UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Noor Nafea Salman,

Petitioner,

v.

Kristi Noem
Secretary, U.S. Department of
Homeland Security

Todd Lyons, Acting Director, U.S.
Immigration and Customs
Enforcement (ICE)

Marcos Charles, Acting Executive
Associate Director, ICE and Removal
Operations

Pamela Bondi, U.S. Attorney General

Warden Prairieland Detention Center

Respondents.

Cause No._____

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Petitioner Noor Nafea Salman (A# [redacted] through counsel, seeks a writ of *habeas corpus* under 28 U.S.C. § 2241, challenging the legality of her continued detention by Immigration and Customs Enforcement ("ICE").

2. Petitioner is in the physical custody of Respondents at the Prairieland Detention Center in Alvardo, Texas. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention. (*Ex 1 EOIR Case Status*)

3. Petitioner is charged with, *inter alia*, having been convicted of a crime of moral turpitude committed within five years after admission for which a sentence of one year or longer under INA 237(a)(2)(A)(i). She was shortly thereafter placed in removal proceedings.

4. Petitioner despite regularly attending her ICE check-in appointments Petitioner was detained and found to be subject to mandatory detention under the Laken Riley Act.

5. Respondents' retroactive application of Laken Riley is an unlawful violation of due process.

6. Accordingly, Petitioner seeks a writ of *habeas corpus* requiring that she

be released unless Respondents provide a bond hearing under § 1226(a) within seven days.

PARTIES

1. Petitioner, Noor Nafea Salman, is a non-citizen who is currently detained by ICE at the Prairieland Detention Center in Alvarado, Texas.

2. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She is the cabinet-level secretary responsible for all immigration enforcement in the United States. She is sued in her official capacity only.

3. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency responsible for all immigration enforcement in the United States. He is sued in his official capacity only.

4. Respondent Marcos Charles is the Acting Executive Associate Director of ICE Enforcement and Removal Operations. He is the head of the ICE office that carries out arrests of noncitizens and removals from the United States. He is sued in his official capacity only.

5. Respondent, Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and application for relief from removal do so as her designees. She is sued in her official

capacity only.

6. Respondent, Warden of the Prairieland Detention Center. He is the head of the facility that currently maintains physical custody of the Petitioner. He is sued in his official capacity only.

JURISDICTION

7. This Court has jurisdiction to hear this case under *28 U.S.C. § 2241* and *28 U.S.C. § 1331*, Federal Question Jurisdiction as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to *28 U.S.C. § 2241*, and the *All Writs Act, 28 U.S.C. § 1651.*

CUSTODY

8. Petitioner is under the Physical custody of the Respondents and is currently detained at the Prairieland Detention, Texas.

VENUE

9. Venue is proper in this court, pursuant to *28 USC §1391(e),* in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where the Petitioner is detained. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973)

REQUIREMENTS SET FORTH IN 28 U.S.C 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. *28 U.S.C. § 2243*. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

LEGAL FRAMEWORK

i. Laken Riley Act

12. The Laken Riley Act was signed into law on January 29, 2025 (Pub. L. 119–1). It amends portions of the Immigration and Nationality Act (INA) to expand the circumstances under which noncitizens can be subject to mandatory detention (i.e., detention without bond) by the Department of Homeland Security (DHS)/Immigration and Customs Enforcement (ICE) pending immigration removal or other proceedings.

13. The Laken Riley Act adds a new category at § 236(c)(1)(E) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1226(c)(1)(E)), requiring detention when an alien (non-citizen) who is inadmissible under INA § 212(a)(6)(A), (6)(C), or (7) has been: charged with, arrested for, convicted of, or admitted to having committed acts constituting the essential elements of any of the following offenses: Burglary — as defined under the law of the jurisdiction where the acts occurred; Theft — likewise defined by the jurisdiction where the act occurred; Larceny — similarly defined; Shoplifting — again defined under the applicable jurisdiction; Assault of a law enforcement officer — meaning an assault on a law-enforcement officer as defined locally; Any crime that results in death or serious

14. However, there is no provision in the Laken Riley Act that specifically states that it would be applied retroactively.

EXHAUSTION

15. Petitioner has requested and been denied a custody redetermination (bond hearing) by the immigration court, which concluded that Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c)(1)(E) as amended by the Laken Riley Act.

16. To the extent any further administrative review of custody classification might be available, exhaustion should be excused as futile because the

immigration courts have taken the legal position that the Laken Riley Act applies retroactively and that § 1226(c)(1)(E) bars any bond hearing for Petitioner. The issues presented are purely legal and appropriate for resolution in habeas.

FACTS

17. Petitioner is a non-citizen who entered the United States as a refugee from Iraq in November of 2014. (*Ex 2 Refugee I-94*)

18. Petitioner then adjusted status to permanent resident based on her refugee entrance. (*Ex 3 LPR Card*)

19. On July 11, 2017, the Petitioner was convicted of Embezzlement in Virginia, under $200 in which she received a sentence of 180 days with 150 days suspended and 12 months of probation.

20. In August of 2017, based on the arrest the Petitioner was placed in removal proceedings. (*Ex 4 NTA*)

21. The Petitioner was detained by ICE in November of 2019 and was released on her own recognizance to regularly report to ICE pending a decision by an immigration judge. (*Ex 4 NTA*[1]), (*Ex 5 OREC*)

22. For six years that Petitioner reported to ICE faithfully while awaiting her final hearing in removal proceedings.

23. On October 6, 2025, the Petitioner reported to ICE on a normal check-in

[1] A superseding NTA was issued in 2024 to correct an error on the initial charging document.

and was re-detained.

24. On October 22, 2025, a bond hearing was held for the Petitioner and an Immigration Judge found that he Petitioner was subject to mandatory detention under the Laken Riley Act due to her conviction for embezzlement in 2017. (*Ex 6 Bond Decision*)

25. The Petitioner currently remains in detention with her removal proceedings continuing in custody.

26. Without relief from this Court the Petitioner will remain in custody for months or even years while his case is processed.

CAUSE OF ACTION I
INA § 236(c)(1)(E) DOES NOT COVER PETITIONER AS AN ADMITTED LAWFUL PERMANENT RESIDENT

27. Petitioner incorporates by reference paragraphs 1 – 26

28. By its plain text, § 236(c)(1)(E) applies only to a noncitizen who "is inadmissible" under certain § 212(a)(6) and (7) provisions. INA § 236(c) distinguishes between noncitizens who are "inadmissible" and those who are "deportable," and other subsections of § 236(c) explicitly reference deportability grounds. *See INA § 236(c)(1)(A)–(D)*; see also *Barton v. Barr*, 590 U.S. 222, 235 (2020) (recognizing that § 236(c) ties mandatory detention to whether a noncitizen is removable under particular inadmissibility or deportability grounds).

29. As a lawful permanent resident who was admitted to the United States and is now charged in removal proceedings, Petitioner is subject to "deportability" grounds in INA § 237, not inadmissibility grounds in § 212. See INA § 101(a)(13)(A)(defining "admitted"); *Matter of Alyazji*, 25 I&N Dec. 397 (BIA 2011) (LPRs generally subject to § 237 rather than § 212 once admitted). *Matter of V-X-*, 26 I&N Dec. 147 (BIA 2013) (LPRs who have been admitted or adjusted are "in and admitted to" the United States and thus properly charged under § 237, not § 212).

30. Because Petitioner has been lawfully admitted, she cannot currently "be inadmissible" under § 212(a)(6)(A), (6)(C), or (7) as the statute requires. Detention authority over her, if any, must therefore arise under INA § 236(a) or pre-existing § 236(c)(1)(A)–(D), not under new § 236(c)(1)(E).

31. Applying § 236(c)(1)(E) to admitted LPRs charged as deportable would collapse the statutory distinction between inadmissibility and deportability and ignore Congress's express decision to tether § 236(c)(1)(E) to specific "inadmissibility" grounds.

32. Because Petitioner does not fall within the class defined by § 236(c)(1)(E), her detention is governed by INA § 236(a), entitling him to a bond hearing before an immigration judge.

33. Respondents' contrary interpretation is not compelled by the statute, is inconsistent with the structure of § 236, and raises serious constitutional

concerns, particularly when applied to long-term LPRs like Petitioner.

CAUSE OF ACTION II
HE LAKEN RILEY ACT CANNOT BE APPLIED TO PETITIONER'S PRE-ENACTMENT THEFT OFFENSE (NON-RETROACTIVITY)

34. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs 1-26.

35. Under the Supreme Court's long-established retroactivity framework, courts presume that statutes do "not" apply retroactively absent a "clear expression of congressional intent." *Landgraf v. USI Film Prods.*, 511 U.S. 244, 270 (1994).

36. Where Congress is silent as to retroactivity, courts then ask whether applying the new statute to past conduct would have an impermissible "retroactive effect"—i.e., whether it "takes away or impairs vested rights acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect to transactions or considerations already past." *Landgraf*, 511 U.S. at 269.

37. The Supreme Court has applied the Landgraf framework to immigration statutes repeatedly, including in *INS v. St. Cyr*, 533 U.S. 289 (2001), which held that eliminating § 212(c) relief could not be applied retroactively to LPRs who pleaded guilty before the statute's enactment, and in *Vartelas v. Holder*, 566 U.S. 257 (2012), which held that new

travel-related consequences could not be retroactively attached to pre-IIRIRA convictions.

38. The Laken Riley Act is silent as to retroactivity. Nothing in § 236(c)(1)(E) or the Act's text states that mandatory detention applies to offenses, arrests, or convictions that occurred before the Act's effective date of January 29, 2025.

39. Applying § 236(c)(1)(E) to Petitioner's theft offense—which occurred and was adjudicated before January 29, 2025—would attach a new and harsher legal consequence (mandatory, no-bond immigration detention) to a past event that carried different civil immigration consequences at the time. That is precisely the sort of retroactive effect *Landgraf*, *St. Cyr*, and *Vartelas* forbid.

40. Prior to the Laken Riley Act, Petitioner's single theft related conviction did not trigger mandatory detention under § 236(c). ICE retained discretion under § 236(a) to detain or release him on bond, subject to individualized assessment of flight risk and danger. The Act now purports to strip that discretion and impose automatic incarceration with no bond hearing.

41. This is not a merely "procedural" change; it imposes a new disability—mandatory civil detention without individualized process—on the basis of past conduct. *See Vartelas*, 566 U.S. at 270–71 (new disability of

denial of reentry could not be applied to pre-IIRIRA conviction); St. Cyr, 533 U.S. at 325 (elimination of eligibility for discretionary relief was impermissibly retroactive as applied to pre-enactment plea).

42. Under Landgraf's second step, such an application is impermissibly retroactive and should be rejected absent a clear statement from Congress, which is lacking here. Because Petitioner's theft offense predates January 29, 2025, this Court should declare that the Laken Riley Act's § 236(c)(1)(E) does not apply to Petitioner and that her detention is governed by § 236(a), entitling her to a bond hearing.

COUNT III
Due Process
U.S. Constitution, 5th Amendment

43. Petitioner incorporates by reference paragraphs 1 – 26.

44. The government may not deprive a person of life, liberty, or property 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 Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

45. Petitioners have a fundamental interest in liberty and being free from official restraint. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or

danger to others violates her right to due process.

46. While Congress may authorize some civil immigration detention, such detention must bear a reasonable relation to its purpose and must include adequate procedural safeguards. Id. at 690–91; *Demore v. Kim*, 538 U.S. 510, 527 (2003).

47. In Demore, the Court upheld § 236(c) detention for certain criminal noncitizens but emphasized that detention was generally brief and applied to individuals who had already been convicted of certain crimes and conceded removability. *Demore*, 538 U.S. at 529–31. The Court's analysis did not address the far broader, arrest-based category created by the Laken Riley Act, nor prolonged, multi-month detention without any bond hearing where the noncitizen strongly contests removability.

48. Here, Petitioner is being mandatorily detained for an extended period based on a single past theft offense that occurred before the Laken Riley Act, despite her long- standing LPR status, extensive family and community ties, and absence of danger.

49. Petitioner has never received any individualized determination by a neutral decision maker that she presents a risk of flight or danger sufficient to justify detention. She is categorically barred from a bond hearing solely because the government has labeled her subject to § 236(c)(1)(E).

50. A recent federal court has held that detention solely on the basis of a prior arrest under the Laken Riley Act, without a bond hearing, violates due process and ordered a bond hearing for the detained noncitizen. *See Doe v. Moniz*, No. 1:25-cv-12094-IT (D. Mass. Sept. 5, 2025) (granting § 2241 habeas petition where ICE claimed mandatory detention under § 1226(c)(1)(E)). While not binding on this Court, Doe underscores the serious constitutional concerns raised by mandatory detention under the Laken Riley Act without individualized process.

51. To the extent § 236(c)(1)(E) is interpreted to require Petitioner's prolonged detention without a bond hearing, as Respondents contend, the statute would violate due process as applied to Petitioner. At minimum, the statute should be construed, under the doctrine of constitutional avoidance, to allow bond hearings individuals like Petitioner who have substantial ties and whose detention becomes prolonged. *See Zadvydas*, 533 U.S. at 689–90.

52. Petitioner therefore seeks a writ of habeas corpus ordering her release or, at minimum, a prompt individualized bond hearing at which the government bears the burden to justify continued detention.

REQUEST FOR RELIEF

Petitioners pray for judgment against Respondents and respectfully request that the Court enters an order:

1. Assume jurisdiction over this matter;
2. Order that Petitioner shall not be transferred outside the Northern District of Texas while this habeas petition is pending;
3. Issue a writ of habeas corpus directing Respondents release if they fail to provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
4. Declare that the Laken Riley Act is not retroactive and Petitioner's continued detention violates federal law and the Constitution;
5. Award reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; and
6. Grant any other relief the Court deems just and proper.

Respectfully submitted,

/s/Javier Rivera
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Noor Nafea Salman, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 11th day of November, 2025.

/s/ Javier Rivera
Javier Rivera