

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

ALI HAMED
Petitioner, Pro Se,

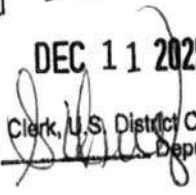
v.

25-3269-JWL

CRYSTAL CARTER, BRADLEY MACNAIR,
TODD LYONS, PAM BONDI,
AND ALEJANDRO MAYORKAS
Respondents,

FILED

DEC 11 2025

Clerk, U.S. District Court
By:  Deputy Clerk


PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Petitioner, Ali Hamed, a legally admitted alien and long-time resident of the United States, is currently detained by immigration and Customs Enforcement (ICE) pursuant to 8 U.S.C § 1231(a)(6). Petitioner has been continuously detained since June 5th, 2025, for a period exceeding hundred and eighty (180) days. Because there is no significant likelihood of his removal in foreseeable future, his continued mandatory detention violates his Fifth Amendment right to Due Process under the principles established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus ordering his immediate release from physical custody under an appropriate Order of Supervision.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is held in custody in violation of the constitution and laws of the United States.
2. Federal district courts have jurisdiction to review habeas challenges by noncitizens to the lawfulness of their detention, including post-removal detention under 8 U.S.C § 1231(a).
3. This Court also has jurisdiction under 28 U.S.C § 1331 and declaratory Judgment Act, 28 U.S.C §§ 2201 02, because this petition raises questions arising under the Immigration and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and the Fifth Amendment.
4. Venue is proper in the District of Kansas under 28 U.S.C § 1391(e) and § 2241 because Petitioner is detained in the District and immediate custodian, Crystal Carter is located here.

II. PARTIES

5. Petitioner, Ali Hamed  is a native of Palestine (West Bank), who is currently detained in ICE custody at FCI Leavenworth, Kansas
6. Crystal Carter, Warden, FCI Leavenworth
7. Bradley McNair, Deportation Officer, ICE
8. Todd Lyons, Acting Director, ICE
9. Alejandro Mayorkas, Secretary, Department of Homeland Security

10. Pam Bondi, Attorney General of the United States
11. All Government Respondents are sued in their official capacity

III. FACTUAL BACKGROUND

12. An Immigration Judge ordered the Petitioner removed on May 08, 2024.
13. The Order of Removal became administratively final on or about June 5th, 2024.
14. Petitioner entered ICE custody on or about June 5th, 2025.
15. Petitioner has been detained by ICE for more than six months (180 days) of post-order detention.
16. During this time, DHS/ICE has been unable to remove the Petitioner to his home country, Palestine, and Jordan as a third country.
17. Both attempts (Removal to Palestine and Jordan) have failed, even though Petitioner has cooperated fully with ICE's efforts with removal, including, providing his passport, completing necessary forms, providing information, and attending any requested interview(s).
18. ICE has provided little to no information about any timeframe toward Petitioner's removal in foreseeable future.
19. Petitioner does not pose a danger to the community (no criminal record), and does not present a flight risk that cannot be addressed by conditions of supervised release, such as reporting requirements, or other standard conditions.
20. Petitioner has close ties in the United States, including his family (brothers) etc., and is willing to comply with any conditions of release imposed by the Court or ICE.
21. Continued detention is causing Petitioner significant physical, emotional, and psychological harm, particularly given the indefinite and uncertain nature of the confinement.

IV. LEGAL FRAMEWORK

22. Under 8 U.S.C § 1231(a), DHS is generally required to remove an individual within 90 days of a final order of removal with limited authority to continue detention beyond that period.
23. In *Zadvydas v. Davis*, the Supreme Court construed § 1231(a)(6) to avoid serious constitutional concerns by reading into the statute an implicit "reasonable time" limitation on post-order detention and establishing a six month presumptively reasonable period.
24. After six months (180 days), once the noncitizen provides "good reason to believe that there is no significant likelihood of removal in reasonably foreseeable future," the burden shifts to the government to provide evidence to rebut that showing; if it cannot, continued detention is unlawful.
25. The Fifth Amendment Due Process Clause limits civil immigration detention to purpose of ensuring appearance at proceedings and protecting the community, and detention must bear a reasonable relation to those purposes and not by arbitrary or indefinite.

V. CLAIMS FOR RELIEF

First Claim For Relief: Statutory Claim Under 8 U.S.C § 1231(a) as interpreted by *Zadvydas v.*

Davis

26. Petitioner re-alleges and incorporates by reference paragraphs 1-25.
27. Petitioner has been detained beyond the 6 months (180 days) post-removal-order.
28. Petitioner has presented good reason to believe that there is no significant likelihood of removal in reasonably foreseeable future, including (but not limited to) the inability of unwillingness of any "third-country" ICE has tried removing the Petitioner to, such as Jordan.
29. Respondents have not provided evidence sufficient to rebut Petitioner's showing that removal is not significantly likely in the reasonably foreseeable future.
30. Under *Zadvydas*, continued detention under these circumstances exceeds the authority granted by § 1231(a)(a) and is unlawful.
31. Accordingly, Petitioner's continued detention violates the INA and must cease.

Second Claim For Relief: The Fifth Amendment Violation

32. Petitioner re-alleges and incorporates by reference paragraphs 1-31.
33. The Fifth Amendment prohibits arbitrary and indefinite civil detention that is not reasonably related to a legitimate governmental purpose.
34. Any legitimate purpose that might initially justify Petitioner's detention such as facilitating removal has dissipated because removal is no significantly likely in the reasonably foreseeable future.
35. Continued detention is excessive and disproportionate in relation to any legitimate governmental interest and therefore violates substantive due process.

Third Claim For Relief: The Purpose of Detention Effecting Removal No Longer Exists

36. Petitioner re-alleges and incorporates by reference paragraphs 1-35.
37. The stator scheme contemplates detention only as long as necessary to effects removal.
- 8 U.S. Petitioner re-alleges and incorporates by reference paragraphs 1231(a)(i)(A) gives 90-day removal period; then Petitioner re-alleges and incorporates by reference paragraphs 1231(a)(6) gives discretionary further detention only if removal is reasonably foreseeable.
38. Once it becomes apparent that removal is no longer "reasonably foreseeable," continued detention becomes punitive in nature, which raises due-process concerns. *Zadvydas*, 533 U.S. at 690.
39. On September 12, 2025, Petitioner attended an interview at ICE office in Kansas City, Mo, after which his Deportation Officer, Bradley McNair, and the agent assisting him conduct the interview recommended his release from detention, confirming that his removal to Palestine or any other countries was not likely in foreseeable future.

Fourth Claim For Relief: Constitutional and Human Rights Concerns

40. Petitioner re-alleges and incorporates by reference paragraphs 1-39.
41. Indefinite detention without release or bond hearing raises serious due-process and liberty interest issues. See e.g., Congress Research Service not: "indefinite detention raises 'serious constitutional-concerns'."
42. The burden on the government must increase when liberty is at stake.

Fifth Claim For Relief: No Meaningful Prospect of Removal

- 43. Petitioner re-alleges and incorporates by reference paragraphs 1-42.
- 44. The detention period (more than 6 months) exceeds the presumptive "reasonably necessary" period identified in Zadvydas (six months).
- 45. Government must show removal in foreseeable future; here no evidence of country acceptance, consulate cooperation, travel documents etc.
- 46. Under regulatory guidance, if removal is not reasonably foreseeable, detainee must be released after 180 days.
- 47. These conditions of this case detention well past six months, no indication of removal trigger the logic of Zadvydas/Clark v. Martinez: Continued detention becomes unjustified.
- 48. "The Government must provide concrete evidence, not speculation." Ncube v. INS, 2000 WL 1466117, at *4(S.D.N.Y. 2000).

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Issue a Writ of Habeas Corpus, ordering Respondents to show cause;
- C. Immediately release Petitioner from ICE custody under such reasonable conditions of supervision as the Court deems appropriate;
- D. Grant such other and further relief as the Court deems just and proper

VII. VERIFICATION

I Ali Hamed, declare under penalty of perjury under the laws of the United States that I am the Petitioner in above-entitled action; that I have read the foregoing Petition for Writ of Habeas Corpus and know the contents, therefore; and that the same is true and correct to the best of my knowledge, information, and belief.

Ali Dec 8th, 2025

FCI Leavenworth



Ali Hamed
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