

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Jamal Fadel,

Petitioner,

v.

Warden, Moshannon Valley ICE Processing Center, is
sued in his official capacity,

Todd M. Lyons, Acting Director of U.S. Immigration
and Customs Enforcement, is sued in his official
capacity,

Kristi Noem, Secretary of the U.S. Department of
Homeland Security, is sued in her official capacity,

Pamela Bondi, Attorney General of the United States, is
sued in her official capacity,

Respondents.

Civil Action No.:

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

Introduction

1. Petitioner Jamal Fadel is an immigrant detainee currently held by U.S. Immigration and Customs Enforcement (ICE) at the Moshannon Valley ICE Processing Center in Phillipsburg, Pennsylvania who was granted asylum by an immigration judge on December 18, 2025.
2. He arrived in the United States on December 3, 2023, and was *released on parole* by the Department of Homeland Security (DHS) pending his immigration proceedings.
3. Almost two years later, on September 16, 2025, ICE abruptly re-detained Mr. Fadel without any prior notice or opportunity to be heard.
4. While he was granted asylum, the Department reserved appeal and the order is not yet final.

5. This petition challenges Mr. Fadel's continued detention as unlawful under federal law and the Constitution and seeks immediate relief under 28 U.S.C. § 2241.
6. Petitioner respectfully requests that this Court declare his detention unlawful and order relief to remedy these violations.
7. As detailed below, Mr. Fadel's current custody is not authorized by the governing statute imposed by DHS.
8. He is detained under 8 U.S.C. § 1226(a) (the discretionary detention statute for noncitizens awaiting removal proceedings) rather than under 8 U.S.C. § 1225(b)(2)(A) (the provision for detention of arriving aliens seeking admission).
9. DHS initially exercised its discretionary authority to release Mr. Fadel under § 1226(a) after his arrival, reflecting a determination that he was neither a flight risk nor a danger to the community.
10. Having treated him as subject to § 1226(a) for almost two years, the government cannot now unilaterally reclassify him as an "arriving alien" subject to mandatory detention under § 1225(b) without any process or justification.
11. Yet ICE has re-detained Mr. Fadel without affording any bond hearing or individualized determination of the necessity of his incarceration.
12. This sudden, process-free deprivation of liberty violates the Immigration and Nationality Act (INA), its implementing regulations, and the Due Process Clause of the Fifth Amendment.
13. Petitioner therefore asks this Court to issue a writ of habeas corpus or other appropriate relief directing Respondents to provide him with an immediate individualized custody hearing or to release him.

14. Specifically, Petitioner requests an order requiring that he be given a bond hearing under 8 U.S.C. § 1226(a) within 5 business days of the Court's decision, or else be released from custody forthwith, as well as an order preventing Respondents from transferring him out of this Court's jurisdiction during the pendency of this case.

15. Absent such relief, Mr. Fadel will continue to suffer unlawful detention, in violation of his statutory and constitutional rights.

Jurisdiction and Venue

16. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 because Petitioner is "in custody in violation of the Constitution or laws of the United States."

17. He challenges the legality of his detention under the INA and the Fifth Amendment, matters which fall squarely within this Court's habeas corpus jurisdiction.

18. Federal question jurisdiction is also proper under 28 U.S.C. § 1331, as Petitioner's claims arise under federal statutes (the INA) and the U.S. Constitution.

19. Venue is proper in the Middle District of Pennsylvania because Petitioner is currently detained in this District. Mr. Fadel is confined at the Moshannon Valley ICE Processing Center in Phillipsburg, Pennsylvania, which lies within this Court's jurisdiction.

20. The immediate custodian responsible for his detention is within this District, and a substantial part of the events giving rise to the claim is occurring here.

21. Petitioner has exhausted any available administrative remedies, to the extent any were available or required.

22. There is no statutorily mandated exhaustion for a habeas challenge to immigration detention, and pursuing administrative remedies, such as requesting a bond hearing from an immigration judge, would be futile in Mr. Fadel's case.

23. In fact, DHS's position is that Petitioner is an "arriving alien" ineligible for an Immigration Court bond hearing, effectively denying him any administrative avenue to challenge his detention.
24. Accordingly, habeas review is appropriate and necessary to prevent continued irreparable harm.

Parties

25. Petitioner Jamal Fadel is a citizen of a foreign country (Western Sahara) who came to the United States seeking refuge. He was initially paroled into the U.S. on December 3, 2023, and has since been pursuing relief from removal. He is currently in the physical custody of ICE at the Moshannon Valley ICE Processing Center in Phillipsburg, Pennsylvania. Petitioner has no criminal convictions and has complied with all conditions of his release while he was out on parole. He was granted asylum by an immigration judge. Despite posing no danger or flight risk, he is now jailed by ICE without bond or any opportunity to contest his confinement.
26. Respondent Warden, Moshannon Valley ICE Processing Center, is sued in his official capacity, is sued in his official capacity, Respondent Warden is responsible for oversight of detention decisions. He has direct authority over Petitioner's custody and over the facility or facilities where Petitioner is held.
27. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS), sued in her official capacity. As DHS Secretary, Respondent Noem has ultimate responsibility for the enforcement of federal immigration laws, including the detention of noncitizens pending removal proceedings. DHS (through its sub-agency ICE) directs Petitioner's detention. Respondent Noem is a proper respondent in this habeas action to ensure effective relief, particularly in light of the risk of transfer out of this District.

28. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), sued in his official capacity. ICE is the DHS component agency directly responsible for immigration detentions and removals. As Acting Director of ICE, Respondent Lyons oversees ICE's nationwide detention operations and has the authority to release ICE detainees or otherwise alter custody conditions. He is also a proper respondent and legal custodian of Petitioner. By naming Respondent Lyons (a senior ICE official), Petitioner seeks to prevent the government from defeating habeas jurisdiction through any transfer of Petitioner to a different facility.
29. Respondent Pamela Bondi, Attorney General of the United States, is sued in her official capacity, Respondent Bondi is the head of the U.S. Department of Justice and the chief legal officer of the federal government. The Attorney General has ultimate authority over the interpretation and application of immigration laws and oversees the Executive Office for Immigration Review (which includes the immigration courts). Respondent Bondi is named in her official capacity given the claims of violations of the Immigration and Nationality Act and the Constitution raised herein.

Factual and Procedural Background

30. Parole Release in 2023: Petitioner arrived at a United States port of entry on or about December 3, 2023, where he was initially processed by immigration authorities.
31. Rather than detaining Mr. Fadel upon arrival, the Department of Homeland Security, exercising its discretion under INA § 236(a), released him on parole (own recognizance) pending his removal proceedings.
32. Petitioner was issued a Notice to Appear in Immigration Court and allowed to enter the country.

33. This conditional release (often termed “parole” or release on recognizance) was explicitly authorized by 8 U.S.C. § 1226(a), which permits DHS to release an arrested alien on bond or conditional parole during removal proceedings.
34. The Notice of Custody Determination given to Petitioner at that time cited INA § 236 as the authority for his release.
35. In granting Petitioner parole under § 1226, DHS necessarily determined that Mr. Fadel “does not pose a danger to the community and that he is likely to appear for future proceedings.”
36. Petitioner complied with all conditions of his release, including attending required immigration hearings and check-ins.
37. For nearly two years, he lived in the United States under these conditions, awaiting the resolution of his case.
38. He has succeeded in his application for asylum and was granted relief from removal by an immigration judge on December 18, 2025

Pending Removal Proceedings

39. Petitioner’s removal case remains ongoing for 30 days for the government, if they so choose, to appeal the decision granting Mr. Fadel asylum.
40. The order is not final and will not be final until the 30 day window to appeal closes or the government withdraws their reservation of appeal.
41. Throughout the pendency of his case, Petitioner has diligently pursued relief and abided by the law.
42. At no point has an immigration judge or DHS determined that he violated the terms of his release, or that circumstances changed warranting re-detention.

Re-Detention Without Hearing in 2025

43. On August 25, 2025, without warning, ICE officers arrested and detained Petitioner at a immigration court hearing.
44. No prior notice was given that his liberty was in jeopardy, nor was Petitioner afforded any sort of hearing or process to contest the decision to incarcerate him.
45. He was simply taken into custody and informed that he would remain detained for the duration of his immigration proceedings.
46. ICE did not cite any new evidence that Petitioner had become dangerous or a flight risk, nor any violation on his part; in fact, Petitioner's only "change" in circumstance was that he continued to comply with the process.
47. By all indications, the re-detention of Mr. Fadel was part of a policy shift or sweep to jail certain noncitizens who had previously been free on parole, not based on any individualized misconduct by Petitioner.

No Bond Hearing or Review

48. Since his re-detention on August 25, 2025, Petitioner has not been given any opportunity to seek release on bond or parole.
49. ICE has taken the position that Mr. Fadel is an "arriving alien" who, having never been formally "admitted" to the U.S., is ineligible for a bond hearing before an Immigration Judge.
50. Indeed, when Petitioner (through counsel) requested a custody redetermination, the immigration court refused jurisdiction, noting that "arriving aliens" may not have bond hearings under 8 C.F.R. § 1003.19(h)(2).

51. Thus, no neutral decision-maker has ever reviewed whether Petitioner's continued detention is necessary.

52. Petitioner remains jailed indefinitely, potentially for the remainder of his immigration case (which could last months or years), with no process at all to challenge his custody. He has now been detained for nearly four weeks without any individualized determination that he should be deprived of liberty.

Harm from Detention

53. Petitioner's prolonged detention has caused and continues to cause him severe hardship. He is separated from his community and support network in the U.S. and is confined in a secure detention facility under restrictive conditions.

54. The sudden incarceration has disrupted his ability to prepare his asylum case and has inflicted emotional distress and anxiety.

55. If not for ICE's unlawful actions, Petitioner would otherwise be living freely while pursuing his legal claims.

56. Every day of unjustified detention exacerbates the violation of his rights and the harm to his well-being.

57. Petitioner urgently seeks this Court's intervention to restore his freedom or, at minimum, to provide him with a fair chance to secure release through a prompt bond hearing.

Claims for Relief

CLAIM I

Petitioner's Detention Is Governed by 8 U.S.C. § 1226(a), Not § 1225(b), Making Him Eligible for a Bond Hearing

58. The Immigration and Nationality Act (INA) provides two primary statutes under which noncitizens may be detained during removal proceedings, depending on the

circumstances of their entry and arrest. Section 1225(b) of Title 8 governs the treatment of “applicants for admission” – i.e. individuals who are “arriving” aliens encountered at the border or a port of entry.

59. Under §1225(b)(2)(A), if an immigration officer determines that an arriving alien seeking admission is not “clearly and beyond a doubt” entitled to enter, the alien “shall be detained” for the duration of removal proceedings unless paroled for urgent humanitarian reasons. In other words, §1225(b) establishes a mandatory detention framework for those stopped at the border who have not been admitted to the country.

60. By contrast, 8 U.S.C. § 1226(a) applies to aliens who are within the United States and awaiting a decision on removal. Section 1226(a) authorizes the Attorney General (now the Secretary of Homeland Security) to issue a warrant for the arrest of a noncitizen and detain them pending removal proceedings but explicitly allows for discretionary release on bond or conditional parole.

61. The statute provides that DHS “may continue to detain the arrested alien” or “may release the alien” on a bond or conditional parole, subject to appropriate conditions.

62. Thus, while both §1225 and §1226 address detention of noncitizens during pending removal cases, §1225 provides for mandatory custody (for a limited class of arriving aliens) and §1226 provides a discretionary custody regime with eligibility for release.

CLAIM II

Petitioner’s Continued Detention Without an Individualized Hearing Violates the Fifth Amendment Due Process Clause

63. The Due Process Clause of the Fifth Amendment guarantees that the federal government shall not deprive any “person” of liberty without due process of law.

64. This fundamental constitutional protection extends to all persons within the United States, including noncitizens who have not been formally admitted.
65. Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.
66. Petitioner Fadel is unquestionably within the United States (and has been for over two years), so he may invoke the protections of the Fifth Amendment regardless of his technical immigration status.
67. To be sure, Congress possesses broad authority over immigration matters, but that authority “is subject to important constitutional limitations”, and noncitizens in removal proceedings are entitled to due process in their treatment by the executive.
68. Freedom from imprisonment lies at the heart of the liberty interest that due process protects.
69. It is difficult to imagine a more severe deprivation of liberty than being jailed without recourse.
70. Accordingly, courts have long recognized that immigration detention is subject to due process constraints, and that civil detention must be accompanied by adequate procedural safeguards to ensure it is not arbitrary.
71. At minimum, due process requires a “reasonable opportunity to be heard” and to contest the grounds of detention before a neutral decision-maker.
72. Where the government fails to provide any such process, the detention is constitutionally suspect from the outset.

73. Petitioner Fadel's re-detention on August 25, 2025, was effectuated with literally no process at all. He was not afforded notice or a hearing before being deprived of his liberty.
74. ICE did not inform him ahead of time that it intended to revoke his parole or give him an opportunity to respond to any concerns.
75. He was simply taken into custody summarily. Even after being detained, Petitioner has not received a prompt post-arrest hearing to determine if his imprisonment is justified.
76. The government has not proven to any court or tribunal that Petitioner poses a flight risk or danger that warrants confinement.
77. In fact, no official has addressed his individual circumstances whatsoever. This total absence of procedure is a glaring violation of due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Jamal Fadel respectfully requests that this Court grant the following relief:

- A. Writ of Habeas Corpus / Declaratory Relief: Assume jurisdiction over this petition and declare that Petitioner's ongoing detention is unauthorized by law and violates the Due Process Clause. Issue a writ of habeas corpus commanding Respondents to remedy these violations as set forth below.
- B. Order for Bond Hearing or Immediate Release: Order Respondents to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within five (5) business days of the Court's order. At such hearing, an Immigration Judge (or other neutral adjudicator) must make an individualized determination whether Petitioner's continued detention is justified based on danger or flight risk, and consider alternatives to detention. The burden should be on DHS to prove by clear and convincing evidence that no conditions of release can

reasonably assure Petitioner's appearance and the safety of the community. If no bond hearing is held within 5 business days, or if Respondents decline to offer one, the Court should order Petitioner's immediate release from custody.

- C. **Injunctive Relief Against Transfer:** Enjoin Respondents, their agents, and anyone acting on their behalf from transferring Petitioner out of the Western District of Michigan during the pendency of this case, absent prior authorization from this Court. This will ensure that the Court's jurisdiction is maintained and that any ordered relief (such as a bond hearing or release) can be carried out effectively.
- D. **Any Further Relief:** Grant any further relief that this Court deems just and proper, including but not limited to an order to show cause if necessary, and an award of reasonable attorney's fees and costs if available under the Equal Access to Justice Act or other applicable law.

Dated: December 18, 2025

Respectfully submitted,

/s/ Jana Al-Akhras
Jana Al-Akhras, Esq.

Ureña & Associates, PLLC
42 West St., Floor R
Brooklyn, NY 11222
Email: ru@urenesq.com
Tel: (888) 989-4424
Counsel for Petitioner