

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Karim Hamed Ahmed
Petitioner,

v.

Cause No. _____

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

Bret A. Bradford, ICE Houston Field
Office Director

Randy Tate, Warden Montgomery
Processing Center

Pamela Bondi, U.S. Attorney General

Respondents.

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

1. Petitioner Karim Hamed Ahmed (██████████), through counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2241, challenging the legality of his continued detention by Immigration and Customs Enforcement (“ICE”). Petitioner citizen of Eritrea who has resided in the United States since 2010. He originally surrendered himself at a United States port of entry to claim asylum. The immigration court and BIA conclude his removal proceeding in 2013 and Respondents have been unable to effectuate the removal since that date. Petitioner has been in custody, constructive or physical, since his final order of removal. Petitioner began reporting on an Order of Supervision “OSUP” in 2015. In November of 2025, Petitioner’s manner of custody was arbitrarily changed from constructive to physical. Accordingly, the Petitioner is left with no recourse but to file this a writ of habeas corpus and seek his release from physical custody.

PARTIES

1. Petitioner, Karim Hamed Ahmed, is a non-citizen from the Eritrea who is currently detained by ICE at the Montgomery Processing Center in Conroe, Texas. (*Ex. 1 ICE Detainee Locator*)

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 Bret A. Bradford is the ICE Houston Field Office Director. He is the head of the ICE office that unlawfully facilitated the re-detention of Petitioner, and such arrest and re-detention took place under the direction and supervision. He is sued in his official capacity only.
6. Randy Tate is the Warden Montgomery Processing Center of his predecessor in office. He is the head of the facility that currently maintains physical custody of the Petitioner. He is sued in his official capacity only.
7. Defendant 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.

JURISDICTION

8. 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

9. Petitioner is under the Physical custody of the Respondents and is currently detained at the Montgomery Processing Center Detention facility in Conroe, Texas. Petitioner was previously reporting to ICE on an “Order of Supervision” in constructive custody since 2015 with restrictions on travel and subject to a final order of removal since April 5, 2013.

VENUE

10. 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.

REQUIREMENTS SET FOR IN 28 U.S.C 2243

11. 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).

12. 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).

FACTS

13. Petitioner is a citizen of Eritrea who first entered on April 24, 2010, surrendering himself at the Hidalgo, Texas port of entry to claim asylum. (*Ex 2 Notice to Appear*)

14. Petitioner was placed in removal proceedings in which the immigration judge ordered his removal on July 1, 2011. An appeal to the Board of

Immigration Appeals (“BIA”) was filed and dismissed on April 5, 2013.

(Ex 3 EOIR Case Tracker)

15. On January 12, 2015, the Petitioner was issued form I-220b Order of Supervision “OSUP” by DHS and was required to regularly report. *(Ex 4 OSUP)*.

16. On May 18, 2018, the Petitioner’s OSUP was again extended and continued his regular reporting as required. *(Ex. 5 OSUP Extension)*

17. On February 4th, 2021, the Petitioner married a United States Citizen, Fatima Izzeldeen Abdelwahab. *(Ex. 6 Marriage Certificate)*

18. On October 18, 2021, pursuant to his marriage to a United States Citizen and I-130 Petition for Alien Relative was filed by his wife. *(Ex. 7 I-130 Receipt Notice)*. This petition remains pending with USCIS. ¹

19. On November 4, 2025, Petitioner was taken into custody by DHS. No reason was provided for his re-detention.

20. The Petitioner had not violated the conditions of his OSUP or been arrested or charged with any violation of state, federal or immigration law.

21. On November 12, 2025, a Writ of Mandamus was filed with the Southern District of Texas to compel a decision on the Petitioner’s I-130. *See Abdelwahab v Noem et al.* 4:25-cv-05416 (S.D. Tex. Nov. 11, 2025) This

¹ Petitioner is an arriving alien and eligible to adjust status to permanent residence with USCIS.

matter remains pending before the Court.

CAUSE OF ACTION I

Due Process U.S. Constitution, 5th Amendment

22. Petitioner incorporates by reference paragraphs 1 – 21.
23. The Fifth Amendment guarantees liberty and requires that immigration detention be reasonably related to a legitimate governmental purpose. Petitioner's detention, considering his faithful reporting on OSUP and absent imminent removal is unlawful.
24. Under the Fifth Amendment to the United States Constitution, those threatened with the loss of liberty or property due to actions by the federal government are entitled to due process of law. The Petitioner's continued physical detention is in violation of the fifth amendment.
25. Detention is not a requirement of deportation. To the contrary, detention is a deprivation of liberty that carries with it serious consequences independent of any decision to deport. The Petitioner's current detention serves only to take away the liberty of a non-citizen, separating him from his family and community and jeopardizing his ability to pursue pending legal avenues for relief. Because "[f]reedom from imprisonment . . . lies at the heart of the liberty [the Due Process] Clause protects," *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) the Petitioner should be immediately released and declare that any revocation of his order of supervised release

was unlawful without a constitutionally adequate hearing.

26. An orderly departure, commonly provided to noncitizens by sending a Form I-166 (colloquially referred to as a “bag and baggage letter”)², is a process by which ICE directs an individual to appear for removal at a particular date and time. When an individual is ordered removed and either was never detained or has been previously released from custody, it is standard for ICE to provide the individual with an orderly departure as this process saves enforcement and detention resources, and affords an individual the opportunity to put their affairs in order and pursue any further relief for which they may be eligible. Instead of following this common and humane removal procedure, ICE arbitrarily arrested the Respondent at his check-in, handcuffed him and quickly shuttled him to the Montgomery Processing Center, without any assertion that he was a flight risk or danger. In doing so, ICE violated its own regulations, statutory authority, and the Petitioner’s constitutionally protected rights.
27. Further, Petitioner is an arriving alien and is eligible to adjust status to permanent residence with USCIS. Under Immigration Law USCIS and not Immigration Court have jurisdiction to grant adjustment of status, even with an existing removal order. *See 8 C.F.R. § 245.2(a)(1), See also*

² A bag and baggage order “issues once the government determines that there is no further administrative relief available to an alien who is subject to an order of removal, and instructs the alien to appear at a specified location and time for removal.” *Singh v. Gonzales*, 494 F.3d 1170, 1772 n.3 (9th Cir. 2007).

Matter of Yauri, 25 I&N Dec. 103 (BIA 2009). Petitioner may not file his application for adjustment of status with USCIS as he is required to file a completed sealed medical exam with his application.³ His continued detention prevents the filing of the one application that can grant him actual lawful status in the United States.

28. Petitioner has a due process interest in continuing the immigration journey towards adjustment of status to permanent residence in which his continued detention unlawfully thwarts his progress.

CAUSE OF ACTION II
Habeas Corpus Under 28 U.S.C. § 2241

29. Petitioner incorporates by reference paragraphs 1 – 21.

30. Petitioner is in custody in violation of federal law and the Constitution.

a. Indefinite Detention Violates Zadvydas v. Davis

28 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that post-removal-order detention is limited to six months, and continued detention is only lawful if removal is reasonably foreseeable.

29 Here, Petitioner has faithfully reported to his order of supervision, for a decade and half.. There is no change in circumstances regarding the Petitioner's matter, he is not a flight risk and there is no significant likelihood of removal of the Petitioner in the foreseeable future.

³ <https://www.uscis.gov/newsroom/alerts/uscis-now-requires-report-of-immigration-medical-examination-and-vaccination-record-to-be-submitted>

30 The Respondents have made no showing in the past or currently that they can even produce a travel document for the Petitioner in which they can effectuate removal.

31 Continued detention therefore violates both *Zadvydas* and the Immigration and Nationality Act.

b. Constructive Custody and Arbitrary Detention

31. For years, Petitioner lived under an Order of Supervision, constituting constructive custody because he remained under ICE control.⁴

32. ICE's sudden decision to re-detain him, absent new evidence or changed circumstances, is arbitrary and capricious, violating substantive due process and a violation of 8 CFR § 241.13. Petitioner was provided with no explanation of why he was re-detained, an informal interview or the ability to rebut reasons for re-detention as provided in the regulations.

REQUEST FOR RELIEF

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

1. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from detention and reinstate his prior Order of Supervision;

⁴ Plaintiff was geographically restricted and must seek prior approval to travel outside of a set area.

2. Order Respondents to provide a status report on Petitioner's Removal;
3. Enjoin Respondents from further holding the Petitioner in physical custody absent evidence of imminent ability to remove Petitioner;
4. Enjoin Respondents from removing Petitioner to at third country without affording him notice and the ability to challenge third country removal;
5. Declare that Petitioner's continued detention violates federal law and the Constitution;
6. Award reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.
7. Grant any other relief the Court deems just and proper.

Respectfully submitted,

November 22, 2025

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

I represent Petitioner, Karim Hamed Ahmed, 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 22nd day of November, 2025.

/s/ Javier Rivera
Javier Rivera