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WESTERN DISTRICT OF TEXAS
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JUDGE LEON SCHYDLOWER

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

AHMAD ZAYED *Ribhi*
Alien No.: 

Petitioner,

v.

TODD M. LYONS, Acting Director,
Office of Detention & Removal,
U.S. Immigration and Customs
Enforcement;
MARY DE ANDA-YBARRA, El Paso
Field Office Director, Office of
Detention and Removal, U.S. Immigration
and Customs Enforcement;
KRISTI NOEM, Secretary,
Department of Homeland Security; and
PAMELA BONDI, Attorney
General,
Respondents.

EP 25CV0388

Petition for a Writ of Habeas Corpus

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

Petitioner, Ahmad Zayed, Pro Se, hereby petitions this Court for a writ of habeas corpus to remedy his unlawful detention and to enjoin his continued unlawful detention by the Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the custody of the U.S. Immigration and Customs Enforcement ("ICE").¹ He is detained at the ICE El Paso Detention Center in El Paso, Texas. Petitioner is under the control of the Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq. This Court has 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 (2001). This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue is proper because Petitioner is in Respondents' custody in El Paso, Texas. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).

PARTIES

¹ Note that "ICE" also refers, for the purposes of this petition, to its predecessor, the Immigration and Naturalization Service.

4. Petitioner Ahmad Zayed is a native of the country of Jordan. Mr. Zayed arrived into the United States on June 8, 2024 and has been in the custody of ICE since that date.

5. Respondent Todd M. Lyons is the Director of ICE's Headquarters Office of Detention and Removal in Washington, D.C. and is responsible for managing the detention of aliens and the completion of final order removals. In this official capacity, Mr. Lyons is also a legal custodian of Mr. Zayed.

6. Respondent Mary De Anda-Ybarra is the ICE Field Office Director in El Paso, Texas and is Mr. Zayed's immediate custodian.

7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the enforcement of the Immigration and Nationality Act. As such, she is also a custodian of Mr. Zayed.

8. 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 INA. As such, she has ultimate custodial authority over Mr. Zayed.

EXHAUSTION OF REMEDIES

9. Mr. Zayed 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's decision in Zadvydas, Attorney General Ashcroft issued a memorandum outlining how such aliens may seek release from custody pursuant to Zadvydas. See Memorandum, John Ashcroft, Attorney General July 19, 2001: Post-Order Custody Review After Zadvydas v. Davis, 66 Fed. Reg. 38,433 (2001) ("Ashcroft Memorandum"). This Petition shall be treated by ICE as a request for custody review subject to the terms of the Ashcroft Memorandum. Neither the Ashcroft Memorandum nor

ICE's previous custody review procedures at 8 C.F.R. § 241.4 provides another method of obtaining or appealing a custody review decision. No statutory exhaustion requirements apply to Petitioner's claim of unlawful detention.

STATEMENT OF FACTS

10. Petitioner Zayed is a native and citizen of Jordan citizen who has been in ICE custody since on or about June 8, 2024. An Immigration Judge granted the Petitioner relief in the form of Withholding of Removal on February 10, 2025. The Respondent's did not appeal the decision of the Immigration Judge and the order was final as of that date.

11. To date, ICE has been unable to remove Petitioner to any country other than Jordan. The Petitioner has no legal authority to reside in any country other than Jordan. The Immigration Judge's final order prevents ICE from removing the Petitioner to Jordan.

12. Petitioner Ahmad Zayed has cooperated fully with all efforts by ICE to remove him from the United States. The Petitioner has signed all travel document forms as requested by his ICE Deportation office and ICE is in possession of his valid Jordanian Passport.

13. Mr. Zayed does not pose a danger to the community. Although he was found guilty of minor misdemeanor crimes more than ten years past, the petitioner has not been convicted of a violent crime, nor has he had any serious disciplinary action taken against him while in ICE detention.

14. Without intervention from this Court, Mr. Zayed, whom ICE has detained since June 8, 2024, will face continued indefinite detention, possibly for several years or even the remainder of his natural life.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

15. Mr. Zayed is in custody pursuant to INA § 241(a)(6), 8 U.S.C. § 1231(a)(6). Under INA § 241(a)(1), 8 U.S.C. § 1231(a)(1), ICE shall remove aliens within 90 days of receiving an administrative final order of removal. Further, for aliens with a final order of removal who have entered the United States, INA § 241 has been interpreted by the Supreme Court in Zadvydas to only authorize continued detention for a period reasonably necessary to secure the alien's removal. See Zadvydas, 533 U.S. at 699-700. In Clark v. Martinez, 543 U.S. 371 (2005), the Supreme Court held that its ruling in Zadvydas applies equally to inadmissible aliens. The Supreme Court found in Zadvydas that six months is the presumptively reasonable period for removal in most cases. See id. at 701. Since Mr. Zayed's order withholding removal to Jordan became final on February 10, 2025, and he entered ICE custody on June 8, 2024, his 90-day statutory removal period ended on May 11, 2025, and his six-month presumptive removal period under Zadvydas ended August 9, 2025.

16. Mr. Zayed's removal order cannot be effectuated by ICE.

17. Mr. Zayed's continued detention is unconstitutional.

18. In Zadvydas, the Supreme Court recognized that aliens released from custody pursuant to Zadvydas would be subject to orders of supervision, and would be subject to conditions amounting to "supervised release." See Zadvydas, 533 U.S. at 696. Zadvydas does not provide for the continued detention of an alien to complete a rehabilitation program where the alien cannot be repatriated in the reasonably foreseeable future.

CLAIMS FOR RELIEF

COUNT ONE STATUTORY VIOLATION

19. Petitioner re-alleges and incorporates by reference paragraphs 1 through 18 above as if set forth here in full.

20. Mr. Zayed's continued detention by Respondents violates INA § 241 (a)(6), as interpreted in Zadvydas. Mr. Zayed's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have both passed. It is extremely unlikely that the Respondents will be able to remove the Petitioner in the reasonably foreseeable future, because it is believed that numerous third countries have refused to allow the Respondent's to remove him to their country. The Supreme Court held in Zadvydas that the continued detention of someone like Petitioner is unreasonable and is not authorized by INA § 241.

COUNT TWO SUBSTANTIVE DUE PROCESS VIOLATION

21. Petitioner re-alleges and incorporates by reference paragraphs 1 through 20 above as if set forth here in full.

22. Mr. Zayed's continued detention violates his right to substantive due process by depriving him of his core liberty interest to be free from bodily restraint. The Due Process Clause requires that the deprivation of Mr. Zayed's liberty be narrowly tailored to serve a compelling government interest. While the Respondents would have a compelling government interest in detaining Mr. Zayed in order to effect his removal, that interest does not exist if Mr.

Zayed cannot be removed. Zadvydas thus interpreted INA § 241 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.

**COUNT THREE
PROCEDURAL DUE PROCESS VIOLATION**

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above as if set forth here in full.

24. Under the Due Process Clause of the United States Constitution, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Mr. Zayed has been denied that opportunity. 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 panel review determination that violates Zadvydas.

PRAYER FOR RELIEF

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

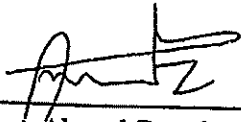
- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release the Petitioner from custody;
- 3) Order Respondents to refrain from transferring the Petitioner out of the jurisdiction of ICE El Paso Field Office Director Mary De Anda-Ybarra during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;
- 4) Award to Mr. Zayed reasonable costs; and

- 5) Grant any other and further relief which this Court deems just and proper.

Date: August 12, 2025

Respectfully submitted,

s/ Ahmad Zayed
Ahmad Zayed



Ahmad Zayed
Pro Se
ICE El Paso Detention Center

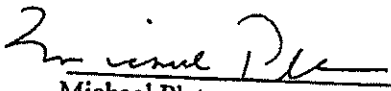
Based on the foregoing, the following orders will be entered:

IT IS ORDERED THAT the applicant's application for withholding of removal pursuant to INA § 241(b)(3) be, and it is hereby, **GRANTED**.

IT IS FURTHER ORDERED THAT the applicant's applications for withholding and deferral of removal pursuant to the Convention Against Torture be, and they are hereby, **DENIED** as moot.

IT IS FURTHER ORDERED THAT the applicant be **REMOVED** from the United States to **ANY COUNTRY OTHER THAN JORDAN**.

2/10/25
Date


Michael Pleters
U.S. Immigration Judge

APPEAL: Either party has 30 days from the date this decision and order is issued to file an appeal with the Board of Immigration Appeals.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
8915 MONTANA AVENUE
EL PASO, TX 79925

Khalaf & Abuzir, LLC
Abuzir, Omar Adel
10003 S. Roberts Road
Palos Hills, IL 60465

In the matter of
ZAYED, AHMAD R M

File A



DATE: Feb 10, 2025

- ___ Unable to forward - No address provided.
- XX_ Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:
- Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041
- ___ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242b(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252b(c)(3) in deportation proceedings or section 240(b)(5)(C), 8 U.S.C. § 1229a(b)(5)(C) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:
- IMMIGRATION COURT
8915 MONTANA AVENUE
EL PASO, TX 79925
- ___ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.
- ___ Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.
- ___ Other: _____

SLM
COURT CLERK
IMMIGRATION COURT

cc: GREGORY GONZALEZ, ASST. CHIEF COUNSEL
11541 MONTANA AVE. SUITE O
EL PASO, TX, 79936

FF

