

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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Osamah Mohammad Yacoub  
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

Warden, Houston Contract Detention  
Facility

Pamela Bondi, U.S. Attorney General

Respondents.

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

1. Petitioner Osamah Mohammed Yacoub (A# ) 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 is a stateless national of Palestine who has resided in the United States since 1996. The immigration court concluded his removal proceeding in 2005 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 2006. In June 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, Osamah Mohammed Yacoub, is a non-citizen stateless national who is currently detained by ICE at the Houston Contract Detention Facility in Houston, 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. Warden of the Houston Contract Detention Facility. 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 Houston Contract Detention Facility in Houston, Texas. Petitioner was previously reporting to ICE on an “Order of Supervision” in constructive custody since 2006 with restrictions on travel and subject to a final order of removal since July 13, 2005.

### 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 stateless national of Palestine who first entered the United States in 1996.

14. Petitioner was placed in removal proceedings in which the immigration judge ordered his removal on July 13, 2005. (*Ex 2 EOIR Case Tracker*)

15. On March 14, 2006, the Petitioner was issued form I-220b Order of Supervision “OSUP” by DHS and was required to regularly report. (*Ex 3 OSUP*).

16. On June 19, 2025, the Petitioner was taken into custody by DHS. No reason was provided for his re-detention or change of circumstances.

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

18. On September 19, 2025, ICE held a custody review for the Petitioner and decided to continue his detention. (*Ex 4 Custody Redetermination*)

## **CAUSE OF ACTION I**

### **Due Process**

### **U.S. Constitution, 5<sup>th</sup> Amendment**

19. Petitioner incorporates by reference paragraphs 1 – 18.

20. 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.

21. 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.

22. 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.

23. An orderly departure, commonly provided to noncitizens by sending a Form I-166 (colloquially referred to as a “bag and baggage letter”)<sup>1</sup>, 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 Houston Contract Detention Facility, without any assertion that he

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<sup>1</sup> 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).

was a flight risk or danger. In doing so, ICE violated its own regulations, statutory authority, and the Petitioner's constitutionally protected rights.

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

24. Petitioner incorporates by reference paragraphs 1 – 18.

25. 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 twenty years. 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.

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.<sup>2</sup>

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 an order enjoining the Respondents from transferring the Petitioner out of the Southern District of Texas – Houston Division during the pendency of this Petition;
2. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from detention and reinstate his prior Order of Supervision;
3. Order Respondents to provide a status report on Petitioner's Removal;
4. Enjoin Respondents from further holding the Petitioner in physical custody absent evidence of imminent ability to remove Petitioner;
5. Enjoin Respondents from removing Petitioner to at third country without

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<sup>2</sup> Plaintiff was geographically restricted and must seek prior approval to travel outside of a set area.

- affording him notice and the ability to challenge third country removal;
6. Declare that Petitioner's continued detention violates federal law and the Constitution;
  7. Award reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.
  8. Grant any other relief the Court deems just and proper.

Respectfully submitted,

November 26, 2025

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

I represent Petitioner, Osamah Mohammed Yacoub, 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 26th day of November, 2025.

/s/ Javier Rivera  
Javier Rivera