

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

TALAL ADEL KHALIL AL ELLARY,

Petitioner/Plaintiff, v.

KRISTI NOEM, in their official
capacity as Secretary of the United States
Department of Homeland Security;

PAMELA BONDI, in their official
capacity as Attorney General of the
United States;

GARRET RIPA, in their official
capacity as Director of Miami Field
Office, U.S. Immigration Customs
Enforcement;

DAVID HARDIN, in his official
capacity as Sheriff of Glades County,

Respondents/Defendants.

Case No.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

INTRODUCTION

Petitioner, **Talal Adel Khalil Al Ellary** ("Petitioner"), by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**. Petitioner challenges his continued post-order immigration detention by U.S. Immigration and Customs Enforcement ("ICE") as unconstitutional and unlawful where removal is not significantly likely in the reasonably foreseeable future. Petitioner seeks conditional release under an Order of Supervision or such other relief as the Court deems appropriate.

JURISDICTION AND VENUE

1. This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is in federal custody and is detained in violation of the Constitution and laws of the United States.

2. Venue is proper in the **Middle District of Florida** because Petitioner is detained at the Glades Country Detention Center, 1279 East SR 78, Moore Haven, FL 33471, which lies within this District.

PARTIES

3. Petitioner **TALAL ADEL KHALIL AL ELLARY**, A# [REDACTED] is a Palestinian national who is effectively stateless. He is currently detained at the Glades Country Detention Center, 1279 East SR 78, Moore Haven, FL 33471.
4. Respondent **KRISTI NOEM** is sued in her official capacity as Secretary of the Department of Homeland Security and is responsible for the administration and enforcement of the Immigration and Nationality Act.
5. Respondent **PAMELA BONDI** is sued in her official capacity as Attorney General of the United States and oversees the Department of Justice, including immigration detention litigation.
6. Respondent **WILLIAM JOYCE** is sued in his official capacity as Field Office Director for ICE's Miami Field Office and exercises authority over Petitioner's detention and removal.
7. Respondent **DAVID HARDEN as WARDEN Glades County Detention Center** is the immediate custodian of Petitioner.

FACTUAL BACKGROUND

8. Petitioner has resided in the United States for approximately **twenty-five (25) years** and has no criminal history.
9. Petitioner was taken into ICE custody and is currently detained pursuant to a final order of removal.
10. Petitioner is a **stateless Palestinian**. He does not possess a passport or travel documents from any country.
11. ICE has attempted to identify a country to which Petitioner may be removed. Multiple countries, including **Israel, Romania, and Palestinian authorities**, have declined to accept Petitioner or issue travel documents.
12. Palestine is not a recognized receiving country for purposes of effectuating removal under **INA § 241**, and ICE has identified no third country willing or able to accept Petitioner.
13. As a result, ICE currently has **no country to which it can remove Petitioner**.
14. Petitioner has now been detained for several months post-order, and ICE has provided no timeline or concrete plan for removal.
15. There is **no articulable or realistic likelihood** that Petitioner will be removed in the reasonably foreseeable future.
16. Petitioner also suffers from serious medical conditions, including severe hypertension, high blood pressure, and breathing difficulties, which have required hospitalization during ICE detention.

LEGAL FRAMEWORK

17. Post-order immigration detention is governed by **INA § 241(a), 8 U.S.C. § 1231**.
18. In **Zadvydas v. Davis**, 533 U.S. 678 (2001), the Supreme Court held that post-order detention is presumptively reasonable for six months. After that period, continued detention is lawful only if removal is significantly likely in the reasonably foreseeable future.

19. Where removal is not reasonably foreseeable, continued detention violates both the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.
20. Once a detainee makes a showing that no country is willing to accept him, the burden shifts to the Government to demonstrate that removal is significantly likely in the reasonably foreseeable future.

COUNT I

Violation of the Due Process Clause (Fifth Amendment)

21. Petitioner incorporates all preceding paragraphs.
22. Although Petitioner has not yet reached the six-month presumptive period discussed in **Zadvydas**, his continued detention already serves no legitimate immigration purpose where removal is not significantly likely in the reasonably foreseeable future.
23. ICE cannot effectuate Petitioner's removal because multiple countries have refused to accept him and there is no realistic alternative country currently willing or able to receive him.
24. Continued detention under these circumstances is punitive, arbitrary, and unconstitutional.

COUNT II

Violation of INA § 241(a)

25. Petitioner incorporates all preceding paragraphs.
26. **INA § 241(a)** does not authorize indefinite detention.
27. Because removal is not significantly likely in the reasonably foreseeable future, continued detention exceeds ICE's statutory authority.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this action;
- B. Issue an Order to Show Cause requiring Respondents to demonstrate, within a time set by the Court, that there is a significant likelihood of Petitioner's removal in the reasonably foreseeable future; **or**, in the alternative, order Petitioner's release under an Order of Supervision;
- C. Enjoin Respondents from transferring Petitioner outside this District without Court approval; and
- D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ **David E. Magilligan, Esq.**
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January 16, 2026

VERIFICATION

Pursuant to **28 U.S.C. § 2242** and **28 U.S.C. § 1746**, I declare under penalty of perjury that the facts set forth in the foregoing Petition for a Writ of Habeas Corpus are true and correct.

/s/ **David E. Magilligan, Esq.**

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