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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.

**Petitioner's Emergency Motion for Temporary Restraining Order and Preliminary
Injunction**

URGENT RELIEF REQUESTED

Petitioner Mamdouh H. S. Abughali, through undersigned counsel, hereby moves this Court for a Temporary Restraining Order and Preliminary Injunction to immediately halt the ongoing unlawful detention of Petitioner and prevent irreparable harm. Petitioner is a stateless Palestinian national who has been detained at the Baker County Detention Center since June 9, 2025, despite having no active removal proceedings and no final removal order. By this motion, Petitioner respectfully requests that the Court order the following emergency relief:

(1) that Petitioner be immediately released from ICE custody under appropriate supervision; and

(2) that Respondents be enjoined from removing or deporting Petitioner (or subjecting him to expedited removal) while this habeas action is pending, so as to preserve the Court's jurisdiction and prevent irreparable injury. A proposed Order granting this relief is submitted herewith. In support of this Motion, Petitioner states as follows:

I. Introduction and Factual Background

Petitioner Mamdouh Abughali is a 35-year-old stateless Palestinian refugee who has been in U.S. custody for over six months without any current removal proceeding or bond hearing. Mr. Abughali was inspected and paroled into the United States at the San Ysidro Port of Entry on September 9, 2022. He thereafter lived and worked openly in the U.S. for nearly three years, complying with all laws and appearing at every scheduled immigration court hearing on his case. He applied for asylum and related relief and was awaiting a final merits hearing in the Orlando Immigration Court. On June 9, 2025, Mr. Abughali appeared at the immigration court as scheduled, prepared to proceed with his asylum hearing. Instead of allowing the case to go forward, however, the Department of Homeland Security ("DHS") abruptly moved to terminate

the removal proceedings that very day. An Immigration Judge granted DHS's motion and terminated the case without prejudice, meaning no removal order was entered and Mr. Abughali's applications for protection were left undecided. Despite the termination of proceedings (and Mr. Abughali's clear record of compliance), ICE agents immediately took Mr. Abughali into custody at the courthouse and transferred him to the Baker County detention facility

Since that date, June 9, 2025, Petitioner has remained detained by ICE with no opportunity to seek release. Because his removal proceedings were terminated, the immigration court has declined bond jurisdiction in his case, and DHS has refused to release him or set any bond. DHS has classified Petitioner as an "applicant for admission" detained under 8 U.S.C. § 1225(b), on the theory that he is present in the U.S. without having been formally admitted (despite his prior parole) and thus must be held in custody. As a consequence, Mr. Abughali has never received a bond hearing before an immigration judge who recognizes jurisdiction over the case to decide release. He remains jailed indefinitely, even though there are *no* active removal charges against him and *no* final order of removal. Petitioner has now been in ICE detention for over six months, with no end in sight.

Compounding this extraordinary situation, DHS itself has effectively acknowledged that Mr. Abughali's case should not be in this limbo. Petitioner appealed the termination of his removal proceedings to the Board of Immigration Appeals ("BIA") and moved to reopen the case. In a filing with the BIA dated September 9, 2025, DHS stated that "circumstances no longer warrant removal proceedings" against Mr. Abughali and that DHS did not oppose a remand of his case to the immigration court. In other words, the government has conceded that terminating proceedings was unwarranted. Yet, to date, Mr. Abughali remains detained without

any proceeding to determine his status or prospects for relief. He is a stateless individual (originating from Gaza) with nowhere to be removed, and he has a pending asylum claim that he has been unable to pursue due to DHS's actions. Every additional day of detention in these conditions constitutes a profound injustice and irreparable harm.

Petitioner filed a habeas corpus petition in this Court on September 15, 2025 (Case No. 3:25-cv-1086). The Court issued an Order to Show Cause on September 17, 2025, and Respondents have since filed a return. Petitioner now files this Emergency Motion because he faces ongoing, indefinite detention that is not authorized by statute and that violates his constitutional rights. Petitioner seeks immediate injunctive relief to secure his release or at least a prompt custody hearing, and to prevent any attempt by Respondents to remove him from the country before this Court can adjudicate his claims. As demonstrated below, Petitioner easily meets all the requirements for a temporary restraining order ("TRO") and preliminary injunction: he is likely to succeed on the merits of his claims; he will suffer irreparable harm absent relief; the balance of harms tips sharply in his favor; and the public interest supports granting relief. Petitioner respectfully requests that the Court issue a TRO forthwith and schedule a prompt hearing on a preliminary injunction to maintain the relief until final judgment.

II. Argument

To obtain a TRO or preliminary injunction, a petitioner must establish:

- (1) a substantial likelihood of success on the merits;
- (2) that he will suffer irreparable harm in the absence of relief;
- (3) that the balance of equities tips in his favor; and
- (4) that an injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008);

Scott v. Roberts, 612 F.3d 1279, 1290 (11th Cir. 2010).

Petitioner meets all four criteria.

1. Likelihood of Success on the Merits.

Petitioner's core claim is that his ongoing detention is not authorized by law and violates due process. The record and applicable law strongly support his likelihood of success. First, Respondents cannot point to any valid statutory authority for detaining Petitioner at this time. As detailed in the habeas Petition and Traverse, Mr. Abughali is not in removal proceedings (those were terminated), and he has no final removal order against him. Thus, he is plainly not detained pursuant to 8 U.S.C. § 1226 (pre-removal detention) or 8 U.S.C. § 1231 (post-removal-order detention). DHS's only purported basis is 8 U.S.C. § 1225(b), which governs detention of certain "applicants for admission" (generally, recent entrants or individuals in expedited removal). However, that provision cannot lawfully be applied to Petitioner's situation. Mr. Abughali was *paroled* into the U.S. in 2022 and lived in the interior for years under ICE's supervision; he was only re-characterized as an "applicant for admission" after DHS chose to cancel his ongoing removal case. Courts have rejected DHS's attempt to use §1225(b) in this manner. Notably, in *Maldonado Bautista v. Garland*, No. 5:21-cv-1004 (C.D. Cal. Sept. 30, 2025), the court held that noncitizens arrested in the U.S. interior after living here are detained under §1226, not §1225, and are entitled to bond hearings. The decision expressly found that DHS's practice of treating long-present individuals as "applicants for admission" to deny bond was contrary to the statute. That reasoning applies fully to Petitioner (who, if anything, has an even stronger claim since he was lawfully paroled at entry). In short, Petitioner is likely to prevail in showing that his detention under §1225(b) is *ultra vires* and illegal. With no other statute authorizing custody, his detention violates 8 U.S.C. § 1226a (which limits detention authority to what Congress has prescribed) and fundamental principles of administrative law.

Petitioner is also likely to succeed on his due process claim. Holding a person in indefinite civil detention without a hearing or process is a flagrant denial of the Fifth Amendment's guarantee of due process. Here, DHS's actions have placed Petitioner in a procedurally barren limbo: he has no pending case and thus no venue to press his claims or seek release. The Supreme Court has made clear that "freedom from imprisonment lies at the heart of the liberty" protected by due process, and that "*government detention violates the Clause unless*" it serves a sufficiently strong purpose and affords adequate procedural safeguards. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Court construed the post-removal-order detention statute to avoid the "serious constitutional problem" of indefinite detention, holding that detention beyond six months is permissible only if removal is reasonably foreseeable. The Court observed that where removal is not likely in the reasonably foreseeable future, continued detention is not authorized and due process concerns are paramount. Petitioner's situation is, if anything, more egregious than in *Zadvydas*: he has no removal order at all, is stateless (making any removal highly unlikely), and has now been detained more than six months. The rationale of *Zadvydas* – that prolonged civil detention without prospect of effectuating its purpose is unlawful – squarely indicates Petitioner's likely success. Likewise, in *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), the Supreme Court acknowledged that indefinite detention without a bond hearing would raise a significant constitutional question (*id.* at 846–47). Numerous lower courts post-*Jennings* have held that prolonged detention without an individualized hearing violates due process. Petitioner will be able to show that his detention, which is effectively limitless in duration and devoid of any individualized review, fails any test of constitutional reasonableness. Respondents cannot demonstrate that Petitioner's continued incarceration is narrowly tailored to serve a compelling interest — particularly given his lack of danger or flight risk and DHS's own

admission that proceedings against him need not be pursued. In sum, Petitioner has a well-founded probability of success on both statutory and constitutional grounds.

2. **Irreparable Harm.**

Petitioner is suffering irreparable harm each day he remains in unlawful detention. Loss of liberty constitutes irreparable harm as a matter of law. No later court order can compensate an individual for time spent incarcerated without legal justification. Petitioner is being deprived of fundamental freedom and kept in a carceral environment that inflicts severe hardship on his mental and physical well-being. Courts have long recognized that “[t]he injury to liberty caused by illegal detention cannot be adequately remedied through damages and thus constitutes irreparable harm” (see, e.g., *Thakker v. Doll*, 451 F. Supp. 3d 358, 371 (M.D. Pa. 2020)). Beyond the inherent harm of liberty loss, Mr. Abughali faces additional irreparable injuries. He is stateless and has nowhere to go; thus, absent relief, he could be detained *indefinitely*, potentially for years, which is a grievous harm no person should endure without due process.

The uncertainty and indefinite nature of his confinement exacerbate the psychological toll. Petitioner has also been unable to pursue his asylum claim or any legal relief while in custody limbo, meaning he is stranded without protection or resolution — another irreparable harm related to the denial of his statutory rights. Furthermore, without a TRO, Respondents could at any moment attempt to transfer Petitioner or subject him to expedited removal proceedings, which could result in his removal to a country where he faces persecution or torture. Such an outcome would be catastrophic and irreversible. In short, every element of Petitioner’s predicament — the ongoing loss of freedom, the risk of continued indefinite detention, and the potential removal to peril — presents irreparable harm. This prong of the TRO standard is clearly satisfied.

3. Balance of Equities.

The balance of harms tips decidedly in Petitioner's favor. If the TRO is denied, Petitioner will continue to endure unlawful detention and all the attendant injuries just described. In contrast, if the TRO is granted, Respondents will suffer minimal, if any, harm. Releasing Petitioner under supervision (or providing a bond hearing) simply ensures that the government is not incarcerating an individual without legal basis. The government retains the ability to monitor Petitioner or re-detain him should valid grounds arise (for example, if he were to violate conditions or if a removal order is eventually obtained and removal becomes reasonably foreseeable). At present, however, Respondents have identified no specific danger or flight risk posed by Petitioner that would be compromised by his release or a hearing. Indeed, Petitioner has a demonstrated history of compliance: he appeared for all his immigration court dates over a period of years and willingly surrendered to ICE when requested (in fact, he was detained at the courthouse while appearing for a hearing).

The facts indicate that the government's interests (ensuring attendance and protecting the community) can be accommodated through less restrictive means than imprisonment, such as supervised release or bond. On the other side of the ledger, continuing to detain Petitioner without process is a grave harm to him — it upends his life, separates him from the community, and inflicts trauma and hardship with no lawful justification. The *status quo* (Petitioner's imprisonment) is itself the problem, whereas the requested relief merely restores Petitioner's liberty under conditions that still secure the government's interests. Finally, an order temporarily barring Petitioner's removal or transfer causes no cognizable harm to Respondents; it simply maintains the *status quo* of Petitioner's physical presence so that this Court's jurisdiction and ability to render a meaningful decision are preserved. In sum, Petitioner's liberty and due process

interests far outweigh any theoretical harm to the government from granting the narrow relief sought. The balance of equities strongly favors Petitioner.

4. **Public Interest.**

The public interest is also served by granting the requested injunction. It is axiomatic that “it is always in the public interest to prevent the violation of a party’s constitutional rights.” *Awad v. Ziriya*, 670 F.3d 1111, 1132 (10th Cir. 2012). Here, the public has a profound interest in ensuring that the government adheres to the rule of law and does not subject individuals to indefinite, groundless detention. The public interest favors government accountability and compliance with statutory and constitutional limits – especially in matters involving fundamental liberties. Releasing Petitioner (or affording him a prompt hearing) in no way undermines the public welfare; to the contrary, it upholds the legal protections that safeguard everyone. There is also a practical public interest in not unnecessarily detaining individuals at taxpayer expense when there is no legal basis to do so. Petitioner has shown himself to be a contributing member of society (working and paying taxes while he was free), and his release would allow him to continue positive contributions pending resolution of his case. Conversely, continuing to detain a stateless asylum-seeker in a legal void runs counter to American traditions of due process and humane treatment of immigrants. Additionally, granting this TRO would reinforce public confidence that courts serve as a crucial check on arbitrary executive action. In short, the public interest aligns with protecting constitutional rights and preventing unlawful detention. There is no public benefit in the government’s overreach here, and there is significant public harm in allowing such overreach to go unchecked.

III. Conclusion and Requested Relief

For the foregoing reasons, Petitioner respectfully asks this Court to **GRANT** his motion for a Temporary Restraining Order and Preliminary Injunction. Specifically, Petitioner requests that the Court enter an order providing the following relief:

- Immediate Release: Requiring Respondents to release Petitioner immediately from ICE custody, under appropriate conditions of supervision (such as periodic reporting or other reasonable restrictions deemed necessary to assure Petitioner's appearance and community safety);
- Stay of Removal/Transfer: Prohibiting Respondents from removing or deporting Petitioner from the United States, or from transferring him to another detention facility outside of the Court's jurisdiction, or otherwise effectuating any removal or expedited removal process, until final resolution of this habeas corpus action on the merits.

Such interim relief will preserve Petitioner's rights and the Court's jurisdiction while this case is adjudicated. Petitioner further requests that the Court waive the requirement of any security bond under Federal Rule of Civil Procedure 65(c), as this is a non-commercial, public-interest case and Respondents will not suffer financial loss from the requested injunction.

Petitioner thanks the Court for its prompt attention to this urgent matter. He stands ready to appear for any hearing at the Court's convenience. Given the clear illegality of Petitioner's detention and the irreparable harm it inflicts, Petitioner respectfully urges the Court to grant a Temporary Restraining Order immediately and to set a briefing or hearing schedule for a preliminary injunction to remain in effect until the final judgment in this case.

Respectfully submitted,

/s/Mohammad Shair

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