UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 25-cv-25618-BB

MOHAMMAD ABDELRAHMAN SAMHAN,
Petitioner,
v.

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

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE IN OPPOSITION TO THE EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

I. INTRODUCTION

Petitioner Mohammad Abdelrahman Samhan submits this Reply to Respondents' Response in Opposition to his Emergency Motion for Temporary Restraining Order [DE 15].

At the outset, Petitioner expresses his gratitude for the Court's swift intervention on February 10, 2026 [DE 14], enjoining Respondents from removing Petitioner from the United States or the Southern District of Florida. While the Court's Order successfully preserved its jurisdiction and neutralized the immediate threat of an extrajudicial removal, Petitioner continues to suffer irreparable harm through his ongoing, unlawful physical incarceration.

Respondents urge this Court to deny the remaining emergency relief—Petitioner's immediate release—by arguing that the motion is an "impermissible advisory opinion" because they promised to provide "notice" before removing him to a third country. To justify his continued detention, Respondents rely exclusively on a two-page declaration from Deportation Officer (DO) Samuel Deck, who asserts that ICE submitted a travel document request to Jordan on January 15, 2026, which is "currently pending".

Respondents' arguments fail on both the facts and the law. First, their voluntary, loophole-ridden promise of "notice" does not strip this Court of its equitable power to issue injunctive relief. Second, DO Deck's "pending" request to Jordan is a futile administrative exercise that ignores two decades of established case history—namely, that Jordan already refused to issue a travel document for Petitioner in 2006, prompting his original release on an Order of Supervision (OSUP). Because Petitioner is a stateless Palestinian and not a Jordanian citizen, Jordan has no legal obligation to accept him. His continued detention while the Government waits for a predictable denial is purely punitive and unconstitutional.

II. ARGUMENT

A. DO Deck's "Pending Request" to Jordan is Futile and Does Not Render Removal Reasonably Foreseeable.

To justify the revocation of an OSUP and the denial of a TRO, the Government must demonstrate that there is a significant likelihood of removal in the reasonably foreseeable future. Respondents attempt to meet this burden by offering DO Deck's sworn statement that "On January 15, 2026, ERO request[ed] a travel document for Petitioner from Jordan. The request is currently pending".

This newly minted request does not make removal foreseeable; it merely resets a clock that expired 19 years ago.

1. The Government's own records confirm that on April 10, 2006, ICE released Petitioner on an OSUP precisely because the Jordanian Consulate failed to issue him travel documents. Respondents offer no evidence of a diplomatic policy change indicating Jordan will suddenly accept him in 2026 after rejecting him in 2006.

2. DO Deck asserts that Petitioner "was born in Jordan". Even if true geographically prior to territorial border shifts, Petitioner is a stateless Palestinian. While he once possessed a temporary two-year Jordanian travel document decades ago, that document expired and was never renewed. As authoritative country conditions reports establish, the issuance of a temporary travel document by Jordan to a Palestinian does not confer nationality; such passports "act as travel documents, but do not indicate citizenship" *(See Exhibit 1, IRB Canada Report)*.

3. In addition to Jordan's historical failure to issue documents, the PLO Mission and the Israeli Consulate have explicitly denied him travel documents *(See Exhibit 2, Denials of Travel Documents)*.

A "pending" request sent merely days ago, made to a country that has already rejected the Petitioner and has no legal obligation under international law to accept a non-citizen, is insufficient to defeat a motion for emergency injunctive relief.

B. The Government's Voluntary Promise of "Notice" is Illusory and Exposes the Urgent Need for a TRO.

Respondents argue that the requested TRO is an "impermissible advisory opinion" because they are "not aware of any current plan to remove Petitioner to a third country" and promise they will "provide Petitioner notice and opportunity before removing Petitioner to a third country" [DE 15, p. 2; Deck Decl. ¶ 8].

This carefully worded promise is entirely illusory and exposes exactly why this Court must issue a TRO. The Government's assurance is explicitly limited to providing notice before removal to a **"third country."** Yet, in the very same breath, DO Deck's affidavit asserts that

Petitioner "was born in Jordan" [Deck Decl. ¶ 6], and the Government's underlying Form I-213 erroneously classifies him as a "citizen and national of JORDAN" [Ex. A to DE 8].

Because the Government wrongly classifies Jordan as Petitioner's country of origin rather than a "third country," their voluntary promise provides **absolutely zero protection** against a sudden, unannounced removal attempt to Jordan. If ICE were to abruptly force Petitioner onto a private charter flight to Amman tomorrow, they would deem themselves in full compliance with their own promise because they do not consider Jordan a "third country."

Furthermore, as established by authoritative country conditions, Petitioner is a stateless Palestinian. The temporary travel document he once held decades ago does not confer Jordanian citizenship *(See Exhibit 1, IRB Canada Report)*. Because he is not a citizen, Jordan has no legal obligation to accept him, making any attempted removal there functionally equivalent to an irregular, third-country removal.

Federal courts routinely reject the Government's "trust us" defense in the context of imminent, irregular removals. *See Abubaka v. Bondi*, 2025 WL 3204369, at *6 (holding the Government's voluntary promise not to attempt third-country removal without advance notice was "insufficient to protect petitioner's statutory and due process rights"). Given ICE's demonstrated willingness to utilize private charter flights to forcibly remove stateless Palestinians outside of standard diplomatic channels *(See Exhibit 3, Guardian Article)*, a non-binding, loophole-ridden promise from a local Deportation Officer does not eliminate the imminent threat of an unlawful removal. A Court Order is required.

C. The Equities Demand a TRO.

Petitioner successfully complied with his Order of Supervision for 19 years. He has deep ties to the United States and poses no flight risk or danger to the community. Returning him to his long-standing supervised status while this Court adjudicates his Habeas Petition causes zero harm to the Government. Conversely, permitting the Government to hold him indefinitely while it waits for a response from a country that already rejected him in 2006 violates the Due Process Clause.

III. CONCLUSION

The Court's February 10, 2026 Order [DE 14] rightfully preserved its jurisdiction by preventing Petitioner's removal or transfer. However, the true "status quo" of the last 19 years was Petitioner living peacefully in the community, fully compliant with his supervised release.

Respondents have failed to present any competent evidence that Petitioner's removal is significantly likely in the reasonably foreseeable future. DO Deck's January 2026 administrative request to Jordan is a delay tactic, not a valid travel document. Because his removal remains factually and legally impossible, his ongoing detention violates the Due Process Clause.

Petitioner respectfully requests that this Court GRANT the remainder of the Emergency Motion, convert the existing restraint on removal into a Preliminary Injunction, and order Petitioner's immediate release under his prior Order of Supervision pending the final adjudication of his Habeas Petition.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 20, 2026, I electronically filed the foregoing document and its Exhibits that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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EXHIBIT LIST

Exhibit 1 — Immigration and Refugee Board of Canada (IRB) Report: Responses to Information Requests regarding Jordanian temporary passports issued to stateless Palestinians (Demonstrating that temporary travel documents do not confer Jordanian citizenship).

Composite Exhibit 2 — Self-Deportation Denial Letters (2010):

- **Exhibit 2-A:** Denial Letter from the PLO Mission (Dated December 29, 2010).
- **Exhibit 2-B:** Denial Letter from the Consulate General of Israel (Dated April 28, 2010).

Exhibit 3 — Decision of Post Order Custody Review - Release (Dated April 10, 2006): ICE document acknowledging the release of Petitioner due to the failure to obtain travel documents.

Exhibit 4 — Form I-213, Record of Deportable/Inadmissible Alien: Excerpt of the Government's underlying record erroneously classifying Petitioner as a "citizen and national of JORDAN," thereby exposing the loophole in Respondents' promise to provide notice before a "third country" removal.

Exhibit 5 — News Article, *The Guardian*: "Revealed: Private jet owned by Trump friend used by ICE to deport Palestinians to West Bank" (Dated February 5, 2026). Offered to demonstrate ICE's recent pattern of executing irregular removals of stateless Palestinians via private charter without standard diplomatic travel documents.