

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 initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Mamdouh Abughali

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mohammad Shair, Esq

Mohammad Zohdi Shair Attorney and Counselor P.A.

5619 Oakland Dr.

DEFENDANTS

Ronnie Woodall, Warden; Kristi Noem; DHS; USCIS ICE
Todd M. Lyons

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other	

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):
Under 28 U.S.C. § 2241

Brief description of cause:
Unlawful detention

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

09/15/1992

SIGNATURE OF ATTORNEY OF RECORD

Mohammad Shair

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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UNITED STATES DISTRICT COURT
FLORIDA NORTHERN DISTRICT
JACKSONVILLE

Mamdouh Abughali
Petitioner

Case No.: 3:25-1086

V.

Honorable Judge:

Ronnie Woodall, Warden, North Florida
Detention Center (Baker County Detention
Center), in his official capacity;
U.S. DEPARTMENT OF HOMELAND
SECURITY;
Department of Homeland Security (DHS)
Secretary Kristi Noem in her official
capacity;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;
Todd M. Lyons ACTING DIRECTOR of
Immigration and Customs Enforcement;
Respondents.

Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241

I. Introduction

Petitioner Mamdouh Hasan Salim Abughali (A ) is a stateless Palestinian national who is being unlawfully detained by U.S. Immigration and Customs Enforcement (ICE) at the North Florida Detention Center (formerly the Baker County Detention Center) in Florida. He respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241, seeking immediate release from custody. Petitioner's removal proceedings were terminated by an Immigration Judge on June 9, 2025, without any removal order being entered or any opportunity for Petitioner to apply for relief from removal. Nevertheless, ICE continues to detain Petitioner indefinitely, even though, as a stateless Palestinian refugee, there is no realistic prospect of removing him to any country in the foreseeable future. Petitioner contends that his continued detention lacks any lawful statutory authority, violates due process, and contravenes established federal law governing the limits on immigration detention. He further challenges his improper transfer to a remote detention facility far from his counsel as a tactic that undermines his access to the courts. This petition is urgently warranted to remedy these legal violations and secure Petitioner's liberty.

II. Jurisdiction and Venue

This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 and Article I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause) to consider Petitioner's challenge to the legality of his immigration detention. Petitioner is presently in federal custody under color of the immigration laws, and he has exhausted any available administrative remedies to the extent required (no administrative process exists to review indefinite ICE detention in these circumstances). Venue is proper in the Northern District of Florida because Petitioner is confined

in this District at the North Florida Detention Center in Baker County, Florida. Under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), a habeas petition must be brought in the district of confinement, and the proper respondent is the Petitioner's immediate custodian (here, the warden of the facility). Petitioner accordingly has named the Warden of the North Florida Detention Center in his official capacity as the primary Respondent, along with the federal agencies with authority over his custody.

III. Parties

- Petitioner Mamdouh H.S. Abughali is a 35-year-old stateless Palestinian man from Gaza. He entered the United States on Parole on September 9, 2022 under a grant of parole at the San Ysidro Port of Entry. Petitioner thereafter complied meticulously with all immigration requirements: he filed timely address changes for every move, received all court notices, and appeared for every scheduled hearing in his removal case. Prior to his detention, Petitioner lived and worked openly in the United States for over two and a half years, building significant community ties and a record of lawful behavior. He applied for asylum and related relief from removal, based on a well-founded fear of persecution in Gaza due to his journalism and political opinions, and was awaiting an opportunity to present his case to an Immigration Judge. He was detained as he entered with Counsel to his immigration "Individual Hearing." Petitioner is stateless – although born in Gaza and holding a Palestinian Authority passport, he is not recognized as a citizen by any sovereign nation, leaving him with no country willing to receive him or provide protection. He is registered as a refugee with the U.N. Relief and Works Agency

(UNRWA) for Palestine refugees Petitioner is currently detained at the North Florida Detention Center in Baker County, Florida, under the authority of ICE.

- Respondent Ronnie Woodall, Warden of the North Florida Detention Center, is the immediate custodian of Petitioner and is sued in his official capacity. The Warden is the person with day-to-day control over Petitioner's detention and the ability to produce Petitioner before this Court; as such, the Warden is the proper respondent in this "core" habeas challenge to physical confinement.
- Respondent U.S. Department of Homeland Security (DHS) is the federal cabinet department responsible for the administration and enforcement of the immigration laws. DHS, through its sub-agency ICE, has authority over Petitioner's detention. DHS is named as a respondent to ensure full relief can be granted, including any necessary directives to effectuate Petitioner's release.
- Respondent U.S. Immigration and Customs Enforcement (ICE) is the agency within DHS that has custody of Petitioner and is responsible for carrying out removals and immigration detentions. ICE officers and officials have directed and maintained Petitioner's detention at issue in this case.
- Respondent Kristi Noem, Secretary of Homeland Security, in her official capacity, is the head of DHS and is responsible for the administration and enforcement of federal immigration laws, including oversight of ICE and its officers.
- Respondent Todd M. Lyons, Acting Director of Immigration and Customs Enforcement, in his official capacity, is the senior official responsible for directing ICE's enforcement functions, including the implementation of DHS policies regarding detention and removal of noncitizens.

IV. Factual and Procedural Background

A. Initiation of Removal Proceedings:

After being paroled into the U.S. in September 2022, Petitioner was served with a Notice to Appear initiating removal proceedings in the Orlando Immigration Court on the charge of being an immigrant not in possession of valid entry documents (Immigration and Nationality Act § 212(a)(7)(A)(i)(I)). Petitioner conceded his removability on this documentary ground but applied for relief from removal—specifically, asylum, withholding of removal, and protection under the Convention Against Torture—based on persecution he faces in Gaza. Throughout the multi-year pendency of his case, Petitioner scrupulously complied with every requirement. He filed all required documents, kept his address updated across multiple states (Florida and Michigan during his work as a long-haul truck driver), and attended every hearing as required. By mid-2025, Petitioner's case was scheduled for an individual merits hearing on his asylum application.

B. Abrupt Termination of Proceedings and Immediate Detention (June 9, 2025):

On June 9, 2025, Petitioner appeared with counsel at the Orlando Immigration Court for what was supposed to be his final asylum hearing. Without prior warning, attorneys for the Department of Homeland Security (DHS) filed a motion to terminate the removal proceedings on that very day. Petitioner was detained by ICE officers immediately as he arrived at the courthouse, even before the Immigration Judge (IJ) ruled on the motion. Petitioner had fully complied with all court requirements and appeared voluntarily, underscoring that he was not a flight risk in any sense. Petitioner (through counsel) objected to the DHS motion to terminate, as termination would foreclose any decision on his asylum claim and leave him in legal limbo.

Nonetheless, IJ Kevin Stanley granted DHS's motion and terminated the removal proceedings without prejudice, citing 8 C.F.R. § 239.2(a)(7) (an DHS regulation allowing dismissal of proceedings under certain circumstances). The termination order was issued without a removal order and without addressing Petitioner's eligibility for relief or the merits of his protection claims. Critically, the IJ's termination of proceedings meant that Petitioner no longer had a pending case in Immigration Court and had not been ordered removed — yet ICE did not release him. Instead, having already taken Petitioner into custody, ICE proceeded to continue detaining him indefinitely.

C. Post-Termination Detention and Transfer:

Since June 9, 2025, Petitioner has remained in ICE custody continuously. He was transferred by ICE to the North Florida Detention Center in Baker County, Florida, a remote jail facility far from his family and his immigration counsel. This transfer to a distant facility — effectively moving him from central Florida to the northern part of the state — has significantly burdened Petitioner's access to legal counsel and the courts. Notably, Petitioner's case was terminated in the Orlando Immigration Court (within the jurisdiction of the Middle District of Florida), but his subsequent detention is now in Baker County. Petitioner alleges that this inter-district (or far-distance) transfer was improper, intended to hinder his ability to seek judicial review or to coordinate with counsel, and possibly to manipulate the venue for any habeas proceedings. Regardless of motive, the transfer does not cure the fundamental illegality of his detention; it merely adds an additional layer of prejudice to Petitioner by isolating him.

D. Petitioner's Statelessness and Obstacles to Removal:

Petitioner is essentially unremovable in any foreseeable timeframe. He is a Palestinian born in Gaza, but Palestine is not recognized as a sovereign country by the United States, and there is no functioning government that can issue travel documents or accept him back. Israel, which controls Gaza's borders and airspace, will not admit Gazan Palestinians as it does not consider them its citizens. Egypt likewise tightly restricts entry from Gaza. Petitioner holds a Palestinian Authority passport as a form of identification, but this document does not confer citizenship in a recognized state. In practical terms, Petitioner has no country to which he can be deported. He is stateless, lacking the protection of any national government. Indeed, Petitioner is a registered refugee with UNRWA, underscoring the absence of a country willing or able to repatriate him. Petitioner's counsel has made extensive efforts to obtain a travel document for him, without success. Several nations (such as Israel, Egypt, Jordan, and others) have categorically refused to accept deportees from Gaza absent extraordinary circumstances. In sum, there is no reasonable likelihood that ICE will be able to effectuate Petitioner's removal in the reasonably foreseeable future, now or ever, given his stateless status. DHS itself implicitly acknowledged the peculiarity of Petitioner's situation when it moved to terminate proceedings instead of obtaining a removal order. Yet, paradoxically, DHS/ICE continues to treat Petitioner as a detainee awaiting deportation – an untenable position.

E. Attempts at Administrative Remedies:

After the termination of proceedings, Petitioner (through counsel) urgently sought to challenge the termination and his detention. He filed a motion to reopen and reconsider the Immigration Judge's decision with the Board of Immigration Appeals on July 10, 2025, arguing that terminating the case while he was detained and ready to proceed violated due process and deprived him of the chance to have his asylum claim heard. In that motion, Petitioner highlighted

that his detention was orchestrated in tandem with the termination – an apparently coordinated action between DHS and ICE – which resulted in a fundamentally unfair outcome. That motion to reopen remains pending (or was denied, if it has since been decided – Petitioner will update the Court when appropriate). Regardless, no administrative process is available to redress the continued detention itself: ICE custody decisions are not generally subject to review by the immigration courts, especially for “arriving aliens” like Petitioner who are not eligible for bond hearings. Petitioner also made requests to ICE for release on parole or supervised release given his prolonged detention and lack of removal prospects, but ICE has not granted release. Having exhausted all possible remedies within the immigration system, Petitioner now turns to this Court for relief from his indefinite and unlawful detention.

V. Claims for Relief

Claim 1: Unlawful Detention in Violation of the Immigration and Nationality Act (INA) and *Zadvydas v. Davis*

(Lack of Statutory Authority and Indefinite Detention Beyond Reasonable Removal Period)

Petitioner’s continued detention is not authorized by any valid statute and contravenes the framework of the INA as interpreted by the Supreme Court. Because there is no final order of removal against Petitioner, his detention cannot be justified under INA § 241(a), 8 U.S.C. § 1231. That provision governs detention after an order of removal, generally allowing the government a 90-day removal period (extendable to a “reasonably necessary” period) to effectuate removal. Petitioner, however, has never been ordered removed – his case was

terminated without such an order. Thus, INA § 1231 does not directly apply, and the government cannot invoke the standard post-order detention authority or its presumptions.

Nor can Petitioner's detention be justified under INA § 236, 8 U.S.C. § 1226, which covers pre-removal-order detention of aliens "pending a decision on whether the alien is to be removed." By regulation and precedent, once removal proceedings are terminated, the authority to detain under § 1226 should end, since there is no longer a "pending" proceeding or an expectation of removal through those proceedings. In Petitioner's case, DHS itself chose to terminate proceedings, which legally should have restored Petitioner to the status quo ante (i.e. an applicant who had been paroled into the U.S.). DHS cannot have it both ways: it cannot drop its case against the individual in Immigration Court (thus avoiding any opportunity for the person to be ordered removed or granted relief) and simultaneously keep the person in custody as if removal were imminent.

If DHS contends Petitioner is being held as an "arriving alien" under INA § 212(d)(5) (parole) and § 235(b), that too is unsustainable. While the statute permits detention of applicants for admission, it does not authorize open-ended, years-long detention with no active process. Congress did not envision a scenario where an arriving alien, after years in the U.S. under parole, would have proceedings terminated and then be warehoused in detention indefinitely with no removal underway.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court addressed the indefinite detention of aliens who could not be removed. The petitioners in *Zadvydas* had final removal orders, but no country would accept them. The Court held that **the post-removal-period detention statute, 8 U.S.C. § 1231, "read in light of the Constitution's demands, implicitly limits

an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal," and "does not permit indefinite detention." To avoid serious constitutional problems, the Court recognized a 6-month presumptive limit on post-order detention. After six months, if the noncitizen shows that there is no significant likelihood of removal in the reasonably foreseeable future, the government must furnish sufficient rebuttal evidence or release the detainee.

Although Petitioner's posture is somewhat different (no final order at all), the *Zadvydas* principle applies a fortiori. If the government cannot indefinitely detain even those formally ordered removed, then it certainly cannot indefinitely detain someone like Petitioner, who has never been ordered removed and for whom removal is not actively in process. Petitioner's detention has now exceeded three months and is on track to easily surpass the six-month benchmark, yet nothing in the circumstances suggests that removal will ever be possible. Indeed, the barriers to Petitioner's removal are even greater than in *Zadvydas*: at least in *Zadvydas*, the petitioners had countries of former citizenship (Lithuania, Germany, Cambodia) that *might* one day change their stance. Here, Petitioner has no country of citizenship at all. There is no evidence that any country is willing to admit him in the foreseeable future. Under *Zadvydas*, once removal is not reasonably foreseeable, continued detention is no longer authorized and violates the statute as construed to preserve constitutional rights. The petitioner's situation meets and exceeds that standard. As in *Zadvydas*, "the Government has no sufficiently strong special justification for indefinite civil detention" here, where traditional justifications like preventing flight or protecting the community no longer hold weight. Petitioner has been a model compliant immigrant (no flight risk, no danger) and has no prospect of actual removal, meaning the only

rationale for detention is punitive or regulatory in nature – neither of which can justify indefinite imprisonment of an immigrant under our system.

Furthermore, continued detention of Petitioner defies the implicit temporal limits in the immigration detention scheme. In *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), the Supreme Court overturned a Ninth Circuit decision that had imposed periodic bond hearings for detained aliens at six-month intervals, holding that the statutes 8 U.S.C. §§ 1225(b), 1226(a), and 1226(c) do not themselves require such bond hearings or contain explicit time limits. However, *Jennings* did not give the government carte blanche to detain aliens forever; it simply held that courts may not rewrite the statutes via the doctrine of constitutional avoidance. The constitutional question of prolonged detention was left open by the Supreme Court. Justice Alito’s opinion noted that the Court was not deciding whether due process requires a time limit or bond hearing – those questions were remanded for lower courts to address directly. Here, Petitioner asserts that, *whatever the statute says*, the Constitution places limits on arbitrary and indefinite civil detention. And notably, *Jennings* concerned aliens who *were* in ongoing proceedings or had final orders – whereas Petitioner’s detention has even less of a statutory foothold. If the law as written permits this detention, then it raises the exact kind of grave constitutional problem that the *Jennings* Court invited lower courts to examine, rather than avoid.

Finally, to the extent Respondents might argue that Petitioner could simply be removed if he withdraws his asylum claim or consents to removal, such an argument is illusory. Petitioner cannot be removed because no country will receive him, not because he is resisting removal. He is ready and willing to be released under supervision and to abide by any reasonable conditions. The failure to remove him is not due to Petitioner’s litigation posture; it is due to the logistical and legal impossibility of sending a stateless Palestinian to any other nation.

In sum, Petitioner's ongoing detention violates 8 U.S.C. § 1231 as interpreted in *Zadvydas*, and exceeds any authority under 8 U.S.C. § 1226 or § 1225 as well. The Court should find that Petitioner's detention is not statutorily authorized beyond a reasonable removal period, and order his immediate release under appropriate conditions.

Claim 2: Violation of Fifth Amendment Due Process

(Arbitrary Detention and Deprivation of Petitioner's Liberty and Right to Apply for Relief without Due Process of Law)

Respondents' actions have deprived Petitioner of his liberty without due process, in contravention of the Fifth Amendment. The Due Process Clause applies to "all persons within the United States," including aliens, whether their presence is lawful or not. Petitioner has been physically present in the U.S. for nearly three years and unquestionably is protected by the Fifth Amendment's guarantee that the government will not deprive him of liberty without due process.

(A) Indefinite Detention that is Arbitrary and Unreasonable:

Even if some statute could be read to purport to authorize Petitioner's ongoing custody, indefinite civil detention without a sufficient purpose or foreseeable endpoint is constitutionally suspect. Civil detention must bear a reasonable relation to its purpose. Here, the ostensible purpose of immigration detention is to effectuate removal or to prevent flight/ danger while removal proceedings are ongoing. But in Petitioner's case, removal is not foreseeable, and there are no ongoing proceedings to await. Thus the detention has ceased to serve any valid purpose. As months go by, the detention looks punitive, not regulatory, which raises constitutional red

flags since Petitioner is not serving a criminal sentence and has never been convicted of any crime in the U.S.

The Supreme Court in *Zadvydas* recognized that at some point, continued detention becomes so remote from its purpose that it violates due process: “*Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause... Government detention violates that Clause unless in a criminal proceeding with adequate safeguards or in certain special and narrow non-punitive circumstances.*” The Court found those special justifications lacking for indefinite detention of removable aliens. Those concerns are fully applicable here. Petitioner’s detention has already extended beyond the initial 90-day removal period and, absent court intervention, could last years or forever, effectively at the unreviewable discretion of ICE. This is precisely the situation the Due Process Clause guards against – unending incarceration of a person without trial, without conviction, and without a terminus. Petitioner’s liberty interest is at its zenith, and the government’s interest is at its nadir (since Petitioner is not dangerous and cannot be removed anytime soon). Thus, continuing to cage Petitioner is grossly disproportionate and arbitrary, violating substantive due process.

(B) Denial of Procedural Due Process – Deprivation of the Opportunity to Be Heard:

The manner in which DHS and the Immigration Judge terminated Petitioner’s case and detained him effectively stripped Petitioner of any meaningful opportunity to be heard on his claims or on his custody. Petitioner came to court on June 9, 2025, prepared to proceed with his asylum hearing – the forum in which he could present evidence of his persecution, his statelessness, and other equities. Instead, by moving to terminate proceedings at the last minute and immediately detaining him, DHS ensured that Petitioner never got his day in court for his

asylum application. The Immigration Judge's termination order was issued without allowing Petitioner to testify or to present the merits of his relief application. Petitioner was taken into custody in a "coordinated" manner that deprived him of a fair chance to contest either the termination or the detention. This sequence of events smacks of procedural ambush: the government effectively sprung a trap, halting the case and arresting Petitioner without prior notice.

Fundamentally, due process in the immigration context requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner. Petitioner was deprived of both. He received no advance notice that DHS would seek termination (so that he might prepare a response or seek a remedy), nor any hearing on whether termination was proper or on whether his detention was justified. The Immigration Judge did not consider any alternatives or hear from Petitioner regarding the impact of termination – the proceedings simply ended. And once proceedings were terminated, Petitioner had no forum to seek bond (arriving aliens are ineligible for bond by regulation) and no prompt post-detention review. The absence of any hearing mechanism to challenge his prolonged detention is itself a denial of procedural due process. In other contexts, even enemy combatants have been found to possess the right to some process to contest indefinite detention. Petitioner, who is a civilian refugee, deserves no less.

Moreover, Petitioner's right to apply for asylum – a statutory right conferred by Congress (see 8 U.S.C. § 1158) – is itself protected by due process. By cutting off his removal proceedings abruptly, DHS and the IJ functionally denied Petitioner the chance to have his asylum claim heard. Courts have held that the Fifth Amendment is violated when an alien is prevented from reasonably presenting his case or denied a fair hearing. Here, fairness was lacking; the process was a charade that ended as soon as Petitioner walked through the courthouse doors and ICE had

him in handcuffs. This combination of truncated procedure and sudden detention constitutes a deprivation of Petitioner's liberty interest in both freedom from bodily restraint and in seeking protection from persecution, without the fundamental fairness required by the Constitution.

(C) Improper Purpose and Bad Faith:

Petitioner submits that the circumstances indicate an improper, punitive purpose behind the government's actions. The chronology – DHS moving to dismiss the case at the 11th hour and ICE simultaneously detaining Petitioner who had been complying for years – suggests the goal was not to “streamline” the process but rather to subvert the process. DHS possibly sought termination to avoid an unfavorable outcome (perhaps anticipating the IJ might grant relief or terminate on other grounds) or to avoid the substantive adjudication of asylum. Immediately detaining a non-dangerous, compliant asylum-seeker in this manner, and then not pursuing any alternate removal strategy, indicates the motive was simply to incapacitate Petitioner and remove him from the public, regardless of legal process. If so, this is executive overreach that due process forbids. The Constitution guards against government decisions that are arbitrary or conscience-shocking in depriving liberty. Locking up a stateless refugee who posed no flight risk – essentially because he showed up for his hearing – and doing so with no end in sight, is conscience-shocking. It undermines public trust in the fairness of the immigration system and chills others from complying with the law (for fear they will be arrested even if they follow all the rules, as happened to Petitioner).

(D) Conditions and Duration Exceeding What is Constitutionally Permissible:

While this habeas petition primarily challenges the fact of detention rather than specific conditions, it is relevant to note that Petitioner's transfer to the Baker County facility has isolated

him from his lawyer and community support. This imposes further practical barriers to access to counsel and courts, which are part of due process especially for detainees seeking relief. The distance (hundreds of miles from Orlando/Tampa area to Baker County) and the conditions of confinement (strict visitation rules, limited phone access) make it exceedingly hard for Petitioner to communicate with counsel and prepare effective filings. This was likely an intended consequence of choosing this facility. Such obstruction of the right to counsel for an immigration detainee raises due process concerns as well.

In summary, Petitioner's ongoing detention, effected through a procedurally irregular and fundamentally unfair termination of his case, violates Fifth Amendment due process guarantees. The Court should hold that Petitioner's detention is unconstitutional and order his release. At minimum, due process would require the government promptly to provide a hearing before a neutral adjudicator where the government must justify continued detention and where Petitioner could contest the necessity of detention. No such hearing has been offered. The appropriate remedy for the due process violation here is release under reasonable conditions of supervision, as this Court has the power to "dispose of the matter as law and justice require" (28 U.S.C. § 2243).

Claim 3: Improper Transfer and Right to Judicial Review

(Protecting the Integrity of the Habeas Process under *Rumsfeld v. Padilla*)

Petitioner additionally challenges his transfer to the North Florida Detention Center as an improper maneuver to affect venue and hinder his access to the courts, and seeks confirmation that such a transfer cannot defeat his right to habeas relief. At the time of Petitioner's apprehension (June 2025), he was physically present in Orange County, Florida (within the

Middle District of Florida). ICE could have detained him at a facility in that area or otherwise within the Middle District. Instead, ICE chose to transfer him to Baker County, a facility often used to house ICE detainees from around the region. Baker County is physically located in the Jacksonville area of Florida. (Petitioner notes a potential discrepancy in district: Baker County, by statute, lies within the Middle District of Florida, even though the facility is called “North Florida” Detention Center. Petitioner raises this to ensure clarity, though he defers to this Court’s determination of proper venue.)

Under *Rumsfeld v. Padilla*, the default rule in habeas is that the petition should be filed where the immediate custodian is located (district of confinement), and naming that custodian. *Padilla* was concerned with preventing forum shopping by petitioners, but it equally acknowledged that the government should not be able to defeat habeas jurisdiction by whisking prisoners from one location to another. To the extent ICE transferred Petitioner in order to alter the venue or to inconvenience him, such a transfer is subject to judicial correction. The “district of confinement” rule is a “simple rule” designed to promote orderly review and prevent gamesmanship. Petitioner has accordingly filed in what he understands to be the district of confinement (Northern District of Florida) to comply with *Padilla*’s rule and to avoid any further delay over jurisdictional technicalities.

Petitioner requests that the Court recognize that ICE’s transfer does not strip jurisdiction that might have existed in another district, and that, in any event, this Court *does* have jurisdiction since the Warden of Baker County Detention Center (North Florida Detention Center) is within the reach of this Court’s process. The proper respondent is the Warden (as we have named), not high-level officials in Washington, per *Padilla*’s “immediate custodian” rule. Petitioner has also named DHS and ICE generally, out of an abundance of caution and to ensure

full relief (for example, any injunction or order to actually release Petitioner might need to be directed at ICE as an agency). If the Court deems those higher-level respondents unnecessary or improper, they can be dismissed; the key is that no void in authority impedes Petitioner's release if ordered.

In sum, the transfer should not prejudice Petitioner's rights. This Court should not allow ICE to profit from transferring a detainee. If anything, transferring a cooperative asylum-seeker to a far-flung jail without a legitimate reason further underscores the arbitrary nature of the detention. Padilla teaches that habeas jurisdiction attaches in the district of confinement and follows the custodian – here, that is satisfied. Thus, Petitioner asks the Court to reject any jurisdictional or venue challenges the Respondents might raise based on the transfer, and to focus on the merits of Petitioner's unlawful detention claims. The integrity of the habeas process requires that detainees like Petitioner have a fair and effective avenue to challenge their detention, which includes preventing strategic transfers from thwarting review.

VI. Relief Requested (Prayer for Relief)

For the foregoing reasons, Petitioner Mamdouh Abughali respectfully requests that this Court grant the following relief:

1. Issue a Writ of Habeas Corpus or Order to Show Cause: directing Respondents to produce Petitioner before the Court without delay and to show cause for his continued detention.
2. Declare Detention Unlawful: Enter a declaratory judgment that Petitioner's ongoing detention is not authorized by statute and violates Petitioner's rights under the Fifth Amendment to the U.S. Constitution.

3. Order Petitioner's Immediate Release: Order Respondents to immediately release Petitioner from custody. The Court may impose reasonable conditions of supervision if necessary (such as requiring Petitioner to report to ICE periodically, or other conditions tailored to ensure compliance with any future immigration obligations).
4. Enjoin Further Unlawful Detention: Issue an injunction prohibiting Respondents from re-detaining Petitioner on the same basis in the absence of a significantly changed circumstance or a new lawful detainer (for example, unless Petitioner were to obtain a travel document and removal becomes imminent, which is highly unlikely). This is to ensure Petitioner is not subjected to a revolving door of release and re-arrest absent due process.
5. Award other relief that the Court deems just and proper, including attorneys' fees and costs if available under the Equal Access to Justice Act or other authority (if Petitioner qualifies and if Respondents' position is not substantially justified).

Petitioner further requests expedited consideration of this Petition. Every additional day of detention is an irreparable injury to Petitioner's liberty and well-being. He has already been detained for over three months with no end in sight. The matters presented are primarily legal and can be resolved on the undisputed facts described above. Petitioner stands ready to provide any additional information the Court requires.

Petitioner thanks the Court for its attention to this urgent matter. He trusts that the Great Writ of habeas corpus – our system's paramount guarantee of liberty against unjust confinement – will provide him a prompt remedy from this unlawful detention.

Respectfully submitted,

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Dated: September 10, 2025