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8  
9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF ARIZONA**

11  
12 Said Haider Najib,

13  
14 Petitioner,

15 v.

16 John Cantu, et al.,

17 Respondents.

No. 25-cv-04237-PHX-KLM (JZB)

**RESPONSE TO THE COURT'S  
ORDER TO SHOW CAUSE  
AND  
ANSWER TO PETITION FOR A  
WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

18  
19 **I. INTRODUCTION.**

20 Respondents, by and through undersigned counsel, hereby respond to the Court's  
21 Order to Show Cause (Doc. 5) and to the Petition for Writ of Habeas Corpus (Doc. 1). At  
22 this time, undersigned counsel has been unable to ascertain sufficient facts from  
23 Immigration and Customs Enforcement such that Respondents can meet the burden to  
24 establish that there is a likelihood of removal in the reasonably foreseeable future.  
25 Accordingly, Respondents cannot show cause why the petition should not be granted.

26 **II. FACTUAL AND PROCEDURAL BACKGROUND.**

27 Petitioner is a native and citizen of Afghanistan, born on  See  
28 Exhibit A, Declaration of Deportation Officer John Symmonds, ¶ 4. On September 26,

1 2012, Petitioner was admitted to the United States as a refugee. *Id.* ¶ 5. On May 2, 2016,  
2 Petitioner was convicted of possession of marijuana in the United States District Court  
3 for the District of Arizona. *Id.* ¶ 6. He was sentenced to ninety days of incarceration. *Id.*  
4 On August 9, 2017, Petitioner was placed in removal proceedings based on his conviction  
5 of a controlled substance offense, under Immigration and Nationality Act (“INA”) section  
6 237(a)(2)(B)(i). *Id.* ¶ 7. On March 8, 2018, an immigration judge in Dallas, Texas, ordered  
7 Petitioner removed from the United States but granted relief in the form of withholding  
8 of removal to Afghanistan. *Id.* ¶ 8.

9 On May 29, 2018, Petitioner was released from the Prairieland Detention Center  
10 in Texas under an order of supervision (“OSUP”). Exhibit A ¶ 9. On June 29, 2025,  
11 Petitioner was arrested during a law enforcement operation. *Id.* ¶ 10. He was transferred  
12 to Florence Detention Center on June 30, 2025, where he remains detained until the  
13 present date. *Id.* ¶ 11.

14 On November 13, 2025, Petitioner filed the instant habeas petition. Doc. 1.  
15 Specifically, he alleges his detention violates both 8 U.S.C. § 1231(a)(6) and the due  
16 process clause of the Fifth Amendment, because his removal is not likely to occur in the  
17 reasonably foreseeable future, where no third country—including, Pakistan, Canada and  
18 Mexico have agreed to accept him. *See generally* Doc. 1.

19 On November 21, 2025, the Court issued Respondents an Order to Show Cause  
20 why the petition should not be granted. Doc. 5. The Court correctly noted that Petitioner  
21 has been detained beyond the six-month presumptively reasonable period outlined in the  
22 Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001). *Id.* The Court also found  
23 that Petitioner had met his initial burden to establish that there was no significant  
24 likelihood of removal in the reasonably foreseeable future given the length of Petitioner’s  
25 detention, the fact that he was granted withholding of removal to Afghanistan, and the  
26 alleged refusal by other countries to accept his removal there. *Id.* Accordingly, the Court  
27 ordered Respondents to meet its burden to establish there is a likelihood of removal in the  
28 reasonably foreseeable future and show cause why the petition should not be granted. *Id.*

