

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF
GEORGIA
COLUMBUS

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
GEORGIA COLUMBUS DIVISION

MURAD AWAD,

Petitioner,


v.

PAMELA BONDI, *in her official capacity as Attorney General of the United States;*
KRISTI NOEM, *in her official capacity as Secretary of the Department of Homeland Security;* JASON STREEVAL, *in his official capacity as Warden of the Stewart Detention Facility;* KRISTEN SULLIVAN, *in her official capacity as Acting Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Atlanta Field Office,*

Respondents.

LEGAL MEMORANDUM
IN SUPPORT OF
PETITION FOR A WRIT
OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. §2241,
BY A PERSON SUBJECT TO
INDEFINITE IMMIGRATION
DETENTION

LEGAL MEMORANDUM IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

1. Petitioner Murad Awad () is a Palestinian man currently being held in indefinite detention at the Stewart Detention Center located in Lumpkin, Georgia. Mr. Awad has been in the custody of the Department of Homeland Security (“DHS”) and, more specifically, of Acting Assistant Field Director of the United States Immigration and Customs Enforcement (“ICE”) Atlanta Office, Kristen Sullivan, since July 13, 2025.
2. The United States Government's indefinite detention of Mr. Awad is unlawful. Mr. Awad was not detained after committing any new criminal or immigration violations, or after the materialization of circumstances that made him a threat to his community. He was detained pursuant to a removal order that was signed by an immigration judge on September 24, 2009, nearly sixteen years before his current confinement period began. *See* Exhibit A, Final Removal Order.

3. It is well-established that 8 U.S.C. § 1231(a) does not authorize indefinite detention.

Zadvydas, 533 U.S. at 682. Mr. Awad's detention is only lawful if the Government is able to show cause within a reasonable time period that his removal from the country is foreseeable.

4. After a "presumptively reasonable period of detention" of six months, the Government bears the burden of disproving an alien's "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zhou v. Farquharson*, 2001 U.S. Dist. LEXIS 18239, *2-3 (D. Mass. Oct. 19, 2021) (quoting and summarizing *Zadyvdas*.)

5. Moreover, "for [the Government's] detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Zadvydas* 533 U.S. at 701.

6. In addition to well-established legal precedent, ICE's own administrative regulations establish a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. *See* 8 C.F.R. §241.4 (k)(2)(ii).

7. Here, where Mr. Awad has been confined for approximately six months on the purported basis of executing his 2009 removal order, the Government must establish that Mr. Awad's removal is imminent or release him from custody.

8. The Government has missed the window to establish its likelihood of removal sufficient to warrant its confinement of Mr. Awad before. In a prior *habeas* proceeding before the United States District Court for the Middle District of Georgia, Valdosta Division, the court ordered the United States Government to produce evidence of its efforts to remove Mr. Awad from the country. *See* Exhibit B, Court Order Dated March 27, 2018.

9. As part of its production, the Government declared under perjury, through its agents, in February, 2018, that "ICE [was] currently working with the governments of Jordan and Palestine to secure a travel document for the Petitioner [and that] RJO expects that travel documents will be issued by either Jordan or Palestine in the reasonably foreseeable future." *See* Exhibit C, Declaration of Christopher Cox, Deportation Officer, dated February 26, 2018. Two months later, the Government declared in a Post Order Custody Review ("POCR") Worksheet that Israel, Palestine, and Jordan (where Petitioner's mother resides), all refused to provide a travel document to Petitioner. *See* Exhibit D, HQ POCR Worksheet dated April 9, 2018. Petitioner was thereafter released from ICE custody after the Government failed to establish that his release was reasonably foreseeable. Mr. Awad was taken into ICE custody again on July 13, 2025, despite the absence of any evidence that the Government is any closer to removing him from the country.

10. Evidence that the Government's removal of Mr. Awad is reasonably foreseeable must be individualized. Mere evidence of repatriation of other persons to the country at issue does not suffice. *Thompson v. INS*, 2002 U.S. Distr. LEXIS 23936 (E.D. La. September 16, 2002) (The government failed to show the reasonable foreseeability of its removal of an individual to Guyana with mere evidence of successful repatriation of other individuals. Crucially, the government there failed to establish that Guyanese authorities had responded to its request for a travel document.

JURISDICTION AND VENUE

11. Mr. Awad's current detention constitutes a "severe restraint" on his individual liberty such that Petitioner is "in custody" of the Respondents in violation of the laws of the United States." *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241.

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.484 (1973), venue lies in the United States District Court for the Middle District of Georgia, the judicial district in which Petitioner is being detained. Mr. Awad is being detained at the Stewart Federal Detention Facility, which is under the jurisdiction of the ICE Field Office of Atlanta, Georgia.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

13. The allegations in the above paragraphs are re-alleged and incorporated herein.

14. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

15. Petitioner has been detained by Respondents for over five months. All of this prolonged detention has taken place after his removal period began.

16. Petitioner's prolonged detention is not likely to end in the reasonably foreseeable future given his statelessness and the United States' failure to repatriate or remove him. Where, as here, removal is not reasonably foreseeable, detention cannot be reasonably related to the purpose of effectuating removal and thus violates due process. *See Zadvydas*, 533 U.S. at 690, 699–700.

17. For these reasons, Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of 8 U.S.C. § 1231(a)

18. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

19. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention “beyond the removal period” only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6); see also *Zadvydas*, 533 U.S. at 699 (“[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.”). Because Petitioner's removal is not reasonably foreseeable, his detention does not effectuate the purpose of the statute and is accordingly not authorized by § 1231(a).


PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

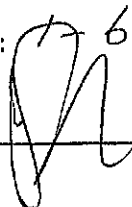
- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Murad S. Awad

Murad Samih Awad, A# 
Petitioner

Date: 1-6-2026




Faiz Pirani, Ga. Bar No. 863061
Attorney for Petitioner

Date: 1/8/26

CERTIFICATE OF SERVICE

I, Murad Awad, certify through counsel that a true copy of the above document (Petition for Writ of Habeas Corpus) together with the attached documents, was served on January 8, 2026, upon the following by certified mail:

Acting United States Attorney C. Shanelle Booker
Middle District of Georgia
Post Office Box 1702
Macon, Georgia 31202-1702



Faiz Pirani, *Attorney for Mr. Awad*

1/8/26