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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Basel Salama HILS,

Petitioner,

v.

Kristi NOEM, *et. al.*,

Respondents.

Civil Case No.: 2:25-cv-02336-TL-BAT

PETITIONER’S RESPONSE

Noted for Consideration:

January 12, 2026

Petitioner, Basel Hils, requests the Court grant his Habeas Petition. Petitioner’s detention is indefinite under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) as he was previously detained 128-149 days from December of 2004 until early May of 2005 and has been detained an additional 93 days since October 10, 2025, with no travel document having yet been obtained to any country. Additionally, Jordan has previously denied ICE’s request for a travel document, as have other countries. ICE has informed Petitioner’s counsel and Petitioner he may be removed to a third-country if travel documents are not obtained for Jordan or the UAE. Petitioner requests the Court direct that Petitioner and his counsel be provided written notice of any third-country removal and have an opportunity to respond, to comport with due process.

1 First, Petitioner Hils asserts his re-detention is unlawful and ICE had no legitimate
2 interest in re-detaining him as a post-custody review was previously done, he had previously
3 been on OSUP for approximately 16 years, and they could have obtained a travel document prior
4 to taking him back into custody. Petitioner Hils complied with his ICE Order of Supervision up
5 until it was cancelled by ICE in 2021. ICE in their Declaration, state Petitioner failed to report
6 for a check-in on June 16, 2011, and on July 24, 2019, Petitioner reported late for a check-in in
7 violation of his OSUP. Doc. 7, Carnevale Decl. ¶¶17 & 19. This information, however, is
8 inaccurate, as the records provided by Petitioner on his Order of Supervision and as signed by
9 ICE show both dates as having checked in properly. See Petitioner's Exhibit E-2 & E-3.
10 Additionally, had Petitioner failed to comply with the conditions of his release, ICE could have
11 returned him to custody at that time for failure to comply. 8 C.F.R. § 241.13(i)(1).

12 There is no dispute that Petitioner has a removal order from an Immigration Judge dated
13 October 18, 1995. There is also no dispute that Petitioner was not detained after his order of
14 removal was entered, as it was entered *in absentia*. Rather, Petitioner was first detained by ICE
15 in December 2004 after serving his sentence in Montana for his criminal conviction. Hils Decl. ¶
16 9. On July 16, 2004, Petitioner Hils pled guilty to Making a Materially False, Fictitious, or
17 Fraudulent statement in District Court in Montana. See Doc. 8-1. Petitioner was initially arrested
18 for this conviction around April 30, 2004. Hils Decl. ¶ 9. He was transferred between different
19 jails, but he was not released anytime thereafter during 2004. *Id.* See also Exhibit F-2. Petitioner
20 Hils served the remainder of his sentence through December 2004 at which time he was taken
21 into ICE Custody. *Id.* ICE declared Petitioner Hils was released from custody on May 20, 2004,
22 and was arrested on December 6, 2004 for fraud, but Petitioner asserts this information is

1 incorrect as he was incarcerated during this period. *See* Doc. 7, Carnevale Decl. ¶ 11-12 & Hils
2 Decl. ¶ 9; *See also* Petitioner Exhibit F-2. Petitioner Hils had signed a plea agreement for this
3 crime on July 16, 2004, and therefore could not have been arrested for that same crime on
4 December 6, 2004. *See* Doc. 8-1. On or about December 6, 2004, to sometime at the end of
5 December 2004, the exact date which is unclear from the evidence Respondents' provided,
6 Petitioner Hils was taken into ICE custody. Petitioner Hils was moved to the Northwest ICE
7 Processing Center in Tacoma, Washington at the end of December of 2004. Hils Decl. ¶ 9.
8 Thereafter, according to ICE, Petitioner Hils received a post-order review on or about April 6,
9 2005. Carnevale Decl. ¶ 13. Respondents did not provide a copy of the post-order review
10 document itself. Petitioner Hils was then released from detention on or about May 3, 2005,
11 according to ICE. *Id.* There is no documentary evidence to corroborate the exact date provided
12 by ICE of Mr. Hils release. According to the dates provided and dates Petitioner Hils recalls,
13 Petitioner Hils was detained somewhere between 128-149 days from December of 2004 until
14 May 3, 2005.

15 Second, Petitioner Hils asserts that his detention has become "indefinite" or
16 unconstitutional and there is no significant likelihood of his removal in the reasonably
17 foreseeable future. Petitioner Hils was previously detained in ICE custody from December 2004-
18 May 2005 for somewhere between 128-149 days. Since he was re-detained by ICE on October
19 10, 2025, Petitioner Hils has been detained an additional 93 days without Respondent's obtaining
20 a travel document to any country for Petitioner Hils. In total, Petitioner Hils has been detained
21 somewhere between 221-249 days in ICE custody, cumulatively, post removal order.

1 After Petitioner Hils re-detention on October 10, 2025, ICE did not attempt to have him
2 sign travel document request documents until November 4, 2025. ICE declared Petitioner
3 refused to sign a travel document request on this date, however, that is disingenuous. *See*
4 Carnevale Decl. ¶26; Nedved Decl. ¶9. Petitioner was called into the ICE office and asked to fill
5 out and sign documents. Hils Decl. ¶16. He requested to speak to his attorney about what he was
6 asking to sign and he was denied his request. *Id.* On November 5, Petitioner Hils and his wife
7 reached out to counsel to inform them of what took place. Nedved Decl. ¶3. Petitioner's counsel
8 became concerned when Petitioner was asked to sign documents and was told he could not speak
9 to his attorney. On November 6, 2025, an Attorney with Gonzlaes, Gonzales & Gonzales, Jill
10 Nedved, spoke to an ICE officer in Tacoma, Washington in person. Nedved Decl. ¶¶4-5.
11 Petitioner Hils assigned ICE officer was unavailable, and she spoke with another officer who was
12 present. Nedved Decl. ¶4. She was informed Petitioner was given a travel document to Jordan,
13 that Petitioner refused to sign his travel document, and that Petitioner would be removed to
14 South Sudan or the West Bank if the travel document was not signed. Nedved Decl. ¶7.
15 Petitioner's counsel asked to see the document and she was informed she could not. Nedved
16 Decl. ¶¶8-9. She informed the officer she would talk to her client and Mr. Hils was willing to
17 sign a travel document. Nedved Decl. ¶¶9-10. On November 17, 2025, Attorney Nedved reached
18 out to Mr. Hils' assigned ICE Officer, Officer Carnevale, via email and confirmed she had
19 spoken to Mr. Hils about the travel document and asked that ICE please provide the travel
20 document to him again if they had not done so already. Nedved Decl. ¶¶ 13-15. The officer
21 confirmed he would provide the travel document to Mr. Hils. *Id.* The officer then did not meet
22 with Petitioner Hils until December 18, 2025, 30 days later. Carnevale Decl. ¶¶28-29.

1 The *Zadvyd* Court recognized that as the length of detention grows, a sliding scale of
2 burdens is applied to assess the continuing lawfulness of a noncitizen's post-order detention.
3 *Zadvyd*, 533 U.S. at 699. Respondents' waited 24 days until even attempting to give Mr. Hils
4 travel document request forms. Carnevale Decl. ¶ 26. After counsel confirmed Petitioner Hils
5 would fill out the documents both on November 6, 2025 and again on November 17, 2025,
6 Respondents' again waited until December 18, 2025, or 68 days after his detention, to provide
7 him with the documents again. *See* Nedved Decl. ¶9, 14 & Carnevale Decl. ¶28-29. Petitioner.
8 Hils also met with ICE on December 30, 2025 and January 3, 2026, where he was asked to give
9 consent for ICE to ask for a travel document to Palestine. Hils Decl. ¶20. ICE did not inform
10 him if any travel document was obtained on that date to any country.

11 Respondents assert they intended to submit a travel document request to the UAE within
12 one week of the date of December 19, 2025. Carnevale Decl. ¶30. There is no indication from
13 ICE or documentation from Respondents that state or show the UAE is issuing travel documents
14 at this time. Mr. Hils previously had a travel document denied from the UAE. Carnevale Decl.
15 ¶18. ICE asserts it sent a travel document request to Jordan on December 19, 2025, 69 days after
16 Petitioner was re-detained. Carnevale Decl. ¶30. ICE indicated it is there understanding Jordan
17 is cooperating with the US and issuing travel documents for individual ordered removed from the
18 United States, such as Petitioner. Carnevale Decl. ¶31. Petitioner, however, is not a native or
19 citizen of Jordan. ICE did not make clear that Jordan is specifically issuing travel documents to
20 individuals who are neither natives or citizens of Jordan, and there was no indication of any time
21 period in which this could occur. Other than this assertion, there is no evidence that Jordan will
22 accept Petitioner. Jordan had denied Petitioner in the past. Hils Decl. ¶7. It has been 23 days

1 since the submission, and a travel document has still not been obtained. ICE declared that if
2 Jordan and the UAE decline to issue a travel document, a third country removal notice for
3 Palestine would be served on Petitioner. Carnevale Decl. ¶33. On December 30, 2025, ICE
4 served Petitioner Hils with a letter informing him they intended to remove him to the Palestinian
5 Territories. Exhibit G-3. Petitioner Hils is stateless and there is no significant likelihood of his
6 removal will happen in the reasonably foreseeable future.

7 Lastly, Petitioner Hils was asked by ICE to fill out a travel document for Isreal and has
8 been asked to fill out documents for Palestine. Hils Decl. ¶¶ 18 & 20. On December 30, 2025,
9 Petitioner Hils was given a letter informing him of ICE intention to remove him to the
10 Palestinian Territories. Exhibit G-3. Petitioner's counsel did not receive any document from
11 ICE, as required, but was able to obtain a copy only from Petitioner Hils several days later on
12 January 9, 2026. Nedved Decl. ¶7 On the same day Mr. Hils was served this document, December
13 30, 2025, he asked to call his attorney before he signed and was told no. Hils Decl. ¶19. He was
14 then asked on January 3, 2026 to consent to ask for a travel document to Palestine. Hils Decl.
15 ¶20. Mr. Hils fears return to this area. Hils Decl. ¶16. However, ICE has seemingly moved
16 forward with requests to obtain travel documents to Palestine regardless, and has not properly
17 informed counsel of any of this directly. Due process requires "written notice of the country
18 being designated" and "the statutory basis for the designation, i.e., the applicable subsection of §
19 1231(b)(2)." *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v.*
20 *U.S. Dep't of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May
21 21, 2025) ("All removals to third countries, i.e., removal to a country other than the country or
22 countries designated during immigration proceedings as the country of removal on the non-

