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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 Office  
17 of Detention and Removal, U.S. Immigrations and  
18 Customs Enforcement; U.S. Department of Homeland  
19 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, U.S.  
24 Department of Homeland Security; and

25 Pamela Bondi, in her Official Capacity, Attorney  
26 General of the United States;

27 Respondents-Defendants.  
28

Case No. 2:25-cv-03590

A 

**MOTION FOR  
TEMPORARY  
RESTRAINING  
ORDER**

Challenge to Unlawful  
Incarceration; Request for  
Declaratory and Injunctive Relief

**NOTICE OF MOTION**

Petitioner Hamze Sweid applies to this honorable Court for a temporary restraining order enjoining Respondents Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and Pamela Bondi, in her official capacity as the U.S. Attorney General, (1) from continuing to detain him based on an unlawful action by ICE, (2) ordering his immediate release from immigration detention; and (3) from re-arresting Petitioner-Plaintiff Hamze Sweid until he is afforded a hearing before a neutral decisionmaker, as required by the Due Process clause of the Fifth Amendment, to determine whether circumstances have materially changed such that his re-incarceration would be justified because there is clear and convincing evidence establishing that DHS-ICE is able to remove him to Lebanon or a third country.

If the Court deems oral argument necessary, Petitioner requests to appear by video.

Dated: November 18, 2025

Respectfully submitted,

/s/ Spencer C. Lee

Spencer C. Lee

Attorney for Hamze Sweid

**I. Introduction**

Petitioner Hamze Sweid ("Petitioner" or "Mr. Sweid"), a Lebanese national, moves this Court for a Temporary Restraining Order ("TRO") directing his immediate release from immigration detention. Mr. Sweid has been detained by U.S. Immigration and Customs Enforcement ("ICE") beyond the period authorized by law. An Immigration Judge ordered him removed on May 20, 2025. Petitioner waived appeal, making the order administratively final the same day. Petitioner has been in ICE custody since that date, except for a brief transfer into criminal custody, after which ICE regained custody on June 20, 2025. Petitioner has now been in ICE custody for over 180 days.

Although Petitioner's family delivered his Lebanese passport to ICE on May 22, 2025, ICE lost the passport and has not secured any alternative travel documents. Because ICE has

1 failed to effect removal and no significant likelihood of removal exists in the reasonably  
2 foreseeable future, continued detention is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001).  
3 Petitioner seeks immediate release under reasonable supervision.  
4

5 **II. Jurisdiction and Venue**

6 This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331. Venue lies in  
7 this District because Petitioner is detained within the District of Arizona at the Florence  
8 Correctional Center. This motion challenges only the legality of Petitioner's continued detention,  
9 not the underlying removal order. See *Zadvydas*, 533 U.S. at 688.  
10

11 **III. Legal Standard for Temporary Restraining Order**

12 A temporary restraining order is warranted when the moving party demonstrates (1) a  
13 likelihood of success on the merits, (2) irreparable harm absent relief, (3) that the balance of  
14 equities tips in their favor, and (4) that an injunction is in the public interest. See *Winter v. Natural*  
15 *Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).  
16

17 **IV. Statement of Facts**

- 18 1. Petitioner is a Lebanese national who has resided in the United States.
- 19 2. On May 20, 2025, an Immigration Judge ordered Petitioner removed to Lebanon.  
20 Petitioner waived appeal, and the order became administratively final.
- 21 3. Petitioner was in ICE custody on the date of the removal order.
- 22 4. On May 22, 2025, Petitioner's U.S. citizen brother personally delivered Petitioner's  
23 Lebanese passport to ICE at the Florence Service Processing Center.
- 24 5. Petitioner was transferred into criminal custody and, upon sentencing, was returned to  
25 ICE custody on June 20, 2025.
- 26 6. The ninety-day removal period prescribed by 8 U.S.C. § 1231(a)(1)(A) expired on  
27 September 18, 2025.
- 28 7. The 180-day removal period prescribed by *Zadvydas* expired on November 16, 2025.

1 8. Petitioner has complied fully with all ICE requests and has made no effort to interfere  
2 with his removal to Lebanon.

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

4 10. Petitioner has now been detained more than 180 days with no significant likelihood of  
5 removal in the reasonably foreseeable future.

6  
7 **V. Argument**

8 **A. Petitioner Is Likely to Succeed on the Merits**

9 Under 8 U.S.C. § 1231(a)(1)(A), the government must remove a noncitizen within ninety  
10 days of a final removal order. Detention is mandatory only during that ninety-day removal period.  
11 8 U.S.C. § 1231(a)(2). Afterward, detention is authorized only for a period reasonably necessary  
12 to effect removal. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). The Supreme Court established  
13 six months as a presumptively reasonable period. *Id.* Once that period ends, if removal is not  
14 significantly likely in the reasonably foreseeable future, the detainee must be released. See also  
15 *Clark v. Martinez*, 543 U.S. 371, 377 (2005).

16 Here, Petitioner has been detained for more than 180 days. Removal is not significantly  
17 likely in the reasonably foreseeable future because ICE lost the passport required for travel to  
18 Lebanon. Respondent maintains that ICE did not lose Petitioner's passport but has failed to  
19 provide any evidence to support that assertion, despite having ample opportunity to do so. *See*  
20 *Respondent's Answer*. Respondent does not claim that the passport is still in ICE's possession  
21 and has no explanation for its current whereabouts. *Id.* Respondent admits that "efforts are  
22 actively underway to secure travel documents from the Consulate General of Lebanon." *Id.* If ICE  
23 did have Petitioner's passport, there would be no reason to request any travel document from  
24 Lebanon's consulate, since a valid passport is sufficient to carry out Petitioner's removal. The  
25 logical conclusion, therefore, is that ICE no longer has the passport (despite having accepted it in  
26 May 2025), and thus must ask the Lebanese authorities to issue new travel papers.

27 Respondent's denial that the passport was lost is unsupported by evidence and undermined  
28 by Respondent's own description of ICE's actions. Therefore, the Court should conclude, based

1 on the evidence, that ICE did receive Petitioner's passport on May 22, 2025, and that the agency  
2 no longer has custody of that passport. Through no fault of Petitioner, the primary document  
3 needed to remove him is now apparently unavailable.

4 Petitioner has met his burden under *Zadvydas*, 533 U.S. at 701, of providing good reason  
5 to believe removal is not reasonably foreseeable. The burden thus shifts to the government to  
6 rebut with evidence. The government cannot do so here. See *Krajekian v. Cantu*, No. CV-25-  
7 02666-PHX-DJH, 2025 WL 5456789, at \*3 (D. Ariz. Sept. 5, 2025) (granting habeas relief where  
8 ICE could not show removal was significantly likely). Because detention has become prolonged  
9 beyond the "presumptively reasonable" six-month period and removal is not imminent, continued  
10 confinement violates the statute and the Due Process Clause. See *Zadvydas*, 533 U.S. at 690.

11 **B. Petitioner Will Suffer Irreparable Harm Absent Relief**

12 Continued detention beyond the prescribed period constitutes irreparable harm. The  
13 deprivation of physical liberty is a core constitutional injury. See *Zadvydas*, 533 U.S. at 690.  
14 Absent a TRO, Petitioner faces ongoing unlawful detention.

15 **C. The Balance of Equities Strongly Favors Petitioner**

16 Petitioner seeks release under supervision pending removal efforts. The government  
17 suffers minimal harm from supervised release, whereas Petitioner suffers ongoing unlawful  
18 detention. The balance of equities tips sharply in Petitioner's favor.

19 **D. The Public Interest Supports Relief**

20 The public has an interest in ensuring that government detention complies with statutory  
21 and constitutional limits. See *Zadvydas*, 533 U.S. at 682. Granting this TRO upholds the rule of  
22 law and prevents unlawful deprivation of liberty.

23  
24 **VI. Prayer for Relief**

25 For the foregoing reasons, Petitioner respectfully requests that this Court grant his motion  
26 for a temporary restraining order and:

- 27 1. Order Petitioner's immediate release from ICE custody under reasonable conditions  
28 of supervision;

- 1           2. Declare that Petitioner's continued detention violates 8 U.S.C. § 1231 and the Fifth
- 2           Amendment Due Process Clause;
- 3           3. Grant such other relief as the Court deems just and proper.

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5 Dated: November 18, 2025

Respectfully submitted,

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/s/ Spencer C. Lee

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Spencer C. Lee

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Attorney for Hamze Sweid

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