

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 PRELIMINARY INJUNCTION**

**Moving Party:** 2025 Petitioner-Plaintiff

Hasiba Samadi A# [REDACTED]

**Place:** Hon.

**United States District Judge**

## **Introduction**

Petitioner **Hasiba Samadi**, detained at **Richwood Correctional Center** in **Monroe, Louisiana**, respectfully moves for a **Preliminary Injunction** pending resolution of **Petitioner's habeas corpus petition**, requiring her immediate release under appropriate supervision conditions. As explained in her habeas petition, Petitioner was granted **withholding of removal** by an Immigration Judge on **May 9, 2025**, making her deportation to **Afghanistan unlawful**. Yet ICE has kept her in custody for nearly a year – well beyond the **90-day removal period** mandated by **8 U.S.C. § 1231(a)(1)** – without any prospect of removal to a safe third country. Petitioner's ongoing detention violates clear statutory and constitutional limits. In addition, her **mental and physical health** have seriously deteriorated in custody. Given these facts, Petitioner is likely to prevail on her claims and has no adequate remedy at law. Immediate injunctive relief is warranted to prevent further irreparable harm while this case is decided.

## **Factual and Procedural Background**

Petitioner is a native of **Afghanistan** who fled persecution and arrived in the U.S. on **December 15, 2024**. She was placed in removal proceedings and detained upon entry. On **May 9, 2025**, an immigration judge granted Petitioner **withholding of removal**, finding she would face persecution if returned to Afghanistan. This grant of relief means Petitioner cannot legally be deported to Afghanistan; her removal order has been **"withheld."** No other safe country has agreed to accept her. Therefore, her removal order is effectively unenforceable.

More than six months have now elapsed since the withholding grant, and Petitioner is detained for nearly a year in total. She is held at Richwood Correctional Center in Monroe, Louisiana (within this Court's jurisdiction). To date, ICE has made no identifiable progress toward removing her. Afghanistan is off-limits, and ICE has failed to locate any safe third country willing to take Petitioner. There are no travel documents or removal arrangements in sight. Petitioner's removal is therefore not reasonably foreseeable.

Petitioner has no criminal history or violent background. She has fully complied with all ICE requirements and immigration hearings. One of her relatives (cousin) has volunteered to sponsor her, provide housing, and help arrange transportation for any ICE check-ins. This plan has been vetted by ICE. Petitioner poses no threat to the community and no flight risk. 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. In fact, if released under supervision she has every incentive to comply, absent compliance she risks losing her withholding protection and being deported.

In detention, Petitioner's health has sharply declined. She suffers from severe anxiety, uncontrollable hand tremors, debilitating chest pains, nightmares, vision issues, and other symptoms consistent with post-traumatic stress disorder (PTSD) caused by prolonged detention. She also has an untreated dental emergency. Detention conditions (poor diet,

limited care) prevent her from properly receiving medical treatment. Every day behind bars exacerbates her suffering and risks irreversible damage.

Petitioner has repeatedly requested release on her own and through her attorney. In June and July 2025, she requested for parole or an order of supervision under ICE's post-order custody-review regulations. ICE denied or ignored these requests, never offering Petitioner a genuine hearing or showing why she must remain detained. ICE simply sent boilerplate forms labeling Petitioner a "flight risk" and claiming "foreseeable removal" without evidence. As a result, Petitioner remains in indefinite detention despite having won relief.

### **Legal Standards and Argument**

1. Habeas Jurisdiction and Applicable Law. This Court has jurisdiction under 28 U.S.C. § 2241 to consider Petitioner's challenge to her detention. The Fifth Amendment's Due Process Clause is being violated by Petitioner's continued confinement. She has now endured almost eleven months in ICE custody, including over 6 months since being granted withholding of removal on May 9, 2025. Because U.S. law forbids her return to her home country and ICE has failed to secure any alternative safe country of removal, her detention no longer serves its only legitimate purpose and has become arbitrary and punitive. The Constitution does not allow the government to deprive a person of liberty when there is no realistic prospect of removal in the reasonably foreseeable future. Worse still, this prolonged confinement is inflicting grave harm on her physical and mental health: she suffers from neurological problems, digestive complications, PTSD, anxiety, and insomnia, all of which have been aggravated by her detention. A civil detention that serves no lawful goal while actively destroying an individual's health is precisely the kind of unconstitutional, indefinite imprisonment

condemned in *Zadvydas v. Davis*, 533 U.S. 678 (2001). For these reasons, her immediate release is required.

Under 8 U.S.C. § 1231(a), the government must detain a noncitizen only during a 90-day removal period, plus a reasonable period thereafter to effectuate removal. Government had only 90 days to effectuate removal to a third country under 8 U.S.C. § 1231. Once that 90-day removal period expired in August 2025 without any safe country agreeing to accept Petitioner, detention lost any lawful purpose and became unconstitutional under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Even before the six-month presumption, courts have held that detention must end where removal is not realistically foreseeable in the near future, the **Fifth Amendment's Due Process Clause** forbids continuing detention once its purpose is lost. Here, as in *Zadvydas*, Petitioner's continued confinement exceeds the bounds of the statute and the Constitution. Her removal is not foreseeable, and thus her detention has become arbitrary. As the Fifth Circuit has recognized, "[c]ontinuing to hold [Petitioner] ... violates the law" when removal is impossible.

- Injunctive Relief Criteria.** To obtain a preliminary injunction, Petitioner must show (1) a substantial likelihood of success on the merits; (2) a likelihood of irreparable injury without relief; (3) that the balance of equities tips in her favor; and (4) that an injunction is in the public interest. The same analysis applied above for the TRO supports a preliminary injunction. Petitioner has demonstrated a clear entitlement to release, and the urgent nature of her harm warrants continuing interim relief until her claims can be finally resolved.

**Likelihood of Success:** Continued detention clearly violates due process, as it has become indefinite and punitive. Petitioner's undisputed compliance and lack of any adverse records further underscore that her detention lacks legal basis. In short, the merits of Petitioner's habeas claim are extremely strong. Moreover, Petitioner's success is virtually certain. By *Zadvydas* and its progeny, detention with no removal in sight is unlawful. Petitioner has now been confined far beyond that period without any realistic plan for removal. This Court should enforce § 1231's limits and order release.

**Irreparable Harm:** The irreparable injuries identified above will continue unabated unless Petitioner is freed. "No future court victory can recover the time she has lost or fully heal the damage to her health". The loss of liberty itself is an irreparable injury, and here it is coupled with a looming threat to Petitioner's life and health. Without release, Petitioner will continue to suffer severe physical and psychological harm. Courts routinely recognize that indefinite detention causes irreparable injury, especially when the detainee's medical and mental health are compromised. The only way to prevent that injury is to grant immediate release.

**Balance of Equities:** The hardship of continued detention falls entirely on Petitioner, who is innocent of any crime, in poor health, and eligible for protection. Each day behind bars inflicts grave harm. By contrast, the government's interests are minimal. Releasing Petitioner under supervision poses no risk to public safety or flight – she has a stable address, a sponsor, and a strong incentive to comply with ICE. If Petitioner cannot currently be removed, the sole consequence of her release is cost savings for the government. In fact, release would align with ICE's own policies (which for decades have favored releasing withholding recipients absent extraordinary circumstances) and

would allow ICE to focus its detention resources on individuals who can actually be deported or who pose real threats. Equity and compassion strongly favor Petitioner.

**Public Interest:** The public interest lies in enforcing the law and preventing constitutional violations. Keeping Petitioner jailed unlawfully would “flout Zadvydas and the limits Congress placed in § 1231”, effectively authorizing indefinite detention without legal justification. Releasing Petitioner, however, upholds the rule of law and demonstrates that the government cannot detain individuals beyond statutory bounds. It also serves humanitarian and fiscal interests by treating a protected humanely and conserving resources. There is no countervailing public interest in continued detention of a law-abiding, non-removable individual. In sum, all four injunctive factors favor granting a preliminary injunction ordering Petitioner’s release.

  
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Michele D'Amadi, Pro Se Petitioner-Detained A# 221-327-877  
Bureau of Correctional Center  
180 East Bayou Circle, Metairie, LA 70002

### **Conclusion and Prayer for Relief**

For all the foregoing reasons, Petitioner respectfully requests that this Court grant a preliminary injunction ordering her immediate release from ICE custody under appropriate conditions of supervision. Specifically, Petitioner asks the Court to enjoin Respondents from detaining her and to direct that Petitioner be released to live free and comply with any ICE supervision requirements (for example, pursuant to 8 U.S.C. § 1231(a)(3)). Such relief will allow Petitioner to obtain necessary medical care and resume her life while guaranteeing ICE's ability to monitor her. Petitioner also requests any other relief the Court deems just and proper. A preliminary injunction is necessary to prevent further irreparable harm while Petitioner's habeas petition is adjudicated.

Respectfully submitted,

Signature: 

(Dated: NOV 17 2025)

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