

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<p>MOHAMMAD ABUSHANAB,  <i>Petitioner,</i>  v.  PAM BONDI in her capacity as Attorney General of the United States; KRISTI NOEM, in her capacity as Secretary, U.S. Department of Homeland Security; TODD LYONS, Acting Director, United States Immigration and Customs Enforcement; BRET BRADFORD, in his capacity as Field Office Director Houston Field Office U.S. Immigration and Customs Enforcement; MARTIN L. FRINK, in his capacity as Warden of the CoreCivic Houston Processing Center;  <i>Respondents.</i></p>	<p>Civil Action No.:</p> <p><b>PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND REQUEST FOR ORDER TO SHOW CAUSE</b></p>
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**PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241  
AND REQUEST FOR ORDER TO SHOW CAUSE**

## INTRODUCTION

1. Petitioner Mohammad Abushanab (“Petitioner” or “Mr. Abushanab”), has spent nearly sixteen months in immigration detention. He came to the United States in July of 2024 to seek asylum after facing harassment and threats as [REDACTED] [REDACTED] and was granted withholding of removal and protection under the Convention Against Torture (“CAT”) by an immigration judge. Despite being granted humanitarian relief, Mr. Abushanab remains in the custody of Immigration and Customs Enforcement (“ICE”).
2. Mr. Abushanab’s withholding of removal order has been final since March 5, 2025, yet he has been subjected to 8 months of unexplained detention. He challenges his indefinite detention as a violation of the Immigration and Nationality Act (“INA”) and his rights under the Due Process Clause of the Fifth Amendment.
3. Mr. Abushanab is entitled to a Writ of Habeas Corpus ordering Respondents to release him from custody as required by the order of withholding of removal and protection under CAT and because he is legally stateless and his removal to Palestine or a third country is not reasonably foreseeable. *See Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008) (citing *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001)).
4. Mr. Abushanab asks the Court to “forthwith . . . issue an order directing [Respondents] to show cause why the writ should not be granted” to be returned to this Court “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” 28 U.S.C. § 2243.

5. Mr. Abushanab is in the physical custody of Respondents. He is detained at CoreCivic Houston Processing Center in Houston, Texas located at 15850 Export Plaza Drive Houston, TX 77032. He is under the direct control of Respondents and their agents.
6. Petitioner asks this Court to issue a writ of habeas corpus, ordering Respondents to show cause within three days, providing their reasons, if any, why his detention is lawful. He further requests that this Court find that his prolonged detention is unreasonable and order his immediate release. Finally, Petitioner asks this Court to enjoin Respondents from removing or transferring Petitioner to a third country without notice and an opportunity to seek relief from removal to that country before an Immigration Judge.

#### **JURISDICTION AND VENUE**

7. Jurisdiction is proper under 28 U.S.C. §§ 1331, 1651, 2241, and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2.
8. Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas petitions by individuals in ICE custody who challenge the lawfulness of their detention under federal law. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas*, 533 U.S. at 687; *Tran*, 515 F.3d at 482; *Ali v. Dep't of Homeland Sec.*, 451 F. Supp. 3d 703, 706 (S.D. Tex 2020).
9. Venue is proper in the United States District Court for the Southern District of Texas because at least one Respondent is in this District, Petitioner is detained in this District, and Petitioner's immediate physical custodian is in this District. 28 U.S.C. §§ 1391(b), 2241(d).

#### **PARTIES**

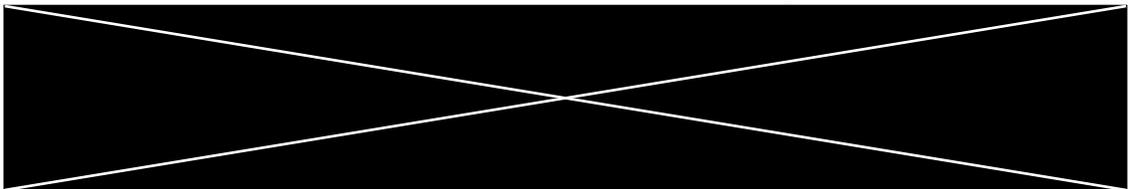
10. Petitioner Abushanab is currently detained by Respondents at CoreCivic Houston Service Processing Center. He has been in ICE custody since on or about July 11, 2024. His

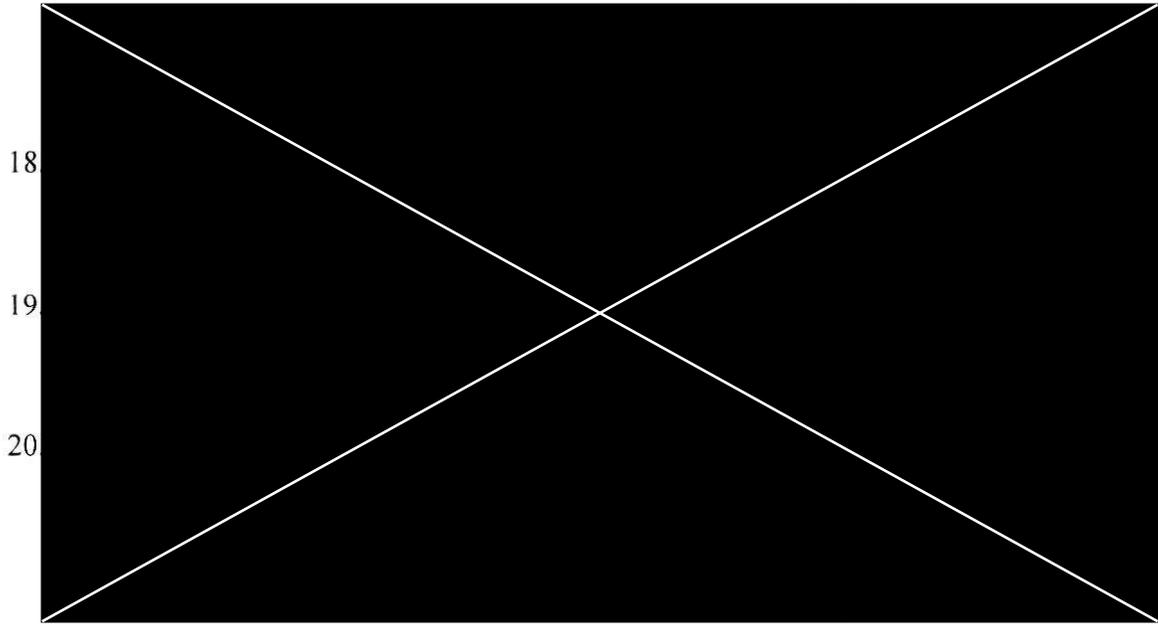
removal order became administratively final on March 5, 2025. He has been detained for over 484 days in total and for more than 8 months after his order became administratively final.

11. Respondent Pamela Bondi is the Attorney General of the United States Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.
12. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (“DHS”). She is a legal custodian of Petitioner and is named in her official capacity.
13. Respondent Todd Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.
14. Respondent Bret Bradford is the Acting Field Office Director responsible for the Houston Field Office of ICE with administrative jurisdiction over Petitioner’s case. He is a legal custodian of Petitioner and is named in his official capacity.
15. Martin L. Frink is the Warden for the CoreCivic Houston Service Processing Center. Accordingly, Martin L. Frink is the legal custodian of Petitioner and is named in his official capacity.

#### **FACTS**

16. Mr. Abushanab is a twenty-seven-year-old native of Palestine. He is legally stateless.
17. Mr. Abushanab was born in the West Bank. 





to leave his land. Mr. Abushanab knew he would be killed if he did not leave. Mr. Abushanab fled and came to the United States.

21. Mr. Abushanab entered the United States without inspection on or about July 11, 2024.
22. On September 4, 2024, DHS personally served Mr. Abushanab with a Notice to Appear ("NTA"), which the department then filed on September 5, 2024, beginning immigration proceedings.
23. On November 13, 2024, Mr. Abushanab filed a Form I-589, Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture ("CAT").
24. On January 17, 2025, a merits hearing was held, where Mr. Abushanab testified in support of his applications for relief.
25. On February 3, 2025, Mr. Abushanab's applications for Withholding of Removal as well as Protection under the CAT were granted by an Immigration Judge ("IJ"). The IJ found that Mr. Abushanab faced past persecution by [REDACTED] [REDACTED] and there is a risk he will face future prosecution by them because he, "has been

threatened, beaten, and [REDACTED] on numerous occasions at the hands of [REDACTED].  
[REDACTED] The IJ specifically found that if deported, it is more likely than not that Mr. Abushanab would be persecuted or tortured by [REDACTED] upon his return to the West Bank.

26. Mr. Abushanab was found ineligible for asylum under the Lawful Pathways Condition on Asylum Eligibility at 8 C.F.R. § 1208.33(a) (2025) because he entered the United States without inspection, without prior authorization or appointment with DHS, and without having applied for and been denied asylum in each country through which he traveled, between May 11, 2023 and May 11, 2025.

#### **Post Order Granting Withholding of Removal**

27. Since the immigration court's order granting Withholding of Removal — based on the finding that Mr. Abushanab would face persecution if removed to Palestine — became administratively final on March 5, 2025, the U.S. government has been mandatorily barred from removing him to Palestine.
28. The United States and various other countries do not recognize Palestine as a country, so Mr. Abushanab is legally stateless. Stateless persons have no country to which they can be deported and often lack a valid passport or travel document, making it even more difficult for Respondents to show that deportation is possible in the reasonably foreseeable future.
29. As of this filing, Mr. Abushanab remains in ICE custody at the CoreCivic Houston Processing Center (“Processing Center”).
30. During his detention at the Processing Center, Mr. Abushanab reports being taunted by guards and officers, denied the ability to timely perform Friday prayers that are critical to

his Muslim faith, denied the ability to regularly meet a Muslim cleric, often ignored, and made to feel that he will never leave.

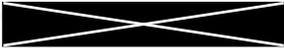
31. Mr. Abushanab has also struggled with his mental health while detained. He has not been able to sleep for more than two hours continuously. He struggles with anxiety and feels a loss of purpose in his life. Mr. Abushanab requested to see a mental health counselor about 2 months ago, but the meeting did not lead to the care he needs.
32. In May 2025, Mr. Abushanab participated in a hunger strike to protest the conditions at the CoreCivic Houston Processing Center. Mr. Abushanab and the other hunger strikers began returning their food trays untouched each time food was served.
33. However, one day when Mr. Abushanab informed an ICE officer that he was on a hunger strike and not going to eat, the Officer told him that he would be sent to solitary confinement if he did not eat. Because of his fear of solitary confinement, Mr. Abushanab took the food and ended his hunger strike that day.
34. On May 6, 2025, more than 90 days after the Immigration Judge issued the Order of Withholding of Removal, Mr. Abushanab's immigration counsel contacted the ICE Houston Field Office and requested his release "pursuant to the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), as his continued detention violates constitutional protections and no longer serves a legitimate removal purpose."
35. However, Mr. Abushanab was not released. After the 90-day review, his Deportation Officer told Mr. Abushanab that he would remain detained.
36. On August 4, 2025, after more than 180 days had passed since the Immigration Judge issued the Order of Withholding of Removal, Mr. Abushanab's immigration attorney again contacted the ICE Houston Field Office and requested his release. This letter, like the first,

explained that Mr. Abushanab “has no criminal history, poses no threat to public safety, and has strong community ties. He is willing to comply with any terms and conditions of release, including supervision and periodic reporting. He has a stable residence available with his sponsor, who is a United States citizen and retired United States Army Veteran, and Mr. Abushanab will comply fully with ICE supervision.”

37. However, Mr. Abushanab was again not released.

38. In March 2025, ICE officers required Mr. Abushanab to complete a travel document application for Jordan. Mr. Abushanab was confused by this request and did not want to complete the application. The officers threatened him with ten years in prison if he did not fill out the application. Mr. Abushanab then filled out the application and signed it, as the officers requested. Mr. Abushanab does not have ties to Jordan, and Mr. Abushanab believes the application was denied.

39. From March until around May, Mr. Abushanab was also asked to complete travel document applications for Canada and Mexico, which he did.

40. ICE officers have also told Mr. Abushanab there’s a possibility of removal to Israel, despite the immigration court finding that he would be tortured or killed by  his testimony about that fear to the immigration judge.

41. On August 5, 2025, Mr. Abushanab was interviewed for his 180-day review.

42. On September 17, 2025, Mr. Abushanab was informed by his Deportation Officer that the 180-day review was complete, and he would remain detained.

43. As of the filing of this petition, Mr. Abushanab still has not been released although he poses no danger to the public, is not a flight risk, is legally stateless and unlikely to be deported

to a third country, and despite the availability of a stable residence with his sponsor, who is a United States Army Veteran.

## LEGAL FRAMEWORK

### I. 8 U.S.C. § 1231(a) Governs Post-Order Detention

44. “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 [of the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 690. Indefinite detention, in particular, raises a “serious constitutional problem” and violates the Due Process Clause. *Id.* at 689–90.
45. The Due Process Clause requires that the deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that 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”).
46. Section 1231 of Title 8 of the U.S. Code governs the detention of individuals who are subject to a legally final order of removal. *See* 8 U.S.C. § 1231(a).
47. When a non-citizen has a final withholding or CAT relief grant, they cannot be removed to the country or countries for which they demonstrated a sufficient likelihood of persecution or torture. *See* 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1208.17(b)(2) (2025). While ICE is authorized to remove non-citizens who were granted withholding or CAT relief to alternative countries, *see* 8 U.S.C. § 1231(b); 8 C.F.R. § 1208.16(f) (2025), this must be done in a way consistent with federal law and the Due Process Clause, including

finding a country willing to accept the non-citizen and providing an opportunity for the non-citizen to assert and adjudicate their fear of removal to that country. Historically, this has made it difficult for the government to deport Palestinians and legally stateless persons like Mr. Abushanab. *See, e.g., Elashi v. Sabol*, 714 F. Supp. 2d 502, 507–08 (M.D. Pa. 2010) (granting habeas corpus relief to a Palestinian who was held in immigration detention for 13 months because there was no significant likelihood of removal to any country in the foreseeable future).

48. Detention under Section 1231 is only mandatory during the initial ninety-day “removal period,” 8 U.S.C. § 1231(a)(1)(A), the time window during which the government is typically required to effectuate removal.
49. Detention is no longer mandatory after the 90-day removal period, and the individual should generally be released. That release can include conditions of supervision, such as periodic reporting. *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.4 (2025) (detailing criteria and procedures for release of individuals detained beyond the removal period who do not pose a threat to the community or a significant flight risk).

## **II. Detention under Section 1231 is Subject to Constitutional Limitations**

50. The Constitution limits the government’s post-removal period discretion to detain individuals under Section 1231.
51. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period” of individuals who have a final order of removal and are deemed to be a risk of flight or danger, the Supreme Court has recognized constitutional limits to such continued detention.

52. These constitutional limitations are rooted in the Due Process Clause of the Fifth Amendment, which the Supreme Court applied to the post-removal period detention in *Zadvydas*. “The statute, read in light of the Constitution’s demands, limits [a noncitizen’s] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen’s] removal from the United States.” *Zadvydas*, 533 U.S. at 689. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.
53. Because the statutory purpose of Section 1231 is to detain individuals subject to a final order of removal for the purpose of effectuating their removal, civil immigration detention violates due process when it stops being reasonably related to effectuating removal. The government’s claim that post-order detention is justified to prevent flight and ensure compliance with a removal order is “weak or inconsistent” where removal is not foreseeable. *Id.* at 697.
54. The *Zadvydas* Court adopted a “presumptively reasonable period of detention” of six months, inclusive of the 90-day removal period. *Id.* at 701. This presumption is rebuttable and not a jurisdictional requirement or a required element of a *Zadvydas* claim. *See Ali*, 451 F. Supp. 3d at 707 (S.D. Tex 2020).
55. “After this 6-month period, once the [noncitizen] provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing,” show “sufficiently strong special justification” for continued detention, or release the petitioner. *Zadvydas*, 533 U.S. at 690–91, 701.

56. A habeas petitioner need only show that removal is unlikely, not that it is “impossible.” *See id.* at 702 (vacating Fifth Circuit judgment requiring impossibility of removal as “demand[ing] more than our reading of the statute can bear.”).
57. In *Zadvydas*, the Supreme Court addressed the constitutional limits of Section 1231(a)(6) detention. The Court construed Section 1231(a)(6) to contain an implicit temporal limitation of six months, after which continued detention is no longer presumptively reasonable. *Id.* at 701. After that point, “once the [non-citizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Khan v. Gonzales*, 481 F. Supp. 2d 638, 641 (W.D. Tex. 2007) (quoting *Zadvydas*, 533 U.S. at 701) (internal quotations omitted). And “[f]or detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.*
58. As a result of these restrictions and procedures around third country removals, “only 1.6% of noncitizens granted withholding-only relief were actually removed to an alternative country” in FY 2017. *Johnson v. Guzman Chavez*, 594 U.S. 523, 537 (2021). Foreign countries do not accept the deportation of random non-citizens who lack any connection to their territory. According to a 2019 DHS report on ICE deportation procedures, “foreign governments do not issue travel documents without confirming the identity and citizenship of the [non-citizen]” and “with limited exceptions, require a passport or temporary travel permit to accept their nationals back into the country.” *ICE Faces Barriers in Timely Repatriation of Detained Aliens*, OFF. INSPECTOR GEN. DEP’T HOMELAND SEC., at 8 (2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-03/OIG-19-28-Mar19.pdf>.

59. When a habeas petition has successfully made a claim, release is the proper remedy for unlawfully prolonged post-removal order detention. *See Zadvydas*, 533 U.S. at 699–700.
60. ICE has made no showing that they are significantly likely to remove Mr. Abushanab in the reasonably foreseeable future. There is no “sufficiently strong special justification” for ICE to detain Mr. Abushanab beyond the six-month limit. *See id.* at 690–91. Thus, Mr. Abushanab is entitled to immediate release from custody.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

#### **Violation of The Immigration and Nationality Act – 8 U.S.C. § 1231**

61. Petitioner Mr. Abushanab repeats and realleges each allegation of this petition here.
62. Mr. Abushanab’s detention is governed by 8 U.S.C. § 1231(a), and he has been subject to a final order withholding removal that became administratively final in March 2025.
63. In *Zadvydas*, the Supreme Court construed Section 1231(a) to contain an implicit reasonable time limitation in light of serious due process concerns. 533 U.S. at 682. Respondents have detained Mr. Abushanab despite an order of withholding of removal and protection under CAT.
64. There is “no significant likelihood” that ICE will be able to remove Mr. Abushanab from the United States “in the reasonably foreseeable future.” *Id.* at 701.
65. The government cannot rebut this showing that Mr. Abushanab’s removal is unlikely, *see id.*, as he cannot be removed to Palestine and does not have citizenship nor ties to any other country. *See Misirbekov v. Venegas*, No. 1:25-CV-00168, 2025 WL 2201470, at \*1 (S.D. Tex. Aug. 1, 2025) (finding that petitioner was likely to succeed on the merits of his habeas

petition where it was six months past the beginning of the removal period, petitioner was granted withholding of removal, and petitioner did not have citizenship or other ties to any other country).

66. Despite vague threats of removal to Israel or some other third country, Respondents have not provided information to Mr. Abushanab regarding any specific plans to deport him to another country.

67. Thus, Mr. Abushanab's detention violates 8 U.S.C. § 1231, and he is entitled to immediate release from custody.

### **COUNT TWO**

#### **Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution**

68. Petitioner Mr. Abushanab repeats and realleges each allegation of this petition here.

69. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "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 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

70. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). The Supreme Court recognized that the statutory purpose of Section 1231 was to detain non-citizens with final orders of removal to effectuate removal. *Id.* at 697 (Section 1231's "basic purpose" is to "effectuat[e] an alien's removal").

71. Prolonged civil detention also violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Id.* at 690–91.

72. Mr. Abushanab has been in detention well beyond the 90-day period, period the 6-month presumptive period, and will continue into the indefinite future. As such, his detention is no longer reasonably related to the primary statutory purpose of effectuating removal. *Id.* at 697.

73. Thus, Mr. Abushanab's detention violates both substantive and procedural due process.

### PRAYER FOR RELIEF

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

- A. Assume jurisdiction over this matter;
- B. Issue an order to show cause to be returned within three days;
- C. Enjoin Respondents from removing or transferring Petitioner to a third country without notice and an opportunity to seek relief from removal to that country before an Immigration Judge;
- D. Declare Petitioner's prolonged detention to be unlawful and unconstitutional;
- E. Order the immediate release of Petitioner;
- F. Award Petitioner reasonable costs and attorneys' fees pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412 ; and
- G. Grant any other relief that this Court deems just and proper.

Dated: November 7, 2025

/s/ Sara Zampierin  
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admissions forthcoming

\*\*Application for admission  
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\*\*\* Qualified Law Students under Tex.  
Gov't Code § 81.102

\*\*\*\* Plaintiff is represented by a clinic  
operated by Texas A&M University  
School of Law, but this document does not  
purport to present the school's  
institutional views, if any.

**Verification Pursuant to 28 U.S.C. § 2242**

The undersigned counsel submits this verification on behalf of the Petitioner. Undersigned counsel has discussed with Petitioner the events described in this Petition for Writ of Habeas Corpus and Complaint and, based on those discussions, verify that the statements in the Petition and Complaint are true and correct to the best of our knowledge.

Dated: November 7, 2025

/s/ Kayla Vinson

Kayla Vinson

Attorney for Mohammad Abushanab