

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**JAWAD MOHAMMAD KHALIL,**

Petitioner,

V.

**Pamela J. Bondi,** Attorney General of the United States

**Reynaldo Castro,** Warden, South Texas Ice Processing Center;

**Sylvester Ortega,** Field Office Director, ICE;

**Todd M. Lyons,** Director, Ice;

**Kristi Noem,** Secretary, Department of Homeland Security.

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§ No.5:26-cv-228

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**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND  
COMPLAINT FOR PRELIMINARY INJUNCTIVE RELIEF**

Petitioner Jawad Mohammad Khalil, A#  by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241, and states:

**I. PARTIES**

1. Petitioner Jawad Mohammad Khalil is a longtime resident of the United States who entered the United States in approximately September 2000 as a lawful permanent resident after being admitted as a refugee. Petitioner was born in Palestine, in a refugee camp, and is effectively stateless.
2. Petitioner's mother and father were United States citizens. Petitioner's father passed away in 2008, and Petitioner's mother passed away approximately ten months ago.
3. Petitioner's siblings are United States citizens, and he has significant family ties in the United States. Prior to his detention, Petitioner was living with his sister, her husband, and their children in San Antonio, Texas.
4. Petitioner's brother, Hani Khalil, age 51, is seriously ill with lung cancer and resides with his son. The Petitioner helps his brother with doctor's appointments and medication management.

5. Petitioner is currently detained at the South Texas ICE Processing Center (“STIPC”), located at 566 Veterans Drive, Pearsall, Texas 78061, within the Western District of Texas.
6. Respondent Sylvester Ortega is the Field Office Director for Detention and Removal Operations, ICE San Antonio Field Office, within the U.S. Department of Homeland Security (“DHS”). Pursuant to his authority, Petitioner remains detained.
7. Respondent Reynaldo Castro is the Warden of the South Texas ICE Processing Center in Pearsall, Texas, and is Petitioner’s immediate custodian.
8. Respondents Kristi Noem, Secretary of DHS; Todd M. Lyons, Director of ICE; and Pamela J. Bondi, Attorney General of the United States, have legal authority over Petitioner’s continued detention.

## **II. CUSTODY**

9. Petitioner is in the physical custody of Respondents Reynaldo Castro, Sylvester Ortega, and Todd M. Lyons, and is detained at STIPC in Pearsall, Texas.
10. Petitioner’s detention is civil in form, but in operation it has become punitive and indefinite due to Respondents’ inability to effectuate removal.

## **III. JURISDICTION & VENUE**

11. This Court has jurisdiction under 28 U.S.C. § 2241, Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), and 28 U.S.C. § 1331, as Petitioner is in custody under color of United States authority and such custody violates the Constitution, laws, and treaties of the United States.

12. This Court may grant relief pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 2201, and the All Writs Act, 28 U.S.C. § 1651.

13. Venue is proper in the Western District of Texas because Petitioner is detained in this District and Respondents exercise authority within this jurisdiction. 28 U.S.C. § 1391(e).

#### **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

14. Petitioner has exhausted administrative remedies to the extent required by law. Petitioner has repeatedly cooperated with ICE, including completing travel document requests and expressing willingness to be removed anywhere, but ICE has failed to identify any country willing to accept him.

15. Petitioner's only meaningful remedy is by way of this judicial action.

#### **V. STATEMENT OF FACTS**

##### **A. Jawad entered as a refugee and became an LPR in 2000.**

16. Petitioner came to the United States in approximately September 2000 as a lawful permanent resident, admitted after refugee processing. Petitioner was born in Palestine, in a refugee camp. He is functionally stateless and lacks an actual receiving country.

##### **B. Jawad was ordered removed in 2015 and ICE has been unable to deport him.**

17. In approximately 2015, an Immigration Judge ordered Petitioner removed, and Petitioner lost lawful permanent resident status.

18. Following the removal order, ICE attempted removal for approximately eight months but failed to secure any receiving country.

19. ICE specifically advised that it could not deport Petitioner to either Jordan or Palestine, and as a result, **Petitioner was released under supervision. See Exhibit 1.**

20. This cycle repeated: Petitioner complied with ICE directives, completed travel documentation, waited for ICE's determination, and was then released because ICE could not find any country willing to accept him.

C. Petitioner fully complied with ICE supervision and continued to report as directed.

21. Petitioner was released on supervision and continued reporting and cooperating with ICE. After a period of re-detention, on or about November 21, 2024, ICE again released Petitioner.

22. Petitioner last reported for a scheduled ICE check-in on or about December 21, 2024, and remained compliant.

D. ICE detained Petitioner again on May 16, 2025, despite no viable removal plan.

23. On or about May 16, 2025, ICE detained Petitioner again.

24. ICE took or retained Petitioner's identifying documents, including his driver's license, Social Security card, and evidence of prior lawful status.

25. Petitioner possesses a Palestinian passport, yet that has not led to removal—because Palestine is not treated as a functioning receiving country for purposes of removal in this context, and ICE has repeatedly indicated it could not deport him there.

E. Petitioner has continued trying to help ICE remove him.

26. Petitioner has continued to cooperate and assist ICE by completing travel document requests and related paperwork for both Jordan and Palestine, including approximately five months ago.

27. Petitioner has not attempted to obstruct removal in any way.

28. ICE has never meaningfully communicated with Petitioner about removal progress, has not provided a concrete plan for removal, and has not identified any receiving country willing to accept Petitioner.

F. ICE has prolonged detention beyond *Zadvydas* without adequate process.

29. ICE issued Petitioner a notice approaching 90 days and stated that it would review the case. They advised that an interview would occur on or about August 13, 2025, but the interview did not occur.

30. In 2024, ICE stated the case would be sent to “Washington” for review, but no resolution followed. **The Petitioner remains detained with no significant likelihood of removal in the reasonably foreseeable future.**

**VI. LEGAL FRAMEWORK**

31. Pursuant to 28 U.S.C. § 2243, the Court must either grant the petition or issue an order to show cause, unless it appears that Petitioner is not entitled to relief.

32. “It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

33. “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 v. Davis*, 533 U.S. 678, 690 (2001).

34. Under 8 U.S.C. § 1231(a)(1)-(2), ICE may detain a person during the “removal period,” generally 90 days.

35. Although 8 U.S.C. § 1231(a)(6) allows continued detention beyond the removal period in some cases, the Supreme Court held that the statute must be read to contain an implicit temporal limitation: post-removal detention must be limited to a period reasonably necessary to accomplish removal. *Zadvydas*, 533 U.S. at 689.

36. The Supreme Court further held that “[o]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Zadvydas*, 533 U.S. at 699.

37. In *Clark v. Martinez*, the Supreme Court confirmed that *Zadvydas*’s statutory limitation applies broadly, rejecting indefinite detention where removal cannot be effectuated. *Clark v. Martinez*, 543 U.S. 371, 386 (2005).

38. After six months, detention is presumptively unreasonable unless the government can show a significant likelihood of removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701.

39. If the noncitizen provides good reason to believe removal is not reasonably foreseeable, “the Government must respond with evidence sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 701.

40. The Supreme Court recognizes only two legitimate purposes for civil detention in this context: preventing flight and preventing danger. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528.

41. Where removal is not reasonably foreseeable, detention to prevent flight becomes “weak or nonexistent.” *Zadvydas*, 533 U.S. at 690.

42. Detention must “bear[] reasonable relation to the purpose for which the individual [was] committed.” *Zadvydas*, 533 U.S. at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

43. ICE regulations also require procedural safeguards when revoking or modifying release conditions. 8 C.F.R. § 241.4(l)(1) provides that upon revocation of release, the individual must be notified of the reasons and given an informal interview promptly to respond.

## VII. ARGUMENT

### A. Petitioner’s detention violates *Zadvydas* because removal is not significantly likely in the reasonably foreseeable future.

44. Petitioner has been subject to a final order of removal since approximately 2015, yet ICE has repeatedly failed—over many years—to remove him.

45. ICE has already attempted removal and then released Petitioner because it could not secure a receiving country, including after periods of detention and travel document processing.

46. Petitioner’s continued detention is precisely what *Zadvydas* prohibits: detention that becomes indefinite due to the government’s inability to secure removal.

47. Petitioner has done everything ICE has requested, including completing travel document requests multiple times and expressing that he is willing to be deported anywhere.

48. The government cannot lawfully detain Petitioner indefinitely simply because it wishes to continue searching for a country that might accept him someday. *Zadvydas*, 533 U.S. at 699–701; *Clark*, 543 U.S. at 386.

B. ICE has had many years to deport Petitioner and has shown no capacity to do so.

49. The most telling evidence that removal is not reasonably foreseeable is the government's own history: it has had Petitioner under an order of removal since approximately 2015, and it has already failed to remove him multiple times.

50. ICE's inability to deport Petitioner to Jordan or Palestine is not new or speculative—it is an established fact based on ICE's prior actions.

51. The purpose of detention under § 1231(a)(6) is effectuating removal. When removal cannot be effectuated, detention is no longer authorized. *Zadvydas*, 533 U.S. at 699–700.

C. Continued detention without a realistic removal plan violates due process.

52. Petitioner's detention violates substantive due process because it is excessive in relation to the asserted purpose and has become arbitrary. Petitioner's detention violates procedural due process because ICE has not provided adequate process to justify continued detention.

53. Additionally, Petitioner has not been given meaningful notice, a meaningful opportunity to be heard, or a concrete explanation regarding removal progress. He was told an interview would occur on August 13, 2025, and it **did not occur**.

54. Under *Zadvydas*, due process requires “adequate procedural protections” to ensure that the government's asserted justification outweighs the individual's constitutionally protected interest in avoiding physical restraint. *Zadvydas*, 533 U.S. at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)).

D. Petitioner is effectively stateless and is trapped in prolonged detention with no end.

55. Petitioner's circumstances mirror those of individuals held in prolonged detention where no country accepts them, making removal impossible.

56. Petitioner's continued detention serves no valid governmental purpose and is therefore unconstitutional.

E. Petitioner is an excellent candidate for release under supervision, given he has been on OSUP for many years already

57. Petitioner has lived in the United States for decades and has extensive family ties, including siblings who are United States citizens. He has a stable residence with his sister's household in San Antonio, Texas.

58. Petitioner has a strong compliance history and has repeatedly shown willingness to report and cooperate. Any flight-risk rationale is weak or nonexistent because removal has proven unrealistic. *Zadvydas*, 533 U.S. at 690.

## **VIII. CLAIMS FOR RELIEF**

### COUNT ONE - (Fifth Amendment Due Process)

59. Petitioner incorporates by reference the paragraphs above. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

60. 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.

61. Petitioner has been under the custody of Respondents, under an order of supervision (OSUP) for over eleven years, and now has been detained by Respondents since May 16, 2025.

62. Over eleven years of this prolonged detention has taken place *after* his removal period began. Petitioner's removal order became administratively final in 2015. The removal period began on that day and thus has already elapsed.

63. Petitioner's prolonged detention is not likely to end in the reasonably foreseeable future. ICE has failed to follow its own regulation requiring notification and reasons for its revocation of supervision, and affording him an opportunity to respond to the alleged violation. 8 C.F.R. § 241.4. In fact, ICE has never had an agreement with any country to accept Petitioner, for more than eleven years.

64. 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.

65. Absent an order from this Court, Petitioner will likely remain detained for many more months, if not years. 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))

66. Petitioner incorporates by reference all paragraphs above.

67. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution. 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).

COUNT THREE - (Attorney's Fees and Costs)

68. If Petitioner prevails, he requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

69. The undersigned counsel recognizes the Fifth Circuit's decision in *Barco v. Witte*, 65 F.4th 782 (5th Cir. 2023), regarding the availability of fees in habeas proceedings, but preserves the issue for litigation and appeal.

**IX. PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release Petitioner immediately under appropriate supervision conditions;
4. Enjoin Respondents from continuing to detain Petitioner absent a legally viable removal plan supported by evidence of a significant likelihood of removal in the reasonably foreseeable future;
5. Order Respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security;
6. Enjoin ICE from transferring Petitioner outside of the Western District of Texas while this matter is pending;

7. Award Petitioner reasonable costs and attorney's fees under EAJA and/or any other basis justified by law; and
8. Grant such other relief as the Court deems just and proper.

Respectfully submitted on January 17, 2026.

*/s/Georgia Santos Laurent*

Georgia Santos Laurent

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**VERIFICATION OF COUNSEL**

I, Georgia Santos Laurent, hereby certify that I am familiar with the case of the named Petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ Georgia Santos Laurent

Date: January 17, 2026

**CERTIFICATE OF SERVICE**

I certify, in accordance with the rules of this Court, I filed the foregoing via the Court's CM/ECF system, which will send notice to all registered counsel of record.

/s/ Georgia Santos Laurent

Date: January 17, 2026.