

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

HASSAN SULEIMAN KHALAF,

*Petitioner/Plaintiff,*

v.

JOSHUA JOHNSON,  
Acting Dallas Field Office Director for Enforcement and  
Removal Operations, U.S. Immigration and Customs  
Enforcement

TODD LYONS,  
Acting Director, U.S. Customs and Immigration Enforcement

KRISTI NOEM,  
Secretary of the U.S. Department of Homeland Security

PAM BONDI,  
Attorney General of the United States,

PHILLIP VALDEZ  
In his official capacity as the Warden of the Eden Detention  
Center

*Respondents/Defendants,  
each sued in his/her official  
capacity.*

Civil No. 6:25cv 00104

**Oral Argument Requested**

PETITION FOR WRIT OF HABEAS CORPUS AND  
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

## INTRODUCTION

1. Hassan Suleiman Khalaf (“Petitioner”), by and through undersigned counsel, files this verified petition for a writ of habeas corpus and a motion for a temporary restraining order to enjoin Respondents from unlawfully removing him from the United States to an unknown third country or continuing his detention.

2. Mr. Khalaf, a 45-year-old stateless Palestinian, was born and raised as a refugee in Lebanon. Throughout his life, he has diligently worked to provide for the safety and wellbeing of his family. He was admitted to the United States on a B-2 visitor visa on January 21, 2022, with his wife and four children. He has no criminal history. Prior to his detention, he opened a small business to provide for his family and purchase a home. Mr. Khalaf’s extended and needless detention has destroyed his life: his children are suffering, his physical and mental health are declining, his business has been destroyed, and the family home is nearing foreclosure.

3. Mr. Khalaf filed a timely affirmative asylum application with the United States Citizenship and Immigration Services (“USCIS”). In February 2025, USCIS referred his case to the Executive Office of Immigration Review (“EOIR”) and he was detained by Immigration and Customs Enforcement (“ICE”) and placed in removal proceedings. After months in detention, an immigration judge issued a final order of removal on September 4, 2025. However, Mr. Khalaf was granted protection from removal to Lebanon under the Convention Against Torture (“CAT”). An individual granted CAT protection is not deportable to the country of torture, meaning the government must either remove them to a third country (if possible) or *release them under supervision*.

4. Mr. Khalaf, the main provider for his family, has been detained in immigration custody for almost a year, separated from his wife and four children. Although he has agreed to

be removed to Palestine in September 2025 and signed the required ICE forms, his case remains unresolved 90 days after his removal order was finalized. The government is unable to remove him to Palestine as it needs prior permission from the State of Israel, which it will never receive.

5. Moreover, the government has not specified a third country for Mr. Khalaf's deportation, nor have they provided any assurances regarding his safety and family reunification should a country be identified. The government is legally bound by the 1951 Refugee Convention and the U.N. Convention Against Torture, as codified in the text of U.S. law. Both conventions prevent the government from sending anyone to a country where they are likely to be persecuted or tortured. This Court should issue a limited stay of removal so that Mr. Khalaf can be afforded the opportunity to seek protection from removal to any country to which ICE may seek his deportation.

6. Unless this Court intervenes, it is likely that on or soon after December 26, 2025, the government will unlawfully remove Mr. Khalaf to an unknown third country or continue his detention indefinitely. Mr. Khalaf poses no danger to the community, and he poses no flight risk. All he seeks is a chance to be released so that he can provide for his family, and to do so in relative safety, from within the United States, and at liberty, so that he can continue to be with his wife and four children. Accordingly, this Court should enjoin the government from removing Mr. Khalaf, or continuing his detention, unless and until the government proves, at individualized fair hearings before this Court, that detention is necessary to prevent danger to the community or flight from immigration enforcement or identifies the country that Mr. Khalaf will too imminently removed to.

#### **JURISDICTION**

7. This petition arises under the Fifth Amendment to the United States Constitution; the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*; the Convention Against  
Petition for Writ of Habeas Corpus

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”), Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85; the regulations implementing CAT and the asylum provisions of the INA, 8 C.F.R. § 208.1 *et seq.*; the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub. L. No. 105-277, Div. G, Title XXII, § 2242(a) (8 U.S.C. § 1231 note); and the regulations implementing the statute that governs the detention of people subject to final orders of removal, 8 U.S.C. § 1231(a), found at 8 C.F.R. § 241.1 *et seq.*

8. The Court has subject-matter jurisdiction under the Suspension Clause, U.S. Const. art. I § 9 cl. 2 (habeas corpus), 28 U.S.C. § 2241 (same), 28 U.S.C. § 1331 (federal question), and 5 U.S.C. § 702 (Administrative Procedure Act). Under 28 U.S.C. § 1651 (All Writs Act) and 28 U.S.C. § 2201 (Declaratory Judgment Act), the Court has remedial authority and jurisdiction to order the relief that Mr. Khalaf seeks.

#### VENUE

9. Venue is proper in this district pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1391 because Mr. Khalaf is detained in the Eden Detention Center in Eden, Texas (Concho County), which is within the Northern District of Texas, San Angelo Division.

#### PARTIES

10. Petitioner Hassan Khalaf is a stateless Palestinian refugee who entered the U.S. on a B-2 visitor visa. He is a law-abiding individual with no criminal convictions. He was granted protection under the Convention Against Torture (“CAT”) from removal to Lebanon and the government is unable to remove him to Palestine in the foreseeable future, he should be released so that he can resume his role as a breadwinner for his wife and four children.

11. Respondent Kristi Noem: Named in her official capacity as the Secretary of the Department of Homeland Security. She is responsible for administering immigration laws pursuant to 8 U.S.C. § 1103(a) and is legally responsible for efforts to confine and remove the  
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Petitioner. Address: U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

12. Respondent Pamela Bondi: Named in her official capacity as Attorney General of the United States. She is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g) and is a custodian of Mr. Khalaf. Address: U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

13. Respondent Todd Lyons: Named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is responsible for the administration and enforcement of immigration laws and for pursuing efforts to remove and confine Mr. Khalaf. Address: ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-590.

14. Respondent Josh Johnson: Named in his official capacity as Acting Director of the ICE Enforcement & Removal Operations ("ERO") Dallas Field Office. He is responsible for the administration of immigration laws and the institution of removal proceedings within North Texas, where Mr. Khalaf is confined. Address: 8101 North Stemmons Freeway, Dallas, Texas 75247.

## FACTS

### *Stateless Palestinian*

15. Hassan Khalaf has was born in Lebanon = as a Palestinian refugee. His parents fled Palestine in 1948 after the Nakba and he has never set foot on the land of his citizenship and nationality, Palestine. Since birth, his time in Lebanon has been filled with struggle.

16. Palestinians living in Lebanon cannot obtain Lebanese citizenship. They are barred from dozens of professions, including medicine, engineering, and law. They are unable to

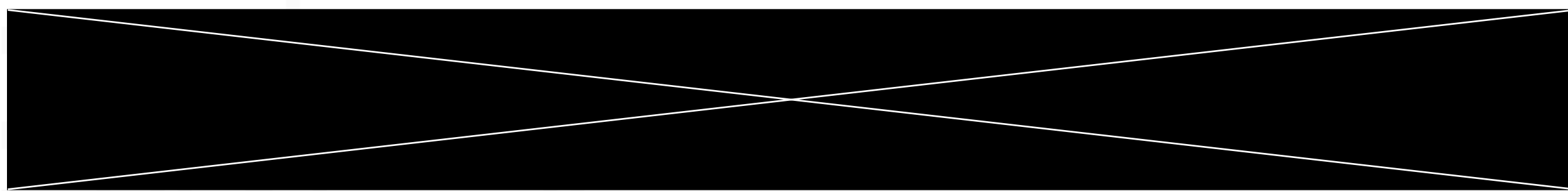
own property and receive no social security benefits. They are relegated to an impoverished permanent refugee class. This is the fate of many 1948 Palestinian refugees.

17. Mr. Khalaf studied hard to overcome these obstacles, eventually obtaining a bachelor's in business administration and relocating to the United Arab Emirates, at age 20, to seek a better life.

18. Mr. Khalaf resided in the UAE for 20 years, during which his legal status was directly tied to his employment. In the event of prolonged unemployment, he would be required to depart the UAE immediately due to the loss of legal status.

19. Mr. Khalaf worked for Consolidated Contractors International Company (CCC) as a senior administrator in Human Relations from 2001 to 2021. In 2021, he accepted an offer for the position of senior administrator with Workforce Connexion (WFC) in the area of government relations. In this position, he was given access to personal information about company employees, including their visa applications, work, and travel history.

20. In August 2021, Mr. Khalaf was told by his family that he needs to immediately return to Lebanon as his mother was very sick. She died on the same day he arrived to see her, August 5, 2021. During her funeral, on August 8, 2021, three men, who identified themselves as



them for his refusal to cooperate. He reported the assault to the Lebanese police, but no action was taken against the perpetrators.

21. Mr. Khalaf immediately returned to UAE. In UAE he continued to receive phone calls which he attempted to ignore. The mental and emotional pressure from the loss of his

mother and the threats began to take their toll on Mr. Khalaf's work and he was laid off in November 2021.

22. Unable to find new employment within the required grace period and unable to return to Lebanon, Mr. Khalaf sought refuge in the United States.

*Father of Four*

23. The most difficult aspect of Hassan Khalaf's continued detention is the separation from his four children, F [REDACTED] L [REDACTED], S [REDACTED] and [REDACTED]. His youngest two, ages 6 and 11, are American citizens. They live in Dallas and Mr. Khalaf is detained four hours away in Eden Detention Center.

24. Mr. Khalaf entered the United States on a visitor visa with his wife and four children on January 21, 2022. He opened a small tow truck business and used his savings from years of work in U.A.E to purchase a home.

25. In February 2025, Mr. Khalaf was detained by ICE. Mr. Khalaf has been detained for nearly a year, separated from his minor children, which has harmed his health and destroyed his business. He now suffers from high blood pressure, pre-diabetes, anxiety, and depression. His children have also suffered, and the family home is nearing foreclosure due to missed mortgage payments, leaving his wife and children on the brink of homelessness.

*Removal Proceedings*

26. The Department of Homeland Security (DHS) filed a Notice to Appear alleging that Mr. Khalaf was removable to Lebanon as he entered the United States as a temporary visitor and overstayed his visit. Mr. Khalaf sought asylum as a protection from removal.

27. DHS did not file any evidence against Mr. Khalaf and the Immigration Court proceeded with a final hearing on August 22, 2025.

28. The Immigration Judge found Mr. Khalaf's testimony to be credible; however, the Immigration Judge determined the harm Mr. Khalaf suffered does not rise to the level of prosecution required for asylum. The Immigration Judge stated that while Mr. Khalaf did "receive medical care for the assault" he "did not suffer any broken bones, or lose consciousness, or have any serious permanent physical effects from the assault. [Mr. Khalaf] has experienced psychological trauma, including anxiety, tension and paranoia."

29. The Immigration Judge continued that "[a]lthough in no way minimizing this harm, and even considering it cumulatively, the Court finds that it does not constitute prosecution."

30. The Immigration Court determined that while Mr. Khalaf did not experience persecution, that "it is more likely than not that he will be tortured in the future by Hezbollah if he returns to Lebanon." As a result, Mr. Khalaf was granted withholding and deferral of removal from Lebanon under the Convention Against Torture.

*90 Days Post Removal Order*

31. Immediately after his final order of removal was issued, ICE agents visited Mr. Khalaf and requested that he sign documents verifying his intention to be removed to Palestine. Mr. Khalaf readily signed all documents presented, which included documents from both the Palestinian Authority and Israel.

32. Mr. Khalaf followed up with ICE agents regarding his release and was told that his case was being "processed". Mr. Khalaf questioned whether he will be removed to Palestine or a third country and he was told that it could be anywhere, "Uganda", "Mexico", "they don't know."

33. ICE is required to conduct regular custody reviews after a removal order becomes final. *See* 8 C.F.R. § 241.4; 8 C.F.R. § 241.13. However, Mr. Khalaf has not received any Post-Custody Reviews (POCR).

34. The government is unable to remove Mr. Khalaf to Palestine in the near future as Israel has refused to return Palestinian refugees to Palestine since their expulsion in 1948. Deportations to the Palestinian territory must be conducted by Israel.

35. Recently, an ICE agent told Mr. Khalaf that his situation is “complicated”, and it is unlikely he will be removed in the near future and that he could be detained “forever”.

#### **LEGAL FRAMEWORK**

36. Hassan Khalaf is currently being detained pursuant to 8 USC 1231(a)(6.) This statute generally provides that after an order of removal, removal should happen within a 90 day “removal period.” (8 USC 1231(a)(1)(A.) The statute goes on to provide for the possibility of detention beyond said 90-day removal period, and does not itself place any limit on this post-removal detention. 8 USC 1231(a)(6).

37. However, in *Zadvydas v. Davis*, 533 US 679 (2001), the United States Supreme Court held that to avoid Constitutional problems, 8 USC 1231(a)(6) must be interpreted to limit detention to “the period *reasonably necessary* to secure removal.” *Zadvydas*, at 689. (emphasis added).

38. In *Tran v. Mukasey*, *supra*, the Fifth Circuit granted release to a mentally-ill man who had been convicted of assault and placed in a mental hospital and who had, the day after his release from a halfway house, murdered his wife. The Court held that *Zadvydas* mandated his release because his removal was not reasonably foreseeable. And in *Jordan v. Young*, 2013 US Dist. LEXIS 53326 (WDLA 2013) the petitioner, who suffered from serious medical conditions,

was ordered released because it appeared that Jamaica was delaying issuing him a travel document.

39. Hassan Khalaf's removal is not reasonably foreseeable. Hassan Khalaf, who is stateless, fully complied with efforts to provide the identification documents he has to ICE and to various embassies and consulates, but no country has yet agreed to accept him. It has now been more than 90 days since the issuance of the final order of deportation, and the government has not yet removed Mr. Khalaf. It is submitted that his removal is not reasonably foreseeable, and he should be immediately released from custody pursuant to *Zadvydas v. Davis*, 533 US 678 (2001) and *Ha Tran v. Mukasey*, 515 F.3d 478 (5th Cir. 2008).

### CAUSES OF ACTION

#### COUNT ONE

#### FIFTH AMENDMENT – PROCEDURAL DUE PROCESS

#### *Denial of Rights to Fair and Meaningful Opportunity to Pursue Motion to Reopen Removal Proceedings Seeking Mandatory Protection against Removal Based on Changed Circumstances*

40. Mr. Khalaf realleges the foregoing paragraphs as if set forth fully herein.

41. Federal law and binding international law obligate the government to hear the claims of noncitizens, regardless of their status, who have a credible fear of persecution or torture emanating from a country before they are removed from the United States to that country. *See* 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 208.16(b)(2); 8 C.F.R. § 208.16(c)(4).

42. Mr. Khalaf has not yet received his core procedural entitlement to have his claims for mandatory protection against removal to a third country based on changed circumstances be heard at a meaningful time and in a meaningful manner—as the Fifth Amendment and the INA require. A limited stay of removal from this Court is essential to enabling him to pursue those claims. *See* Order, *Oentoyo*, Civ. No. 18-1493 (M.D. Pa.) (Christian Indonesian); Order,

*Pangemanan*, Civ. No. 18-1510 (D.N.J.) (class of Christian Indonesians); *Devitri*, 290 F. Supp. 3d at 91–96 (same), *aff'd*, 289 F. Supp. 3d at 292–99; *see also* Order, *Compere*, 2019 U.S. Dist. LEXIS 11593, \*10–24 (Haitian national); *Sied*, 2018 U.S. Dist. LEXIS 35696, \*30–73 (Eritrean national); *Ibrahim*, 2018 U.S. Dist. LEXIS 13390, \*12–20 (Somali nationals); *Gbotoe*, 2017 U.S. Dist. LEXIS 201075, \*6–19 (Liberian national); 8 U.S.C. § 1229a(c)(7)(c)(ii); 8 C.F.R. § 1003.2(c)(3)(ii); *cf. Martinez*, 341 F. Supp. 3d at 406–11 (temporary stay of removal for noncitizen subject to final removal order but eligible to adjust status based on marriage and contingent on getting a provisional waiver of inadmissibility); *Villavicencio Calderon*, 330 F. Supp. 3d at 959–60 (same); *Fatty*, 2018 U.S. Dist. LEXIS 121852 \*3–9 (temporary stay of removal for trafficking victim from Gambia whose removal would have obviated pending application for protection intended for trafficking victims against removal); *Chhoeun*, 306 F. Supp. 3d at 1157–63 (temporary stay of removal for class of Cambodian nationals to enable them a fair opportunity to pursue motions to reopen their removal cases).

43. Procedural due process requires that the government be constrained before acting in a way that deprives individuals of liberty and property interests protected under the Due Process Clause of the Fifth Amendment. One of the first inquiries in any procedural due process violation is whether the plaintiff has a protected property or liberty interest, and if so, the extent or scope of that interest. (*Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569-70 (1972)).

44. Procedural due process imposes constraints on governmental decisions that deprive individuals of “liberty” or “property” interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment. (*Mathews v. Eldridge*, 424 U.S. 319, 332 (1976)) Courts employ the Eldridge test when an alien’s due process liberty interests are at stake.

(*Flores-Chavez v. Ashcroft*, 362 F.3d 1150, 1160-61 (9th Cir. 2004)) This test considers three factors: (1) The private interest affected by the official action; (2) The risk of erroneous deprivation of that interest through the procedures used; (3) The government's interest.

45. It requires courts to balance the affected interests to determine whether the administrative procedures provided are constitutionally sufficient.

46. Khalaf's interest affected by Respondents' actions is profound—his physical liberty and his children's wellbeing. He is detained, despite having been vindicated and granted CAT protection and being neither a flight risk nor a danger to public safety or national security. Therefore, at best, the government's interest in his continued detention is minimal.

47. Under the *Eldridge* test, Khalaf's significant liberty interest far outweighs the government's minor interest in his continued detention.

48. When the government creates a reopening remedy that can defeat removal, it cannot be allowed to destroy that remedy by creating procedural obstacles that prevent the alien from invoking it. Doing so would deprive them of liberty without due process of law and would therefore be judicially reviewable, even if the petition presents only a question of fact (such as whether a notice of hearing was sent), because judicial review statutes allow review of a discretionary ruling that is claimed to deny a constitutional right. (*Jefierski v. Mukasey*, 543 F.3d 886, 890 (7th Cir. 2008))

49. Respondents violated Khalaf's procedural due process rights by continuing his detention when they are unable to deport him. Moreover, Khalaf's interest affected by Respondents' actions is profound—his physical liberty.

50. For all these reasons, Khalaf's detention violates the procedural due process rights guaranteed by the Fifth Amendment and the Due Process Clause.

**COUNT TWO**  
**SUSPENSION CLAUSE**

*Summary Removal from the United States without Requisite Judicial Review*

51. Mr. Khalaf realleges the foregoing paragraphs as if set forth fully herein.

52. The Suspension Clause requires that the federal courts have an opportunity for meaningful review of Mr. Khalaf's claims for relief against removal to a third country, where he has no familial or cultural ties. Absent this court's intervention, the government will summarily remove or cause the removal of Mr. Khalaf without such review, in violation of the Suspension Clause.

53. This Court should obviate those grave risks to Mr. Khalaf by asserting its habeas corpus jurisdiction to issue the limited stay of removal needed to vindicate their rights to judicial review of his pending claims, including, if needed, to the Fifth Circuit Court of Appeals. *See* Order, *Compere*, 2019 U.S. Dist. LEXIS 11593, \*10–24 (constitutional habeas jurisdiction); *Devitri*, 290 F. Supp. 3d at 91–96 (same), *aff'd*, 289 F. Supp. 3d at 292–99; *Ibrahim*, 2018 U.S. Dist. LEXIS 13390, \*12–20 (same); *see also* *Sied*, 2018 U.S. Dist. LEXIS 35696, \*30–73 (statutory habeas jurisdiction); *Gbotoe*, 2017 U.S. Dist. LEXIS 201075, \*6–19 (same); *cf.* *Martinez*, 341 F. Supp. 3d at 406–11 (statutory habeas jurisdiction to grant temporary stay of removal to noncitizen subject to final removal order but eligible to adjust status based on marriage and contingent on getting a provisional waiver of inadmissibility); *Villavicencio Calderon*, 330 F. Supp. 3d at 959–60 (same); *Fatty*, 2018 U.S. Dist. LEXIS 121852 \*3–9 (statutory habeas jurisdiction to grant temporary stay of removal to trafficking victim from Gambia whose removal would have obviated pending application for protection intended for trafficking victims against removal); *Chhoeun*, 306 F. Supp. 3d at 1157–63 (statutory habeas jurisdiction to grant temporary stay of removal to class of Cambodian nationals to enable them a fair opportunity to pursue motions to reopen their removal cases).

**COUNT THREE**

**FIFTH AMENDMENT – SUBSTANTIVE AND PROCEDURAL DUE PROCESS**  
*Prohibition against Re-Detention without Government’s First Proving through Individualized Fair Hearings that Such Action is Necessary to Prevent Danger or Flight Risk*

54. Mr. Khalaf repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

55. His continued detention violates his right to substantive due process by depriving him of the core liberty interest in freedom from detention and bodily restraint.

56. Individuals physically present in the United States are guaranteed the protections of the Due Process Clause of the Fifth Amendment. (*Zadvydas v. Davis*, 533 U.S. 678, 693 (2001): “The Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976): “There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment, as well as the Fourteenth Amendment, protects every one of these persons from deprivation of life, liberty, or property without due process of law.”)

57. Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690. Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a “sufficiently strong special justification” to outweigh the significant deprivation of liberty. (*Id.*; see also *Phan v. Reno*, 56 F. Supp. 2d 1149, 1154 (W.D. Wash. 1999) (citing *Reno v. Flores*, 507 U.S. 292, 301-02 (1993)).)

58. Due process permits the government to restrain an individual’s liberty only where the government’s justification for such restraint bears a “reasonable relation” to permissible purposes. *Jackson v. Indiana*, 405 U.S. 715, 738 (1972); see also *Foucha v. Louisiana*, 504 U.S.

71, 79 (1992); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). In the immigration context, those purposes are “ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community.” *Zadvydas*, 533 U.S. at 690 (citations omitted). Those substantive limitations on detention intertwine closely with procedural due process protections. *Foucha*, 504 U.S. 78–80.

59. Here, the government had allowed Mr. Khalaf to be at liberty for years. It cannot now lawfully continue his detention, or cause his re-detention, for putative immigration enforcement—without first proving through individualized and fair hearings before this Court. *See, e.g., Ragbir*, 2018 U.S. Dist. LEXIS 13939, \*6–7 7; *D’Alessandro*, 628 F. Supp. 2d at 401–02; *Lopez*, 2018 U.S. Dist. LEXIS 214163, \*8–9; *Bonitto*, 547 F. Supp. 2d at 757–58; *Nguyen*, 108 F. Supp. 2d at 1262; 8 C.F.R. § 214.4. *See also Saravia*, 280 F. Supp. 3d at 1200–06; *Rombot*, 296 F. Supp. 3d at 386–89; *Matter of Sugay*, 17 I. & N. Dec. at 640 (BIA 1981).

60. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

61. The government’s detention of Khalaf is unjustified. The government has not demonstrated that Khalaf—who has no criminal history and has close ties in his community—needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Khalaf cannot be safely released back to his community.

62. Khalaf’s detention is also punitive and bears no “reasonable relation” to any legitimate purpose for detaining him. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (“nature and

duration” of civil confinement must “bear some reasonable relation to the purpose for which the individuals is committed”); *Zadvydas*, 533 U.S. at 690 (finding immigration detention is civil and thus ostensibly “nonpunitive in purpose and effect”).

63. Khalaf’s continued detention violates his right to substantive due process by depriving him of his core liberty interest to be free from bodily restraint. *See Zadvydas*, supra; *Tam v. INS*, 14 F. Supp.2d 1184 (EDCA 1998) (aliens retain substantive due process rights.) The Due Process Clause requires that the deprivation of liberty be narrowly tailored to achieve a compelling government interest. *See Reno v. Flores*, 507 US 292 (1993). While Respondents might have a compelling interest in detaining Petitioner to actually affect his deportation, that interest does not exist if they cannot deport him. The *Zadvydas* Court thus interpreted 1231(a)(6) to allow for detention only for the period *reasonably necessary* to affect removal because any other reading would violate the Due Process Clause.

64. Mr. Khalaf has cooperated completely with ICE to facilitate removal, as demonstrated in his willingness to sign documents presented to him by ICE. However, removal is not reasonably foreseeable because he is stateless, and no country has yet agreed to accept him, or even appears at all inclined to do so. It is submitted that even if some country eventually agrees to accept him, it is extremely unlikely that he would be removed anytime soon.

65. If the government cannot find a safe third country to accept Mr. Khalaf, detention quickly becomes indefinite.

66. Based on the foregoing, because Hassan Khalaf is being illegally detained in violation of 1231(a)(6) as interpreted by the above case law, he should be immediately released.

#### **PRAYER FOR RELIEF**

67. **WHEREFORE**, Mr. Khalaf respectfully requests that this Honorable Court:

A. Assume jurisdiction over this matter;

B. Issue a Writ of Habeas Corpus requiring Respondents to release of Hassan Khalaf forthwith;

C. Issue an injunction ordering Respondents not to continue to detain Mr. Khalaf, on the basis of the conduct described herein; Declare that re-detention by, or caused by, Respondents/Defendants would violate Mr. Khalaf's rights under the Fifth Amendment, and/or their rights under the INA and its implementing regulations, and prevent those injuries by enjoining Respondents/Defendants from re-detaining them, or causing their re-detention, without first proving through individualized fair hearings before this Court why re-detention is necessary to prevent danger to the community or flight from immigration enforcement;

D. Award reasonable attorneys' fees and costs to Mr. Khalaf; and

E. Grant such other and further relief as is just and equitable.

Date: December 18, 2025

/s/Marwa Elbially  
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