

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-25618-BLOOM

MOHAMMAD ABDELRAHMAN  
SAMHAN,

Petitioner,

v.

KRISTI NOEM, Secretary of the U.S.  
Department of Homeland Security, et al.,

Respondents.

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**RESPONDENTS' RESPONSE TO THE ORDER TO THE ORDER TO SHOW CAUSE**

Respondents, by and through the undersigned Assistant United States Attorney, respond to the Order to Show Cause [DE 10] (Order), and in support thereof, state the following.

In the Order, the Court ordered Respondents to show cause "as to why Petitioner was not told why his order of supervision was revoked or given an opportunity to respond to those reasons, despite the Notice of Revocation of Release, ECF No. [8-1] at 72, stating that he would be given such notice and opportunity to be heard." Order p.3. The Court also held that it "has jurisdiction to determine whether or not the Government followed its own binding regulations." *Id.* (internal alterations accepted and quotation marks omitted).

Respondents maintain that they followed binding regulations. As explained in Respondents' Return in Response to Verified Petition for Writ of Habeas Corpus and Complaint for Injunctive Relief [DE 8] (Return), Petitioner's order of supervised release (OSUP) was revoked pursuant to 8 C.F.R. § 241.4(l)(2). While § 241.4(l)(2) does not require an inform interview when a deciding official revokes OSUP to enforce a removal order, *compare* 8 C.F.R. § 241.4(l)(2) *with* 8 C.F.R. § 241.4(l)(1), Respondents maintain that Petitioner was, nonetheless, given notice and an

opportunity to respond. In his Declaration, James R. Gamboa, Supervisory Detention and Deportation Officer for Enforcement and Removal Operations, Immigration and Customs Enforcement, explained that “Petitioner was informed that his OSUP was revoked to affect his removal from the United States and was provided an opportunity to ask questions regarding the revocation of release.” Declaration of Supervisory Detention and Deportation Officer James R. Gamboa ¶16. To the extent the Court finds that the informal interview required in § 241.4(l)(1) applies in this case, Respondents maintain that this notice and opportunity satisfies the informal interview identified in § 241.4(l)(1).<sup>1</sup>

Respectfully submitted,

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<sup>1</sup> While the Notice of Revocation of Release explains that an informal interview will be provided with notice and opportunity to respond, the Notice of Revocation of Release is not a regulation.