



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

Taha Faleh Abdelaziz ABDUL	)	CASE NO. 5:26-cv-_____
KAREEM	)	
	)	PETITION FOR WRIT OF HABEAS
Petitioner,	)	CORPUS UNDER 28 U.S.C. § 2241 AND
	)	COMPLAINT FOR INJUNCTIVE AND
	)	DECLARATORY RELIEF
vs.	)	
	)	
Tony NORMAND, Warden of	)	
Folkston ICE Processing Center in	)	
his official capacity	)	
Respondents.	)	
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**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

**INTRODUCTION**

1. Petitioner Taha Faleh Abdelaziz Abdul Kareem () is a native and citizen of Jordan who initially entered the United States on or about June 7, 2024. *See* Exh. I. Petitioner’s asylum merits appeal has been pending before the Board of Immigration Appeals (BIA) since September 24, 2025. *See* Exh. A. Petitioner is also the beneficiary of a pending I-130 petition submitted by his U.S. Citizen father, Faleh Abdelaziz Abdel Kareem, to the United States Citizenship and Immigration Services (USCIS) on or around July 17, 2025, bearing receipt number . *See* Exh. F. The I-130 petition was determined to warrant an expedited process

due to Petitioner's U.S. Citizen father's double hip replacement and diagnosed dementia, requiring Petitioner, Mr. Abdul Kareem's in-home-care-assistance. *See* Exh. G.

2. To counsel's knowledge, Petitioner has no criminal convictions and was initially detained by Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center in San Diego California shortly after his June 2024 entry. On or about July 8, 2024, Petitioner was then placed into expedited removal proceedings under section 235 of the Immigration Nationality Act or 8 USC Section 1225, for his failure to establish a reasonable probability of persecution or torture at his initial credible fear screening. Petitioner asked for a review of the initial fear screening decision by the Otay Mesa Immigration Court and on August 20, 2024; the Immigration Judge vacated the initial fear finding, triggering the issuance of a Notice to Appear. *See* Exh D.

3. On October 9, 2024, Petitioner had his first bond hearing before the Otay Mesa Immigration Court, and an Immigration Judge denied setting a bond in his case, stating that "[t]he Court lacked jurisdiction to conduct the bond hearing" pursuant to *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), due to the fact that Respondent was detained pursuant to section 235(b)(1)(B)(ii) of the Act. *See* Exh. C. Also on October 9, 2024, Petitioner was transferred to the Folkston U.S. Immigration and Customs Enforcement ("ICE") ICE Processing Center in Folkston, Georgia where he remains detained. *See* Exh. H.

4. On March 20, 2025, after discovering that his father's medical conditions had significantly degraded, Respondent requested a bond redetermination from the Immigration Court and on March 28, 2025, an Immigration Judge with the Lumpkin/Stewart Immigration Court found no material change with regard to jurisdictional bond limitations, however included an alternate finding that if the Court had jurisdiction, it would have awarded a \$7500 bond to Petitioner who

was neither a danger nor a flight risk and who had strong ties to the U.S. via his U.S. Citizen family members. *See* Exh. B.

5. On April 28, 2025, Petitioner through counsel appealed the bond denial to the Board of Immigration Appeals (BIA) arguing that where *Matter of M-S* describes jurisdictional limitations on bond for those placed into a 235 process *after initial establishment of a credible fear of torture*, where Petitioner’s matter involved *an initial denial of credible fear of torture*, jurisdictionally limiting factors on bond per 8 USC § 1225 B (ii) as described by *Matter of M-S*, did not apply to Petitioner’s detention as governed by 8 USC § 1225 B (IV) and later vacated with the statutorily requisite finality by the Immigration Judge; further confirmed by the Notice to Appear /I-862’s notation that issuance followed vacated initial findings per 8 CFR 208.30(f). *See* Exh. I. The BIA denied Petitioner’s Bond Appeal on August 8, 2025. *See* Exh.E.

6. This Court should find in accordance with the plain language of 8 USC § 1225 B (IV) that *Matter of M-S-* is inapplicable to Petitioner’s matter, where subclause (IV) states that “[a]ny alien subject to the procedures under this clause **shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.**” (emphasis added). Therefore, applying the *expressio/exclusio* canon as described in *Matter of M-S* by former Attorney General Barr, **mandatory detention does not continue after a positive final credible fear determination by the Court**—which the IJ’s vacatur decision indisputably *is*.<sup>1</sup>

7. As this Court has already determined that individuals like Mr. Abdul Kareem are eligible for bond where detained pursuant to § 1226(a), where *Matter of M-S-* does not properly apply to this matter, Mr. Abdul Kareem respectfully requests this Court: (a) declare him eligible

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<sup>1</sup> By virtue of the Immigration Judge’s August 20, 2024 vacatur, Petitioner’s expedited removal proceedings were “void ” as of August 20, 2024, as if they had never taken place to begin with, thus rendering *Matter of M-S-* inapposite to his detention, which originally occurring under 8 USC § 1225 B (IV), by the statute’s own language, dictates that an IJ Vacatur would provide the necessary finality of proceedings required for bond eligibility.

to receive a \$7500 bond award and release in accordance with the alternate findings by the Immigration Judge entered on March 28, 2025; and (b) order his release in accordance with said terms in the Immigration Judge's alternate bond findings under appropriate conditions of ICE supervision. *See* Exh. B. *See also Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025), *report and recommendation adopted sub nom. Aguirre Villa v. Normand*, No. 5:25-cv-100, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025).

### **JURISDICTION AND VENUE**

8. Mr. Abdul Kareem is currently in the physical custody of Respondent at the Folkston ICE Processing Center in Folkston, Georgia.

9. This Court has jurisdiction under 28 U.S.C. § 2241 (*habeas corpus*), 28 U.S.C. § 1331 (*federal question*), 28 U.S.C. § 1651 (*All Writs Act*), 28 U.S.C. §§ 2201–2202 (*Declaratory Judgment Act*), 5 U.S.C. § 702 (*APA*), and Article I, Section 9, Clause 2 of the United States Constitution (*Suspension Clause*). Mr. Abdul Kareem is presently in custody under color of the authority of the United States and challenges his custody as in violation of the Constitution, laws, or treaties of the United States.

10. Federal district courts have jurisdiction under § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). The Supreme Court has repeatedly upheld such jurisdiction, most recently in *Jennings v. Rodriguez*, 583 U.S. 281, 292–96 (2018).

11. Venue is proper in the Southern District of Georgia, Waycross Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d), because Petitioner is detained within this District at the Folkston ICE Processing Center.

### **PARTIES**

12. Petitioner Taha Faleh Abdelaziz Abdul Kareem is a native and citizen of Jordan unlawfully detained at the Folkston ICE Processing Center in Folkston, Georgia. He is not subject to a final order of removal as his merits appeal remains pending.

13. Respondent Tony Normand is the warden of the Folkston ICE Processing Center and controls the detention center where Petitioner is confined under the authority of ICE. Mr. Normand has direct physical custody of Petitioner and is his immediate custodian. ICE Parole requests submitted to the facility have been denied without adequate explanation. *See* Exh. H. Mr. Normand is sued in his official capacity.

### **FACTS**

14. Petitioner Taha Faleh Abdelaziz Abdul Kareem is a native and citizen of Jordan unlawfully detained at the Folkston ICE Processing Center in Folkston, Georgia. ICE has held him in custody since June 2024 without parole, following his initial entry into the U.S. Petitioner has several U.S. citizen relatives, including his father who has petitioned his status with USCIS, his mother, his brother, sister-in-law, nieces and nephews. *See* Exh. B. *See also* Exh. F.

15. To counsel's knowledge, Mr. Abdul Kareem has no criminal convictions and he has never been convicted of any crime that would subject him to mandatory detention under INA § 1226(c), as was also found by the Immigration Judge via the alternate findings of March 28, 2025. *See* Exh. B. Petitioner is not subject to a final order of removal, as his merits appeal is pending. *See* Exh. A.

16. Historically, individuals like Mr. Abdul Kareem who enter the U.S. seeking asylum, are first issued an expedited removal order and after a credible fear screening determination, were detained under INA § 236(a), 8 U.S.C. § 1226(a), which provides for release on bond or conditional parole regardless of manner of entry or findings in their initial credible fear

screening. However, Petitioner's access to an award of bond was prevented by DHS's claim that the Immigration Court lacks bond jurisdiction pursuant to *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019). This case decided that aliens detained pursuant to section 235(b)(1)(B)(ii) of the Act following an initial positive credible fear determination, must remain detained until there is a final decision in their merits proceedings by virtue of the expedited removal order issued at entry. This finding is inapplicable to Petitioner's matter where his expedited removal order was rendered void on October 9, 2024 by virtue of the Immigration Judge's Vacatur. *See* Exh. J.

17. Where Petitioner was detained following an initial denial of his credible fear determination, Petitioner's detention occurred under 8 C.F.R. § 1208.30(g)(2)(iv)(B); and his expedited order of removal was vacated on October 9, 2024, meaning his detention occurred without the limitations described by *Matter of M-S-*. *See Id.* at 27 I&N Dec. 509, 510 (A.G. 2019).

18. According to *Matter of M-S*, the Immigration Court's jurisdiction over those who immediately pass their Credible Fear Review continues because of USCIS transfer of the case; thus, M-S argues, permitting ICE to keep them detained under INA § 235(b)(1)(B)(ii) absent language to such effect, because the expedited removal order remains intact/transfers with the case. *See Matter of M-S-*. *See Id.* at 27 I&N Dec. 509, 510 (A.G. 2019). By contrast, EOIR jurisdiction for those who, like Petitioner, immediately fail their Credible Fear Review following entry, already requires mandatory detention under 8 C.F.R. § 1208.30(g)(2)(iv)(B) until and unless jurisdiction transfers to the Court via the Immigration Judge's order, vacating the underlying findings and associated expedited removal order (if the IJ upholds the underlying findings, the expedited removal order becomes the only/final order in the case

19. Thus the jurisdictional limitations described by *Matter of M-S* to occur under INA § 235(b)(1)(B)(ii), follow immediate credible fear approval and transfer to the Immigration Court

by USCIS, not aliens subject to mandatory detention after initial denial of such credible fear findings under 8 C.F.R. § 1208.30(g)(2)(iv)(B), as that statute by contrast, includes specific language regarding when there is finality of ICE jurisdiction over detention.

20. Those subject to mandatory detention provisions who request review by the Immigration Court, remain detained until the Immigration Judge decides whether or not to vacate the USCIS finding. A plain reading of this statute would determine that if the Immigration Judge vacates the initial credible fear decision, the Court has exclusive jurisdiction over the alien's detention, as same did not occur via USCIS transfer, it occurred via Court order.

21. Thus, Petitioner's detention under 8 C.F.R. § 1208.30(g)(2)(iv)(B) was not contemplated by *Matter of M-S* and as of August 20, 2024, after the Immigration Judge vacated the underlying findings, jurisdiction to award bond was exclusively with the Immigration Court.

22. After the BIA's decision in *Matter of Q. Li*, any noncitizen detained at the United States border after entering without inspection is now an "applicant for admission" under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), and deemed ineligible for bond. This was later extended to anyone who entered without inspection, regardless of whether they were detained at the border or hundreds of miles from the border and regardless of whether they were first apprehended decades from their initial entry in *Matter of Yajure Hurtado*.

23. As a result of these policies and decisions, Immigration Judges continue to lack jurisdiction to conduct custody redeterminations for individuals like Mr. Abdul Kareem, who has been categorically denied access to receiving the award of bond expressly desired by the Immigration Court on March 28, 2025, despite his strong community ties and absence of flight risk concerns or criminal record.

24. Federal district courts across the country, like this one, have rejected *Matter of Q. Li's* and *Matter of Yajure Hurtado's* mandate of § 1225(b)(2) for individuals like Mr. Abdul Kareem, finding instead that detention of individuals like him is under § 1226(a). See *Arrazola-Gonzalez v. Noem*, Civ. No. 5:25-cv-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025). See also *Cuevas Guzman v. Andrews*, Civ. No. 1:25-cv-01015, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025). See also *Maldonado Baustista v. Santacruz*, 5:25-cv-01873, (C.D. Cal. Nov. 25, 2025).

25. Nonetheless, ICE continues to hold Petitioner without awarding bond, first, on the premise that an unrelated case, *Matter of M-S-*. See *Id.* at 27 I&N Dec. 509, 510 (A.G. 2019), applied to his matter, and today, would deny same on further jurisdictional grounds in accordance with the aforementioned findings from *Matter of Q. Li's* and *Matter of Yajure Hurtado*.

#### **LEGAL FRAMEWORK**

26. Under 8 U.S.C. § 1226(a), individuals are generally entitled to discretionary bond determinations when detained. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). Certain noncitizens who are arrested, charged with, or convicted of specified crimes are subject to mandatory detention until removal proceedings are concluded under 8 U.S.C. § 1226(c).

27. The U.S. Supreme Court has recognized that while “U.S. immigration law authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (2),” “[i]t also authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).” *Id.* at 289.

28. Following enactment of these statutes, EOIR issued regulations clarifying that individuals who entered the country without inspection but who were apprehended in the interior were not detained under § 1225, but instead under § 1226(a). See *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum*

*Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled...will be eligible for bond and bond redetermination.”). For nearly three decades, this was the consistent practice.

29. In *Matter of Q. Li*, the BIA upended years of precedent and understanding of which noncitizens were considered detained under § 1225 versus § 1226. In that case, the noncitizen was arrested and detained under § 1225 at the border and was subsequently paroled into the United States. 29 I. & N. Dec. at 66. She was subsequently re-detained and denied bond because she was deemed to be an “applicant for admission” under § 1225, and her parole, which is the only exception to mandatory detention under § 1225, was later revoked when she was served with a Notice to Appear, thus returning her to her status under § 1225. *Id.*

30. In July 2025, DHS abruptly adopted a new interpretation expanding on *Q. Li* and requiring detention under § 1225(b)(2)(A) for all noncitizens charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i). On September 5, 2025, the BIA issued *Yajure Hurtado*, 29 I&N Dec. 216, adopting DHS’s view and holding that all noncitizens present in the United States without admission are “applicants for admission” subject to mandatory detention under § 1225(b)(2)(A). As a result, any individual who entered the country without inspection is ineligible for bond.

31. This Court has already rejected this interpretation, finding instead that individuals like Mr. Abdul Kareem are eligible for bond because they are detained pursuant to § 1226(a) and therefore eligible for release on discretionary bond. *Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025), *report and recommendation adopted sub nom. Aguirre Villa v. Normand*, No. 5:25-cv-100, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025).

32. Over 300 district courts have also rejected this position and have granted habeas petitions for petitioners like Mr. Abdul Kareem. *See, e.g., Rodriguez Vazquez v. Bostock*, Civ. No.

3:25-cv-05240, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, Civ. No. 1:25-cv-11571, 2025 WL 1869299 (D. Mass. July 7, 2025), *Garcia v. Hyde*, Civ. No. 25-11513 (D. Mass. July 14, 2025); *Rosado v. Bondi*, Civ. No. 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Lopez-Benitez v. Francis*, Civ. No. 25-5937, 2025 WL 2371588, ---F. Supp.3d ---- (S.D.N.Y. Aug. 13, 2025); *Dos Santos v. Lyons*, Civ. No. 1:25-cv-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, Civ. No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Escalante v. Bondi*, Civ. No. 25-cv-3051, 2025 WL 2212104 (D. Minn. July 31, 2025); *O.E. v. Bondi*, Civ. No. 25-cv-3051, 2025 WL 2235056 (D. Minn. Aug. 3, 2025); *Arrazola-Gonzalez v. Noem*, Civ. No. 5:25-cv-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Garcia Jimenez v. Kramer*, Civ. No. 25-cv-3162, 2025 WL 2374223 (D. Neb. Aug. 15, 2025); *Mayo Anicasio v. Kramer*, Civ. No. 4:25-cv-3158, 2025 WL 2374224 (D. Neb. Aug 14, 2025); *Rodriguez de Oliveira v. Joyce*, Civ. No. 2:25-cv-00291, 2025 WL 1826118 (D. Me. July 2, 2025); *Leal-Hernandez v. Noem*, Civ. No. 1:25-cv-02428, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez-Campos*, Civ. No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Romero v. Hyde*, Civ. No. 25-11631, --- F. Supp. 3d ----, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Doe v. Moniz*, Civ. No. 1:25-cv-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Herrera Torralba*, Civ. No. 2:25-cv-01366, 2025 WL 2581792 (D. Nev. Sept. 5, 2025); *Kostak v. Trump*, Civ. No. 3:25-1093, 2025 WL 2473136 (W.D. La. Aug. 27, 2025); *Simpiao v. Hyde*, Civ. No. 1:25-cv-11981-JEK, 2025 WL 2607925 (D. Mass Sept. 9, 2024); *Garcia Cortes v. Noem*, Civ. No. 1:25-cv-02677, 2025 WL 2652990 (D. Colo. Sept. 16, 2026); *Jimenez v. Warden*, Civ. No. 25-cv-326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Cuevas Guzman v. Andrews*, Civ. No. 1:25-cv-01015, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Velasquez Salazar v. Dedos*, Civ. No. 1:25-cv-00835, 2025 WL 2676729 (D.N.M. Sept., 17, 2025); *Hasan v. Crawford*, 1:25-cv-1408, 2025 WL

2682255 (E.D. Va., Sept. 19, 2025); ); *Singh v. Lewis*, Civ. No. 4:25-cv-96, 2025 WL 2699219 (W.D.Ky., Sept. 22, 2025); *Beltran Barrera v. Tindall*, Civ. No. 3:25-cv-541, 2025 WL 2690565 (W.D.Ky., Sept. 19, 2025); *Chogllo Chafila v. Scott*, 2025 WL 2688541, (D.Me., Sept. 21, 2025); *Chiliquina Yumbillo v. Stamper*, Civ. No. 2:25-cv-00479 (D.Me., Sept. 19, 2025).

33. The government's interpretation defies the INA's text and structure. Section 1226(a) explicitly applies to individuals charged as inadmissible after entry without inspection. Congress reinforced this point in 2025 by amending § 1226(c) through the Laken Riley Act to exclude from bond eligibility certain noncitizens who entered without inspection and committed crimes. If Congress had intended all such individuals to be subject to mandatory detention under § 1225(b)(2)(A), it would not have needed to create these specific carve-outs. Construing § 1225(b)(2)(A) as the government suggests renders § 1226(c)(1)(E) superfluous, in violation of the canon against surplusage. See *Corley v. United States*, 556 U.S. 303 (2009).

34. This approach is consistent with Eleventh Circuit precedent. In *Ortiz-Bouchet v. U.S. Attorney General*, 714 F.3d 1353 (11th Cir. 2013), the court held that noncitizens already present in the United States seeking to adjust status were not "applicants for admission." The Supreme Court has likewise recognized that mandatory detention under § 1225(b) applies "at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is inadmissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

35. As to the inapplicability of *Matter of M-S-*, where Respondent was not entered into a 235 process following establishment of a credible fear of torture (as *M-S-* describes), rather, Respondent was initially denied his Credible Fear Interview, thus placing him under the jurisdiction of 8 USC § 1225 B (IV); as section IV regards mandatory detention and was not the focus of any described applicability by *Matter of M-S-* which discussed 8 USC § 1225 B (ii),

therefore, the limiting factors under *Matter of M-S* similarly do not apply in this case, which is further confirmed by indications on Respondent's NTA/I-862 failing to check the box that same was issued following a positive credible fear finding.

36. Therefore, the mandatory detention provisions of § 1225(b)(2) do not apply to Mr. Abdul Kareem who was apprehended within the United States decades after his initial entry and is detained under § 1226(a), thus is eligible for a grant of the bond award of \$7500 as ordered in the alternative by the Immigration Judge Fuller, at his last bond hearing on March 28, 2025.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

##### **Violation of 8 U.S.C. § 1226(a) Unlawful Denial of Release on Bond**

1. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

2. The mandatory detention provision of § 1225(b)(2) does not apply to noncitizens like Mr. Abdul Kareem who were apprehended inside the United States after their initial entry and credibility determinations. Such individuals are detained under § 1226(a) and are eligible for release on bond, as this Court has already found.

3. Respondent's decision to continue to detain Mr. Abdul Kareem under § 1225(b)(2)(A) unlawfully denies him access to receiving the a bond he would otherwise have received if determined to be detained § 1226(a), in violation of the INA.

#### **COUNT II**

##### **Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19**

4. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

5. For decades, both Congress and the agencies charged with implementing the INA have recognized that individuals who were detained after entering without inspection are detained under § 1226(a) and eligible for bond, as reflected in implementing regulations at 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

6. Despite this clear regulatory framework, Respondent has unlawfully detained Mr. Abdul Kareem by misapplying § 1225(b)(2).

7. Because Petitioner's detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires, including access to a bond hearing, his continued detention violates the INA, its implementing regulations, and the Due Process Clause of the Fifth Amendment.

### **COUNT III**

#### **Violation of the Fifth Amendment Due Process**

8. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

9. Under the Fifth Amendment of the Constitution, no person shall be deprived of liberty without due process of law. Freedom from imprisonment and government custody lies at the core of the liberty protected by the Due Process Clause. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The protections of the Due Process Clause extend to all persons within the United States, regardless of immigration status. *Id.* at 693.

10. Respondent's detention of Mr. Abdul Kareem under § 1225(b)(2), without the possibility of release on bond or a meaningful custody redetermination, violates his right to due process under the Fifth Amendment.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner Taha Faleh Abdelaziz Abdul Kareem that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondent to show cause why the writ should not be granted within **three days**, pursuant to 28 U.S.C. § 2243;
3. Grant a writ of habeas corpus declaring that Petitioner's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), and ordering Respondent to immediately release him in accordance with applying § 1226(a) per the alternate finding made by the Immigration Judge on a bond of \$7500, under reasonable conditions of supervision;
4. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
5. In the event the Court determines a genuine dispute of material fact exists regarding Petitioner's entitlement to habeas relief, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243;
6. Enter preliminary and permanent injunctive relief enjoining Respondent from further unlawful detention of Petitioner;
7. Declare that Petitioner's detention violates the INA;
8. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
9. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
10. Grant such further relief as this Court deems just and proper.

Dated: January 23, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Effron Sharma". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rachel Effron Sharma  
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**DECLARATION OF LOCAL COUNSEL REGARDING VERIFICATION**

I am local counsel for Petitioner in this matter. I have not yet had direct contact with Petitioner in order to verify this petition. The Petition for writ of habeas corpus is based on information provided by lead counsel and local counsel's review of all available records. Counsel will file a verification from Petitioner as soon as counsel receives it, or in the alternate, lead counsel will file a complete verification once admitted pro hac vice. Due to Petitioner being detained far from his counsel, it will take extra time to obtain verification from Petitioner directly, but because this is an urgent matter, counsel requests leave of the court to file the verification as soon as it is available.

Dated this 23<sup>rd</sup> day of January, 2026.



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