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8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT  
10  
11 FOR THE DISTRICT OF ARIZONA  
12

13 Hamze SWEID,

14 Petitioner-Plaintiff,

15 v.

16 John CANTU, Field Office Director of Phoenix  
17 Office of Detention and Removal, U.S. Immigrations  
18 and Customs Enforcement; U.S. Department of  
19 Homeland Security;

20 Todd M. LYONS, Acting Director, Immigration and  
21 Customs Enforcement, U.S. Department of Homeland  
22 Security;

23 Kristi NOEM, in her Official Capacity, Secretary,  
24 U.S. Department of Homeland Security; and

25 Pam BONDI, in her Official Capacity, Attorney  
26 General of the United States;

27 Respondents-Defendants.  
28

Case No.

A-

**PETITION FOR WRIT OF  
HABEAS CORPUS AND  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

Challenge to Unlawful  
Incarceration Under Color of  
Immigration Detention Statutes;  
Request for Declaratory and  
Injunctive Relief

1 **Introduction and Summary of Relief Sought**

2 Petitioner Hamze Sweid ("Petitioner" or "Mr. Sweid") is a Lebanese national who has been  
3 detained by U.S. Immigration and Customs Enforcement ("ICE") well beyond the period  
4 authorized by law. On May 20, 2025, an Immigration Judge ordered Petitioner removed to  
5 Lebanon. Petitioner waived appeal, and the order became administratively final that day. On June  
6 20, 2025, Petitioner was already in ICE Custody and remains so at this time. He was temporarily  
7 placed in the custody of the Maricopa County Sheriff's Office but was returned to ICE custody  
8 on or about June 20, 2025. More than ninety days have passed since ICE regained custody, but  
9 he remains detained despite the statutory removal period having expired. The continued detention  
10 violates both the Immigration and Nationality Act, 8 U.S.C. § 1231, and the Due Process Clause  
11 of the Fifth Amendment. The sole impediment to removal is ICE's loss of Petitioner's passport,  
12 which his family had delivered to ICE to facilitate deportation. See Declaration of Sulieman  
13 Sweid (Exhibit A). Petitioner seeks release under supervision pursuant to *Zadvydas v. Davis*, 533  
14 U.S. 678 (2001).

15  
16  
17 **Custody Statement**

18 Petitioner is currently detained at the Florence Correctional Center in Florence, Arizona, in the  
19 custody of ICE. He has been detained since June 20, 2025. This Court has jurisdiction under 28  
20 U.S.C. § 2241.

21  
22 **Jurisdiction and Venue**

23 This Court has subject matter jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331. Venue  
24 is proper in the District of Arizona because Petitioner is detained in Florence, Arizona, within this  
25 District. This petition challenges only the legality of continued detention, not the underlying  
26 removal order. See *Zadvydas*, 533 U.S. at 688.

1 **Statement of Facts**

2 1. On May 20, 2025, Petitioner was ordered removed to Lebanon. The order became  
3 administratively final that day.

4 2. On May 22, 2025, Petitioner's U.S. citizen brother delivered Petitioner's Lebanese  
5 passport to ICE at Florence SPC. See Exh. A, Decl. of Sulieman Sweid.

6 3. Petitioner was in ICE custody from during his removal proceedings and at the time of  
7 his removal order on May 20, 2025.

8 4. Petitioner was transferred into Maricopa County Sherriff's Custody temporarily from  
9 about June 15, 2025 to about June 20, 2025.

10 5. On June 20, 2025, ICE took Petitioner back into custody.

11 6. The ninety-day statutory removal period under 8 U.S.C. § 1231(a)(1)(A) expired on  
12 September 18, 2025. (More than 120 days have passed in ICE custody, however, if the  
13 Court construes the time period as having begun again, Petitioner has still been detained  
14 more than 90 days.)

15 7. ICE has admitted that Petitioner's passport is missing.

16 8. Petitioner has complied full with all ICE requests and has made no effort to interfere  
17 with his removal to Lebanon.

18 9. Petitioner has not filed any appeal or motion that would delay removal.

19 10. Petitioner has now been detained more than 120 days with no significant likelihood  
20 of removal in the reasonably foreseeable future.

21  
22 **Legal Framework**

23 Under 8 U.S.C. § 1231(a)(1)(A), the government shall remove a noncitizen within ninety days of  
24 a final removal order. Detention during that ninety-day period is mandatory. 8 U.S.C. §  
25 1231(a)(2). If removal is not effectuated in that time, the statute authorizes release under  
26 supervision, except that § 1231(a)(6) permits limited continued detention. In *Zadvydas v. Davis*,  
27 533 U.S. 678, 701 (2001), the Supreme Court held that § 1231(a)(6) does not permit indefinite  
28 detention and construed the statute to authorize detention only for a period reasonably necessary

1 to effect removal. The Court set six months as a presumptively reasonable period. After that, if  
2 removal is not significantly likely in the reasonably foreseeable future, the detainee must be  
3 released. See also *Clark v. Martinez*, 543 U.S. 371, 377 (2005). (In Martinez's case, the District  
4 Court found that removal was not reasonably foreseeable and ordered that Martinez be released  
5 under appropriate conditions. The Ninth Circuit affirmed.)

#### 6 7 **Argument**

8 Petitioner's detention exceeds the ninety-day statutory period under 8 U.S.C. § 1231(a)(1)(A).  
9 Removal is not significantly likely in the reasonably foreseeable future because ICE lost the  
10 passport required for travel to Lebanon. Petitioner has met his burden under *Zadvydas*, 533 U.S.  
11 at 701, of providing good reason to believe removal is not reasonably foreseeable. The burden  
12 thus shifts to the government to rebut with evidence. The government cannot do so here. See  
13 *Krajekian v. Cantu*, No. CV-25-02666-PHX-DJH, 2025 WL 5456789, at \*3 (D. Ariz. Sept. 5,  
14 2025) (granting habeas relief where ICE could not show removal was significantly likely).  
15 Because detention has become prolonged and removal is not imminent, continued confinement  
16 violates the statute and the Due Process Clause. See *Zadvydas*, 533 U.S. at 690.

#### 17 18 **Incorporation of Exhibit A**

19 Petitioner incorporates the Declaration of Sulieman Sweid (Exhibit A), which attests that  
20 Petitioner's passport was delivered to ICE on May 22, 2025. The declaration confirms  
21 Petitioner's cooperation and ICE's possession—and subsequent loss—of the passport.

#### 22 23 **Prayer for Relief**

24 Petitioner respectfully requests that this Court:

- 25 1. Grant the writ of habeas corpus and order Petitioner's immediate release under reasonable  
26 supervision;
- 27 2. Declare that Petitioner's detention violates 8 U.S.C. § 1231 and the Fifth Amendment's Due  
28 Process Clause;

- 1 3. Enjoin Respondents from further detention absent a significant likelihood of removal in the  
2 reasonably foreseeable future;  
3 4. Grant such other relief as the Court deems just and proper.  
4  
5

6 Dated: September 30, 2025

Respectfully submitted,

7 /s/ Spencer C. Lee

8 Spencer C. Lee

9 Attorney for Hamze Sweid

10  
11 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

12 I am submitting this verification on behalf of the Petitioner because I am one of  
13 Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition.  
14 Based on those discussions, I hereby verify that the factual statements made in the attached  
15 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

16 Executed on this September 30, 2025, in Phoenix, AZ.

17 /s/ Spencer C. Lee

18 Spencer C. Lee

19 Attorney for Petitioner Client

20 Name  
21  
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# Exhibit A

## **DECLARATION OF SULIEMAN SWEID**

August 22, 2025

I, Sulieman Sweid, hereby declare under penalty of perjury pursuant to the laws of the United States as follows:

1. My full name is Sulieman Sweid. I am a United States citizen, born and raised in the United States.
2. I am the brother of Hamze Sweid.
3. On May 22, 2025, my father, Mohammed Sweid (also a United States citizen), and I drove to the Florence Service Processing Center (SPC) to deliver Hamze's Lebanese passport to U.S. Immigration and Customs Enforcement (ICE).
4. Prior to that date, I had received the contact information for ICE Officer Angie Davis from Hamze's former attorneys at the law firm of Mayes Telles, P.L.C.
5. When we arrived at Florence SPC, security would not allow us to enter the facility. I called Officer Davis at the number I had been given by the attorneys, which was (520) 833-6113.
6. At approximately 12:39 p.m. on May 22, 2025, (based on my call log from my telephone) I spoke with Officer Davis. She let me know that she would come outside to meet us. Because of the heat, my father and I were waiting in our vehicle outside the front gate.
7. A short time later, I saw someone exit the building, but did not realize it was Officer Davis. At approximately 12:52 p.m., Officer Davis called me from the same number and confirmed that she had just come outside and would return again.
8. Shortly thereafter, Officer Davis came outside a second time. I personally handed Hamze Sweid's Lebanese passport to Officer

Davis while standing just outside the security gate at Florence SPC.

9. Officer Davis accepted the passport from me in person. Neither my father nor I were allowed past the security gate at any point.

11. Other than those communications, I have had no further contact with ICE regarding this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22<sup>nd</sup> day of August, 2025, in Phoenix, Arizona.



Sulieman Sweid

**NOTARY ACKNOWLEDGMENT**

State of Arizona

County of Maricopa

Subscribed and sworn to (or affirmed) before me on this 22<sup>nd</sup> day of August, 2025, by Sulieman Sweid, who is personally known to me or who has provided satisfactory evidence of identity.



Notary Public Signature

Printed Name: Gladis Montano

My Commission Expires: April 24, 2025

(Seal)

