

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Marwan MAROUF,

Petitioner-Plaintiff,

v.

Case No. 25-cv-212

Kristi NOEM, in her official capacity
as Secretary of the U.S. Department of
Homeland Security;

Pamela BONDI, in her official
capacity as U.S. Attorney General;

Todd LYONS, in his official capacity
as Acting Director of Immigration and
Customs Enforcement;

Josh JOHNSON, in his official
capacity as Acting Director of the ICE
Dallas Field Office; and

Marcello VILLEGAS, in his official
capacity as Warden of Bluebonnet
Detention Facility,

Respondents-Defendants.

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

Marwan Mohammad Ahmed Marouf (“Mr. Marouf” or “Petitioner”), by and through the undersigned counsel, hereby files this petition for a writ of habeas corpus and complaint for declaratory and injunctive relief to order the government provide him with a bond hearing before an Immigration Judge (“IJ”).

INTRODUCTION

1. Mr. Marouf is a 54-year-old Jordanian citizen who has lived in the United States since 1991 when he entered the U.S. lawfully on a valid F-1 student visa. He resided in the U.S. lawfully for the next 20 years, first on his F-1 visa and then on an H-1B visa, which expired in 2011. That year, while his application to adjust status to lawful permanent residency was pending, he left and re-entered the country on a grant of advance parole after traveling abroad to visit family after the death of his mother. *See* 8 U.S.C. § 1182(d)(5)(A).

2. On September 22, 2025, Respondents-Defendants (“Respondents”) arrested Mr. Marouf and are now detaining him without a bond hearing at Bluebonnet Detention Facility in Anson, Texas. Respondents claim that because Mr. Marouf was previously granted advance parole, he is an “applicant for admission” who is subject to mandatory detention under 8 U.S.C. § 1252(b)(2)(A). On October 6, 2025, an IJ agreed with Respondents and declined to conduct a bond hearing.

3. Detaining Mr. Marouf without bond violates his Fifth Amendment right to substantive due process. His substantial connections to the United States make him a “person” to whom the Fifth Amendment applies. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 271 (1990) (non-citizens “receive constitutional protections when they have come within the territory of the U.S. and developed substantial connections with the country”). He has a liberty interest in freedom from detention. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“Freedom from imprisonment—from government custody, detention, or other forms of physical

restraint—lies at the heart of the liberty that Clause protects”) (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Indefinite detention without bond of a non-citizen with no criminal record, over 30 years of residency, and substantial connections to the country serves no valid purpose and violates the Due Process Clause.

4. Civil detention that lacks a “sufficiently strong special justification” violates the Fifth Amendment. *Zadvydas*, 533 U.S. at 690. The *Zadvydas* Court interpreted 8 U.S.C. § 1231(c) under constitutional avoidance principles to require release for individuals with final removal orders where there is no longer a “significant likelihood of removal in the reasonably foreseeable future.” In *Demore v. Kim*, 538 U.S. 510 (2003), the Court upheld 8 U.S.C. § 1226(c)’s mandatory detention without bond as applied to “deportable criminal [non-citizens]” because it serves to prevent criminals from “skipping their hearings and remaining at large” where they may recidivate. *Id.* at 528. There is no justification for detaining Mr. Marouf indefinitely without affording him the opportunity to show he is not a danger to the community or a flight risk.

5. The fact that Mr. Marouf is statutorily considered an “applicant for admission” does not—*cannot*—mean he can be detained indefinitely without access to a bond hearing. The Due Process Clause applies to non-citizens with substantial connections to the U.S. regardless of any “entry fiction” which purports to treat applicants for admission as the equivalent of extraterritorial non-citizens. As the Court held in *Zadvydas*, “[O]nce a[non-citizen] enters the country, his legal

circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” 533 U.S. at 693.

6. This Circuit and courts across the country have agreed with this basic constitutional principle. See *Martinez-Aguero v. Gonzalez*, 459 F.3d 618, 623 (5th Cir. 2006) (holding that entry fiction does not bar a non-citizen resident of Mexico from challenging six hour detention by Customs and Border Protection under the Due Process Clause); *Lynch v. Cannatella*, 810 F.2d 1363, 1373 (5th Cir. 1987) (“The ‘entry fiction’ that excludable [non-citizens] are to be treated as if detained at the border despite their physical presence in the United States determines the [non-citizen’s] rights with regard to immigration and deportation proceedings. It does not limit the right of excludable [non-citizens] detained within United States territory to humane treatment”); *Rosales-Garcia v. Holland*, 322 F.3d 386, 410 (6th Cir. 2003) (“If excludable [non-citizens] were not protected by even the substantive component of constitutional due process, as the government appears to argue, we do not see why the United States government could not torture or summarily execute them”), *cert. denied*, 539 U.S. 941 (2003); *Am.-Arab Anti-Discrimination Comm. v. Ashcroft*, 272 F. Supp. 650, 668 (E.D. Mich. 2003) (“While we respect the historical tradition of the ‘entry fiction,’ we do not believe it applies to deprive [non-citizens] living in the United States of their status as ‘persons’ for the purposes of constitutional due process”); *Cancino-Castellar v. McAleenan*, 388 F. Supp. 3d 1218, 1246 (S.D. Cal. 2019)

(“Although the entry fiction warrants dismissal of Gonzalez’s procedural due process claim, the fiction does not similarly foreclose Gonzalez’s substantive due process claim.”)

7. Mr. Marouf possesses a Fifth Amendment substantive due process right to be free from indefinite detention without bond. He does not, through the instant petition, ask this Court to release him; he asks for the opportunity to present evidence to an IJ showing he is neither a flight risk nor a danger to the community.

JURISDICTION & VENUE

8. This action arises under 28 U.S.C. § 2241, U.S. Const., Art. I, § 9, Cl. 2 (the Suspension Clause), and the Fifth Amendment to the United States Constitution.

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Art. 1, § 9, Cl. 2 of the United States Constitution (the Suspension Clause).

10. This Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

11. Venue is proper in this District pursuant to 28 U.S.C. § 1391 and because Petitioner is detained at Bluebonnet Detention Facility in Anson, Texas, within the Northern District of Texas.

12. Nothing in the Immigration and Nationality Act (“INA”) deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), 1252(f)(1), or 1226(e).

13. Congress has preserved judicial review of challenges to prolonged immigration detention. *See Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018) (holding that 8 U.S.C. §§ 1226(e) and 1252(b)(9) do not bar review of challenges to prolonged immigration detention). Section 1252(f)(1) does not repeal this Court's authority to grant the relief Petitioner seeks because § 1252(f) "does not extend to individual cases." *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). If any of those provisions did bar the relief Mr. Marouf seeks, they would violate the Suspension Clause.

14. Mr. Marouf has exhausted all administrative remedies to the extent feasible. "[T]his court has concluded that when a petitioner's due process claim does not assert a procedural error correctable by the BIA, it is not subject to an exhaustion requirement." *Lopez de Jesus v. INS*, 312 F.3d 155, 162 n.47 (5th Cir. 2002). Exhaustion is also excused when delay means hardship, *Shalala v. Illinois Council*, 529 U.S. 1, 13 (2000), and here delay means months of unlawful detention.¹

PARTIES

15. **Petitioner Marwan Marouf** is a longtime U.S. resident and prominent leader of Dallas Metroplex's substantial Muslim community. For years he has engaged in extensive volunteer work. He was a charter member and co-founder

¹ This petition does not challenge the Notice to Appear. In any event, bond appeals before the BIA, on average, take six months to complete. *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1245 (W.D. Wash. 2025). Exhaustion would not effectively afford him the relief he seeks, given that a removal determination would likely come before the BIA's determination of whether he is entitled to a bond hearing.

of Boy Scout Troop 2045 in District 10, a large all-Muslim Boy Scout troop serving Dallas youth. His community service has included assisting in disaster relief during major storms and organizing meals during COVID-19, including meals to first responders such as hospital personnel, law enforcement, and government officials.

16. **Respondent Kristi Noem** is named in her official capacity as the Secretary of the Department of Homeland Security (“DHS”). In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); is legally responsible for pursuing any effort to confine and remove Petitioner; and as such is a custodian of Mr. Marouf.

17. **Respondent Pamela Bondi** is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g), and as such is a custodian of Mr. Marouf.

18. **Respondent Todd Lyons** is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). As the senior official performing the duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws and is legally responsible for pursuing any effort to remove Mr. Marouf and to confine him pending removal. As such, he is a custodian of Mr. Marouf.

19. **Respondent John Johnson** is named in his official capacity as Acting Director of the ICE Dallas Field Office in Dallas, Texas. In this capacity, he is

responsible for the execution of immigration confinement and the institution of removal proceedings within North Texas, in which Mr. Marouf is confined. As such, he is a custodian of Mr. Marouf.

20. **Respondent Marcello Villegas** is named in his official capacity as the Warden of Bluebonnet Detention Facility. In this capacity, he oversees the daily administration of the detention center in which Mr. Marouf is in custody. As such, he is the immediate custodian of Mr. Marouf.

FACTUAL ALLEGATIONS

I. The Statutory Framework for Immigration Detention

21. Detention authority for those who have not yet been issued final removal orders is divided between two sections of the INA, 8 U.S.C. §§ 1225 and 1226. The Supreme Court recently analyzed the interplay between §§ 1225 and 1226 in *Jennings v. Rodriguez*. The first sentence of the Court's decision distinguishes between decisions made at the border and those made internally:

Every day, immigration officials must determine whether to admit or remove the many [non-citizens] who have arrived at an official "port of entry" (e.g., an international airport or border crossing) or who have been apprehended trying to enter the country at an unauthorized location. Immigration officials must also determine on a daily basis whether there are grounds for removing any of the [non-citizens] who are already present inside the country.

583 U.S. at 285. The Court subsequently explained, "In sum, U.S. immigration law authorizes the Government to detain certain [non-citizens] seeking admission into the country under §§ 1225(b)(1) and (b)(2). It *also* authorizes the Government to

detain certain [non-citizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c).” *Id.* at 289. (emphasis added). The Court noted that § 1225(b), the provision at issue in the instant habeas petition, “applies primarily to [non-citizens] seeking entry into the United States.” *Id.* at 297.

22. The Court also explained that § 1226 “applies to [non-citizens] already present in the United States” and “creates a default rule for those [non-citizen] by permitting – but not requiring – the Attorney General to issue warrants for their arrest and detention pending removal proceedings. Section 1226(a) also permits the Attorney General to release those [non-citizens] on bond, ‘except as provided in subsection (c) of this section.’” *Id.* at 303. “Federal regulations provide that [non-citizens] detained under § 1226(a) receive bond hearings at the outset of detention.” *Id.* at 306.

23. Section 1225(a)(1), *inter alia*, defines “applicants for admission” as non-citizens “present in the United States who ha[ve] not been admitted[.]” Relevant here, § 1225(b)(2)(A) states that “in the case of a[non-citizen] who is an applicant for admission, if the examining immigration officer determines that a[non-citizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the [non-citizen] shall be detained for a proceeding under section 1229a of this title.” Section 1229a enumerates the procedures for standard, non-expedited removal proceedings.

II. Mr. Marouf’s Immigration History & Life in the United States

24. Mr. Marouf has lived in the United States since 1991, when he arrived on a valid F-1 student visa to attend school at Louisiana State University,

graduating in 1995 with a degree in Electrical Engineering. He remained “in status” for roughly twenty years. His F-1 status continued until December 31, 1999, during which time he completed his master’s degree in Computer Science at the University of Texas at Dallas. In February 1999, Mr. Marouf obtained an H-1B visa, which was valid through February 2011. During his long period of lawful residence, Mr. Marouf emerged as a leader of the local Muslim community in the Dallas-Fort Worth Metroplex.

25. Mr. Marouf has developed substantial connections to his adopted home country such that he is a part of “the people” to whom the protections of the Constitution apply. After entering the country lawfully over 30 years ago, he resided in the United States with a valid visa for 20 years. In the course of his time in the United States, he developed close professional and personal connections to his adopted home country, becoming a prominent figure within the Dallas Muslim community.

26. On or about August 2010, Mr. Marouf applied for advance parole, which allows certain non-citizens residing in the United States to travel abroad without terminating their pending application to adjust status.² The United States Citizenship and Immigration Services (“USCIS”) granted Mr. Marouf’s application for advanced parole (Form I-131) on or about November 2010, and he left the United States to attend to family matters abroad after the death of his mother. Upon

² U.S. Customs & Border Protection, *Advance Parole* (Mar. 5, 2024), <https://www.cbp.gov/travel/us-citizens/advance-parole>

returning to the United States on or about July 2011, he was inspected and paroled into the country by a Customs and Border Protection (“CBP”) officer at Chicago O’Hare Airport.

27. On or about April 2007, Mr. Marouf’s then-employer, Nortel Networks, Inc., filed Form I-140, Petition for Alien Worker, with Mr. Marouf as the beneficiary. USCIS approved this petition. A new I-140 was filed on or about March 2010 on Mr. Marouf’s behalf by his new employer, and USCIS approved this petition on or about May 2010. Mr. Marouf subsequently filed Form I-485, Application to Register Permanent Residence or to Adjust Status on or about August 2010. This application was denied on or about October 2014.

28. Mr. Marouf’s son filed Form I-130, Petition for Alien Relative, on Mr. Marouf’s behalf on or about March 2020. USCIS approved the I-130 on or about August 2021. Mr. Marouf filed a new Form I-485 on or about June 2020 which was denied on September 22, 2025.

29. On that same day, Mr. Marouf was arrested after dropping his teenage son off at school. After leaving the school en route to his workplace in Richardson, Texas, he was detained by officers in several vehicles.

30. On September 30, 2025, DHS issued Mr. Marouf a Notice to Appear (“NTA”), which alleges that Mr. Marouf is inadmissible under 8 U.S.C. § 1182(a)(7)(a)(i)(I). This statutory provision reads, *inter alia*, “Except as otherwise specifically provided in this chapter, any immigrant at the time of application for

admission who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this chapter, and a valid unexpired passport, or other suitable travel document . . .” is inadmissible. The NTA does not list any other ground of inadmissibility.

31. On or about September 29, 2025, Mr. Marouf, through immigration counsel, submitted a bond request that included substantial evidence of Mr. Marouf’s good moral character and community support. The application provided evidence of Mr. Marouf’s U.S.-citizen children, his good moral character, his educational accolades, and letters of support detailing his critical role as a leader of the Muslim community in Dallas.

32. On October 6, 2025, an IJ declined to consider Mr. Marouf’s bond application, citing a lack of jurisdiction. The IJ’s order reads, *inter alia*, “No jurisdiction: Respondent is an arriving [non-citizen] as defined in 8 C.F.R. § 1001.1(g); additionally, the respondent [sic] is an applicant for admission and is subject to mandatory detention under section 235(b)(2)(A) of the INA.” Exh. A.

CAUSE OF ACTION

Count I: Fifth Amendment Substantive Due Process

28 U.S. § 2241; U.S. Const. Art. I, § 9, Cl. 2; amend. V

33. Petitioner realleges and incorporates by reference each and every allegation contained above.

34. The Due Process Clause of the Fifth Amendment provides that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V.

35. Substantive due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.” *Reno v. Flores*, 507 U.S. 292, 301–02 (1993). “Substantive due process analysis must begin with a careful description of the asserted right.” *Id.* at 302.

36. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Detention for non-criminal purposes is only allowed “in narrow nonpunitive circumstances, where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* (internal quotations and citations omitted). With respect to immigration detention, the Supreme Court has recognized two special justifications: preventing flight risk and preventing danger to the community. *See id.*

37. The substantive component of the Due Process Clause applies to Mr. Marouf because he has developed substantial connections with the United States. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 271 (1990) (noncitizens “receive constitutional protections when they have come within the territory of the U.S. and developed substantial connections with the country”).

38. In *Verdugo-Urquidez*, the Supreme Court stressed two factors to test whether a non-citizen has established “substantial connections” sufficient to be

considered part of “the people” to whom the protections of the Bill of Rights apply: (1) whether the non-citizen is in the U.S. voluntarily, and whether he or she has “accepted some societal obligations.” 494 U.S. at 260. In applying this test, various circuit and district courts have determined that plaintiffs with more tenuous connections to the United States than Mr. Marouf have “substantial connections” sufficient to trigger constitutional protections. *See Martinez-Aguero*, 459 F.3d at 625 (non-citizen and resident of Mexico who entered U.S. only to visit relative and procure social security check satisfied test for Fourth Amendment purposes, relying on *Verdugo-Urquidez* language requiring that non-citizen had “accepted some societal obligations”); *United States v. Meza-Rodriguez*, 798 F.3d 664, 670-71 (7th Cir. 2015) (holding that non-citizen *unlawfully* in the U.S. satisfied test because of long residence, sporadic work experience, and relationships with U.S. family and friends); *Ibrahim v. Dep’t of Homeland Sec.*, 669 F.3d 983, 996-97 (9th Cir. 2012) (holding that non-citizen pursuing her Ph.D. in the United States for four years had established significant voluntary connection with the United States such that she could invoke the First and Fifth Amendments); *Haitian Ctrs. Council*, 823 F. Supp. 1028, 1042 (E.D.N.Y. 1993) (holding that two-year confinement at U.S. facility in Guantánamo Bay, Cuba, established substantial connection to the United States to give rise to due process rights).

39. Here, Mr. Marouf has accepted not only *some* “societal obligations” (and this is all that is required to satisfy the *Verdugo-Urquidez* test) but has accepted

a level of societal obligation that is nothing short of exemplary. He has dedicated his life to promoting the well-being of the community, facilitating the exercise of religious freedom by Muslims in the Dallas-Fort Worth area, participating in a wide range of volunteer efforts ranging from leading a troop of boy scouts to organizing disaster relief to local residents. The Fifth Circuit has held that even a non-resident non-citizen can have sufficient ties to be protected by the Fifth Amendment. *See Martinez-Aguero*, 459 F.3d at 625. If courts have determined that even non-U.S. residents or residents who entered the U.S. unlawfully can establish substantial connections, then Mr. Marouf certainly can.

40. Because the Fifth Amendment applies to Mr. Marouf, his detention without bond is unconstitutional. Indefinite civil detention without bond shocks the conscience and offends the community's sense of fair play and decency. There is no valid justification for denying Mr. Marouf access to a bond hearing, where he bears the burden to establish that he is not a danger to the community and does not pose a flight risk.

41. Furthermore, Mr. Marouf's substantial connections to the United States mean the Suspension Clause applies to him as well. In *Boumediene v. Bush*, the Supreme Court struck down the Military Commissions Act of 2006 because it stripped federal courts of jurisdiction to hear habeas petitions from detainees without providing "adequate substitute procedures for habeas corpus." 533 U.S. 723, 772 (2008). Here, § 1252(b)(2)(A), as applied to Mr. Marouf, deprives him of any

procedures whatsoever for seeking release. As such, the application of § 1225(b)(2)(A) violates the Suspension Clause.

42. Mr. Marouf is therefore constitutionally entitled to a bond hearing before an IJ.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this action;
- (2) Issue a Writ of Habeas Corpus;
- (3) Order Respondents to conduct a bond hearing for Petitioner forthwith;
- (4) Declare that Respondents have violated Petitioner's constitutional rights by subjecting him to civil detention without bond;
- (5) Award Petitioner costs and reasonable attorneys' fees in this action pursuant to the Equal Access to Justice Act, as amended, 28 U.S.C. § 2412, and on any other basis justified by law; and
- (6) Grant any other and further relief that this Court may deem fit and proper.

Dated: October 13, 2025

Respectfully Submitted,

/s/Marium Uddin

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/s/ Kate Brady

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**Pro Hac Vice* applications and applications
for admission to the Northern District of
Texas forthcoming

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

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

Executed on this 13th day of October 2025.

/s/ Eric Lee

Eric Lee

Attorney for Petitioner Marwan Marouf