

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

**ARZOU H.,**

*Petitioner,*

v.

**JOSEPH FREDEN, et al., §  
in their official capacities §**

**Respondents.**

Civil Action No. 1:25-cv-228

**SUPPLEMENTAL BRIEF**

Pursuant to this Court's October 9, 2025 Order, now comes Petitioner Arzou H., a stateless female, and files a supplemental brief demonstrating why the Court has subject matter jurisdiction over her action, so the Court may determine its jurisdictional ability to entertain Arzou H.'s petition. Also, pursuant to that Order, Petitioner provides argument as to why she has exhausted her administrative remedies.

This Court has subject matter jurisdiction over this Petition, first and foremost, under 28 U.S.C. § 2241, which states that "Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions..." Further, this Court has jurisdiction under the Suspension Clause of the U.S. Constitution, also known as the Great Writ. See U.S. Const. art. I, § 9, cl. 2 ("The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.")

Specifically, in this matter, Petitioner, a stateless female, is being detained post removal-order in violation of the U.S. Constitution and immigration statutes, where removal is not

reasonably foreseeable. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005).

There are no administrative remedies available to Petitioner. On May 7, 1991, the United Nations High Commissioner for Refugees issued a letter identifying Petitioner as a “person of concern” to the UN. *Doc. 27, Page 0073*. Petitioner entered the United States on or about February 3, 1996. *Doc. 27, Page 0135*. She was issued an Order to Show Cause, which indicated that notice would be mailed to her of the time and place of her hearing. The address on the Order to Show Cause was 891 Amsterdam Avenue, New York, NY 10025. This address was not Petitioner’s address. Petitioner, who was homeless, never received a hearing notice. On May 10, 1996, an in absentia deportation order was entered against Petitioner, ordering her removed to Germany. *Doc. 27, Page 0048*. On or about May 4, 1999, Petitioner was taken back into custody by INS and was held until at least September 1999. *Doc 27, Pages 0092 and 0084*. INS made several attempts to deport her to Canada, but was unsuccessful. *Doc. 27, Page 0087*. On September 27, 2002, the Immigration Court in Buffalo, New York denied Petitioner’s Motion to Reopen, which she filed *pro se*. *Doc. 27, Page 0099*. On August 4, 2003, the Board of Immigration Appeals affirmed the denial of the Motion to Reopen without giving any reasons. *Doc. 27, Page 008*. Petitioner was again detained by ICE in 2009, and on July 16, 2009, ICE issued an “Order of Supervision” stating that “Because the Service has not effectuated your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions...” *Doc. 26, Page 0186*. On or about January, 2018, ICE sent a memorandum to Canada Border Services Agency again seeking permission to deport her there, acknowledging that she is a stateless individual. *Doc. 27, Page 0129*.

As such, Petitioner has exhausted her administrative remedies as she is subject to an administratively final deportation order dated May 10, 1996, attempted to reopen the matter, was denied, and appealed that denial to the Board of Immigration Appeals. She cannot ask an Immigration Judge for a bond, as she is subject to a final order of deportation and is being held under the post-removal detention authority under 8 U.S.C. Section 1231.

Petitioner has been detained by ICE/INS on at least three separate occasions, for lengthy periods of time, over the past three decades. On none of those occasions has her deportation been successfully accomplished. As she is a stateless individual, ICE has, time and again, been unable to arrange for her deportation and she had been released on an Order of Supervision. 8 U.S.C. Section 1231 only permits detention for a finite period of time in anticipation of deportation. Now, ICE again needlessly detains Petitioner and holds her in cruel and inhumane conditions of confinement. Petitioner reports that she is suffering from rashes due to unsanitary conditions at the El Valle Detention Facility. Petitioner also reports that the facility suffers from vermin and unsafe food, and that she is continually being harassed and abused by other detainees, which necessitates her being kept in protective custody which is tantamount to torture.

Such prolonged detention that is divorced from the purpose of deportation is constitutionally impermissible under *Zadvydas v. Davis*, 533 U.S. 678 (2001). The government must be forced to justify its purpose in detaining Petitioner.

Respectfully submitted,  
Dated: November 4, 2025

/s/ Matthew K. Borowski

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Matthew K. Borowski  
Attorney for Petitioner  
4343 Union Road,  
Buffalo NY 14225  
E-mail: [matthew@borowskilaw.com](mailto:matthew@borowskilaw.com)  
Tel: 716-330-1503