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UNITED STATES DISTRICT COURT
WESTERN DISTRICT FOR THE STATE OF LOUISIANA

Iyad Y. Dar Hamad, )	Case No.
Petitioner)	
v.)	MOTION FOR RULE
)	TO SHOW CAUSE
)	
Mellissa Harper, Field Office Director, New Orleans Field Office, United States Immigration and Customs Enforcement;)	
Todd M. Lyons, Acting Director, United States Immigration and Customs Enforcement;)	
Kristi Noem, Secretary, United States Department of Homeland Security; and)	
)	
Warden Eleazar Garcia of Winn Correctional Center, Respondents.)	

Motion for Rule to Show Cause for Petitioner’s Continued Detention

1. Petitioner, Iyad Yisin Dar Hamad petitioned this Court for a writ of habeas corpus to remedy Petitioner’s indefinite detention by Respondents. Petitioner submits this Motion for Rule to Show Cause for Petitioner’s Continued Detention.
2. Petitioner is a Palestinian national. Respondents detained Petitioner in May 2024 in River Correctional Center after attempting to come home to the U.S. after visiting family in Palestine, alleging that a guilty plea entered in 2018 for writing worthless checks made him inadmissible to the U.S. The Immigration Court sustained the allegations, and he was ordered removed in August 2024 by the Immigration Court. To date, they continue to hold him now in Winn Correctional Center, and have denied all requests for parole.
3. Petitioner, through counsel, provided evidence of his extensive ties to the U.S. (mitigating any risk of flight) along with his lack of criminal history other than one incident of writing worthless checks (confirming his release would pose no danger to the community community). Nevertheless, all custody reviews stated he was a flight risk, despite having a business, movable and immovable property, and residing with his Lawful Permanent Resident wife, Lawful Permanent Resident child, and 3 additional U.S. citizen children.

4. The Department of Homeland Security designated Jordan, or in the alternative, Turkey as the countries for removal. The Immigration Judge accepted these countries. Since his order of removal was issued in August 2024, ICE ERO has been attempting to deport Petitioner. Petitioner is not a native or citizen of Jordan or Turkey, and our government does not recognize his native State of Palestine. Consequently, Jordan and Turkey refused to accept him for repatriation, and Palestine has no ability to accept nationals deported from the United States.

5. Petitioner, through his family and counsel, mailed his Palestinian passport to ICE ERO at their request. Petitioner has otherwise complied with any requests for information or interviews with officers or consulates. Most recently, ICE ERO officers have harassed Petitioner to accept deportation to countries not previously designated by the Department of Homeland Security or approved by an Immigration Judge and to which he has zero ties. Specifically, they wish for him to agree to be deported to Israel, Syria, Lebanon, or Cambodia. Petitioner declined, as he has no ties to any of these nations, deeply fears returning to Israel due to the current conflict in Gaza, does not speak the dialects of Arabic in Syria or Lebanon, and does not speak, read or write Cambodian Khmer.

6. In short, ICE ERO is no closer today than they were sixteen (16) months ago in successfully and lawfully deporting Petitioner. Importantly, his deportation is not imminent, as the nations designated by the Department of Homeland Security and approved by the Immigration Court have refused to accept him or provide him a travel document for admission into their county. This will not change. Consequently, his continued detention without end in sight is unconstitutional.

7. Consequently, Petitioner respectfully requests that this Court order Respondents to show cause why the writ should not be granted "within three days unless for good cause additional time, not exceeding twenty days, is allowed," and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243.

Respectfully submitted,



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