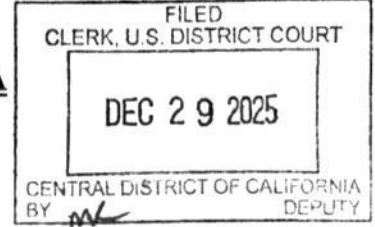


**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**



Saddam Samaan Daoud Samaan,  
***Petitioner,***

***Case No. 25-CV-03288-MWC-PVC***

v.

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

**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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**PETITIONER’S RESPOND AS TO WHY HIS ACTION SHOULD  
NOT BE DISMISSED**

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On December 5, 2025, Saddam Samaan (“Petitioner”) filed a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, and a Motion for a Temporary Restraining Order, and a Preliminary Injunctive Relief. In his brief, Petitioner explained in details how his prolonged detention was caused solely by the **DHS**, and the Immigration Judge (“**IJ**”). On December 12, 2025, the District Court denied Petitioner’s Motion for

Temporary Restraining Order and Preliminary Injunctive Relief<sup>1</sup>, however, the Court asked Petitioner to provide the Court with additional information by December 29, 2025, as to why his action shouldn't be dismissed.

## **I. THE COURT SHOULD NOT DISMISS PETITIONER'S ACTION DUE TO THE FOLLOWINGS.**

First and foremost, Petitioner's Detention is unlawful to begin with, because his conviction of Aggravated Identity Theft in violation of **18 U.S.C. §1028A** was never found to be an aggravated felony "Theft Offense" as defined in **Section 101(a)(43)(G)** of the Act. Rather, it is a crime of "**Fraud or Deceit**" falls only under **Section 101(a)(43)(M)(i)** of the Act. *See Robbertse v. Garland, 79 F.4th 944(8<sup>th</sup> Cir. 2023).*

Second, Petitioner's prolonged detention for **27-months** is related to technicalities that prohibited the **BIA** from ruling on the merits of the appeal. These technicalities were committed solely by the **DHS** and the **IJ** for not complying with their own rules and regulation<sup>2</sup>, which violated the Administrative Procedures Act ("APA"), and the Due Process Clause of the Fifth Amendment. *See United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268, (1954)(a foundational principal of administrative law, agencies must follow their own procedures, rules, and instruction).*

Third, the Ninth Circuit has recognized that prolonged detention without adequate procedural safeguards violates the Due Process. *See Diouf v. Napolitano, 634 F.3d 1081 (9<sup>th</sup> Cir. 2011).* Detention extending for months without a bond hearing requires heightened protections.

<sup>1</sup> The ordered was issued on December 12, 2025, however, Petitioner didn't receive it until December 22, 2025.

<sup>2</sup> The reason for the first two remands were simple because the IJ and the DHS failed to comply with its own rules and regulations of the Administrative Procedures Act, simply by violating requirements of *Franco-Gonzalez v. Holder, No. CV10-02211-DBM (DTBx), 2014 WL 5475097, \*9 (C.D. Cal. Oct. 29, 2014).*

Fourth, Petitioner is not asking the Court to interfere with the province of the Immigration Courts, or the Executive's enforcement of the nation's immigration law. Instead, Petitioner is asking the Court to issue an order directing the Respondents to release Petitioner from their Custody while the appeal is pending.

Fifth, Petitioner's continued detention no longer serves the government's stated purpose of effectuating removal. Because Petitioner's asylum case remains pending in the BIA and unresolved, there is no significant likelihood that a removal will occur in the reasonably foreseeable future. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention becomes constitutionally suspect when removal is not reasonably foreseeable. Although *Zadvydas* addressed post-removal detention, its core due process principles apply equally here, where detention has become effectively indefinite.

Sixth, Petitioner never prevailed on any requests as this Court mentioned<sup>3</sup> in its decision, simply because he never asked the **BIA** to remand the case in order to receive in-person forensic evaluation. Instead, it is the **DHS** who realized the violation of the **APA**, and the violation of the Due Process Clause committed by **IJ** and their office for not noncomplying<sup>4</sup> with the requirements of *Franco-Gonzalez v. Holder, No. CV10-02211-DBM (DTBx), 2014 WL 5475097, \*9 (C.D. Cal. Oct. 29, 2014)*.

Seventh, after the third remand on October 30, 2025<sup>5</sup>, Petitioner has filed a Motion for Bond Hearing, a Motion for Expedited Status Hearing, and a Motion to Terminate the Removal Proceedings citing the proper laws. However, Petitioner never heard back from the Immigration Court regarding any of these filed motions.

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3 The Court erred in claiming that Petitioner has prevailed on several requests, including the request to receive an in-person forensic evaluation, because Petitioner never made the request.

4 The noncompliance with the requirements of ***Franco-Gonzalez v. Holder***, has added at least 12 to 15 months to Petitioner's unlawful detention.

5 The BIA remanded on October 30, 2025, because the IJ failed to comply with the BIA's rules and regulation, which is to provide the fact findings and legal analysis supporting his decision regarding Petitioner's removability under *section 237(a)(2)(A)(iii) of the INA, 8 U.S.C. § 1227(a)(2)(A)(iii), as a respondent who was convicted of an aggravated felony theft offense under section 101(a)(43)(G) of the INA, 8 U.S.C. § 1101(a)(43)(G)*.

Eighth, petitioner's *Rodriguez Bond* hearing was scheduled in April of 2024, which is less than a month before Petitioner's asylum hearing. However, during the hearing Petitioner requested that his *Rodriguez Bond* be rescheduled for a date after the asylum hearing. The Court granted Petitioner's request, however, since April of 2024, and despite the letters and the requests, Petitioner never received another date for the *Rodriguez Bond* or any other bond hearing.

Ninth, the Government has never made an individualized determination that Petitioner's poses a flight risk or danger to community. Nor has it presented clear and convincing evidence justifying Petitioner's continued detention. Under Ninth Circuit precedent, when detention becomes prolonged, due process requires a bond hearing at which the government bears the burden of proving that continued detention is justified. ***See Rodriguez v. Robbins, 715 F. 3d 1127 (9<sup>th</sup> Cir. 2013).***

Tenth, the Absent of these safeguards, Petitioner's continued confinement has crossed the line from administrative detention into punishment. Prolonged detention without a meaningful opportunity for release violates the Due Process of the Fifth Amendment.

Eleventh, Petitioner's continued confinement has caused severe mental and emotional distress<sup>6</sup>. The uncertainty of prolonged confinement, combined with continued detention at Adelanto Processing Center, has resulted in significant psychological harm, anxiety, and emotional suffering. Continued detention under these circumstances is excessive in relation to any legitimate governmental purpose.

Twelfth and Finally, Because petitioner's detention is prolonged, because his removal is not reasonably foreseeable, and because petitioner have been denied an individualized bond hearing with with appropriate procedural protections, it is clear as day that petitioner's continued confinement violates due process and exceeds constitutional limites.

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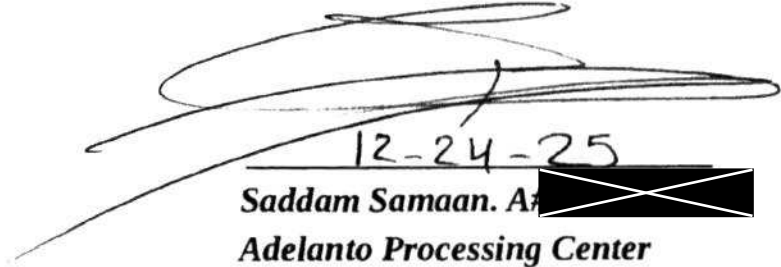
<sup>6</sup> The record shows clearly that Petitioner has PTSD, Anxiety, and Depression for decades, and the detention is adding enhancement to his struggles.


In *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012), the Ninth Circuit held that “it is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury”. *See Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L. Ed. 2D 547 (1976). In Petitioner’s case the injury is clear as day, and it is caused by the *DHS* and an *IJ* who replaced the rules and regulations with his own desires. In recent days this Honorable had disagreed with the *DHS* when they insisted that judicial review would be improper before the exhaustion of the administrative remedies in the BIA. *See Zaragoza Mosqueda v. Noem*, 2025 U.S. Dist. Lexis 174828 (C.D. Cal. Dec. 8, 2025). Moreover, in the same case, the Court issued an order enjoining Respondents from continuing to detain the Petitioners unless they are provided with an individualized bond hearing before an immigration judge within seven days of the date that appeared on the Court’s order.

## II. CONCLUSION

Based on the foregoing reasons, this Honorable Court should not dismiss Petitioner’s action, and it must use the same frame work used in *Zaragoza Mosqueda v. Noem*, 2025 U.S. Dist. Lexis 174828 (C.D. Cal. Dec. 8, 2025).

**Respectfully Submitted By**

A handwritten signature in black ink, consisting of several overlapping loops, is written over the typed name. Below the signature, the date "12-24-25" is handwritten in black ink.

**Saddam Samaan. A**   
**Adelanto Processing Center**  
**10250 Rancho Rd.**  
**Adelanto, CA 92301**

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

**In Re Saddam Samaan.**

***Case No. 25-CV-03288-MWC-PVC***

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**Motion For Time Extension to File The Attached Document**

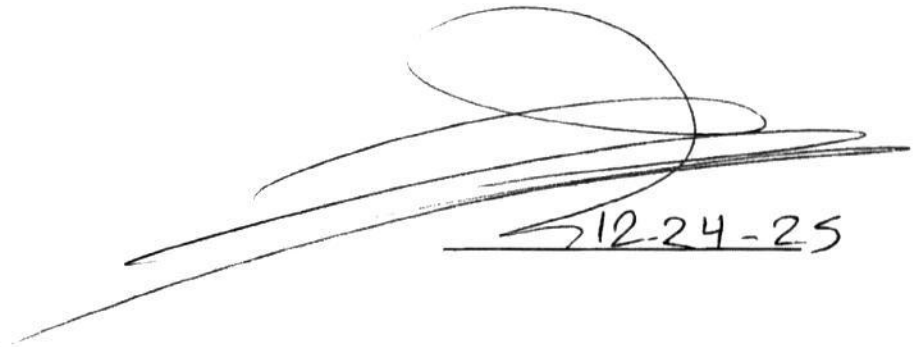
1. On November 26, 2025, Petitioner filed, via mail, a Petition for a Writ of Habeas Corpus, and a Motion for Temporary Restraining Order and Preliminary Injunctive

Relief. According to the Court's docket, the Mail was not delivered to the Court until December 5, 2025.

2. On December 12, 2025, the Court denied Petitioner's request for TRO. The Court, however, gave Petitioner until December 29, 2025, to show reasons as to why the Court should not dismiss his action.

3. Despite being issued on December 12, 2025, yet Petitioner didn't receive the Court order until December 22, 2025.

Clearly, the holiday season is hindering the U.S. Postal Service from processing, and delivering the mail within a reasonable time. Prior to the holiday season, mail normal takes 2 to 4 days to be delivered inside the state of California. Therefore, Petitioner is respectfully asking this Honorable Court to allow additional time for the mail to be processed, and delivered.

A handwritten signature consisting of several overlapping loops and a long horizontal stroke. Below the signature, the date "12-24-25" is written in a simple, hand-drawn style.