Ayman Fareh Soliman ("Petitioner" or "Soliman"), by and through undersigned counsel, respectfully petitions this Court for an Emergency Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking immediate release from unlawful detention by U.S. Immigration and Customs Enforcement (ICE) at Butler County Jail in Hamilton, Ohio.

Petitioner was detained premised upon an unlawful termination of his grant of asylum. The detention is unlawful because it stems from an improper termination of Petitioner's asylum status by U.S. Citizenship and Immigration Services (USCIS) on June 3, 2025, which violated the Administrative Procedure Act (APA), 5 U.S.C. § 706, *res judicata* principles, due process under the Fifth Amendment, and was a result of improper race, ethnicity and religious targeting.

Petitioner's ongoing detention violates his Fifth Amendment right to due process of law, his First and Eighth Amendment right to be free from cruel and unusual punishment and the free exercise of religion, and his Sixth Amendment right to representation by counsel.

The termination was initiated without any new evidence of a change since USCIS's initial 2018 grant of asylum, and premised upon improper race, ethnicity, and religion targeting. The termination was unsupported by either law or facts. DHS has continued their impermissible race, ethnicity and religion based targeting by knowingly offering articles as evidence to the immigration court that it knows the authors specifically refuted DHS's interpretation of those writings, misstating and ignoring actual historical documents and facts in an effort to maintain his custody status by stripping the court of jurisdiction over bond, while simultaneously withdrawing such claims from the Petitioner's immigration court charging documents to prevent Petitioner from contesting those allegations prior to an asylum hearing. Petitioner remains detained without a bond hearing, in violation of due process. The Immigration Judge's (IJ) denial of bond jurisdiction on July 28, 2025, without a full bond hearing exacerbates this violation, leaving Petitioner with no administrative remedy to challenge DHS's improper use of its mandatory detention authority.

While detained at Butler County Jail, Petitioner has been placed into segregated detention by agents of DHS and officers of the Butler County Sheriff's Office. This custody placement was a result of targeted harassment due to Petitioner's attempt to practice his religion. This segregated detention resulted in solitary confinement, denial of access to visitation, and restricted access to legal

calls with counsel, with calls being limited to the period of 12:00 a.m. to 1:00 a.m. daily. Petitioner was placed under this confinement from on or about August 2, 2025, until August 5, 2025.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241(a) and (c)(3), as Petitioner is detained in Butler County Jail, Hamilton, Ohio, in violation of the Constitution and laws of the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (habeas corpus available for immigration detention challenges). Jurisdiction also arises under 28 U.S.C. § 1331 (federal question).
2. Venue is proper in the Southern District of Ohio under 28 U.S.C. § 2241(d), as Petitioner is detained within this district. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (habeas venue lies where petitioner is detained).
3. Administrative exhaustion is not required for habeas claims challenging detention. *See Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018) (habeas available for as-applied detention challenges). Petitioner sought a bond hearing in immigration court, which the IJ denied on July 28, 2025, for lack of jurisdiction, leaving no further administrative recourse (Ex. A, IJ Order).
4. Butler County Detention officials have placed Plaintiff into restrictive custody, limiting his contact with counsel, depriving him of access to educational and religious materials, and further exacerbating the conditions of confinement and preventing his ability to contest charges in this case. He has been released from this custody status at this time, however, the ability to unilaterally restrict Petitioner's access at any time remains a looming threat.

II. PARTIES

4. **Petitioner Ayman Fareh Soliman** is an Egyptian national detained by ICE at Butler County Jail, 705 Hanover Street, Hamilton, OH 45011, since July 9, 2025. He was granted asylum in 2018, terminated on June 3, 2025.
5. **Respondent David C. Ward** is the Sheriff of Butler County, Ohio, with day-to-day control over Petitioner's detention at Butler County Jail, making him the immediate custodian. See *Padilla*, 542 U.S. at 435.
6. **Respondent Kristi Noem** is the Secretary of DHS, responsible for immigration enforcement, including detention under INA § 236.
7. **Respondent Joseph B. Edlow** is the Director of USCIS, the agency that terminated Petitioner's asylum.
8. **Respondent Todd Lyons** is the Acting Director of the DHS Immigration and Customs Enforcement.

III. FACTUAL BACKGROUND

9. Petitioner fled Egypt in 2013 due to persecution for political opinions and charitable work with [REDACTED] providing orphan aid and medical services, with no knowledge of terrorist links.
10. In 2018, USCIS granted asylum after adjudicating Petitioner's [REDACTED] finding no terrorism bar under INA § 212(a)(3)(B). (*See also* 8 U.S.C. § 1182(a)(3)(B)).
11. On June 3, 2025, USCIS terminated asylum, alleging [REDACTED] purportedly linked to [REDACTED] a Tier III terrorist organization. The termination relied on academic articles by Brooke, Vannetzel, and misdated [REDACTED] designation (2012 vs. 2013). The decision lacked any specific findings. (Ex. B)

12. Authors whose articles served as primary sources for the USCIS determination have refuted USCIS's use and reasoning premised upon their writings. (Brooke (July 14, 2025) clarified [REDACTED] 2013 designation was political, [REDACTED] cooperation opportunistic (Ex. C)) (Vannetzel (July 20, 2025) confirmed [REDACTED] state-linked, non-terrorist nature (Ex. D)).
13. Following the termination, DHS issued an NTA charging removability under INA § 237(a)(1)(A) for terrorism inadmissibility (§ 212(a)(3)(B)). (Ex. F) (*See also* 8 U.S.C. § 1227(a)(1)(A) and 8 U.S.C. § 1182(a)(3)(B) respectively). On July 22, 2025, DHS filed an I-261, which served to amend the NTA, removing terrorism allegations (#6-7) and charges, substituting § 237(a)(1)(B) grounds (non-terrorism). (*See also* 8 U.S.C. § 1227(a)(1)(B)). (Ex. G)
14. Petitioner was detained on July 9, 2025 following appearing for an ICE check-in date notice. Despite receiving assurance by ICE officers via co-counsel in this matter that this was to be a routine custody check-in when Plaintiff appeared for the scheduled appointment, he was confronted by FBI and ICE agents and interrogated. Following this interrogation, Plaintiff was placed into DHS custody.
15. On July 10, 2025 Plaintiff filed objections to the Notice to appear issued by USCIS. Plaintiff specifically challenged all counts involving any terrorist-related allegations.
16. On July 22, 2025 DHS filed an I-261 amending all counts of the NTA only hours before the combined Master Calendar and Bond hearing. DHS amendments removed all material support of terrorism allegations. (Ex. G) This amendment precludes Plaintiff from raising any jurisdictional challenges in the Notice to Appear prior to the hearing.
17. On July 14, 2025 Plaintiff filed an application for bond. DHS filed an evidentiary supplement contesting eligibility for bond due to it applying the material support for

terrorism ground for mandatory detention. (Ex. H) Within its filing were articles previously refuted by the authors, Ex. C and D, a new article refuted by its author, Ex. E, and another article published by an NGO funded by the U.S. State Department. (Ex. I). DHS then filed a second bond memorandum, arguing against the immigration court's jurisdiction to consider bond and stating that it had a reasonable belief that the material support bar still applied for detention purposes. (Ex. J) In footnote 6 of Exhibit J, DHS presented to the Immigration Court factual allegations against the Petitioner that have never before, at any stage of these proceedings been alleged, to wit: DHS alleges, "*Based on the three outstanding warrants in Iraq for murder and terrorism related activities, the respondent is also ineligible for asylum and withholding of removal because there are serious reasons for believing that the he committed serious nonpolitical crimes prior to his arrival to the United States.*" This statement by DHS is provided without any evidence or support. If this is true, DHS offered no copies of the warrants, no Interpol notices, provided nothing to even indicate Petitioner has ever even been to Iraq. If this is not true, then the Immigration Court has been led to a conclusion based on DHS assumptions and statements, a pattern that began with USCIS *sua sponte* notice of intent to terminate, USCIS acceptance of its own evidence as proof, and DHS, through USCIS or ICE or OPLA, serving throughout this process as prosecutor, judge, and jailer.




18. On July 28, 2025 the Immigration Judge found she had no jurisdiction to consider bond based on the DHS's application of the material support bar for mandatory detention, despite DHS specifically removing those same allegations from its Notice to Appear. A decision undoubtedly heavily impacted by unsupported allegations contained in footnote 6 of Ex. J. The Court further issued an alternative ground for denial of bond despite never having conducted a full bond hearing and claiming it had no jurisdiction over bond. (Ex. A)

19. On or about August 2, 2025 Plaintiff was placed into segregated custody by the Butler County Sheriff's Corrections Officers. While in segregated custody, he is denied access to counsel, he is denied access to religious and educational materials, he is prevented from offering religious guidance to other inmates, and he is prevented from freely exercising his faith. He has been released from segregated custody as of August 5, 2025, but the possibility remains high that Butler County Sheriff's Correction Officer may place him in restrictive custody again in violation of his First Amendment rights based on past patterns of behavior at this detention facility.
20. Petitioner is facing indefinite detention in DHS custody, amid a 3-million-case immigration court backlog, with no bond hearing to show that DHS is impermissibly subjecting him to mandatory detention, causing irreparable harm.

IV. LEGAL ARGUMENT

A. Claim One: Unlawful Asylum Termination Renders Detention Illegal

21. DHS's detention of Petitioner is unlawful because the underlying asylum termination by USCIS violates the 5th and 14th Amendments of the Constitution. Asylum termination requires new grounds under INA § 208(c)(2) to arise after USCIS's initial grant of asylum, and remains subject to APA review. *Arangure*, 911 F.3d at 338 (arbitrary actions set aside); *see also* 8 U.S.C. 1158(c)(2).
22. Asylum termination cannot and should not be targeted based on a particular applicant's race, religion, nationality, or ethnicity. Such targeting was clearly present here since USCIS carefully reviewed the same facts about the Petitioner's background when it granted him asylum status in June 2018, as when it carelessly terminated that status in June 2025.

23. The 2018 grant adjudicated Petitioner's  involvement. DHS and the United States Government have since aligned more closely with 
 but otherwise, no new evidence was presented in USCIS's asylum termination proceedings. (Ex. K) Allowing DHS to relitigate asylum claims without any change in the facts and demand non-reviewable detention of those ex-asylees without new evidence violates *res judicata*. *Arangure*, 911 F.3d at 346 (6th Cir. 2018).

24. The termination decision lacked any specific findings of acts by the Petitioner that apply to DHS's conclusion of material support of terrorism. With just grandiose and sweeping assumptions, USCIS, the same entity that initiated the termination proceeding, then decided it had met its evidentiary burden, improperly shifted the burden to Petitioner for the to prove an exception applied, and then gave little to no weight to his evidence that refuted its conclusion, even when that evidence came *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (fair hearing required). Vacating termination reinstates asylum, barring detention. 8 C.F.R. § 208.24(f).

B. Claim Two: Improper Tier III Designation

25. USCIS failed to meet INA § 212(a)(3)(B)(vi)(III) requirements for Tier III designation: a group of 2+ individuals engaging in "terrorist activity". Designations are supposed to be made on a case-by-case basis, requiring specific findings that the individual provided material support to a terrorist organization, and it is not enough for DHS to insist without evidence that such an activity occurred. USCIS Policy Manual, Vol. 7, Pt. M, Ch. 3; *Matter of S-K-*, 23 I&N Dec. 936 (BIA 2006) (knowledge of terrorist nature required); see also 8 U.S.C. 1182(a)(3)(B)(vi)(III).

26. USCIS's blanket statement (" in Egypt is considered a Tier III terrorist from December 5, 2012...") lacks findings on how  activities

during Petitioner's involvement (pre-2013) with a completely separate, state-linked charity, [REDACTED] are even relevant to his case. Egypt's 2013 designation of [REDACTED] control of the country via a military coup from the democratically elected, [REDACTED] Egyptian president. Egypt's current ruling government [REDACTED] DHS has shown no evidence that Petitioner was *personally aware* of any violent acts *sanctioned* by [REDACTED] or the *local* branch of [REDACTED] where he provided charitable service not to [REDACTED] but to the general Egyptian population. *See Islam v. Sec'y, DHS*, 997 F.3d 1333 (11th Cir. 2021) (specific terrorist activity required).

27. [REDACTED] was cleared by Egyptian courts in 2014 of any links to [REDACTED] (Ex. L) [REDACTED] continues to thrive in providing charitable support to the general Egyptian population – the exact opposite of the current state of [REDACTED] which is aggressively restricted by Egypt's government. The letters submitted by the very authors that USCIS relied upon to find terrorism links between [REDACTED] and [REDACTED] confirm no such terrorism links exist. USCIS, without any specific findings or evidence, simply alleged Petitioner's local role as a board member of his local branch of [REDACTED] indicates knowledge of all other branches' activities, ties [REDACTED] branches together as a cohesive body, and further presumed the link between [REDACTED] and [REDACTED] based on similar missions providing medical charity to all Egyptians. USCIS initiated proceedings for asylum termination, and then it determined it had met its burden in those proceedings after a spurious administrative hearing. (Ex. K) This impermissibly served as the basis to shift the burden to Petitioner to prove no knowledge of [REDACTED] supporting the activities allegedly sanctioned by [REDACTED] that the current rival government officials declared to be terrorism. The very authors cited by DHS and USCIS establish in their letters submitted herewith strongly support the conclusions that [REDACTED] and [REDACTED] do not collaborate, the Petitioner's lack of

knowledge of any terrorist activities through his charitable work with [REDACTED] and therefore, lack of material support of terrorist activities, and that [REDACTED] does not sanction terrorism.

28. USCIS's conclusory statements lack facts, acts, or preponderance evidence, violating *Matter of M-H-Z-*, 26 I&N Dec. 757, 760 (BIA 2016). Its beliefs that [REDACTED] is a cohesive organization rather than a compilation of unaffiliated branches, that [REDACTED] collaborates with [REDACTED] since each serves the Egyptian population through medical charity and caring for the poor, such as orphans, and that Egypt's blanket labeling of [REDACTED] organization ignores the context of the decades of Egyptian politics ignores the evidence it has cited in its termination.

C. Claim Three: Amended NTA Invalidates Mandatory Detention

29. USCIS's original NTA inclusion of terrorism charges (INA § 212(a)(3)(B)) allowed DHS to justify the use of its mandatory detention authority under INA § 236(c). (*See also* 8 U.S.C. 1226(c)), DHS's I-261 amendment to the charging document removed all allegations that there was evidence of material support of terrorism and all charges related to those allegations, substituting charges under INA § 237(a)(1)(B) (non-terrorism grounds). DHS's choice to supersede the original charges completely with the amended charges eliminates its burden under INA § 240(c) to prove its material support allegation by clear and convincing evidence. (*See* 8 C.F.R. § 1240.8; *see Woodby v. INS*, 385 U.S. 276, 277 (1966)). This change in charges also prevents Petitioner from objecting to those charges at the preliminary pleadings stage of immigration court, shields DHS from IJ review of these allegations until the Individual Hearing on the merits of Petitioner's asylum claim and prevents Petitioner from gaining any insight through a contested Master Calendar hearing on evidence underpinning DHS's claim it has a reason to believe material support of terrorism is still a factor in this case, a proceeding akin to a probable cause hearing in criminal court.

30. Following the amendment of charges, detention jurisdiction should fall under § 236(a)

(discretionary), entitling Petitioner to a bond hearing before an immigration judge. (*See also* 8 U.S.C. 1226(a)). (*See also* 8 U.S.C. 1225(b) – expedited removal of inadmissible “arriving aliens” who have not been admitted or paroled). The IJ’s July 28, 2025, denial of jurisdiction over bond is erroneous, as no terrorism charge remains in the I-261. DHS’s continued detention under INA § 236(c) is premised upon the vague and conclusory statements of DHS that it still a reason to believe the material support applies here. DHS, in its evidence in support of the IJ’s lack of bond jurisdiction, makes several conclusory and even clearly refuted claims. (Ex. J) DHS’s evidence focuses almost entirely on its view of [REDACTED] as an undesignated terrorist organization through a series of logical fallacies about offshoots of [REDACTED] in other countries, does not prove by a preponderance of the evidence that [REDACTED] charity work is in collaboration with [REDACTED] at one point alleges that violence was committed by [REDACTED] supporters, not [REDACTED] alleges [REDACTED] engaged in violence, ignoring that [REDACTED] political arm was the duly elected governing party in Egypt and that party was faced with an internal military coup; ignores information in their own submitted articles that reflect that it has been [REDACTED] members who have been targeted by the ruling military dictatorship; whitewashes the political nature of the repression of [REDACTED] in Egypt (Ex. L), and despite having full knowledge of this ruling, ignores that the current Egyptian government has specifically cleared most [REDACTED] branches from any terrorist activity or connections to the banned [REDACTED] (Ex. M)

31. DHS’s reliance on refuted evidence, unsupported claims, disregard for *res judicata*, and demanding unreviewable detention despite removing terrorism related allegations in the NTA constitutes affirmative misconduct. *See Heckler v. Cmty. Health Servs.*, 467 U.S. 51, 59 (1984) (estoppel possible for government misconduct). The I-261 supports Petitioner’s claim

that the termination was baseless, as DHS implicitly withdrew from the charging document all terrorism related charges.

D. Claim Four: Prolonged Detention Without Bond Violates Due Process

32. Detained since July 9, 2025, Petitioner faces indefinite detention amid a 3-million-case immigration court backlog. *Jennings*, 583 U.S. at 293, permits mandatory detention under § 236(c) but allows as-applied due process challenges. Prolonged detention without a hearing is unconstitutional if unreasonable. *Ly v. Hansen*, 351 F.3d 263, 271 (6th Cir. 2003) (indefinite § 236(c) detention requires bond hearing). The Immigration Court has determined it has no jurisdiction to review custody.

33. This ongoing detention imposes family separation, job loss, and health risks in crowded facilities. *Zadvydas*, 533 U.S. at 690 (liberty deprivation irreparable). Risk of removal to Egypt, where Petitioner fears persecution, looms. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

E. Claim Five: DHS's July 2025 Mandatory Detention Policy Inapplicable

34. DHS's July 8, 2025, policy mandating detention for EWI aliens under INA § 235(b) does not apply, as Petitioner entered lawfully and was granted asylum in 2018. Even if applicable, the amended NTA places him under § 236(a), not § 235(b). *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), applies to EWI aliens, not asylees with terminated status.

35. If § 235(b) applies, detention remains unlawful due to the invalid termination and lack of bond hearing, violating due process under *Zadvydas* and *Ly*.

F. Claim SIX: Butler County Jail Segregated Detention

36. On or about August 2, 2025, Butler County jail officials placed Plaintiff into segregated custody. He was being deprived of the ability to freely worship, he is suffering restricted access to counsel, and is prevented from having visitors. He was released from this status on

August 5, 2025. But the threat of such arbitrary restrictions in the future remains.

37. Butler County Jail and Butler County have a long history of immigrant mistreatment allegations. This action, taken arbitrarily and without recourse, limits Plaintiff's ability to fully pursue his rights in this matter and appears to be a continuation of such issues.
38. DHS Agents and Butler County Sheriff's Officers acting on behalf of DHS have repeatedly used this segregated detention to directly communicate with Plaintiff about his case, despite knowing that Plaintiff is represented by Counsel. They have communicated disparaging remarks to Plaintiff about the status of his case and potential for future success. This, coupled with deprivation of access to counsel, serves as an ongoing violation of Plaintiff's due process and right to representation of counsel. It is an improper attempt to coerce and mentally abuse a detained individual. These actions have had a chilling and detrimental effect on Petitioner's ability to pursue his claims, as they undermine his confidence in his legal representation, coerce him into potentially waiving rights or accepting unfavorable outcomes, and interfere with the attorney-client relationship. Such conduct violates Petitioner's Fifth Amendment due process rights, his statutory right to counsel under the Immigration and Nationality Act (INA), and fundamental principles of access to counsel.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner prays this Court:

- A. Issue a writ of *habeas corpus* ordering Petitioner's immediate release from ICE custody.
- B. Vacate the June 3, 2025, asylum termination and reinstate Petitioner's asylum status.
- C. Enjoin DHS from detaining or removing Petitioner pending resolution of this action.
- D. Restrict DHS and contracted agents from discussing Plaintiff's immigration case without the presence of counsel.
- E. Order DHS and its contracted agents to allow Plaintiff telephone communication with

Counsel at reasonable times and in a secured and confidential manner.

F. Award attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412.

G. Grant such other relief as the Court deems just and proper.

Dated: August 6, 2025

Respectfully submitted,




Robert A. Ratliff
Brennan, Manna and Diamond, LLC
200 Public Square, Suite 1850
Cleveland, OH 44114
(216) 658-2323

VERIFICATION

I, Robert A. Ratliff, Counsel for Petitioner, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: August 6, 2025

Signed:  _____

Robert A. Ratliff
Brennan, Manna and Diamond, LLC
200 Public Square, Suite 1850
Cleveland, OH 44114
(216) 658-2323


CERTIFICATE OF SERVICE

I hereby certify that on this, the 6th day of August 2025, I have caused to be served via email and first class, United States Mail a copy of this pleading with all exhibits to the United States Attorney's office for the Southern District of Ohio on behalf of the following Respondents, and separately to the Office of the Butler County Sheriff:

DHS Office of Chief Counsel
925 Keynote Road, Room 201
Brooklyn Heights, OH 44131

DHS-ICE, Blue Ash Field Office
9875 Redhill Dr.
Blue Ash, OH 45242

Butler County Sheriff's Office
705 Hanover Street
Hamilton, OH 45011

Signed:  _____

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