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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Ezra Huber,

10 Petitioner,

11 vs.

12 David R. Rivas, Warden, San Luis Regional
13 Detention Center;

14 Gregory J. Archambeault, San Diego Field
15 Office Director, U.S. Immigration and
Customs Enforcement;

16 Pamela Jo Bondi, Attorney General of the
17 United States; and


18 Kristi Noem, Secretary of Homeland
19 Security,

20 Respondents.

No.

Petition for a Writ of Habeas Corpus
Under 28 U.S.C. § 2241

21 **Technical Data**

- 22 1. Mr. Huber is challenging the validity of his detention by immigration officials. His A-
23 number is .
- 24 2. Mr. Huber is challenging the decision to continue his detention in immigration custody
25 beyond the presumptively reasonable six-month period described in *Zadvydas v. Davis*,
26 533 U.S. 678 (2001), despite the likelihood that ICE can obtain travel documents to allow
27 him to return to Israel, his native country.
28

Background Information

10. Mr. Huber was born in Israel in 1979. He eventually came to the United States and settled in the Los Angeles area.
11. Upon information and belief, Mr. Huber became a lawful permanent resident.
12. He was convicted in the Los Angeles County Superior Court of carjacking, in violation of Cal. Penal Code § 215(a), and sentenced to a term of imprisonment.
13. On February 25, 2025, Mr. Huber was released from his sentence for carjacking, and taken into immigration custody at Otay Mesa, California.
 - a. Mr. Huber was placed in removal proceedings.
 - b. It is unclear what the basis for the removal charges might have been. The Ninth Circuit has held that carjacking under § 215(a) is not an aggravated felony. *See Gutierrez v. Garland*, 106 F.4th 866 (9th Cir. 2024).
 - c. Nevertheless, on March 4, 2025, an immigration judge at Otay Mesa ordered Mr. Huber removed to Israel.
 - d. Mr. Huber did not appeal the removal order, and it became administratively final on April 3, 2025, when the time for filing an appeal to the Board of Immigration Appeals expired.
14. Mr. Huber was transferred from Otay Mesa to the San Luis Regional Detention Center in San Luis, Arizona.
15. On August 5, 2025, Mr. Huber contacted the Federal Public Defender's Office, seeking assistance in being freed from immigration detention and removed to Israel.
 - a. Assistant Federal Public Defender Keith Hilzendeger attempted to resolve Mr. Huber's situation through informal means.
 - b. On August 6, 2025, Mr. Hilzendeger contacted Assistant United States Attorney Katherine Branch, to inquire about the status of ICE's efforts to obtain travel documents that might facilitate Mr. Huber's return to Israel. The next day, Ms. Branch replied that ICE was in the process of obtaining travel documents. Neither

1 Mr. Huber nor his family could produce Mr. Huber's Israeli passport, and so ICE
2 would have to obtain travel documents through other means.

3 c. On August 27, 2025, Mr. Hilzendeger again inquired of Ms. Branch regarding the
4 status of ICE's request for travel documents. On September 23, 2025, after Ms.
5 Branch returned from an extended absence from the office, she explained that ICE
6 had paid the Israeli Embassy the required fee for issuing Mr. Huber's passport.

7 d. Nevertheless, Mr. Huber remains in ICE custody.

8 16. Mr. Huber has been in immigration custody for more than six months following the date
9 on which his removal order became final. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001),
10 it can now be presumed that Mr. Huber's removal is not likely in the reasonably
11 foreseeable future.

12 Ground for Relief

13 **Mr. Huber's continued detention in immigration custody is unauthorized by statute**
14 **and violates the Due Process Clause of the Fifth Amendment.**

15 17. Once an alien is ordered removed, Congress has directed that the removal take place
16 within a 90-day "removal period" that began, as relevant here, on April 3, 2025, when the
17 time for appealing the removal period to the Board of Immigration Appeals expired. *See* 8
18 U.S.C. § 1231(a)(1)(A), (a)(1)(B)(i). Mr. Huber was subject to mandatory detention
19 during the removal period. *See* 8 U.S.C. § 1231(a)(2).

20 18. But Mr. Huber was not removed within the removal period. Once the removal period
21 expires, if an alien is not removed, the government may detain the alien or release the
22 alien subject to an order of supervision. *See* 8 U.S.C. § 1231(a)(6). Mr. Huber is detained
23 under this provision.

24 19. Once an alien detained under § 1231(a)(6) has been in custody for six months, a
25 presumption arises that his detention is indefinite. *See Zadvydas v. Davis*, 533 U.S. 678,
26 701 (2001). In order to avoid the serious constitutional problems under the Due Process
27 Clause that might arise if § 1231(a)(6) were read to authorize indefinite detention, the
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1 Supreme Court has ruled that indefinite detention is not authorized by § 1231(a)(6).
2 *Zadvydas*, 533 U.S. at 690–99.

3 20. Mr. Huber has been detained for more than six months since his removal order became
4 final. Despite ICE’s ongoing efforts, it does not appear that travel documents that would
5 allow him to return to Israel are forthcoming. It thus falls to respondents to explain to this
6 Court what evidence exists that his removal is significantly likely in the reasonably
7 foreseeable future. *Id.* at 701.

8 21. If respondents cannot explain why Mr. Huber’s removal is likely in the reasonably
9 foreseeable future, this Court should order that they release him into the United States on
10 an order of supervision.

11 **Prayer for Relief**

12 22. Mr. Huber is being illegally detained, in violation of 8 U.S.C. § 1231(a)(6) and the Due
13 Process Clause of the Fifth Amendment. He respectfully asks the Court to:

- 14 a. order respondents to answer the petition;
15 b. permit him to file a reply in support;
16 c. allow him to conduct discovery, if necessary to assist him in proving his claim;
17 d. convene an evidentiary hearing, if needed to resolve disputed facts;
18 e. order him released from respondents’ custody into the United States on an order
19 of supervision; and
20 f. grant him any other relief that is just and practicable.

21 Respectfully submitted:

October 15, 2025.

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25 KEITH J. HILZENDEGER
26 Assistant Federal Public Defender
27 *Attorney for Petitioner Huber*
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