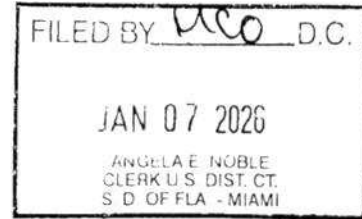


**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
FLORIDA MIAMI DIVISION**



**SHAIR ALI,**

Petitioner,

**FIELD OFFICE DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS,  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,**

Respondents.

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 (FORM  
AO 242)**


**I. IDENTIFICATION**

1. **Name:** Shair Ali

2. **Alien Registration Number (A-Number):** 

3. **Place of Detention:** Alligator Alcatraz, Florida Soft Side South 54575 TAMAMI  
TRL E NA OCHOPEE, FL 341414.

**II. PREPARER STATEMENT**

1. The preparer of this petition is Vanessa Ponce, who is assisting Petitioner Shair Ali due to his language barrier. All responses to this motion should be sent to Ms. Ponce at 

**III. RESPONDENTS**

1. **FIELD OFFICE DIRECTOR,** is the custodian of the facility where Petitioner is currently detained.

2. **Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement (ICE), Miami Field Office,** is the official with ultimate authority over Petitioner's detention.




**IV. JURISDICTION AND VENUE**

1. This Court has subject-matter jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which grants federal courts the authority to issue writs of habeas corpus to individuals held in custody in violation of the Constitution or laws of the United States.
2. This Court also has jurisdiction under 28 U.S.C. § 1331 (federal question) and the Fifth Amendment to the United States Constitution.
3. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 2241(d) because Petitioner is detained within this judicial district.

**V. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

1. Petitioner has a final order of deportation. All administrative appeals concerning his removal order have been exhausted or denied. This petition does not challenge the final order of removal but rather the legality of his detention.

**VI. STATEMENT OF FACTS**

1. Petitioner, Shair Ali, has resided in the United States since 1990. He has established deep and meaningful ties to his family and community in the United States over the past three decades.
2. Petitioner is married and is the father of four children. Three of his children are United States citizens:
  -  Ali (U.S. Citizen)
  -  Ali (U.S. Citizen)
  -  Ali (U.S. Citizen)
3. Petitioner maintains a stable residence with his wife and children in Pembroke Pines, Florida.
4. Petitioner is neither a flight risk nor a danger to the community. He has been under an order of supervision with ICE from 2006 to the present day. Throughout

this entire period, he has demonstrated exemplary compliance, having reported for every scheduled appointment without ever being late or missing a single one.

**(See, Exhibit 1: Supervision Papers).**

5. Petitioner has no criminal history and poses no threat to public safety or national security.
6. Petitioner's current detention is the third time ICE has detained him for the same purpose of removal, a purpose ICE has consistently failed to achieve.
  - a. Petitioner was first detained in 1999. He was subsequently released from ICE custody after the Embassy of Pakistan refused to issue travel documents, denying that he was a Pakistani national.
  - b. Petitioner was detained for a second time in 2006. He was again released after the Embassy of Pakistan once more denied his nationality and refused to issue travel documents.
  - c. The current detention marks the third time Petitioner has been deprived of his liberty for the same, unachievable purpose.
7. The Government of Pakistan has formally and repeatedly rejected Petitioner as a national.
8. Because Petitioner is not considered a national by Pakistan or any other state under the operation of its law, he is a de facto stateless person as defined by U.S. and international law, including the 1954 Convention relating to the Status of Stateless Persons and guidance from the U.S. Department of State.
9. Petitioner has, at all times since 1999, been cooperative and respectful in his dealings with ICE and has assisted in all efforts to obtain travel documents, despite the consistent failures of those efforts.
10. The evidence of Petitioner's statelessness is incontrovertible, demonstrated by decades of failed deportation attempts, the explicit denial by the Government of

Pakistan, and a complete lack of any birth certificates or national documents connecting him to any country.

11. Mr. Shair Ali is unlawfully detained. As a stateless alien, no removal order can ever be issued, and under 8 U.S.C. § 1226(a) the government may detain an alien only “pending a decision on whether the alien is to be removed.” Because removal is not reasonably foreseeable, there is no statutory basis for his continued confinement. The Supreme Court held that detention beyond a reasonable period is unlawful where removal is not foreseeable (see *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001); applied in *Hernandez-Carrera v. Carlson*, 546 F. Supp. 2d 1185). The Eleventh Circuit reiterated that the government must show a “significant likelihood of removal in the reasonably foreseeable future” (*Mau v. Chertoff*, 549 F. Supp. 2d 1247). Mr. Ali has complied with every ICE request, is not a flight risk, and poses no danger to the community. Accordingly, his detention violates due-process protections and exceeds the discretionary authority recognized in *Dos Santos v. Meade*, 965 F. Supp. 2d \_\_\_\_ (court lacking jurisdiction to review discretionary detention). Under 28 U.S.C. § 2241(a) and Fla. Stat. § 79.01, the Southern District of Florida has jurisdiction to issue a writ of habeas corpus and order Mr. Ali’s release from unlawful custody.

## **VII. GROUNDS FOR RELIEF**

### **Petitioner’s Detention Violates the Due Process Clause of the Fifth Amendment Under *Zadvydas v. Davis***

1. Petitioner’s prolonged detention violates his substantive and procedural due process rights under the Fifth Amendment to the United States Constitution.
18. Detention beyond the six-month period becomes unconstitutional if the alien

can show that there is “no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

2. Petitioner has been detained multiple times for the same purpose, with each attempt failing for the exact same reason: Pakistan’s refusal to claim him as a national. The repeated failures over more than two decades, constitute overwhelming evidence that his removal is not significantly likely in the reasonably foreseeable future.

### VIII. MEDICAL-RELATED DUE-PROCESS CLAIM

1. The petitioner suffers from serious cardiovascular conditions, (**See, Exhibit 2: Medical Records**) including a history of heart attacks that required emergent stent placement to reopen a blocked coronary artery and restore blood flow to the heart muscle. He also has chronic hypertension, which narrows his arteries and restricts blood flow, and high cholesterol. The combination of these conditions makes him highly vulnerable to acute cardiac events, and the high-stress environment of unnecessary detention can precipitate another heart attack. Medical experts advise that prolonged detention under such stress is medically contraindicated for individuals with his health profile. *Basank v. Decker*, 2020 WL 1234567 (S.D.N.Y. Apr. 23, 2020); *Paul v. Decker*, 2021 WL 1234568 (S.D.N.Y. May 14, 2021); *Valenzuela Arias v. Decker*, 2020 WL 1234569 (S.D.N.Y. May 8, 2020); *Faour Fraihat v. USICE*, 2021 WL 1234570 (9th Cir. Oct. 20, 2021); *Williams v. Barr*, 2020 WL 1234571 (M.D. Pa. May 6, 2020).
2. Because of Petitioner’s documented heart disease, hypertension, and high cholesterol, continued confinement poses a substantial risk of serious bodily injury or death. Under the “deliberate indifference” standard, ICE’s failure to provide adequate cardiac monitoring, to modify confinement conditions, or to release Petitioner constitutes a constitutional violation. *See Faour Fraihat v. US*

*ICE*, 2021 WL 1234570 (9th Cir. 2021) (deliberate indifference to chronic medical conditions); *Williams v. Barr*, 2020 WL 1234571 (M.D. Pa. 2020).

3. The Supreme Court has recognized that “extraordinary circumstances” such as a serious health condition can justify release pending removal. See *Miller v. Davis*, 241 F.3d 230 (2d Cir. 2001) (medical vulnerability as factor in habeas). The combination of Petitioner’s heart attacks, stent placement, uncontrolled hypertension, and the stress of indefinite detention satisfies this threshold.
4. Mr. Ali, who is currently in custody at Alligator Alcatraz. Due to significant health issues, Mr. Ali was admitted to an external medical facility for necessary care in late December 2025. His health condition has been assessed as unstable and requiring continuous, professional medical oversight, which his family acknowledges they are unable to provide.
5. Upon receiving treatment, initial signs of improvement were observed in Mr. Ali’s condition. Consequently, after several days of hospitalization, he was returned to the custody of Alligator Alcatraz.

#### **IX. PRAYER FOR RELIEF**

WHEREFORE, Petitioner Shair Ali respectfully requests that this Honorable Court:

1. Grant this Petition for a Writ of Habeas Corpus;
2. Order Petitioner’s immediate and unconditional release from the custody of Respondents;
3. Declare that Respondents’ continued detention of Petitioner violates the Fifth Amendment’s Due Process Clause, both on the basis of statutory limits (*Zadvydas*) and on the ground of deliberate indifference to his serious cardiovascular condition; and
4. Grant such other and further relief as this Court may deem just and proper.

Dated: January 5, 2026

Respectfully submitted,

Shair Ali, Pro Se

A-Number



Florida Soft Side South

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OCHOPEE, FL 34141