

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Alaa Eddin Alaa,

Petitioner,

v.

Warden, STIPC, *et al.*,

Respondents.

Civil Action No. 5:26-cv-119-JKP

Response to Writ of Habeas Corpus

Federal Respondents¹ timely submit this response to the Petition for a Writ of Habeas Corpus. In his petition, Petitioner seeks release from civil immigration detention, claiming that his 10-month post-removal-order detention has become indefinite, contrary to statute and the Due Process Clause. *See* ECF No. 1. Petitioner's claims lack merit, and this petition should be denied.

Petitioner has a final order of removal dated July 1, 2025. Exhibit (Exh) A (Removal Order). Detention can be extended past the statutory removal period in the exercise of discretion, where removal is reasonably foreseeable. 8 U.S.C. § 1231(a)(6). ICE decided in its discretion to continue Petitioner's detention past the 90-day removal period, which is a decision protected from judicial review. 8 U.S.C. § 1252(a)(2)(B).

Petitioner has not shown here that there is no likelihood of removal in the reasonably foreseeable future. Even if Petitioner were able to make such a showing, the burden would shift to Respondents, who are able to show that removal to a third country is, in fact, significant likely in

¹ The named warden in this action is not a federal employee. The Department of Justice does not represent him in this action. The Federal Respondents, however, have detention authority over aliens detained under 8 U.S.C. § 1231(a).

the reasonably foreseeable future. For these reasons, the Court should deny this habeas petition.

FACTS AND PROCEDURAL HISTORY

Petitioner was born in Jordan and is a citizen of Syria. Exh B (ERO Declaration) at ¶ 3. On or about October 19, 2024, Petitioner entered the United States without being inspected, admitted, or paroled by an immigration officer. *Id.* Petitioner was detained shortly after his arrival and placed in expedited removal proceedings. *Id.* Petitioner was also charged and convicted of Illegal Entry under 8 U.S.C. § 1325 and was sentenced to 90 days imprisonment. *Id.* On January 28, 2025, upon Petitioner's release from imprisonment, Enforcement and Removal Operations (ERO) took Petitioner into custody. *Id.* at ¶ 4.

On July 1, 2025, an Immigration Judge ("IJ") denied Petitioner's applications for relief and ordered him removed to Jordan, or alternatively, to Syria. *Id.* at ¶ 5; Exh A. DHS and Petitioner both waived appeal of the IJ's decision, and the removal order became final. *Id.* On October 2, 2025, ERO sent a request for a travel document on behalf of Petitioner to the Government of Syria. Exh B at ¶ 5. Since on or about February 10, 2026, ERO Headquarters Removals and International Operations Division ("HQ-RIO") has been working with the U.S. Department of State to remove Petitioner to Syria. *Id.* at ¶ 6.

On or about February 21, 2026, a 180-day Post Order Custody Review ("POCR") was completed, Petitioner was recommended for continued detention, based on his final order of removal and the pending receipt of Petitioner's travel document for removal. *Id.* at ¶ 7. As of March 2, 2026, the Department of State continues working with the Government of Syria to secure removal of Petitioner, and further updates are forthcoming. *Id.* ERO has received no indication that the State Department will be unable to assist ERO with securing Petitioner's removal to Syria. *Id.* at ¶ 8.

ARGUMENT

Detention Is Lawful Under 8 U.S.C. §1231(a)(6)

The authority to detain aliens after the entry of a final order of removal is set forth in 8 U.S.C. § 1231(a). That statute affords ICE a 90-day mandatory detention period within which to remove the alien from the United States following the entry of the final order. 8 U.S.C. § 1231(a)(2). The 90-day removal period begins on the latest of three dates: the date (1) the order becomes “administratively final,” (2) a court issues a final order in a stay of removal, or (3) the alien is released from non-immigration custody. 8 U.S.C. § 1231(a)(1)(B).

Not all removals can be accomplished in 90 days, and certain aliens may be detained beyond the 90-day removal period. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Under § 1231, the removal period can be extended in at least three circumstances. *See Glushchenko v. U.S. Dep’t of Homeland Sec.*, 566 F.Supp.3d 693, 703 (W.D. Tex. 2021). Extension is warranted, for example, if the alien presents a flight risk or other risk to the community. *Id.*; *see also* 8 U.S.C. § 1231(a)(1)(C); (a)(6). An alien may be held in confinement until there is “no significant likelihood of removal in a reasonably foreseeable future.” *Zadvydas*, at 533 U.S. at 680.

There is No Good Reason to Believe that Removal to Syria is not Significantly Likely in the Reasonably Foreseeable Future.

Petitioner cannot show “good reason” to believe that removal to Syria is unlikely. In *Zadvydas*, the U.S. Supreme Court held that § 1231(a)(6) “read in light of the Constitution’s demands, limits an alien’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States” but “does not permit indefinite detention.” 533 U.S. at 689. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by the statute.” *Id.* at 699. The Court designated six months as a presumptively

reasonable period of post-order detention but made clear that the presumption “does not mean that every alien not removed must be released after six months.” *Id.* at 701.

Once the alien establishes that he has been in post-order custody for more than six months at the time the habeas petition is filed, the alien must provide a “good reason” to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *See Andrade v. Gonzales*, 459 F.3d 538, 543–44 (5th Cir. 2006); *Gonzalez v. Gills*, No. 20–60547, 2022 WL 1056099 at *1 (5th Cir. Apr. 8, 2022). Unless the alien establishes the requisite “good reason,” the burden will not shift to the government to prove otherwise. *Id.*

The “reasonably foreseeable future” is not a static concept; it is fluid and country-specific, depending in large part on country conditions and diplomatic relations. *Ali v. Johnson*, No. 3:21–CV–00050-M, 2021 WL 4897659 at *3 (N.D. Tex. Sept. 24, 2021). Additionally, a lack of visible progress in the removal process does not satisfy the petitioner’s burden of showing that there is no significant likelihood of removal. *Id.* at *2 (collecting cases); *see also Idowu v. Ridge*, No. 3:03–CV–1293-R, 2003 WL 21805198, at *4 (N.D. Tex. Aug. 4, 2003). Conclusory allegations are also insufficient to meet the alien’s burden of proof. *Nagib v. Gonzales*, No. 3:06–CV–0294-G, 2006 WL 1499682, at *3 (N.D. Tex. May 31, 2006) (citing *Gonzalez v. Bureau of Immigration and Customs Enforcement*, No. 1:03–CV–178-C, 2004 WL 839654 (N.D. Tex. Apr. 20, 2004)). One court explained:

To carry his burden, [the] petitioner must present something beyond speculation and conjecture. To shift the burden to the government, [the] petitioner must demonstrate that “the circumstances of his status” or the existence of “particular individual barriers to his repatriation” to his country of origin are such that there is no significant likelihood of removal in the reasonably foreseeable future.

Idowu, 2003 WL 21805198, at *4 (citation omitted).

There is no dispute that Petitioner's removal order has been final since July 2025, and that ICE has been making repeated efforts to secure Petitioner's removal. Petitioner, nonetheless, argues that his continued detention pending removal is taking too long. ECF No. 1 ¶ 13. Because the removal efforts have not yet been fruitful, Petitioner argues ICE has been unable to obtain travel documents for Petitioner's removal. *Id.*

Petitioner's conclusory and speculative claims are wholly insufficient to meet his burden of proof under *Zadvydas*. See *Nogales v. Dept. of Homeland Sec.*, No. 21-10236, 2022 WL 851738 at *1 (5th Cir. Mar. 22, 2022) (citing *Rice v. Gonzalez*, 985 F.3d 1069, 1070 (5th Cir. 2021)); *Akbar v. Barr*, SA-20-CV-01132-FB, 2021 WL 1345530 (W.D. Tex. Mar. 5, 2021); see also *Andrade*, 459 F.3d at 543–44; *Boroky v. Holder*, No. 3:14-CV-2040-L-BK, 2014 WL 6809180, at *3 (N.D. Tex. Dec. 3, 2014). As such, Petitioner cannot meet his burden to show that there is no significant likelihood of removal in the reasonably foreseeable future. See *Thanh v. Johnson*, No. EP-15-CV-403-PRM, 2016 WL 5171779, at *4 (W.D. Tex. Mar. 11, 2016) (denying habeas relief where government travel documents). The burden of proof, therefore, does not shift to Federal Respondents to prove that removal is likely.

Even if the burden did shift to ICE, ICE is making repeated efforts to obtain his removal to Syria. Exh B at ¶¶ 5-6, 8. Given the U.S. State Department's involvement in helping to remove Petitioner, ICE believes there is a significant likelihood of Petitioner's removal to Syria in the reasonably foreseeable future. *Id.* at ¶ 8.

CONCLUSION

There is no good reason to believe that removal to Syria in the reasonably foreseeable future is unlikely. Continued detention under 1231(a)(6), therefore, is lawful. Accordingly, the Court should deny this petition.

March 30, 2026

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Gerald R. Krimbill
Gerald R. Krimbill
Assistant United States Attorney
Minnesota Bar No. 0220437
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7300 (phone)
(210) 384-7312 (fax)
jerry.krimbill@usdoj.gov

Attorneys for Respondents

Certificate of Service

I hereby certify that on March 30, 2026, I sent this document to the following by
Certified First Class Mail:

Alaa Eddin Alaa
A# 
South Texas ICE Processing Center
566 Veterans Dr.
San Antonio, TX 78061
PRO SE

/s/ Gerald R. Krimbill
Gerald R. Krimbill
Assistant United States Attorney