

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Saddam Samaan  
*Petitioner,*

v.

**M. Bowen**, Warden at Adelanto ICE Processing Center ;

*EDCV25-3288-MWC(AC)*

**Kristi Noem**, Secretary of Homeland Security;

**Pemela J. Bondi**, Attorney General of the United States;

**Thomas Giles**, Los Angeles Field Office Director, Bureau of Immigration and Customs Enforcement;

**James Pilkington**, Assistant Field Office Director, Adelanto Detention Facility,

*Respondents.*

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**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN FEDERAL CUSTODY UNDER 28 U.S.C. § 2241**  
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Comes Now Saddam Samaan ("Petitioner"), Pro Se, and respectfully moves this court to issue an order directing respondent to release him from custody, immediately and without any delays.

**I. INTRODUCTION & BACKGROUND**

Petitioner is native of Jordan, was admitted to the United States as a Lawful Permanent Resident on October 24, 1989. On April 20, 2018, Petitioner was convicted

in the U.S. District Court for the District of Minnesota, with one count of Conspiracy to Commit Bank Fraud, in violation of **18 U.S.C. § 1349**, and one Count of Aggravated Identity Theft, in violation of **18 U.S.C. § 1028A**. For the bank fraud, Petitioner was sentenced to 63-months, and 24-months for the Aggravated Identity Theft, to run consecutive. In addition, Petitioner was ordered to pay restitution in the amount of **\$4,966.23**, separately and Jointly with his co-defendants.

Upon his arrival at the **BOP** facility in **Allenwood, Pennsylvania**, the unit team informed Petitioner that **ICE** had lodged a detainer against him, and that he is prohibited from reaching facility with low security or federal camps. **ICE** officers never met with Petitioner until early 2021<sup>1</sup>, when Petitioner was transferred to **Victorville FCI**, in California. During the interview, Petitioner was informed that a removal proceedings will be initiated against him, due to his convictions in the U.S. District Court for the District of Minnesota.

Several weeks after the interview, Petitioner received his Notice to Appear (“First NTA”), while serving his sentence at **Victorville FCI**. In the First NTA, the **DHS** charged Petitioner removable pursuant to INA **section 237(a)(2)(A)(iii)** for having been convicted of an aggravated felony under INA **sections 101(a)(43) (M)(i) & (U)**, **an offense that involves “fraud or deceit” in which the loss to the victim or victims exceeds \$10,000.**

Petitioner’s case was assigned to **Judge Bryan E. Depowell (“IJ”)**, who was appointed as an immigration judge in Adelanto Immigration Court in April 2021. The entire proceedings was conducted via video conferencing. During the early stages,

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<sup>1</sup> Between June 6, 2018, and March 19, 2021, Petitioner was serving his sentence at Allenwood FCI, in Pennsylvania, and Gilmer FCI, in West Virginia, however, Petitioner was never approached by ICE.

Petitioner appeared before *IJ* in order for him to determine as to whether Petitioner is removable. Petitioner denied the allegation which states that his crime caused the victim(s) a loss that exceeds \$10,000. In support of his denial to the allegation, Petitioner called the *IJ*'s attention to the Restitution Order provided by the *DHS*, which shows the amount of **\$4,966.23**. However, despite the clear language in *Nijhawan v. Holder*, 129 S. Ct. 2294, 2300-01 (2009)<sup>2</sup>, and despite the restitution order showing the amount of **\$4,966.23**, the *IJ* insisted that Petitioner is removable as charged. Several months later, without giving any valid reason, the *DHS* filed a motion to dismiss the charges without prejudice. The *IJ* granted the motion, and the detainer remained lodged against Petitioner, which prevented him from receiving early release to a Halfway House, or to receive any Earned Time Credit ("ETC") under the First Step Act ("FSA"), or Residential Drug Abuse Program ("RDAP")<sup>3</sup>.

On October 19, 2023, Petitioner was released from *Victorville FCI*, and was immediately arrested and detained by *ICE*. On October 20, 2023, the *DHS* filed an *NTA* for the second time with the Immigration Court, and served Petitioner with a copy. (See **Exhibit. 1**)<sup>4</sup>. Therein, the *DHS* alleged the following:

- (1) Respondent is not a citizen or national of the United States;**
- (2) Respondent is a native and citizen of Jordan;**
- (3) He was admitted to the United States at Chicago, Illinois, on or about October 24, 1989, as a lawful permanent resident;**

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<sup>2</sup> In *Nijhawan v. Holder*, 129 S. Ct. 2294, 2300-01 (2009), the Supreme court made clear that the restitution order is sufficient evidence to calculate the amount of loss to the victim(s).

<sup>3</sup> Without the ICE Detainer, Petitioner would have participated in RDAP and FSA programs, which would have allowed him to earn at least 2-years of ETC, in addition to Halfway House.

<sup>4</sup> Exhibit #1 is a copy of the Second NTA, which is the same as the First NTA, except for adding the Aggravated Identity Theft, as an aggravated felony as defined under Section 101(a)(43)(G) of the INA.

- (4) He was convicted on April 20, 2018, in the United States District Court for the District of Minnesota, for the offense of conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349;
- (5) The loss to the victims(s) of the conspiracy exceeded \$10,000;
- (6) He was convicted on April 20, 2018, in the United States District Court for the District of Minnesota, for the offense of aggravated identity theft, in violation of 18 U.S.C. § 1028A;
- (7) For that offense, he was sentenced to a term of 24 months of imprisonment.

Accordingly, the *DHS* charged Petitioner as removable pursuant to INA *section 237(a)(2)(A)(iii)* for having been convicted of an aggravated felony under INA *sections 101(a)(43)(U), (G), and (M)(i)*.

On November 3, 2023, Petitioner appeared before *IJ Bryan Depowell (“IJ”)*, which is the same *IJ* who presided on the case during the first removal proceedings while still in prison. During the hearing of November 3<sup>rd</sup> hearing<sup>5</sup>, the *IJ* learned that Petitioner struggles with *PTSD*, Depression and other mental disorders. On November 15, 2023, the *IJ* conducted a hearing to determine whether Petitioner is able to represent himself during the removal proceedings, as required in *Franco-Gonzalez v. Holder. 2014 WL 5475097*. After Petitioner’s testimony, the *IJ* issued an order for Forensic Competency Evaluation and Report of Evaluation, however, the *IJ* asked for the evaluation to be conducted via videoconferencing, which is in violation of *Franco-Gonzalez v. Holder. 2014 WL 5475097*. Subsequently, Petitioner was found competent to represent himself.

On February 9, 2024, Petitioner conceded to all the allegation, except for allegation number five, and he called the *IJ’s* attention to the same Restitution Order provided by

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<sup>5</sup> Petitioner informed the *IJ* after he was asked. However, in the first removal proceedings, the *IJ* never asked Petitioner any thing about the history of his mental health.

the *DHS* in the First and the Second removal proceedings. The *IJ* dismissed charges One and Three, which is the same exact charges he sustained in the first removal proceedings. However, without reviewing the applicable laws or the precedents provided by the *BIA* and the Courts of Appeals, the *IJ* erroneously sustained the *Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A, as an aggravated felony as defined in INA section 101(a)(43)(G), a theft offense or burglary offense for which the term of imprisonment is at least one year.* (**Charge Number Two of the NTA**).

On June 17, 2024, the *IJ* denied Petitioner's ***I-589*** Application for Asylum, Withholding of Removal, and Protection Against Torture (**CAT**). Petitioner then filed a timely notice of appeal, and a timely Memorandum Brief. However, while the case was pending in the *BIA*, the *DHS* attorney filed a motion for limited remand, because the *IJ* failed to order an “*in-person Forensic Competency Evaluation*”, and he also failed to list the “*Exigent Circumstances*” as to why he didn't order the *in-Person evaluation*. On November 21, 2024, the *BIA* granted the motion, and the case was remanded to the *IJ* in order to comply with the requirements of *Franco-Gonzalez v. Holder. 2014 WL5475097.*(See Exhibit. 2)<sup>6</sup>.

After several delayed hearings between the months of November 2024, and January of 2025, finally Petitioner underwent an “in-Person” Forensic Competency Evaluation, and a hearing was scheduled for March 2, 2025. However, on February 27, 2025, the *IJ*<sup>7</sup> sent the case back to the *BIA* without conducting Judicial Competency Hearing as required under *Franco-Gonzalez v. Holder. 2014 WL 5475097.*

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<sup>6</sup> Exhibit # 2, is a notification from the *BIA* that the *DHS* filed the first motion for limited remand.

<sup>7</sup> The *IJ* and the *DHS* canceled the *JCH* without the presence or the knowledge of Peitioner.

On March 31, 2025, the *DHS* filed a second motion for limited remand, asking the *BIA* to remand the case because the *IJ* has failed to conduct a Judicial Competency Hearing (“JCH”) after receiving the report from the Forensic Competency Evaluation that was conducted during the first remand.(See Exhibit. 3)<sup>8</sup>. On May 14, 2025, the *BIA* remanded the case back to the *IJ*, and provided the him with all the requirements of the *Franco-Gonzalez v. Holder. 2014 WL 5475097.*(See Exhibit. 4)<sup>9</sup>.

On May 23, 2025, the *IJ* conducted the JCH, and he remanded the record with his third<sup>10</sup> written decision back to the *BIA*. Again, Petitioner filed a timely appeal with the *BIA*, and he submitted a memorandum brief for the third time.

On October 30, 2025, the *BIA* remanded the case back to the *IJ* for the third time, because in his written decision, the *IJ* didn’t provide the fact findings or legal analysis regarding Petitioner’s removabilty.(See Exhibit. 5)<sup>11</sup>. Since the day this case was remanded, Petitioner filed a motion to terminate the removal proceedings, and a motion requesting a status hearing. However, as of the date this motion was signed, there hasn't been any action taken by the Immigration Court, or the *DHS*.

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8 Exhibit # 3, is a copy of a notification from the *BIA*, to inform Respondent that the *DHS* had filed a motion for limited remand for the second time.

9 Exhibit # 4, is a copy of the *BIA*'s decision for remand, which included the requirements of *Franco-Gonzalez*.

10 Petitioner never received a copy of the May 23, 2025, written decision, and according to his Deportation Officer, and his Supervisor, this decision was never filed on the Court's docket.

11 Exhibit # 5, is a copy of the order to remand by the *BIA* on October 30, 2025, explaining the fact that the *IJ* omitted the fact findings and the legal analysis regarding Respondent's removability.

### **III. CLAIMS & ARGUMENTS**

**A. PETITIONER’S DETENTION FOR MORE THAN TWO YEARS IS UNCONSTITUTIONAL, GIVEN THE FACT THAT HIS PROLONGED DETENTION IS CONTRIBUTED TO DUE PROCESS VIOLATIONS AND SEVERAL MISCONDUCTS BY THE IMMIGRATION JUDGE AND THE DHS ATTORNEYS.**

**1. The First and Second Remand By the BIA Due to Violations of Petitioner’s Due Process under the Injunction of Franco-Gonzalez v. Holder.**

In *Franco-Gonzalez v. Holder*, No. CV10-02211-DBM (DTBx), 2014 WL 5475097, \*9 (C.D. Cal. Oct. 29, 2014), the Court instructed immigration judges that “the Forensic Competency Evaluation (“FCE”) must be conducted “*in-person*”, unless the Immigration Judge provides “exigent circumstances”. Furthermore, the injunction requires that “[w]ithin 30 days after receiving the report from the FCE, the Immigration Judge shall convene a Competency Review, including further testimony if necessary, and shall make a determination by a preponderance of the evidence as to whether the Class is mentally competent to represent him-or herself.” *See Id. At \*8.*

In Petitioner’s case, the *IJ* was ignoring the requirements of the *Franco-Gonzalez*, and he was making decisions based on his own discretion, which led to two separate remands related to his noncompliance with the *Franco-Gonzalez* injunction. Petitioner had been detained for the last 25-months, however, a minimum of 20-months out of the total amount of detention are contributed to the violation of the *Franco-Gonzalez* injunction. Moreover, the *DHS* attorneys are

equally responsible for these violation and the prolonged detention, because they were present in each hearing, and they had plenty of opportunities to correct the *IJ*, and to direct him, knowing that he lacks the experience.

Petitioner's JCH hearing was scheduled for March 2, 2025, however, this hearing was canceled during an *ex parte* hearing between the *DHS* and the *IJ*. Furthermore, the *DHS Office* shares the same physical address with the Immigration Court, unlike Petitioner, they have full access to the Court's docket and to the *IJ* himself.

**2. The Third Remand by the BIA Due to Violation of Petitioner's Due Process When The Immigration Judge Omitted From His Written Decision The Fact Findings And The Legal Analysis In Support of His Determination That Respondent is Removable Under "Section 237(a)(2)(A)(iii) of the INA, as an alien convicted of an aggravated felony "theft offense" under section 101(a)(43)(G) Of the INA.**

On October 30, 2025, the *BIA* remanded the case back to the *IJ* for the third time, however, this time because he failed to provide the fact findings and the legal analysis in support of his decision regarding Petitioner's removability. (See Exhibit. 5). The *IJ*'s decision regarding Petitioner's removability was erroneous to begin with, because in the history of both eras, the *DHS* and *INS*, the Aggravated Identity theft was never found to be an aggravated felony under *section 101(a)(43)(G)* of the Act. Therefore, the *IJ* couldn't find legal analysis to support his findings, and he deliberately omitted the fact

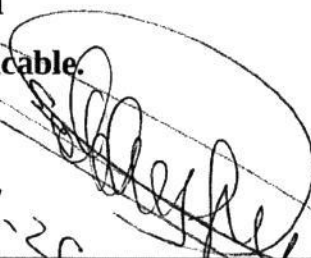
findings and the legal analysis in support of his decision. In addition to the 25-months of wrongful detention, this remand alone will add at least another 5-months to Petitioner's unlawful detention, simply because the *DHS* brought the wrong charges, and the *IJ* is incompetent, and using his own discretion instead of the laws set forth by the Congress and the *BIA*.

**Notice:** As of November 18, 2025, there is no update on this matter, and there is no hearing scheduled, nor there is a new decision by the Immigration Judge.

#### **IV. CONCLUSION**

For the foregoing reasons, this Honorable Court should:

- **Order the Government to answer this petition;**
- **Expedite any briefing and relief, as Petitioner's custody is Illegal;**
- **Allow Petitioner to conduct discovery in order to support his claim for relief;**
- **Convene an evidentiary hearing, if needed to resolve disputed facts;**
- **Order Respondents to release Petitioner from their custody due to the prolonged detention, and the due process violations; and**
- **Grant any other relief that is just and practicable.**

11-18-25  
  
SADDAM S. SAMAN. A#041707822  
Adelanto ICE Processing Center  
10250 Rancho Rd.  
Adelanto, CA 92301

SCANNED INTO ANET

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

DOB: [REDACTED]  
Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS: [REDACTED] File No: [REDACTED]

In the Matter of:

Respondent: SADDAM SAMAAAN DAOUH SAMAAAN AKA: SAMAAAN, Saddam currently residing at:  
10450 Rancho Road Adelanto, CALIFORNIA, 92301 (760) 530-5700  
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of JORDAN and a citizen of JORDAN;
3. You were admitted to the United States at Chicago, Illinois on or about October 24, 1989 as a Lawful Permanent Resident (R53)
4. You were, on April 20, 2018, convicted in the United States District Court, District of Minnesota, for the offense of Conspiracy to Commit Bank Fraud, in violation of 18 United States Code Section 1349;

See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

10450 RANCHO RD ADELANTO CA 92301. DESERT VIEW

(Complete Address of Immigration Court, including Room Number, if any)

on November 2, 2023 at 12:00 PM to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: October 20, 2023

A 6949 BUCHHOZZ - SDDO  
(Signature and Title of Issuing Officer)

Adelanto, CA  
(City and State)

EX# 1

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name  
SAMAAN, SADDAM SAMAAN DAOUD

File Number

Date

10/20/2023

Event No:

THE SERVICE ALLEGES THAT YOU:

5. For this offense, as part of the conspiracy, the loss to the victim or victims exceeded \$10,000;

6. You were, on April 20, 2018, convicted in the United States District Court, District of Minnesota, for the offense Aggravated Identity Theft, in violation of 18 United States Code Section 1028A;

7. For this offense, you were sentenced to a term of 24 months imprisonment.

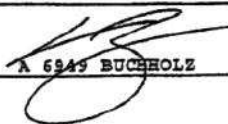
ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in section 101(a)(43)(U) of the Act, an attempt or conspiracy to commit an offense described in section 101(a)(43)(M) of the Act, a law relating to an offense that (i) involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000.

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in section 101(a)(43)(G) of the Act, a law relating to a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment of at least 1 year was imposed.

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in section 101(a)(43)(M) of the Act, a law relating to an offense that (i) involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000; or (ii) is described in The Internal Revenue Code of 1986, Section 7201 (relating to tax evasion) in which the revenue loss to the Government exceeds \$10,000.

Signature



A 6949 BUCHHOLZ

Title

SDDO

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on October 20, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

in person  by certified mail, returned receipt # \_\_\_\_\_ requested  by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of officer)

Privacy Act Statement

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you regarding the nature of the proceedings against you, and the statutory provisions alleged to have been violated. The NTA also includes information about to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.


**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security



Subject ID XXXXXXXXXX

Record of Deportable/Inadmissible Alien

Family Name (CAPS) <b>SAMAAN, SADDAM SAMAAN DAUD</b>		First	Middle	Sex <b>M</b>	Hair <b>BLD</b>	Eyes <b>BRO</b>	Complexion <b>LGT</b>
Country of Citizenship <b>JORDAN</b>	Passport Number and Country of Issue <span style="background-color: black; color: black;">XXXXXXXXXX</span>			Height <b>72</b>	Weight <b>280</b>	Occupation <b>Car Salesman</b>	
U.S. Address <span style="background-color: black; color: black;">XXXXXXXXXX</span>				Scars and Marks <b>See Narrative</b>			
Date, Place, Time, and Manner of Last Entry <b>10/24/1989, CHI, LPR - LAWFUL PERMANENT RESIDENT</b>			Passenger Boarded at				
Number, Street, City, Province (State) and Country of Permanent Residence				FBI Number			
Date of Birth <span style="background-color: black; color: black;">XXXXXXXXXX</span>	Age: <b>46</b>	Date of Action <b>10/19/2023</b>	Location Code <b>DVA</b>	<input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
City, Province (State) and Country of Birth <b>Fuheis, JORDAN</b>		AK <input checked="" type="checkbox"/>	Form (Type and No.) Lified <input type="checkbox"/> Not Lified <input type="checkbox"/>				
NIV Issuing Post and NIV Number		Social Security Account Name					
Date Visa Issued		Social Security Number <span style="background-color: black; color: black;">XXXXXXXXXX</span>					
Immigration Record <b>NEGATIVE</b>				Criminal Record <b>See Narrative</b>			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children <b>None</b>			
Father's Name, Nationality, and Address, if Known <b>SAMAAN, SAMAAN NATIONALITY: JORDAN</b>			Mother's Present and Maiden Names, Nationality, and Address, if Known <b>HATTAR, MUHIBAR NATIONALITY: JORDAN</b>				
Monies Due/Property in U.S. Not in Immediate Possession <b>None Claimed</b>		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks <b>See Narrative</b>		Charge Code Word(s) <b>See Narrative</b>		
Name and Address of (Last)(Current) U.S. Employer		Type of Employment:	Salary	Employed from to			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
PIN: <span style="background-color: black; color: black;">XXXXXXXXXX</span>		Left Index fingerprint			Right Index fingerprint		
		<span style="background-color: black; color: black;">XXXXXXXXXX</span>					
OTHER ALIASES KNOWN BY: ----- <b>SAMAAN, Saddam</b>							
SCARS MARKS AND TATTOOS ----- <b>TATTOO SHOULDER, RIGHT - Cross with Roses</b> <b>TATTOO SHOULDER, LEFT - Scorpio</b>  ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				<b>W.3658 BANKS</b> <i>[Signature]</i> Deportation Officer (Signature and Title of Immigration Officer)			
Distribution <b>FILE</b>		Received (Subject and Documents) (Report of Interview) Officer <b>W.3658 BANKS</b> <i>[Signature]</i> on <b>October 19, 2023</b> (Date) Disposition <b>Warrant of Arrest/Notice to Appear</b> Examining Officer <b>BUCHHOLZ, A 6949</b> <i>[Signature]</i>					

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name SAMAAN, SADDAM SAMAAN DAOUD	File Number 	Date 10/19/2023
Subject Health Status -----		
Current Administrative Charges -----		
<p>10/18/2023 - 237a2Aiii - Aggravated Felony: 101(a) (43) (U) Attempt or Conspiracy to Commit an Offense Described in Section 101(a) (43)</p> <p>10/18/2023 - 237a2Aiii - Aggravated Felony: 101(a) (43) (G) Theft or Burglary Offense with Minimum One Year Imprisonment</p> <p>10/18/2023 - 237a2Aiii - Aggravated Felony: 101(a) (43) (M) Fraud, Deceit or Revenue Loss to the Government</p>		
Previous Criminal History -----		
<p>On 10/04/2016, the subject was arrested for the crime of "Identity Theft" which resulted in a conviction on 04/20/2018. The subject was sentenced to 24 month(s).</p> <p>On 10/04/2016, the subject was arrested for the crime of "Fraud" which resulted in a conviction on 04/20/2018. The subject was sentenced to 63 month(s).</p>		
Records Checked -----		
<p>CIS Pos</p> <p>EARM Pos</p>		
FUNDS IN POSSESSION -----		
United States Dollar 302.10		
At/Near -----		
adelanto, ca		
Record of Deportable/Excludable Alien: Encounter:		
<p>On October 19, 2023, Los Angeles ERO encountered (Samaan, Saddam Samaan Daoud 041 707 822) while conducting routine jail checks as part of the Criminal Alien Program (CAP) at the Federal Bureau of Prisons, Federal Correctional Complex in Victorville, CA. for violation 18 United States Code (USC) Section 1349 and Aggravated Identity Theft (count 3ss) in violation of 18 USC Section 1028A for which he received 63 months on count 1ss plus 24 months on count 3ss, to be served consecutively.</p>		
<p>The following information is based on a review of the noncitizens A-file, EARM, CIS, TECS record checks, conviction documents, and interview with the noncitizen.</p>		
<p>Interpretation Service was not required during the interview.</p>		
Signature  W.3658 BANKS 	Title  Deportation Officer	

U.S. Department of Homeland Security Continuation Page for Form I-213

Alien's Name SAMAAN, SADDAM SAMAAN DAOUD	File Number 	Date 10/19/2023
---	-----------------	--------------------

**Immigration History:**

SAMAAN is not a national and citizen of the United States.  
 SAMAAN is a national and citizen of Jordan by virtue of birth.  
 On 10/24/1989, SAMAAN entered the United States at or near Chicago, IL as a P53 child of a alien class P51/P56.  
 SAMAAN stated that his father, Samaan SAMAAN is a citizen of Jordan and is deceased.  
 SAMAAN stated that his mother, Muhibah Hattar is a citizen of Jordan and is deceased.  
 SAMAAN stated he has no applications or petitions pending with USCIS.  
 SAMAAN stated that he has not served in the United States Armed Forces.  
 SAMAAN claims to have no applications or petitions pending with USCIS.  
 SAMAAN makes no claims to benefits or United States citizenship.  
 SAMAAN claimed fear of persecution should he be returned to Jordan.

**CONSULAR NOTIFICATION:**

ERO Los Angeles notified SAMAAN of the right to communicate with a consular officer from his country as per Article 36(a)(b) of the Vienna Convention of Consular Relations. SAMAAN acknowledged understanding the right but declined to speak with anyone at this time.

**Gang Affiliation:**

SAMAAN claims no affiliation with any street gangs.

**Medical Status:**

SAMAAN claims to have no medical problems.

**Dispo:**

SAMAAN is being processed with a Notice to Appear, Form I-862, before an Immigration Judge for removal proceedings under Section 240 of the INA.

**Date in Custody:** \_\_\_\_\_

Phone call completed: Yes  No

Call refused: Yes  No

**Date and Time of Call:**





Name of Person and Number called:

**Relationship:**

Signature W.3658 BANKS	Title Deportation Officer
---------------------------	------------------------------

U.S. Department of Homeland Security

Continuat on Page for Form I-213

Alien's Name SAMAAN, SADDAM SAMAAN DAOUD	File Number 	Date 10/19/2023
Length of call: _____		
Record of Deportable/Excludable Alien: ***Addendum***		
Subject was arrested 10/19/2023 at Federal Bureau of Prisons, FCI Victorville, C and entered DES custody. Previous immigration proceedings were terminated without prejudice and new NTA issued on 10/20/2023		
Other Identifying Numbers		
		
State Criminal Number/State Bureau Number-		(UNITED STATES)
Signature W.3658 BANKS 	Title	Deportation Officer

#18  
**U.S. Department of Justice**



Executive Office for Immigration Review

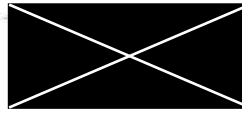
*Board of Immigration Appeals  
Office of the Clerk*

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

**DAOUD SAMAAAN, SADDAM SAMAAAN**  
  
**DESERT VIEW ANNEX  
10450 RANCHO RD  
ADELANTO, CA 92301**

**DHS/ICE Office of Chief Counsel - ADL  
10250 RANCHO ROAD  
Adelanto, CA 92301**

**Name: DAOUD SAMAAAN, SADDAM S...**



**Type of Proceeding:  
Removal**

**Date of this notice: 10/31/2024**

**Type of Appeal or Motion:  
Case Appeal**

**Filed By: Alien**

**FILING RECEIPT FOR MOTION**

The above-referenced case is presently pending before the Board of Immigration Appeals. The following document, which was filed by DHS on 10/30/2024 will be placed with the record of proceedings:

- o Motion to Remand - The Board generally does not separately adjudicate motions to remand. Due to the Board's heavy caseload, it cannot be predicted when a decision will be rendered in this case. If a briefing schedule has been set in this matter, the filing of this motion to remand does not change the deadlines. The briefs must arrive at the Board by the dates set in the briefing schedule.

**FILING INSTRUCTIONS**

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual at [www.justice.gov/eoir](http://www.justice.gov/eoir).

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

**FILING ADDRESS:**

Board of Immigration Appeals  
Clerk's Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 22041

EXHIBIT # 2

#19  
U.S. Department of Justice



Executive Office for Immigration Review

Board of Immigration Appeals  
Office of the Clerk

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

**DAOUD SAMAAAN, SADDAM SAMAAAN**  
**ADELANTO DETENTION CENTER**  
**10250 RANCHO RD**  
**ADELANTO, CA 92301**

**DHS/ICE Office of Chief Counsel - ADL**  
**10250 RANCHO ROAD**  
**Adelanto, CA 92301**

Name: **DAOUD SAMAAAN, SADDAM S...**



Type of Proceeding:  
**Removal**

Date of this notice: **4/1/2025**

Type of Appeal or Motion:  
**Case Appeal**

Filed By: **Alien**

**FILING RECEIPT FOR MOTION**

The above-referenced case is presently pending before the Board of Immigration Appeals. The following document, which was filed by DHS on 3/31/2025 will be placed with the record of proceedings:

- o Motion to Remand - The Board generally does not separately adjudicate motions to remand. Due to the Board's heavy caseload, it cannot be predicted when a decision will be rendered in this case. If a briefing schedule has been set in this matter, the filing of this motion to remand does not change the deadlines. The briefs must arrive at the Board by the dates set in the briefing schedule.

**FILING INSTRUCTIONS**

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**FILING ADDRESS:**

Board of Immigration Appeals  
Clerk's Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 22041

EXHIBIT #3

SANDRA D. ANDERSON  
Chief Counsel  
JAMES R. BOARD  
Deputy Chief Counsel  
JILLIAN L. WOODS  
Senior Attorney  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
606 S. Olive Street, 8<sup>th</sup> Floor  
Los Angeles, CA 90014  
jillian.l.woods@ice.dhs.gov

**DETAINED**

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BOARD OF IMMIGRATION APPEALS**

\_\_\_\_\_  
In the Matter of: )  
 )  
Saddam Samaan Daoud Samaan )  
 )  
In removal proceedings )  
\_\_\_\_\_ )

File No(s):



**DEPARTMENT OF HOMELAND SECURITY'S  
REQUEST FOR LIMITED REMAND**

The U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (DHS), hereby respectfully requests that the Board of Immigration Appeals (Board) remand this case for the limited purpose of conducting a competency review hearing as required under the *Franco-Gonzalez v. Holder* settlement agreement. See *Franco-Gonzalez v. Holder*, 2014 WL 5475097, 3 (C.D. Cal. 2014) (order further implementing the injunction and, inter alia, setting forth the criteria for class membership); *Franco-Gonzalez v. Holder*, 2013 WL 8115423 (C.D. Cal. 2013) (permanent injunction order); see also *Franco-Gonzalez v. Holder*, 2013 WL 3674492 (C.D. Cal. 2013) (partial summary judgment order).<sup>1</sup> On November 21, 2024, the Board remanded this case for the limited purpose of allowing the Immigration Judge to order a new forensic competency evaluation to be completed in person and then conduct a competency review hearing in compliance with *Franco-Gonzalez v. Holder*. On remand, the Immigration Judge ordered a forensic competency evaluation (FCE) which was conducted in person and the FCE report was placed into the record of proceedings. However, it appears that the Immigration Judge did not complete a competency review hearing before issuing his decision. In his decision, the Immigration Judge adopted the recommendation of the FCE evaluator, found the respondent competent, and re-issued his decision denying of all applications and ordering the respondent removed.<sup>2</sup> DHS respectfully requests that the Board remand this case to the Immigration Judge for the limited purpose of conducting the competency review hearing as required by *Franco-Gonzalez v. Holder*. After the conclusion of the competency review hearing and decision on

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<sup>1</sup> DHS's request for limited remand does not constitute a concession, admission, or assertion of a violation of the permanent injunction or implementation order entered by the U.S. District Court for the Central District of California in *Franco-Gonzalez v. Holder*, No. 10-2211, 2011 WL 11705815, 16 (C.D. Cal. 2011). *Franco-Gonzalez v. Holder*, 2014 WL 5475097, 3 (C.D. Cal. 2014) (order further implementing the injunction and, inter alia, setting forth the criteria for class membership); *Franco-Gonzalez v. Holder*, 2013 WL 8115423 (C.D. Cal. 2013) (permanent injunction order); see also *Franco-Gonzalez v. Holder*, 2013 WL 3674492 (C.D. Cal. 2013) (partial summary judgment order).

<sup>2</sup> Although the Board instructed the Immigration Judge to certify this case back to the Board after conducting a competency review hearing and rendering a decision on competency, it appears the Immigration Judge failed to do so. Instead, the respondent timely appealed the Immigration Judge's decision to the Board.

competency, the Immigration Judge should then certify the case back to the Board. If the Immigration Judge finds the pro se respondent incompetent, the Immigration Judge should appoint a qualified representative to represent the respondent before the Board. On remand, DHS will supplement the record with any additional relevant information or documents and will also submit any other medical records in its possession, custody, or control should the Immigration Judge request such information.

Respectfully submitted on this 31st day of March, 2025,

JILLIAN L  
WOODS

Digitally signed by  
JILLIAN L WOODS  
Date: 2025.03.31  
09:20:11 -0700

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Jillian L. Woods  
Senior Attorney

NOT FOR PUBLICATION

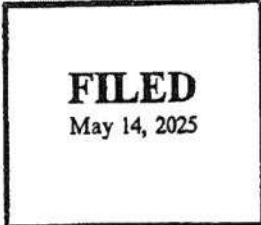
U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

MATTER OF:

Saddam Samaan DAOU D SAMAAN,



Respondent



ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Jillian L. Woods, Senior Attorney

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Adelanto, CA

Before: Malphrus, Chief Appellate Immigration Judge; Mullane, Appellate Immigration Judge;  
Goodwin, Appellate Immigration Judge

Opinion by Appellate Immigration Judge Mullane

MULLANE, Appellate Immigration Judge

The respondent, a native and citizen of Jordan, appeals from an Immigration Judge's February 27, 2025, decision denying his application for asylum under section 208 of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1158; withholding of removal pursuant to section 241(b)(3) of the INA, 8 U.S.C. § 1231(b)(3); and protection under the regulations implementing the Convention Against Torture.<sup>1</sup> On March 31, 2025, the Department of Homeland Security ("DHS") filed a second motion to remand. The motion will be granted, and the record will be remanded.

On November 21, 2024, we granted a motion to remand filed by DHS. As the respondent underwent a Forensic Competency Evaluation ("FCE") "via videoconference" (Exh. C-2 at 1) and the Immigration Judge did not identify any "exigent circumstances" justifying "deviation from the in-person requirement" of the *Franco-Gonzalez* settlement agreement, we granted DHS' request to remand the record for further proceedings on the issue of the respondent's competency. See *Franco-Gonzalez v. Holder*, No CV10-02211-DMB (DTBx), 2014 WL 5475097, \*9 (C.D. Cal. Oct. 29, 2014). As instructed, the Immigration Judge ordered an FCE that was conducted in person in compliance with *Franco-Gonzalez* (Exh. R-1) and entered a new competency determination in reissuing the decision currently on appeal. However, the *Franco-Gonzalez* settlement further states that "[w]ithin 30 days after receiving the report from the [FCE], the Immigration Judge shall convene a Competency Review, including further

<sup>1</sup> The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994). 8 C.F.R. §§ 1208.16(c)-1208.18.

EXHIBIT #4



testimony if necessary, and shall make a determination by a preponderance of the evidence as to whether the Class member is mentally competent or incompetent to represent him-or herself." *See id.* at \*8. We will remand the record for the Immigration Judge to conduct the Competency Review hearing required under *Franco-Gonzalez*, during which the parties should be permitted to submit additional evidence and argument.

We again express no opinion concerning the respondent's competency, which is a factual determination for the Immigration Judge to make in the first instance, which should be explained in a decision. *See Matter of J-S-S-*, 26 I&N Dec. 679, 684 (BIA 2015). If the respondent is determined to be incompetent following the Competency Review hearing, the Immigration Judge must implement appropriate safeguards and conduct a new hearing. *See Matter of M-J-K-*, 26 I&N Dec. 773, 775-77 (BIA 2016); *Matter of M-A-M-*, 25 I&N Dec. 474, 483 (BIA 2011). Should the respondent be found competent following the Competency Review hearing, the Immigration Judge should again certify the record to the Board for adjudication of his appeal. As competency is a threshold issue, we will not consider the merits of the respondent's appeal or respondent's motion to terminate.

Accordingly, the following orders are entered.

ORDER: The motion is granted, and the record is remanded for further proceedings and the entry of a new decision consistent with this opinion.

NOT FOR PUBLICATION

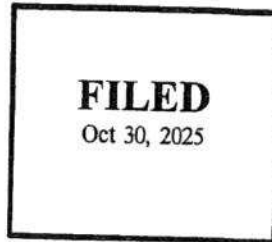
U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

MATTER OF:

Saddam Samaan Daoud SAMAAN,



Respondent



ON BEHALF OF RESPONDENT: Pro se

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Adelanto, CA

Before: Malphrus, Chief Appellate Immigration Judge; Mullane, Appellate Immigration Judge;  
Goodwin, Appellate Immigration Judge

Opinion by Chief Appellate Immigration Judge Malphrus

MALPHRUS, Chief Appellate Immigration Judge

This matter was last before us on May 14, 2025, when we remanded proceedings in order for the Immigration Judge to convene a Competency Review pursuant to *Franco-Gonzalez v. Holder*, No. CV-10-02211, 2014 WL 5475097 (C.D. Cal. Oct. 29, 2014). The respondent, a native and citizen of Jordan, appeals from the Immigration Judge's May 23, 2025, decision denying his application for asylum and withholding of removal under sections 208 and 241(b)(3) of the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1158, 1231(b)(3), as well as his request for protection under the regulations implementing the Convention Against Torture ("CAT").<sup>1</sup> The Department of Homeland Security has not responded to the appeal. The record will be remanded.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under the de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

We must remand the record for additional fact-finding and analysis regarding the respondent's removability. See *Matter of S-H-*, 23 I&N Dec. 462, 465 (BIA 2002) (discussing the Board's the Board's limited fact-finding ability on appeal); *Matter of A-P-*, 22 I&N Dec. 468, 477 (BIA 1999). It is undisputed that, on April 20, 2018, the respondent was convicted of aggravated identity theft in violation of 18 U.S.C. § 1028A (IJ at 3-4; Exhs. 1-2). In his written decisions, the Immigration Judge omitted the analysis underpinning his determination that the respondent is removable under section 237(a)(2)(A)(iii) of the INA, 8 U.S.C. § 1227(a)(2)(A)(iii), as a respondent who was

<sup>1</sup> The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994). 8 C.F.R. §§ 1208.16(c)-1208.18.

EX #5



convicted of an aggravated felony theft offense under section 101(a)(43)(G) of the INA, 8 U.S.C. § 1101(a)(43)(G) (IJ at 3-4; Respondent's Br. at 6-8). We are unable to conduct such analysis because, in this case, fact finding is required. The Immigration Judge should issue factual findings and legal analysis in support of his conclusion on remand. *See generally Matter of Morgan*, 28 I&N Dec. 508 (BIA 2022).

Given this disposition, we will not address the respondent's remaining arguments on appeal regarding his applications for relief and protection under the INA and CAT. We express no opinion on the ultimate outcome of the proceedings.

Accordingly, the following order will be entered.

ORDER: The record is remanded for further proceedings and for the entry of a new decision consistent with this opinion.