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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Ashraf Im Al Ajez,
Petitioner,

v.

Kristi Noem, Secretary of the United States Department of
Homeland Security, in her official capacity; **Todd Lyons**,
Acting of the Director of U.S. Immigration and Customs
Enforcement, in his official capacity; **John Cantu**, Field Office
Director for ICE's Enforcement and Removal Operation's
("ERO") Phoenix, Arizona Field Office, in his official capacity;
Sirce Owen, Acting Director of Executive Office for
Immigration Review, in her official capacity; **Luis Rosa, Jr.**,
Warden of the Central Arizona Florence Correctional
Complex, in his official capacity;
Respondents.

Case No.

A No. 

**PETITION FOR WRIT
OF HABEAS CORPUS
PURSUANT TO 28
U.S.C. § 2241**

INTRODUCTION

Petitioner Ashraf Im Al Ajez entered the U.S. on 10/27/2000 via a B-1/B-2 Visa issued by the U.S. Embassy in Tel Aviv. See, Petitioner's Verified Affidavit filed herewith as Exhibit

1. He was born  in the Rafah Refugee Camp, Gaza Strip, Palestine. *Id.*

Petitioner is currently stateless, affirming that his country of birth was changed over his objections to Israel by an ICE Deportation officer in Phoenix on 7/1/2025 - and that the ICE agent told him: "Gaza, Israel, West Bank, Palestine – I don't care, you are leaving." See, Petitioner's Verified Affidavit at page 3, filed herewith as Exhibit 1. See also 12/28/25 ICE Locator page showing his country of birth as "Israel", filed herewith as Exhibit 2. Petitioner

1 states that he refused to sign the amended documents showing Israel as his country of birth.
2 See, Petitioner's Verified Affidavit at page 3, filed herewith as Exhibit 1.

3 Petitioner has been working in the U.S. under an Order of Supervision, a form of
4 conditional release, since 2008. *Id.* Petitioner complied with all reporting requirements under
5 his Order of Supervision. *Id.* ICE arrested Petitioner on 6/28/2025, without any notice or a
6 revocation of his Order of Supervision as required by CFR 241.4(l)(1).¹

8 Petitioner has been detained since 6/28/2025 at Florence Correctional Center in
9 Florence, Arizona and has reached 180 of incarceration as of 12/28/2025. Petitioner's
10 continued detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in
11 *Zadvydas v. Davis*, 533 U.S. 678 (2001), because his removal is not reasonably foreseeable.
12 As discussed in more detail below, he cannot be deported to Gaza, due to the current
13 humanitarian crisis and active warfare there. Nor can he be deported to Israel, as Gazans
14 are not Israeli citizens and a country is only required to accept the return of its own nationals.

16 8 U.S.C. § 1231(b)(2) provides guidelines for determining which countries a
17 noncitizen may be removed to. However, before ICE can explore deporting Petitioner to any
18 other country, the issues surrounding his arrest without a reason, revocation of his Order of
19 Supervision without notice, and involuntary change of citizenship must be addressed.

21 Petitioner has been living in the United States for more than 25 years and has no
22 criminal history. See, Petitioner's Verified Affidavit, filed herewith as Exhibit 1. Respondents
23

24
25 ¹ Which provides:

26 (l) Revocation of release—

27 (1) Violation of conditions of release. Any alien described in paragraph (a) or (b)(1) of this
28 section who has been released under an order of supervision or other conditions of release
who violates the conditions of release may be returned to custody. Any such alien who
violates the conditions of an order of supervision is subject to the penalties described in
section 243(b) of the Act. Upon revocation, ***the alien will be notified of the reasons for
revocation of his or her release or parole. The alien will be afforded an initial informal
interview promptly after his or her return to Service custody to afford the alien an
opportunity to respond to the reasons for revocation stated in the notification.***
(emphasis provided)

1 have effectively conceded he is not a danger to the community nor is he a flight risk.
2 Petitioner is therefore entitled to immediate release.

3 JURISDICTION & CUSTODY

4 1. Petitioner Ashraf Im Al Ajez is in the physical custody of Respondents
5 and Immigration and Customs Enforcement (ICE), an agency within the Department of
6 Homeland Security.

8 2. Petitioner is currently detained at the Florence Correctional Center in
9 Florence, Arizona and is under the direct control of Respondents and their agents. See,
10 12/28/2025 ICE Locator page, filed herewith as Exhibit 2.

12 3. This action arises under the Constitution of the United States and 8
13 U.S.C. § 1101 *et seq.*

14 4. This Court has jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the
15 United States Constitution, 28 U.S.C. § 1331, and the common law. This Court may grant
16 relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et*
17 *seq.*, and the All Writs Act, 28 U.S.C. § 1651.

19 5. Congress has preserved judicial review of challenges to immigration
20 detention. See *Jennings v. Rodriguez*, 583 U.S. 122, 130-131 (2018) (holding that 8
21 U.S.C. §§ 1226(e) and 1252(b)(9) do not bar review of challenges to prolonged
22 immigration detention).

24 6. The Court must grant the petition for writ of habeas corpus or order
25 Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28
26 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within
27 three days unless for good cause additional time, not exceeding twenty days, is allowed."
28 *Id.*


7. The Court has inherent power to release the petitioner pending review of
his petition. See *Martin v. Solem*, 801 F.2d 324, 329 (8th Cir. 1986).

VENUE

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2 8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
3 484, 493- 500 (1973), venue lies in this Court, the federal judicial district in which Petitioner
4 is currently is in custody.

5 9. Venue is also properly in this Court pursuant to 18 U.S.C. § 1391(e)
6 because Respondents are employees, officers, and agencies of the United States.
7

PARTIES

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9 10. Petitioner Ashraf Im Al Ajez was born on  in the Rafah Refugee
10 Camp, Rafah City, Gaza Strip, Palestine. See, Petitioner's Affidavit, filed herewith as
11 Exhibit 1.

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13 11. Respondent Kristi Noem is the Secretary of the U.S. Department of
14 Homeland Security ("DHS"). In this capacity, Respondent Noem is a legal custodian of
15 Petitioner. Respondent Noem is sued in her official capacity.

16
17 12. Respondent DHS is a federal executive agency responsible for, among
18 other things, enforcing federal immigration laws and overseeing lawful immigration to the
19 United States. Respondent DHS is a legal custodian of Petitioner.

20
21 13. Respondent Todd M. Lyons is Acting Director and Senior Official
22 Performing the Duties of the Director of U.S. Immigration and Customs Enforcement
23 ("ICE"). Respondent Lyons is responsible for ICE's policies, practices, and procedures,
24 including those relating to the detention of immigrants during their removal procedures.
25 Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in his
26 official capacity.

27
28 14. Respondent ICE is a federal law enforcement agency within DHS.
Respondent ICE is responsible for the enforcement of immigration laws, including the
detention and removal of immigrants. Respondent ICE is a legal custodian of Petitioner.

1 22. In 2008 his file was transferred from St. Louis MO to Phoenix AZ and he
2 was placed on an Order of Supervision and he has been in compliance with all
3 requirements since. His most recent report date for the Order of Supervision was
4 12/8/2025. See, Petitioner's Verified Affidavit, filed herewith as Exhibit 1.

5 23. Respondents arrested Petitioner on 6/28/2025 while at a gas station in
6 Arizona. See, Petitioner's Verified Affidavit, filed herewith as Exhibit 1. At that time,
7 Deferred Enforced Departure (DED) for Palestinians was in effect through August 13,
8 2025, due to the worsening humanitarian conditions in the Palestinian territories,
9 particularly Gaza. See, 89 Fed. Reg. 26167 (Apr. 15, 2024).

10 24. Petitioner has no criminal history and no other changed circumstances
11 that would have triggered his arrest on 6/28/2025. *Id.*

12 25. On 7/1/2025, while at the Phoenix office of ICE, Petitioner states that his
13 country of birth was changed to Israel over his objections, and the ICE Deportation officer
14 told him: "Gaza, Israel, West Bank, Palestine – I don't care, you are leaving." See,
15 Petitioner's Verified Affidavit at page 3, filed herewith as Exhibit 1. See also 12/28/25 ICE
16 Locator page showing his country of birth as "Israel", filed herewith as Exhibit 2. Petitioner
17 states that he refused to sign the amended documents showing Israel as his country of
18 birth. See, Petitioner's Verified Affidavit at page 3, filed herewith as Exhibit 1.

19 26. On 9/11/2025 Petitioner was informed by a Deportation Officer that he
20 was scheduled to leave for Israel on a flight dated 10/27/2025 and was not entitled to a
21 90-day custody review. See, Petitioner's Verified Affidavit at page 4, filed herewith as
22 Exhibit 1.

23 27. After 10/27/2025 passed, Petitioner again inquired about his 90-day
24 custody review and was advised that he was scheduled on a new flight to Israel for
25 11/30/2025. *Id.*

1 28. Petitioner was not removed to Israel on 11/30/2025 and continues to be
2 detained at the Florence Correctional Center. See, 12/28/2025 ICE Locator page filed
3 herewith as Exhibit 2.

4 29. As of the filing of this petition on December 28, 2025, Petitioner has been
5 detained for 180 days, since he was arrested on 6/28/2025.

7 LEGAL FRAMEWORK

8 30. Detention, release, and removal of individuals ordered removed is
9 governed by 8 U.S.C. § 1231(a). *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 578 (2022).
10 Noncitizens who are not timely removed under § 1231(a)(1) “shall be subject to
11 supervision under regulations prescribed by the Attorney General.” *Id.* § 1231(a)(3). “[I]f
12 released, shall be subject to the terms of supervision in paragraph (3).” *Id.* § 1231(a)(6).

13 31. Sections 241.4 and 241.13 of Title 8 of the Code of Federal Regulations
14 govern the release of noncitizens pursuant to 8 U.S.C. § 1231(a)—and the revocation of
15 that release. Both sections allow release to be revoked when a noncitizen violates the
16 conditions of their release. 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(1). And both sections
17 establish certain required process for the revocation of release. Upon such revocation,
18 they (1) “will be notified of the reasons for revocation of his or her release” and (2) will be
19 given “an initial informal interview promptly after his or her return to [] custody to afford
20 the [m] an opportunity to respond to the reasons for revocation stated in the notification.”
21 *Id.* §§ 241.4(l)(1), 241.13(i)(3).

22 32. “In simpler terms, in order to revoke release, the government must notify
23 the noncitizen of the reason for the revocation and give them both an informal and formal
24 interview.” *Delkash v. Noem*, Case No. 5:25-cv-01675-HDV-AGR, 2025 WL 2683988, at
25 *4 (C.D. Cal. Aug. 28, 2025).

26 33. Here, Petitioner was never notified that his Order of Supervision was
27 being revoked, much less the reasons for such revocation. “Petitioner must be told what
28

1 circumstances had changed ... in order to meaningfully respond to the reasons and submit
2 evidence in opposition...as allowed under sections 241.4(l)(i) and 241.13(i)(3).” *Sarail A.*
3 *v. Bondi*, Case No. 25-cv-2144-ECT-JFD, — F.Supp.3d — 2025 WL 2533673 at *10
4 (D. Minn. Sept. 3, 2025). *Accord*; *Yang v. Kaiser*, No. 2:25-cv-02205-DAD-AC (HC), 2025
5 WL 2791778, at *6 (E.D. Cal. Aug. 20, 2025); *Bui v. Warden of Otay Mesa Detention*
6 *Facility*, No. 25-cv-2111-JES-DEB, 2025 WL 2988356, at *4 (S.D. Cal. Oct. 23, 2025);
7 *M.S.L. v. Bostock*, No. 6:25-cv-01204-AA, 2025 WL 2430267, at *4, 10–11 (D. Or. Aug.
8 21, 2025).

9
10 32. 8 U.S.C. § 1231 also governs the detention of non-citizens “during” and
11 “beyond” the 90 day removal period. 8 U.S.C. § 1231(a)(2)-(6). If ICE does not remove
12 the non-citizen within the 90-day removal period, the non-citizen “may be detained beyond
13 the removal period” if they meet certain criteria, such as being inadmissible or deportable
14 under specified statutory categories. 8 U.S.C. § 1231(a)(6).

15
16 33. To avoid “indefinite detention” that would raise “serious constitutional
17 concerns,” the Supreme Court in *Zadvydas* construed § 1231(a)(6) to contain an implicit
18 time limit. *Zadvydas*, 533 U.S. at 682. *Zadvydas* dealt with two non-citizens who could not
19 be removed to their home country or country of citizenship due to bureaucratic and
20 diplomatic barriers. The Court held that § 1231(a)(6) authorizes detention only for “a period
21 reasonably necessary to bring about the [non-citizen]’s removal from the United States.”
22 *Id.* at 689. Six months of post-removal order detention is considered “presumptively
23 reasonable.” *Id.* at 701.

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26 34. The Ninth Circuit in *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011),
27 held that, where the petitioner had been detained for more than 180 days under §
28 1231(a)(6), the government bears the burden of proving by “clear and convincing evidence”
that the person is a flight risk or a danger to the community to justify continued detention.
Accord, *Diouf v. Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011) (Diouf II).

1 41. Respondents have violated their own specific processes in this case as
2 to Petitioner. Under the *Accardi* doctrine, the government and its agencies are required to
3 follow their own binding rules. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260
4 (1954). Where a regulation governing agency behavior has been promulgated, citizens
5 and noncitizens alike are entitled to “that due process required by the regulations.” *Id.* at
6 268. Respondents

8 42. Sections 241.4 and 241.13 of Title 8 of the Code of Federal Regulations
9 govern the release of noncitizens pursuant to 8 U.S.C. § 1231(a)—and the revocation of
10 that release. Both sections allow release to be revoked when a noncitizen violates the
11 conditions of their release. 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(1). And both sections
12 establish certain required process for the revocation of release. Upon such revocation,
13 they (1) “will be notified of the reasons for revocation of his or her release” and (2) will be
14 given “an initial informal interview promptly after his or her return to [] custody to afford
15 the [m] an opportunity to respond to the reasons for revocation stated in the notification.”
16 *Id.* §§ 241.4(l)(1), 241.13(i)(3).

18 43. “In simpler terms, in order to revoke release, the government must notify
19 the noncitizen of the reason for the revocation and give them both an informal and formal
20 interview.” *Delkash v. Noem*, Case No. 5:25-cv-01675-HDV-AGR, 2025 WL 2683988, at
21 *4 (C.D. Cal. Aug. 28, 2025).

22 44. Here, Petitioner was not given any notice that his release under Order of
23 Supervision was being revoked, nor was he given an informal or formal interview as
24 required by 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(1).

25 45. Therefore, any alleged revocation of Petitioner’s release under his Order
26 of Supervision contravenes INA regulations in violation of the *Accardi* doctrine.
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THIRD CLAIM FOR RELIEF
Violation of Fifth Amendment - Procedural Due Process

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3 46. Petitioner realleges and incorporates herein the allegations contained in
4 the preceding paragraphs of the petition as if fully set forth herein.

5 47. The Due Process Clause of the Fifth Amendment forbids the government
6 from depriving any "person" of liberty "without due process of law," including noncitizens.
7 U.S. Const. amend. V.

8 48. Regulations governing immigration enforcement require that warrantless
9 arrests conform to the standards in 8 C.F.R. § 287.8(c). Specifically, for any arrest,
10 immigration officers must have reason to believe that an individual committed an offense
11 against the United States or was present illegally. 8 C.F.R. § 287.8(c)(2)(i). And, for a
12 warrantless arrest, officers must also have reason to believe that an individual is "likely to
13 escape before a warrant can be obtained." 8 C.F.R. § 287.8(c)(2)(ii).

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15
16 49. At the time of his arrest by ICE agents, Petitioner was working in the U.S.
17 under an Order of Supervision, a form of conditional release, which he received in 2008.
18 See, Petitioner's Verified Affidavit. In addition, Deferred Enforced Departure (DED) for
19 Palestinians was in effect through August 13, 2025, due to the worsening humanitarian
20 conditions in the Palestinian territories, particularly Gaza. See, 89 Fed. Reg. 26167 (Apr.
21 15, 2024).

22
23 50. The government grant to Petitioner of nearly 20 years of liberty under an
24 Order of Supervision necessarily implies a determination that he did not present a flight
25 risk or danger to the community, renewed on an annual basis.

26
27 51. Therefore, at the time of Petitioner's arrest on 6/28/2025, Respondents
28 had no justifiable reason to detain him.

FOURTH CLAIM FOR RELIEF
Violation of Fifth Amendment – Substantive Due Process

1 52. Petitioner realleges and incorporates herein the allegations contained in
2 the preceding paragraphs of the petition as if fully set forth herein.

3 53. Substantive due process asks whether a person's life, liberty, or property
4 is deprived without sufficient purpose. There is no question that Petitioner has been
5 deprived of his liberty in this case.
6

7 54. Because his order of removal was final more than 20 years ago,
8 Petitioner's detention is governed by 8 U.S.C. § 1231(a)(6). To avoid "indefinite detention"
9 that would raise "serious constitutional concerns," the Supreme Court in *Zadvydas*
10 construed § 1231(a)(6) to authorize post-removal detention only for "a period reasonably
11 necessary to bring about the [non-citizen]'s removal from the United States." *Id.* at 689.
12 Six months of post-removal order detention is considered "presumptively reasonable." *Id.*
13 at 701.
14

15 55. In *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011), the Ninth Circuit
16 held that, where the petitioner had been detained for more than 180 days, the government
17 bears the burden of proving by "clear and convincing evidence" that the person is a flight
18 risk or a danger to the community to justify continued detention. *Accord, Diouf v.*
19 *Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011) (*Diouf II*).
20

21 56. Here, it is unlikely that Petitioner will be removed from the U.S. in the
22 reasonably foreseeable future for the following reasons:

- 23
- 24 A. First, the illegal actions of the ICE Deportation officer in Phoenix
25 who changed Petitioner's country of citizenship to Israel over his
26 objections on 7/1/2025 must be remedied. See, Petitioner's
27 Verified Affidavit at page 3, filed herewith as Exhibit 1;
 - 28 B. Second, because Petitioner is stateless and he cannot be forced
to return to Gaza due to the ongoing war and humanitarian
crises there, ICE must then follow the procedures set forth in 8
U.S.C. § 11231(b)(2) for allowing Petitioner to elect the country of
his choice to which he may be removed under § 11231(b)(2)(1)(A)-
(C);.

- 1 C. Third, if the country which Petitioner chooses is unavailable, ICE
2 must then follow the procedures to try and deport him to one of
3 the countries with which he has a lesser connection pursuant to
4 clauses (i) to (vi) of subparagraph (E) of § 11231(b)(2)(1);
5 D. Fourth, if that is “impracticable, inadvisable, or impossible,” ICE
6 can try to remove Petitioner to “another country whose
7 government will accept [him] into that country” pursuant to
8 clause (vii) of subparagraph (E) of § 11231(b)(2)(1).

9 Because it is unlikely that Petitioner will be removed from the U.S. in the reasonably
10 foreseeable future, his continued detention violates the Due Process Clause of the Fifth
11 Amendment and continued detention is merely punitive and unduly harsh in nature.

12 PRAYER FOR RELIEF

13 WHEREFORE Petitioner Ashraf Im Al Ajez respectfully requests that the Court
14 grant the following relief:

- 15 1. Assume jurisdiction over this matter;
16 2. Order Respondents not to transfer Petitioner out of this District during
17 the pendency of these proceedings, to preserve jurisdiction;
18 3. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and
19 order Respondents to immediately release Petitioner from custody;
20 4. Award Petitioner reasonable attorneys’ fees and costs pursuant to the
21 Equal Access to Justice Act, 28 U.S.C. § 2412; and
22 5. Grant any further relief the Court deems just and proper.

23 Dated: December 28, 2025

Attorney for Respondent

24 By: /s/ Erica Sanchez
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner Ashraf Im Al Ajez and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: 28th day of December, 2025

Attorney for Respondent

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Attorney for Respondent

LIST OF EXHIBITS	
Exhibit 1.	Petitioner's Verified Affidavit
Exhibit 2.	12/28/2025 ICE Locator page