

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

FIRAS HASSAN ALNABHANI,

*Petitioner/Plaintiff,*

v.

JOSHUA JOHNSON,  
Acting Dallas Field Office Director for Enforcement and  
Removal Operations, U.S. Immigration and Customs  
Enforcement

TODD LYONS,  
Acting Director, U.S. Customs and Immigration Enforcement

KRISTI NOEM,  
Secretary of the U.S. Department of Homeland Security

PAM BONDI,  
Attorney General of the United States

*Respondents/Defendants,  
each sued in his/her official  
capacity.*

Civil Action No. 3:25cv03034

Oral Argument Requested

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

## INTRODUCTION

1. Firas Hassan Alnabhani (“Petitioner”), by and through undersigned counsel, files this verified petition for a writ of habeas corpus and a motion for a temporary restraining order to enjoin Respondents from unlawfully removing him from the United States and continuing his detention.

2. Petitioner, Firas Hassan Alnabhani, is a stateless Palestinian, who was born and raised as a refugee in Iraq. He was admitted to the United States on a F-1 student visa on February 29, 2012. Mr. Alnabhani’s status as an F-1 student was terminated on February 17, 2013, and he was subsequently ordered removed in 2014. Mr. Alnabhani is stateless and ICE did not pursue his removal as he pursued relief.

3. Mr. Alnabhani’s US citizen wife filed a Form I-130, Petition for Alien Relative, which was approved on September 21, 2020. As Mr. Alnabhani is *prima facie* eligible for adjustment of status, Mr. Alnabhani requested the United States Department of Homeland Security (“DHS”) join in a motion to reopen the removal order on December 14, 2022. That request remains pending.

4. On July 31, 2025, Mr. Alnabhani was arrested for a class A misdemeanor and was acquitted at trial. He was placed on an ICE hold and picked up by ICE on November 5, 2025.

5. On the date of this filing, November 6, 2025, ICE informed Mr. Alnabhani that they would be immediately deporting him. They did not state what country they intend to deport Mr. Alnabhani to.

6. This Court should issue a limited stay of removal so that Mr. Alnabhani can be afforded the opportunity to seek protection from removal to any country to which ICE may seek his deportation.

7. Unless this Court intervenes, it is also extremely likely that on or soon after November 10, 2025, ICE will unlawfully remove Mr. Alnabhani to a third country. Mr. Alnabhani poses no danger to the community and he poses no flight risk. All he seeks is a chance to adjust status based on his approved I-130 petition, and to do so in relative safety, from within the United States, and at liberty, so that he can continue to be with his wife and son. Accordingly, this Court should enjoin ICE from removing Mr. Alnabhani, or continuing his detention, unless and until ICE proves, at individualized fair hearings before this Court, that detention is necessary to prevent danger to the community or flight from immigration enforcement.

#### **JURISDICTION**

8. This petition arises under the Fifth Amendment to the United States Constitution; the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”), Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85; the regulations implementing CAT and the asylum provisions of the INA, 8 C.F.R. § 208.1 *et seq.*; the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub. L. No. 105-277, Div. G, Title XXII, § 2242(a) (8 U.S.C. § 1231 note); and the regulations implementing the statute that governs the detention of people subject to final orders of removal, 8 U.S.C. § 1231(a), found at 8 C.F.R. § 241.1 *et seq.*

9. The Court has subject-matter jurisdiction under the Suspension Clause, U.S. Const. art. I § 9 cl. 2 (habeas corpus), 28 U.S.C. § 2241 (same), 28 U.S.C. § 1331 (federal question), and 5 U.S.C. § 702 (Administrative Procedure Act). Under 28 U.S.C. § 1651 (All Writs Act) and 28 U.S.C. § 2201 (Declaratory Judgment Act), the Court has remedial authority and jurisdiction to order the relief that Mr. Alnabhani seeks.

**VENUE**

10. Venue is proper in this district pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1391 because Mr. Alnabhani is detained in the ICE Dallas Field Office in Dallas, Texas, which is within the Northern District of Texas, Dallas Division.

**PARTIES**

11. Plaintiff Firas Hassan Alnabhani is a stateless Palestinian refugee who entered the U.S. on an F-1 student visa. He is a law-abiding individual with no criminal convictions. Despite being the beneficiary of an approved I-130 petition and a pending request to reopen removal proceedings, he was informed by Immigration and Customs Enforcement ("ICE") that they intended to remove him to an unknown third country immediately on November 6, 2025. There is no legal justification for his removal to an unknown third country without due process and his continued detention at the ICE Dallas Field Office.

12. Respondent Kristi Noem: Named in her official capacity as the Secretary of the Department of Homeland Security. She is responsible for administering immigration laws pursuant to 8 U.S.C. § 1103(a) and is legally responsible for efforts to confine and remove the Petitioner. Address: U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

13. Respondent Pamela Bondi: Named in her official capacity as Attorney General of the United States. She is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g) and is a custodian of Mr. Alnabhani. Address: U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

14. Respondent Todd Lyons: Named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is responsible for the administration and enforcement of immigration laws and for pursuing efforts to remove and confine Mr.

Alnabhani. Address: ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-590.

15. Respondent Josh Johnson: Named in his official capacity as Acting Director of the ICE Enforcement & Removal Operations ("ERO") Dallas Field Office. He is responsible for the administration of immigration laws and the institution of removal proceedings within North Texas, where Mr. Alnabhani is confined. Address: 8101 North Stemmons Freeway, Dallas, Texas 75247.

### **LEGAL BACKGROUND**

#### ***Mandatory Protections against Removal***

16. Noncitizens ordered removed from the United States have the statutory right to file motions to reopen their cases, to which certain time and numerical restrictions apply. *See* 8 U.S.C. § 1229a(c)(7). The statute grants special solicitude for noncitizens who are seeking relief from persecution or torture. If the noncitizen is seeking asylum, withholding of removal, or protection under CAT based “on changed country conditions arising in the . . . country to which removal has been ordered,” the statute permits the noncitizen to file a motion to reopen at any time, even if he or she has previously filed a motion to reopen. 8 U.S.C. § 1229a(c)(7)(C)(ii); *see also* 8 C.F.R. § 1003.2(c)(3)(ii).

17. The exception to the numerical and time limits for moving for reopening of a removal case provides a safety valve for *bona fide* applicants for protection who would otherwise be deported from the United States in violation of U.S. international treaty obligations of *nonrefoulement*. *See, e.g., Salim v. Lynch*, 831 F.3d 1133, 1137 (9th Cir. 2016) (“Judicial review of a motion to reopen serves as a ‘safety valve’ in the asylum process. . . . Such oversight ‘ensure[s] that the BIA lives by its rules and at least considers new information’ bearing on

applicants' need for and right to relief.") (citing *Pilica v. Ashcroft*, 388 F.3d 941, 948 (6th Cir. 2004)).

18. In addition, the Due Process Clause and the INA grant noncitizens the right to a *fair* proceeding before they are removed from the country. *See, e.g., Reno v. Flores*, 507 U.S. 292, 306 (1993); *Khouzam v. Ashcroft*, 549 F.3d 235, 256–57 (3d Cir. 2008). *See also* 8 U.S.C. § 1229a(c)(4). Without a limited, protective stay of removal from a District Court, the motion-to-reopen process would be wholly unfair and insufficient for people like Mr. Alnabhani, in violation of the Fifth Amendment.

19. In light of the foregoing, many District Courts have enjoined ICE's summary removal of noncitizens, in order to vindicate their due process rights to seek mandatory protection against removal through EOIR motions to reopen removal orders based on changed country conditions. *See* Order, *Oentoyo v. Flores*, Civ. No. 18-1493 (M.D. Pa. July 27, 2018) (Christian Indonesian); Order, *Pangemanan v. Tsoukaris*, No. 18 Civ. 1510 (D.N.J. Feb. 2, 2018) (class of Christian Indonesians); *Devitri v. Cronen*, 290 F. Supp. 3d 86, 91–96 (D. Mass. Nov. 27, 2017) (same), *aff'd*, 289 F. Supp. 3d at 292–99, *vacating as moot*, Judgment, No. 18-1281 (1st Cir. Feb. 6, 2019). *See also* Order, *Compere v. Nielsen*, Civ. No. 18-1036, 2019 U.S. Dist. LEXIS 11593, \*10–24 (D.N.H. Jan. 24, 2019) (Haitian national); *Sied v. Nielsen*, Civ. No. 17-6785, 2018 U.S. Dist. LEXIS 35696, \*30–73 (N.D. Cal. Mar. 2, 2018) (Eritrean national); *Ibrahim v. Acosta*, Civ. No. 17-24574, 2018 U.S. Dist. LEXIS 13390, \*12–20 (S.D. Fla. Jan. 26, 2018) (Somali nationals); *Gbotoe v. Jennings*, Civ. No. 17-6819, 2017 U.S. Dist. LEXIS 201075, \*6–19 (N.D. Cal. Dec. 6, 2017) (Liberian national), *appeal docketed*, No. 19-15065 (9th Cir. Jan. 11, 2019).

20. Courts have temporarily enjoined the removal of a noncitizen under circumstances similar to those at issue here. *See Order, Branco-Antonio v. Flores*, Civ. No. 18-3506 (CMR), (E.D. Pa. Aug. 18, 2018) (temporary restraining order and stay of removal granted for Angolan national awaiting adjudication of BIA motions to stay removal and reopen removal case, based on changed circumstances giving rise to eligibility for discretionary relief against removal), *dismissed without prejudice*, Civ. No. 18-5306 (E.D. Pa. Oct. 3, 2018).

21. Other courts have also taken similar measures. *See, e.g., Martinez v. Nielsen*, 341 F. Supp. 3d 400, 406–11 (D.N.J. Sep. 14, 2018) (temporary stay of removal granted to noncitizen subject to final removal order but eligible to adjust status based on marriage and contingent on getting a provisional waiver of inadmissibility), *appeal docketed*, No. 18-3478 (3d Cir. Nov. 9, 2018); *Villavicencio Calderon v. Sessions*, 330 F. Supp. 3d 944, 959–60 (S.D.N.Y. Aug. 1, 2018) (same); *Fatty v. Nielsen*, Civ. No. 17-1535, 2018 U.S. Dist. LEXIS 121852 \*3–9 (W.D. Wa. July 20, 2018) (temporary stay of removal granted to trafficking victim from Gambia whose removal would have obviated pending application for protection intended for trafficking victims against removal); *Chhoeun v. Marin*, 306 F. Supp. 3d 1147, 1157–63 (C.D. Cal. Jan. 25, 2018) (removal of class of Cambodian nationals preliminarily enjoined to permit a fair and meaningful opportunity to prepare and file motions to reopen their removal cases).

### ***Exhaustion of Administrative Remedies***

22. As a prudential matter, courts generally require exhaustion of administrative remedies before an individual files a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. *See Moscato v. Fed. Bureau of Prisons*, 98 F.3d 757, 760 (3d Cir. 1996). Exhaustion is excusable, however, if pursuing administrative relief would be futile. *See Schandelmeier v.*

*Cunningham*, 819 F.2d 52, 53 (3d Cir. 1986). Here, Mr. Alnabhani has exhausted all viable administrative remedies.

### FACTS

#### *Mr. Alnabhani's History in the United States*

23. Firas Hassan Alnabhani was born on [REDACTED] and grew up as a stateless Palestinian refugee in Iraq, awaiting his right to return to his homeland under international law. Mr. Alnabhani's family was displaced from Palestine because of the 1948 Nakba.

24. Mr. Alnabhani's father worked as an interpreter for the US military in Iraq and as result Mr. Alnabhani became friends with and exposed to Americans at a young age. Despite significant challenges, he completed his education and graduated with a bachelor's degree in IT engineering in Iraq, he then sought to earn his master's degree in business management (MBA).

25. Mr. Alnabhani was admitted to the United States on a F-1 student visa on February 29, 2012. Mr. Alnabhani's status as an F-1 student was terminated on February 17, 2013, after his student status was erroneously terminated in SEVIS by DeVry University. U.S. Immigration and Customs Enforcement ("ICE") picked up Mr. Alnabhani from Devry University campus in downtown Fort Worth as he was studying for an exam.

26. After Mr. Alnabhani finished his bachelor's degree in IT engineering in Iraq, he sought to earn his master's degree in business management (MBA). He was admitted to the United States on a F-1 student visa on February 29, 2012. Mr. Alnabhani's status as an F-1 student was terminated on February 17, 2013, after his student status was erroneously terminated in SEVIS by DeVry University. U.S. Immigration and Customs Enforcement ("ICE") picked up Mr. Alnabhani from Devry University campus in downtown Fort Worth as he was studying for an exam.

27. On April 4, 2014, the Dallas Immigration Court ordered Mr. Alnabhani removed in absentia. Mr. Alnabhani was not feeling well the night before his hearing, took NyQuil, and accidentally slept through his hearing. However, as Mr. Alnabhani is stateless, Mr. Alnabhani continued his life in Dallas: taking care of his US citizen wife, raising his US citizen son, and working.

28. Mr. Alnabhani's US citizen wife filed a Form I-130, Petition for Alien Relative, which was approved on September 21, 2020. As Mr. Alnabhani is *prima facie* eligible for adjustment of status, Mr. Alnabhani requested the United States Department of Homeland Security ("DHS") join in a motion to reopen the removal order on December 14, 2022. That request remains pending.

***Mr. Alnabhani's Arrest***

29. On July 31, 2025, Mr. Alnabhani was driving on Interstate 30, when he observed that he was being followed by an unknown individual- who was later identified as Steven Krueger.

30. Subsequently, Mr. Krueger made a 911 call in which he falsely accused Mr. Alnabhani of waiving a firearm at him while traveling on I-30. In reality, Mr. Krueger was clearly threatening Mr. Alnabhani following him for an extended period of time while making threats "I will get you boy" while on the 911 call and despite the 911 operator repeatedly ordering him to stop following Mr. Alnabhani. Such conduct is inconsistent with that of a genuinely threatened individual and instead demonstrates a deliberate pursuit and escalation on Mr. Krueger's end.

31. Despite this incident taking place on a major interstate highway, no other witnesses contacted 911, and no independent reports of any alleged weapon or threat were made by the public.

32. Mr. Krueger claims to be a United States military veteran who served in Iraq, he referred to Mr. Alnabhani as an Iraqi domestic enemy. Records indicate that Mr. Krueger has a history of uncontrolled anger and violent outbursts. On the witness stand, during trial Mr. Krueger threatened to beat up Mr. Alnabhani's legal counsel stating that no one would be able to stop him, not even the bailiff, demonstrating his temper and disregard for authority.

33. After Mr. Krueger made this threat in open court, the Judge directed a verdict of not guilty of Mr. Alnabhani and he was acquitted of this false and baseless charge.

34. After spending three months in jail and acquitted of the misdemeanor charge, Mr. Alnabhani was picked up by ICE on November 5, 2025.

35. Mr. Alnabhani is a law-abiding individual. He has no criminal convictions.

### **CAUSES OF ACTION**

#### **COUNT ONE**

#### **FIFTH AMENDMENT – PROCEDURAL DUE PROCESS**

#### ***Denial of Rights to Fair and Meaningful Opportunity to Pursue Motion to Reopen Removal Proceedings Seeking Mandatory Protection against Removal Based on Changed Circumstances***

36. Mr. Alnabhani realleges the foregoing paragraphs as if set forth fully herein.

37. Federal law and binding international law obligate the government to hear the claims of noncitizens, regardless of their status, who have a credible fear of persecution or torture emanating from their country of origin before they are removed from the United States to that country. *See* 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 208.16(b)(2); 8 C.F.R. § 208.16(c)(4). In addition, the Due Process Clause and the INA grant noncitizens the right to a fair proceeding

before they are removed. *See, e.g., Reno v. Flores*, 507 U.S. 292, 306 (1993); *Khouzam v. Ashcroft*, 549 F.3d 235, 256–57 (3d Cir. 2008). *See also* 8 U.S.C. § 1229a(c)(4).

38. Mr. Alnabhani has not yet received his core procedural entitlement to have his claims for mandatory protection against removal to a third country based on changed circumstances be heard at a meaningful time and in a meaningful manner—as the Fifth Amendment and the INA require. A limited stay of removal from this Court is essential to enabling him to pursue those claims. *See Order, Oentoyo*, Civ. No. 18-1493 (M.D. Pa.) (Christian Indonesian); *Order, Pangemanan*, Civ. No. 18-1510 (D.N.J.) (class of Christian Indonesians); *Devitri*, 290 F. Supp. 3d at 91–96 (same), *aff'd*, 289 F. Supp. 3d at 292–99; *see also Order, Compere*, 2019 U.S. Dist. LEXIS 11593, \*10–24 (Haitian national); *Sied*, 2018 U.S. Dist. LEXIS 35696, \*30–73 (Eritrean national); *Ibrahim*, 2018 U.S. Dist. LEXIS 13390, \*12–20 (Somali nationals); *Ghotoe*, 2017 U.S. Dist. LEXIS 201075, \*6–19 (Liberian national); 8 U.S.C. § 1229a(c)(7)(c)(ii); 8 C.F.R. § 1003.2(c)(3)(ii); *cf. Martinez*, 341 F. Supp. 3d at 406–11 (temporary stay of removal for noncitizen subject to final removal order but eligible to adjust status based on marriage and contingent on getting a provisional waiver of inadmissibility); *Villavicencio Calderon*, 330 F. Supp. 3d at 959–60 (same); *Fatty*, 2018 U.S. Dist. LEXIS 121852 \*3–9 (temporary stay of removal for trafficking victim from Gambia whose removal would have obviated pending application for protection intended for trafficking victims against removal); *Chhoeun*, 306 F. Supp. 3d at 1157–63 (temporary stay of removal for class of Cambodian nationals to enable them a fair opportunity to pursue motions to reopen their removal cases).

39. Procedural due process requires that the government be constrained before acting in a way that deprives individuals of liberty and property interests protected under the Due

Process Clause of the Fifth Amendment. One of the first inquiries in any procedural due process violation is whether the plaintiff has a protected property or liberty interest, and if so, the extent or scope of that interest. (*Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569-70 (1972)).

40. Procedural due process imposes constraints on governmental decisions that deprive individuals of “liberty” or “property” interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment. (*Mathews v. Eldridge*, 424 U.S. 319, 332 (1976)) Courts employ the *Eldridge* test when an alien’s due process liberty interests are at stake. (*Flores-Chavez v. Ashcroft*, 362 F.3d 1150, 1160-61 (9th Cir. 2004)) This test considers three factors: (1) The private interest affected by the official action; (2) The risk of erroneous deprivation of that interest through the procedures used; (3) The government’s interest

41. It requires courts to balance the affected interests to determine whether the administrative procedures provided are constitutionally sufficient.

42. Alnabhani’s interest affected by Respondents’ actions is profound—his physical liberty. He was detained, despite having been vindicated and found not guilty and being neither a flight risk nor a danger to public safety or national security. Therefore, at best, the government’s interest in his continued detention is minimal.

43. Under the *Eldridge* test, Alnabhani’s significant liberty interest far outweighs the government’s minor interest in his continued detention. He has an approved I-130 petition, making him *prima facie* eligible for adjustment of status.

44. When the government creates a reopening remedy that can defeat removal, it cannot be allowed to destroy that remedy by creating procedural obstacles that prevent the alien from invoking it. Doing so would deprive them of liberty without due process of law and would

therefore be judicially reviewable, even if the petition presents only a question of fact (such as whether a notice of hearing was sent), because judicial review statutes allow review of a discretionary ruling that is claimed to deny a constitutional right. (*Jefierski v. Mukasey*, 543 F.3d 886, 890 (7th Cir. 2008))

45. Respondents violated Alnabhani's procedural due process rights by detaining him. Moreover, Alnabhani's interest affected by Respondents' actions is profound—his physical liberty. He was arrested and is being unlawfully detained, despite having committed no crime and being neither a flight risk nor a danger to public safety or national security. (*Matter of Patel*, 15 I. & N. Dec. 666, 666 (BIA 1976)). Therefore, the government's interest in his continued detention is minimal.

46. For all these reasons, Alnabhani's detention violates the procedural due process rights guaranteed by the Fifth Amendment and the Due Process Clause.

47. For all these reasons, Alnabhani's detention violates the procedural due process rights guaranteed by the Fifth Amendment

## **COUNT TWO SUSPENSION CLAUSE**

### ***Summary Removal from the United States without Requisite Judicial Review***

48. Mr. Alnabhani realleges the foregoing paragraphs as if set forth fully herein.

49. The Suspension Clause requires that the federal courts have an opportunity for meaningful review of Mr. Alnabhani's claims for relief against removal based on changed circumstances arising since his removal orders became final in 2014. Absent this court's intervention, the government will summarily remove or cause the removal of Mr. Alnabhani without such review, in violation of the Suspension Clause.

50. This Court should obviate those grave risks to Mr. Alnabhani by asserting its habeas corpus jurisdiction to issue the limited stay of removal needed to vindicate their rights to judicial review of his pending claims, including, if needed, to the Fifth Circuit Court of Appeals. *See Order, Compere*, 2019 U.S. Dist. LEXIS 11593, \*10–24 (constitutional habeas jurisdiction); *Devitri*, 290 F. Supp. 3d at 91–96 (same), *aff'd*, 289 F. Supp. 3d at 292–99; *Ibrahim*, 2018 U.S. Dist. LEXIS 13390, \*12–20 (same); *see also Sied*, 2018 U.S. Dist. LEXIS 35696, \*30–73 (statutory habeas jurisdiction); *Gbotoe*, 2017 U.S. Dist. LEXIS 201075, \*6–19 (same); *cf. Martinez*, 341 F. Supp. 3d at 406–11 (statutory habeas jurisdiction to grant temporary stay of removal to noncitizen subject to final removal order but eligible to adjust status based on marriage and contingent on getting a provisional waiver of inadmissibility); *Villavicencio Calderon*, 330 F. Supp. 3d at 959–60 (same); *Fatty*, 2018 U.S. Dist. LEXIS 121852 \*3–9 (statutory habeas jurisdiction to grant temporary stay of removal to trafficking victim from Gambia whose removal would have obviated pending application for protection intended for trafficking victims against removal); *Chhoeun*, 306 F. Supp. 3d at 1157–63 (statutory habeas jurisdiction to grant temporary stay of removal to class of Cambodian nationals to enable them a fair opportunity to pursue motions to reopen their removal cases).

### **COUNT THREE**

#### **FIFTH AMENDMENT – SUBSTANTIVE AND PROCEDURAL DUE PROCESS** ***Prohibition against Re-Detention without Government’s First Proving through Individualized Fair Hearings that Such Action is Necessary to Prevent Danger or Flight Risk***

51. Mr. Alnabhani repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

52. His continued detention violates his right to substantive due process by depriving him of the core liberty interest in freedom from detention and bodily restraint.

53. Aliens physically present in the United States are guaranteed the protections of the Due Process Clause of the Fifth Amendment. (*Zadvydas v. Davis*, 533 U.S. 678, 693 (2001): “The Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976): “There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment, as well as the Fourteenth Amendment, protects every one of these persons from deprivation of life, liberty, or property without due process of law.”)

54. Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Due Process Clause protects. (*Zadvydas*, 533 U.S. at 690.) Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a “sufficiently strong special justification” to outweigh the significant deprivation of liberty. (*Id.*; see also *Phan v. Reno*, 56 F. Supp. 2d 1149, 1154 (W.D. Wash. 1999) (citing *Reno v. Flores*, 507 U.S. 292, 301-02 (1993)).)

55. Alnabhani is a stateless Palestinian who abides by the law and has no criminal convictions. As he is not a recognized citizen of any country, ICE intends to deport him to an unknown third country. This is despite the fact that Mr. Alnabhani is the beneficiary of an approved I-130 petition and should be allowed to pursue adjustment of status. Accordingly, Alnabhani’s detention is indefensible, punishing an alien for exercising a privilege that the government told him was available, and depriving Alnabhani of his constitutional right to due process.

56. Due process permits the government to restrain an individual’s liberty only where the government’s justification for such restraint bears a “reasonable relation” to permissible

purposes. *Jackson v. Indiana*, 405 U.S. 715, 738 (1972); see also *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). In the immigration context, those purposes are “ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community.” *Zadvydas*, 533 U.S. at 690 (citations omitted). Those substantive limitations on detention intertwine closely with procedural due process protections. *Foucha*, 504 U.S. 78–80.

57. Here, the government had allowed Mr. Alnabhani to be at liberty for years, in the public interest, under supervised release. It cannot now lawfully detain him, or cause his re-detention, for putative immigration enforcement—without first proving through individualized and fair hearings before this Court why such action is now necessary to prevent danger to the community or risk of flight. See, e.g., *Ragbir*, 2018 U.S. Dist. LEXIS 13939, \*6–7 7; *D’Alessandro*, 628 F. Supp. 2d at 401–02; *Lopez*, 2018 U.S. Dist. LEXIS 214163, \*8–9; *Bonitto*, 547 F. Supp. 2d at 757–58; *Nguyen*, 108 F. Supp. 2d at 1262; 8 C.F.R. § 214.4. See also *Saravia*, 280 F. Supp. 3d at 1200–06; *Rombot*, 296 F. Supp. 3d at 386–89; *Matter of Sugay*, 17 I. & N. Dec. at 640 (BIA 1981). Mr. Alnabhani is entitled to such predeprivation hearings unless the government proves that its interest in detaining them is too unpredictable to make such hearings possible. See *Zinerman*, 494 U.S. at 135–39; cf. *Chhoeun*, 2019 U.S. Dist. LEXIS 17560, \*3–8.

58. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

59. The government’s detention of Alnabhani is unjustified. The government has not demonstrated that Alnabhani—who has no criminal history and has close ties in his

community—needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Alnabhani cannot be safely released back to his community.

60. Alnabhani’s detention is also punitive and bears no “reasonable relation” to any legitimate purpose for detaining him. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (“nature and duration” of civil confinement must “bear some reasonable relation to the purpose for which the individuals is committed”); *Zadvydas*, 533 U.S. at 690 (finding immigration detention is civil and thus ostensibly “nonpunitive in purpose and effect”).

61. For all these reasons, Alnabhani’s detention violates his substantive due process rights.

**COUNT FOUR**  
***Release on Bail Pending Adjudication***

62. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

63. Federal courts sitting in habeas possess the “inherent power to release the petitioner pending determination of the merits.” *Savino v. Souza*, 453 F. Supp. 3d 441, 454 (D. Mass. 2020) (quoting *Woodcock v. Donnelly*, 470 F.2d 93, 94 (1st Cir. 1972) (per curiam)); see also *Da Graca v. Souza*, 991 F.3d 60 (1st Cir. 2021). Federal courts “have the same inherent authority to admit habeas petitioners to bail in the immigration context as they do in the criminal habeas case.” *Id.* (quoting *Mapp v. Reno*, 241 F.3d 221, 223 (2d Cir. 2001)). “A court considering bail for a habeas petitioner must inquire into whether the habeas petition raise[s] substantial claims and [whether] extraordinary circumstances exist[ ] that make the grant of bail

necessary to make the habeas remedy effective.” Id. (quoting Mapp, 241 F.3d at 230) (cleaned up).

64. This petition raises substantial constitutional and statutory claims challenging Alnabhani’s detention. Furthermore, extraordinary circumstances exist that make Alnabhani’s release essential for the remedy to be effective.

65. Finally, Mr. Alnabhani’s confinement prevents him from adequately litigating his prime facie eligibility for adjustment of status.

#### **PRAYER FOR RELIEF**

66. **WHEREFORE**, Mr. Alnabhani respectfully requests that this Honorable Court:

A. Assume jurisdiction over this matter;

B. Issue a Writ of Habeas Corpus requiring Respondents to release of Firas Hassan Alnabhani forthwith;

C. Declare that Respondents’/Defendants’ actions in requiring their summary removal violated Mr. Alnabhani’s rights under the Fifth Amendment, the INA, and/or the Suspension Clause—and remedy those violations and prevent further injury by enjoining Respondents/Defendants from removing him or causing his removal until his removal proceedings are fairly and finally adjudicated and he have had a fair opportunity and due process;

D. Issue an injunction ordering Respondents not to continue to detain Mr. Alnabhani, on the basis of the conduct described herein; Declare that re-detention by, or caused by, Respondents/Defendants would violate Mr. Alnabhani’s rights under the Fifth Amendment, and/or their rights under the INA and its implementing regulations, and prevent those injuries by enjoining Respondents/Defendants from re-detaining them, or causing their re-detention, without

first proving through individualized fair hearings before this Court why re-detention is necessary to prevent danger to the community or flight from immigration enforcement;

E. Award reasonable attorneys' fees and costs to Mr. Alnabhani; and

F. Grant such other and further relief as is just and equitable.

Date: November 6, 2025

/s/Marwa Elbially  
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