UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MAMDOUH ABUGHALI,

Petitioner,

v.

Case No.: 3:25-cv-1086-WWB-SJH

RONNIE WOODALL, Warden of the North Florida Detention Cener, in his official capacity; [1] U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, in her official capacity as Secretary of Department of Homeland Security; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; TODD M. LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement,

Respondents.
_____/

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Respondents, Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security, the United States Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE), and Todd M. Lyons, in his official capacity as Acting Director of ICE, respond to Petitioner Mamdouh Abughali's Petition for Writ of Habeas Corpus (Doc. 1). The Court lacks jurisdiction here. Apart from that, Abughali's detention is lawful. So, the Court should deny the writ and dismiss this action.

[1]Ronnie Woodall was not and is not the warden or facility administrator at the North Florida Detention Center (NFDC) operated in the now closed Baker Correctional Institution in Sanderson, FL. Rather, Ronnie Woodall was the warden at the Baker Correctional Institution when it was operated by the State of Florida as a men's prison. *See* www.fdle.state.fl.us. Thus, at the time of filing, Ronnie Woodall was not a proper respondent to this action. As of October 3, 2025, Petitioner is in the custody of Scotty Rhoden, the Sheriff of Baker County, Florida.

PRELIMINARY STATEMENT

On September 17, 2025, Petitioner, who is a Palestinian national, filed the instant Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention at the North Florida Detention Center (NFDC)2 and seeking immediate release as a result of the termination of his removal proceedings without entry of an order of removal or any opportunity to apply for relief from removal. *See* Doc. 1 at 2. By Order dated September 17, 2025, this Court ordered service of the Petition and directed Respondents to respond within 60 days from the date of service. Doc. 4. Because the decision to detain Petitioner is not subject to review, the Court lacks jurisdiction to entertain the relief sought or, alternatively, Petitioner fails to state a claim upon which relief can be granted.

FACTUAL BACKGROUND

Petitioner is a now 36-year-old Palestinian man from Gaza, more specifically, Israel and the Occupied Territories, who holds a Palestinian passport. *See* Doc. 1 at 3 and 5. On September 9, 2022, Petitioner applied for admission and a Notice to Appear (NTA) was issued but not filed. A superseding NTA dated October 24, 2022, was issued and filed with the immigration court, placing Petition in removal proceedings. *See* Exhibit A (Notice to Appear). On January 23, 2023, Petitioner filed an application for asylum. *See* Doc. 1 at 5.

On June 9, 2025, at the Petitioner's individual hearing, the DHS moved to terminate the removal proceedings, and the immigration court granted the motion. *See*

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[2] Petitioner notes that the NFDC is formerly the Baker County Detention Center. See Doc. 1 at 2. Rather, the NFDC is operated out of the now closed Baker Correctional Institution in Sanderson, Florida. The Baker County Detention Center is operated out of a wing at the Baker County Jail in MacClenny, Florida.

Exhibit B (Order of Immigration Judge dated June 9, 2025). See also Doc. 1 at 6. Petitioner was taken into custody on June 9, 2025.

On June 16, 2025, Petitioner appealed the immigration judge's order terminating proceedings to the Board of Immigration Appeals (BIA). *See* Doc. 1 at 7. On July 29, 2025, Petitioner moved to reopen and remand the proceedings to the immigration court. *See* Doc. 1 at 7. On September 9, 2025, DHS filed a response in which it did not oppose the motion to reopen and remand. As of today, the BIA has not issued a decision.

From September 5 to October 3, 2025, Petitioner was detained at the NFDC, which is operated in the now shuttered Baker Correctional Institution (Baker CI) in Sanderson, FL. *See* Doc. 1 at 6. As of October 3, 2025, Petitioner is currently detained at the Baker County Detention Center operated in a wing of the Baker County Jail. As of the filing of the instant Petition on September 17, 2025, Petitioner had been in custody for approximately 101 days. Petitioner has been detained for approximately 169 days as of today.

MEMORANDUM

1. Legal Standard.

Federal courts may grant writs of habeas corpus for a petitioner "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021); *Martin v. Beto*, 397 F.2d 741, 749 (5th Cir. 1968).

2. Argument.

As explained, the Court lacks jurisdiction. Even if it disagrees, however, Abughali's claims fail on the merits. Before getting to those matters, ICE must clarify its basis of detention. 28 U.S.C. § 2243.

A. Habeas Return on Detention.

In a habeas case, the respondent "shall make a return certifying the true cause of the detention." *Id.* ICE is detaining Abughali under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2).

B. Jurisdiction.

This Court lacks jurisdiction over Abughali's claims for three reasons.

1. Jurisdiction Stripping.

Federal courts have limited jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). They "possess only that power authorized by Constitution and statute." *Id.* (citations omitted).

In immigration habeas cases related to removal proceedings—as here—the Immigration and Nationality Act ("INA") divests this Court's jurisdiction to consider Abughali's claims challenging his detention pending a removal determination. 8 U.S.C. § 1252(g). "APA review does not apply when '(1) statutes preclude judicial review; or (2) agency action is committed to agency discretion by law.'" *Kanapuram v. USCIS*, 131 F.4th 1302, 1306 (11th Cir. 2025) (quoting 5 U.S.C. § 701(a)).

There is no jurisdiction to review "any cause or claim . . . arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders." 8 U.S.C. § 1252(g); *Gupta v. McGahey*, 709 F.3d 1062, 1065

(11th Cir. 2013). This provision bars habeas review in federal courts when the claim arises from "discrete acts of commencing proceedings, adjudicating cases, and executing removal orders." *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 483 (1999) (cleaned up). These activities "represent the initiation or prosecution of various stages in the deportation process" that Congress had "good reason" to withhold from judicial review. *Id.*

When construing § 1252(g), one must limit the application "to just those three specific actions" listed. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018). In doing so, "courts must focus on the action being challenged." *Canal A Media Holding, LLC v. USCIS*, 964 F.3d 1250, 1258 (11th Cir. 2020). At bottom, § 1252(g) bars review if the conduct "to commence proceedings, adjudicate cases, or execute removal orders is the basis of the claim." *Gupta*, 709 F.3d at 1065.

The law is clear:

> Securing an alien while awaiting a removal determination constitutes an action taken to commence proceedings.

Id.; *see also Alvarez v. ICE*, 818 F.3d 1194, 1203 (11th Cir. 2016) (stating "[b]ecause [the alien] challenges the methods that ICE used to detain him prior to his removal hearing, these claims are foreclosed by § 1252(g) and our decision in *Gupta*."); *Johnson v. U.S. Attorney General*, 847 F. App'x 801, 802 (11th Cir. 2021). "By its plain terms, [§ 1252(g)] bars us from questioning ICE's discretionary decisions to commence removal—and thus necessarily prevents us from considering whether the agency should have used a different statutory procedure to initiate the removal process." *Alvarez*, 818 F.3d at 1203. So § 1252(g) strips the Court's jurisdiction over habeas petitions challenging detention pending removal proceedings.

Here, Petitioner is being detained pending the commencement of removal proceedings. Petitioner's detention is a decision or action related to the decision and actions by the Secretary to begin and pursue Petitioner's removal proceedings. *See Gupta*, 709 F.3d at 1065 (citing § 1252(g) and stating "[f]ederal courts lack subject-matter jurisdiction over 'any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.'") Under *Gupta*'s binding interpretation of § 1252(g), the Court plainly has no jurisdiction. *Id. But see Garcia v. Noem et al.*, Case No. 2:25-cv-879-SPC-NPM, 2025 WL 3041895, at *2 (M.D. Fla. Oct 31, 2025) (concluding § 1252(g) jurisdiction exists to determine whether petitioner is subject to mandatory or discretionary detention under 8 U.S.C. § 1225 or § 1226, respectively).

In *Gupta*, the petitioner was initially detained pursuant to DHS decision to process him as an expedited removal pursuant to § 235(b)(1), as amended, 8 U.S.C. § 1225(b)(1), and the district court dismissed for lack of subject matter jurisdiction. On appeal, the Eleventh Circuit affirmed, reasoning that petitioner's claims were subject to dismissal because "[s]ecuring an alien while awaiting a removal determination constitutes an action taken to commence proceedings." 709 F.3d at 1065. Gupta was initially detained pursuant to DHS decision to process him as an expedited removal pursuant to §235(b)(1).

Here, like in *Gupta*, Petitioner's claims arise from a decision or action to begin proceedings (expedited removal proceedings). As the Eleventh Circuit made clear, what matters is whether the challenged conduct arose from decisions or actions to commence

removal proceedings. *Gupta*, 709 F.3d at 1065 ("Each of these claims, then, challenges the actions the agents took to commence removal proceedings—exactly the claims that § 1252(g) bars from the subject-matter jurisdiction of federal courts."). The Eleventh expressly reaffirmed this in several other decisions (both published and unpublished):

> Because [plaintiff] challenges the methods that ICE used to detain him prior to his removal hearing, these claims are foreclosed by § 1252(g) and our decision in *Gupta*.

Alvarez, 818 F.3d at 1204; *see also Johnson*, 847 F. App'x at 802. The decisions and actions to detain Abughali (under either § 1225 or § 1226) arise from the commencement of removal proceedings. The INA strips jurisdiction over that review. *Gupta*, 709 F.3d at 1065; 8 U.S.C. § 1252(g).

What's more, "the sole function of habeas corpus is to provide relief from Unlawful imprisonment or custody, and it cannot be used for any other purpose." *Cook v. Hanberry*, 592 F.2d 248, 249 (5th Cir. 1979). So, the only relief a habeas petitioner may receive is release. *DHS v. Thuraissigiam*, 591 U.S. 103, 119 (2020). In addition to seeking release, Abughali decided to pursue habeas seeking declarations and orders related to his release from confinement. (Doc. 1 at 18-19). Put different, this case is only about whether ICE can detain Abughali pending commence of removal proceedings. *Gupta* and its progeny hold the Court has no jurisdiction over such actions.

The Court also lacks jurisdiction on separate grounds.

2. Zipper Clause.

The INA precludes review of "all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien from the United States" except judicial review of a final order of removal. 8 U.S.C. § 1252(b)(9). This is known as the

"zipper clause" and applies where a petitioner seeks "review of an order of removal [or] the decision to seek removal." *Canal A*, 964 F.3d at 1257; *DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 19 (2020). In reading this subsection alongside 8 U.S.C. § 1252(a)(5)—which limits review—courts conclude petitioners must funnel all aspects of challenges to removal proceedings through the avenue set out in § 1252(a)(5). *Nasrallah v. Barr*, 590 U.S. 573, 580 (2020) (stating "[t]he REAL ID Act clarified that final orders of removal may not be reviewed in district courts, even via habeas corpus, and may be reviewed only in the courts of appeals."); *see also Bonhometre v. Gonzales*, 414 F.3d 442, 446 (3d Cir. 2005) (concluding there is "clear intent to have all challenges to removal orders heard in a single forum (the courts of appeals).").

The zipper clause restrictions are broad but not unlimited. *Canal A*, 964 F.3d at 1257. Still, a claim arising from actions or proceedings brought to remove an alien clearly falls within the clause. *See Regents of Cal.*, 591 U.S. at 19.

Here, Abughali challenges ICE's detention determination. This is an action arising from ICE's decision or action to begin proceedings (expedited removal proceedings) to remove him from the United States. The zipper clause is in full force; judicial review by this Court is inappropriate and contrary to the INA. 8 U.S.C. § 1252(b)(9).

There is one final jurisdictional issue.

3. Failure to Exhaust.

Abughali has yet to exhaust his administrative remedies. In fact, he is actively pursuing them before the BIA. Doc. 1 at 7-8. The Court should not engage in concurrent appellate review on an IJ's decision to terminate his removal proceedings.

To the extent that Abughali implies futility in finishing his BIA appeal, he is mistaken. *See McGee v. Warden, FDC Miami*, 487 F. App'x 516, 518 (11th Cir. 2012) (finding no jurisdiction on habeas petition where petitioner failed to exhaust remedies despite argument doing so would be futile). Futility is not a blank check to relieve petitioner's duty to exhaust his remedies. Under exceptional circumstances, courts may excuse an exhaustion requirement. *See Sanchez v. Warden, FCC Coleman - Low*, No. 5:23-CV-79-WFJ-PRL, 2023 WL 4489472, at *2 (M.D. Fla. July 12, 2023); *Faison v. Warden, FCC Coleman,* No. 5:23-CV-67-WFJ-PRL, 2023 WL 4489471 (M.D. Fla. July 12, 2023); *Vasquez v. Warden, FCC Coleman Low*, No. 5:22-CV-517-WFJ-PRL, 2023 WL 4157364, at *2 (M.D. Fla. June 23, 2023). Yet there are no facts alleged to support that relief in this case.

4. Conclusion.

As explained, the Court lacks jurisdiction over this habeas action. Yet even if it disagrees, detention is still lawful.

C. Merits.

Abughali challenges ICE's decision to detain him under either § 1225 or § 1226 and that his detention deprives him of due process. These claims fail as a matter of law because he is lawfully detained.

To interpret the relevant parts of the INA, courts first turn to the "plain meaning of the statute." *Esquivel-Quintana v. Sessions*, 581 U.S. 385, 391 (2017). If the statutory text is clear, the analysis ends. *Bostock v. Clayton County, Ga.*, 590 U.S. 644, 674 (2020).

The statutory scheme in § 1225(a) provides: "An alien present in the United States who has not been admitted . . . shall be deemed for purposes of this chapter an applicant

for admission." 8 U.S.C. § 1225(a); *Thuraissigiam*, 591 U.S. at 140. Applicants for admission under this section fall into one of two categories. First, those initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation fall under § 1225(b)(1). Second, everyone else not encompassed by § 1225(b)(1) fall under the § 1225(b)(2) catchall. *Jennings*, 583 U.S. at 287 (suggesting that INA § 235(b) applies to all applicants for admission, noting the broad application of INA § 235(b)(2) as a "a catchall provision" representing DHS's detention authority over applicants for admission not subject to INA § 235(b)(1)(A)(i). *See* 8 U.S.C. § 1225(b)(2)(A), (B). See also *Matter of M-S,* 27 I&N Dec. 509 (A.G. 2019) (Attorney General holding that aliens who are present in the United States without admission or parole (PWAP) and placed into expedited removal (ER) proceedings are detained under INA § 235 even if later placed into removal proceedings); *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) (BIA holding that an alien PWAP and apprehended without a warrant while arriving is detained under INA § 235(b).

Under § 1225(b)(1), aliens are detained for the purpose of expedited removal. Under § 1225(b)(2), the "alien shall be detained for a proceeding under section 1229a"—*i.e.*, full removal proceedings—after "the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). Read plainly, these subsections "mandate detention of applicants for admission until certain proceedings have concluded." *Jennings*, 583 U.S. at 297.

Given its statutory obligation, ICE detained Abughali under § 1225(b)(2). The Parties do not dispute he entered the United States illegally and without any authorization. Abughali's detention pending his removal proceedings is not unlawful; rather, it is

statutorily required. 8 U.S.C. § 1225(b)(2)(A); *see Chaviano v. Bondi*, 2025 WL 1744349, at *6-8 (S.D. Fla. June 23, 2025).

To be fair, there are many recent decisions adverse to ICE's § 1225 position here. *E.g.*, *Guerrero Orellana v. Moniz*, No. 25-cv-12664, 2025 WL 2809996, at *6 (D. Mass. Oct. 3, 2025). There are, however, decisions in support of ICE's text-based argument. *Vargas Lopez v. Trump* thoroughly addressed this issue and agreed with ICE's reasoning. No. 8:25CV526, 2025 WL 2780351, at *7-10 (D. Neb. Sept. 30, 2025). At least one other court came to the same conclusion. *Chavez v. Noem*, No. 3:25-cv-02325-CAB-SBC, 2025 WL 2730228, at *4-5 (S.D. Cal. Sept. 24, 2025). And the BIA specifically explained this rationale in *Hurtado*, 29 I&N Dec. 216.

Although Abughali argues that his detention cannot be supported under either § 1225 or § 1226, he is not being detained under § 1226. Even so, Abughali could not meet his burden to establish detention under § 1226 should apply to him. Section 1226 is far broader than § 1225. Specifically, § 1226 applies to any "alien." 8 U.S.C. § 1226(a). An "alien" is "any person not a citizen or national of the United States." *Id.* § 1101(a)(3). Meanwhile, the phrase "applicant for admission" in § 1225(b)(2) has distinct meaning, and not every single alien entering without inspection falls under this provision. Rather, the facts and circumstances concerning Abughali demonstrate he is an applicant for admission under § 1225(b)(2).

Abughali admittedly has no permission or status to remain in this country. So, it's undisputed he has not been admitted to the United States. Put differently, Abughali must be an applicant for admission if he wants to stay here. *Vargas Lopez*, 2025 WL 2780351, at *9 (concluding that if petitioner "wishes to stay in this country[,]... [t]his makes [him] an

'applicant for admission,' consistent with the conclusion of the BIA in *Hurtado* and *Jennings*."). The alternative would be seeking an Order to somehow remain unlawfully in the United States. *Id.* (That petitioner "illegally remained in this country for years does not mean that he is suddenly not an 'applicant for admission' under § 1225(b)(2)."); *Hurtado*, 29 I&N at 221 (stating "[i]f he is not admitted to the United States (as he admits) but he is not "seeking admission" (as he contends), then what is his legal status?"). At bottom, unless Abughali wants to leave, he is either an applicant for admission or seeking to remain here illegally.

To be clear, any alien intending to stay in the United States on any permanent basis must be admitted even if that's twenty years after arriving. In the context of immigration law, "admission" is not like sneaking into a second showing at the movie theater where entry is *de facto* admission. Rather, this is a legal term of art. *Matter of Lemus Losa*, 25 I. & N. Dec. 734, 743 n.6 (BIA 2012) (noting "seeks admission" used by Congress "as a term of art"). The terms "admission" or "admitted" here mean "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A).

Congress knows how to use a term of art. *E.g.*, *FAA v. Cooper*, 566 U.S. 284, 292 (2012) (stating "it is a cardinal rule of statutory construction that, when Congress employs a term of art, it presumably knows and adopts the cluster of ideas that were attached to each borrowed word in the body of learning from which it was taken." (cleaned up)). Abughali may have been living in the United States illegally for years; but he was never admitted—which is what makes his presence unlawful in the first instance. 8 U.S.C. § 1182(a)(6)(A)(i) (inadmissibility for presence "without being admitted"). The INA treats

aliens as seeking admission even if they entered illegally and never formally applied. 8 U.S.C. § 1225(a)(1); *Lemus Losa*, 25 I. & N. Dec. at 743 n.6 (Unlawful entrants "deemed *constructive* applicants for admission by operation of" § 1225(a)(1).). Legislative word choices—especially terms of art—must have meaning. Congress chose to define "applicants for admission" as "[a]n alien present in the United States who has not been admitted." 8 U.S.C. § 1225(a)(1).

The recent enactment of the Laken Riley Act bolsters this conclusion. *See* Pub. L. No. 119-1, 139 Stat. 3 (2025). There, the categories of individuals subject to mandatory detention expanded to include those who entered the United States and were charged as inadmissible under § 1182(a)(6)(A)(i) or (a)(7) and have committed—or been charged or convicted of—certain specified crimes. *See* 8 U.S.C. § 1226(c)(1)(E). Were "applicant for admission" under § 1225 interpreted narrowly, then there would be no need to pass the Laken Riley Act. Those aliens now covered by § 1226(c)(1)(E) would have already been subject to mandatory detention. Even if there are redundancies, those "are common in statutory drafting" and provide no "license to rewrite or eviscerate another portion of the statute contrary to its text." *Barton v. Barr*, 590 U.S. 222, 229 (2020) (stating "[t]he Court has often recognized: Sometimes the better overall reading of the statute contains some redundancy." (cleaned up)).

Finally, the fact that longstanding practice may have differed is not dispositive. The Constitution empowers the Judiciary to exercise judgment regarding the interpretation of laws independent from the political branches. U.S. Const. art. 3, § 2, cl. 1; *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024). The question for this Court is not ICE's historical practice; instead, the inquiry is the correct statutory interpretation. As discussed,

the best reading of the INA is what its words say—confirming ICE may detain Abughali under § 1225(b)(2).

As explained, Abughali's detention under § 1225(b)(2) is lawful. The INA mandates his detention.

CONCLUSION

Based on the foregoing reasons and citations of authority, the Court must deny the Petition and dismiss this action.

Dated: November 24, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 24, 2025, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system. I further certify that, upon filing, I will place, as expeditiously as possible, a copy of the foregoing document in first-class mail to the following non-CM/ECF participant listed below:

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