

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

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U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

NOV 26 2025

Hasiba Samadi A# [REDACTED]

Petitioner-Plaintiff,

v.

Kristi Noem, in her official capacity as Secretary, U.S. Department of Homeland Security; Todd M. Lyons, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; Melissa B. Harper, in her official capacity as Field Office Director, New Orleans Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; and Warden of Richwood Correctional Center, in their official capacity as the immediate custodian of Petitioner.

Respondents-Defendants.

DANIEL J. MCCOY, CLERK
BY: [Signature]

Civil Action No.: 3:25-cv-1889

PETITIONER'S NOTICE OF MOTION FOR A TEMPORARY RESTRAINING ORDER

Moving Party: Petitioner-Plaintiff

Hasiba Samadi - A# [REDACTED]

Place: Hon.

United States District Judge

Introduction

Petitioner Hasiba Samadi, a pro se immigration detainee held at Richwood Correctional Center in Monroe, Louisiana (within this Court's jurisdiction), respectfully moves for a **Temporary Restraining Order** directing her immediate release from ICE custody, pending resolution of Petitioner's Motion for a **Preliminary Injunction and Habeas Corpus**. Petitioner entered the United States on **December 15, 2024**, and has been detained ever since. On **May 9, 2025**, an Immigration Judge granted Petitioner **withholding of removal**, which legally bars her deportation to Afghanistan. Despite this protection, Petitioner has now been detained for nearly 11 months and over six months beyond the expiration of the 90-day removal period. No country has agreed to admit her, and ICE has made no meaningful progress toward removal. In effect, her removal is not reasonably foreseeable, so continued detention violates 8 U.S.C. § 1231 and the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Meanwhile, Petitioner's **mental and physical health** have deteriorated severely in custody due to prolonged detention (she suffers tremors, chest pain, anxiety, PTSD symptoms, nightmares, and an untreated dental emergency) caused by prolonged detention. Each additional day behind bars causes irreparable injury to her liberty and health. For these reasons, and for the reasons below, **Petitioner is likely to succeed on the merits of her habeas claims under 28 U.S.C. § 2241 and is entitled to emergency injunctive relief.**

This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is in federal custody in this District. Venue is proper in the Western District of Louisiana (Monroe) because **Petitioner is detained at Richwood Correctional Center**. Habeas corpus is the appropriate vehicle to challenge her detention.

Factual and Procedural Background

Petitioner is a native of Afghanistan who entered the U.S. on December 15, 2024, and has been detained ever since. She has no criminal record and poses no danger to the community. While detained, Petitioner applied for asylum and related relief. On May 9, 2025, an Immigration Judge granted her **withholding of removal**, finding that she would face persecution in **Afghanistan**. This grant means the U.S. government is legally barred from deporting her to that country. In practical terms, her removal order to Afghanistan has been indefinitely **"withheld"**. No other safe country has agreed to accept her, and none is named on her order. As a result, Petitioner's removal cannot be carried out at all.

Because a final order of removal remains in place in name only, Petitioner's detention is governed by 8 U.S.C. § 1231. The statutory 90-day "removal period" under § 1231(a) expired long ago. Detention during those 90 days is mandatory if removal is forcible, but beyond that period continued confinement is allowed only for the time reasonably necessary to effectuate removal. **Here, more than six months have passed since Petitioner's relief was granted, and there is no realistic prospect of her ever being removed.** Afghanistan is "off-limits" due to the withholding order, and ICE has not identified any safe third country willing to take her. ICE has produced no travel documents, no repatriation agreement, and no timeline for removal. In short, Petitioner's removal is not reasonably foreseeable.

Petitioner has a viable release plan that poses no risk. She has fully complied with all ICE requirements, has attended all immigration hearings, and has never been charged with a crime. A family member (cousin) has agreed to sponsor her and provide housing and support. Her cousin is prepared to ensure Petitioner attends any required check-ins and

receives necessary medical care. These facts strongly suggest Petitioner is not a flight risk and will abide by any reasonable conditions of release. If released, Petitioner will have strong community support to ensure a safe and successful transition. Louisiana Advocates for Immigrants in Detention (LA AID) has committed to receive her upon release, provide meals, overnight shelter, necessary supplies, and safe travel arrangements so that she can reunite with her family in New York. This assistance guarantees stability, supervision, and continuity of care outside detention, further demonstrating that release is both safe and appropriate.

1. Meanwhile, Petitioner is suffering from multiple urgent medical conditions that have become life-threatening that caused by her prolonged detention. Petitioner has neurological problems, sometimes her hands shaking uncontrollably, which sometimes makes it difficult for petitioner to hold objects. Petitioner experiences cardiac and chest pain caused by continuous anxiety. Petitioner also suffer from digestive problems caused by previous H. pylori problem, which makes it impossible for petitioner to take my prescribed medications, and food provided in detention is also inedible and lacks the nutrition needed for proper treatment makes it impossible for her to take her prescribed medications. In addition, Petitioner have mental health problems including Post-Traumatic Stress Disorder (PTSD), which give her severe nightmares, ongoing insomnia (the inability to sleep), and a constant fear that someone will harm petitioner. These conditions are not being properly treated by ICE, and each day, her health is deteriorating further, creating a true medical emergency. One day, because of Petitioner's dental problem, the permanent stabilization wire from her previous orthodontic treatment came out, causing her extreme pain and difficulty eating. Since it was an emergency, ICE finally sent her to the hospital.

At the hospital, the doctor only cut the wire, and it should be properly reconnected or replaced to prevent further dental damage. Without this treatment, her teeth will continue to shift, causing worsening pain, difficulty chewing, and long-term harm. When Petitioner requested ICE to provide follow-up dental care, she was told, "We do not have dental services here." This left Petitioner's dental treatment incomplete and her pain unresolved, showing another example of ICE's failure to provide necessary medical and care. Petitioner's condition is worsening daily, creating an imminent risk of irreparable harm and making continued detention unsafe, unconstitutional, and potentially life-threatening. Immediate judicial intervention is therefore urgently required.

Petitioner has repeatedly requested release pursuant to ICE's custody-review regulations (e.g. parole or supervision under § 1231(a)(3)), but ICE has denied or ignored these requests. No custody determinations have meaningfully considered Petitioner's situation, and ICE has given her no timetable or plan. As of now, Petitioner remains detained indefinitely, in defiance of both statute and constitutional limits.

Legal Standard and Argument

1. The Fifth Amendment's Due Process Clause is being violated in this case. Petitioner has been detained for almost eleven months, including over 6 months since being granted withholding of removal. Because removal to her home country is legally barred and no other safe country has accepted her, detention no longer serves its lawful purpose and has become arbitrary and punitive. This unlawful confinement has also caused severe deterioration of her medical and mental health, including neurological problems, digestive issues, PTSD, and insomnia, making the violation of due process even more clear.

The Due Process clause applies to all persons in the United States, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. In *Zadvydas*, the Supreme Court emphasized, “[f]reedom from imprisonment—from government custody, detention, or other forms of physical lies at the heart of the liberty that [the Due Process] Clause protects.” 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). The Court noted, “[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem.

Statutory and Constitutional Law. Under 8 U.S.C. § 1231(a), the government must execute removal orders within 90 days, after which continued detention is only for a reasonable period to effectuate removal. identifies six months as the point where detention is presumptively unreasonable, the Court made clear that due process does not permit detention that is arbitrary, punitive, or unsupported by any realistic prospect of removal. Here, the government has presented no evidence that removal is likely in the reasonably foreseeable future. Given the length of custody, the lack of any viable country of removal, and Petitioner’s protected status under withholding, continued detention already violates the Due Process Clause.

Here, Petitioner’s case falls squarely within *Zadvydas*. She has been detained well past six months since her removal was halted by withholding, and ICE has no realistic plan to deport her. Her home country is off-limits, and no other country will accept her. ICE has produced no evidence (such as flight schedules or repatriation agreements) to show removal is imminent. A “theoretical possibility of eventual removal” is insufficient under *Zadvydas*. In fact, the government’s own data show that fewer than 3% of persons with

withholding protection are ever removed to a third country, highlighting how unlikely her removal is. Courts (including this District) routinely order release in cases like this, where a detainee held beyond six months has no foreseeable removal.

For the same reasons, Petitioner's prolonged detention violates the **Fifth Amendment's Due Process Clause**. Once the purpose of detention is frustrated, continued detention is **arbitrary and punitive**. Here Petitioner cannot be deported, and her confinement has become indefinite without any government interest. Keeping her locked up under these circumstances "would raise serious constitutional concerns". Petitioner has no criminal history or violent past, and she poses no danger to anyone. On the contrary, forcing her to languish in jail undermines the fundamental liberty interests that due process protects. In sum, both 8 U.S.C. § 1231 and the Fifth Amendment mandate Petitioner's release, especially in light of *Zadvydas*.

2. Injunctive Relief Standard. Petitioner also satisfies the requirements for emergency injunctive relief. To obtain a TRO, she must demonstrate: (1) a substantial likelihood of success on the merits; (2) a likelihood of irreparable injury without relief; (3) that the balance of hardships favors her; and (4) that an injunction serves the public interest. Here each factor strongly supports granting immediate release:

Likelihood of Success: Petitioner has an exceptionally strong case on the merits. Her indefinite detention violates the clear statutory limits of § 1231(a)(6) and the rule of *Zadvydas*. In short, it is unlawful to continue holding a noncitizen in civil detention when removal is not forthcoming. Indeed, Petitioner's detention (now well over six months beyond the removal period) is "unlawful under *Zadvydas* and its progeny". Moreover, her

continued confinement violates due process since it has become indefinite and punitive. Given these clear violations, Petitioner is virtually certain to prevail on her habeas claims.

Irreparable Harm: The irreparable injury here is overwhelming. Every day Petitioner remains detained inflicts concrete harm to her life, health, and liberty. As the record shows, her serious medical conditions are worsening daily in custody. Money damages cannot repair damage to Petitioner's health or undo the loss of her freedom. Courts recognize that "the deprivation of liberty" itself is an irreparable injury. Here, Petitioner has suffered severe trauma, anxiety, and physical illness due to wrongful imprisonment. This "imminent risk of irreparable harm" makes emergency intervention urgently required. In short, there is no way to compensate Petitioner if she is released too late: her worsening health and liberty loss constitute irreparable harm that only immediate release can remedy.

Balance of Hardships (Equities): The equities tip decisively in Petitioner's favor. On Petitioner's side is the profound deprivation of her liberty and health – injuries of the highest order. Each additional day of detention exacerbates her medical problems and psychological trauma. By contrast, Respondents will suffer little or no harm if Petitioner is released under supervision conditions. Petitioner poses no threat and no flight risk. ICE's interests are minimal because releasing someone who cannot be removed conserves resources without undermining any legitimate governmental goal. In fact, ICE policy itself counsels release in this situation: since at least 2000, ICE has favored prompt release of individuals granted withholding or CAT relief. Detaining Petitioner arbitrarily is contrary to that policy and wastes taxpayer funds. Because Petitioner has a responsible sponsor and will comply with monitoring, releasing her "would spare her irreparable harm with no appreciable downside".

Public Interest: The public interest strongly supports Petitioner's release. There is a powerful public interest in faithful execution of the law and in humane treatment of detainees. Continued detention under these facts would violate clear Supreme Court precedent and Congress's limits on detention. Releasing Petitioner upholds the rule of law and the Constitution's guarantee of due process. It also serves the public fisc: detention costs hundreds of dollars per day, whereas supervised release would allow ICE to monitor Petitioner at far lower cost. There is no countervailing public interest in detaining someone who cannot be deported and poses no danger. The balance of public interests therefore favors granting immediate relief.

Summary of Injunctive Factors: Petitioner meets all criteria for emergency relief. She is likely to succeed on the merits (her detention violates § 1231 and due process). She faces irreparable harm every day without release. The equities favor her release while the government would suffer no meaningful hardship. And releasing her is squarely in the public interest of justice and rule of law. In light of the urgent circumstances, this Court should not allow Petitioner's unlawful detention to continue even one day longer.

Respectfully submitted,

Signature: 

Prison Samadi, Pro Se Petitioner-Defendant # 2113874077
Richmond Correctional Center
109 Pine Haven Circle, Monroe, LA 71203

NOV 17 2025

Conclusion and Prayer for Relief

For the foregoing reasons, Petitioner respectfully requests that the Court grant her Motion for a Temporary Restraining Order pending the Court's ruling on Petitioner's Motion for a Preliminary Injunction. Petitioner asks the Court to order Respondents to release her immediately from ICE custody under appropriate conditions of supervision (for example, pursuant to an Order of Supervision under 8 U.S.C. § 1231(a)(3)). Such supervised release would allow Petitioner to reside with her sponsor, attend required ICE check-ins, and receive any needed medical care, while still ensuring that the government can monitor her compliance. Petitioner will abide by all reasonable conditions of release. Immediate relief is necessary to prevent further irreparable injury to her health and liberty while this case proceeds.

Wherefore, Petitioner respectfully prays that the Court grant the requested Temporary Restraining Order, pending resolution of Petitioner's Motion for a Preliminary Injunction, order her immediate release from custody under supervision, and grant such other relief as may be proper.

Respectfully submitted,

Signature: 

(Dated: NOV 17, 2025)

Hasiba Samadi, Pro Se Petitioner-Detained A# 
Richwood Correctional Center
180 Pine Bayou Circle, Monroe, LA 71202