

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-cv-20500-ALTMAN

BATUHAN CELIK,

Petitioner,

v.

GARRETT J. RIPA, et al.,

Respondents.

ORDER

Our Petitioner, Batuhan Celik, has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his ongoing immigration detention by the Respondents. *See* Petition for Habeas Corpus (“Petition”) [ECF No. 1]. After careful review, we **DENY** the Petition.

BACKGROUND

The Petitioner is a Turkish national who entered the United States without inspection on or about February 9, 2024. *See* Petition ¶¶ 6, 10. On December 10, 2025, a Miami Krome Immigration Judge found the Petitioner inadmissible under the Immigration and Nationality Act (“INA”), § 212(a)(6)(A)(i). *See* Exhibit A to the Petition [ECF No. 1-1] at 2. The Petitioner was ordered removed to Turkey, but his application for withholding of removal under INA § 241(b)(3) was granted. *See id.* at 4–5. The Petitioner is currently detained at Krome North Service Processing Center, where he’s been detained since August 1, 2025. *See* Petition ¶¶ 2, 6. Celik filed this Petition on January 26, 2026, alleging that his detention is unlawful under *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001). *See generally* Petition.

THE LAW

Section 2241 permits district courts to grant relief to petitioners held “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). “Challenges to deportation proceedings are cognizable under 28 U.S.C. § 2241.” *Orozco v. U.S. Immigr. & Naturalization Serv.*, 911 F.2d 539, 541 (11th Cir. 1990) (cleaned up).

Section 1231(a) of Title 8—the INA’s post-removal detention provision—applies to aliens who are subject to a final order of removal. *See* 8 U.S.C. § 1231(a). When an alien is ordered removed, the Attorney General must remove the alien from the country within ninety days. *See id.* § 1231(a)(1)(A). During this ninety-day period, some criminal aliens remain detained. *See id.* § 1231(a)(2). But the Supreme Court has given the government a bit more time to deport aliens like our Petitioner:

While an argument can be made for confining any presumption to 90 days, we doubt that when Congress shortened the removal period to 90 days in 1996 it believed that all reasonably foreseeable removals could be accomplished in that time. We do have reason to believe, however, that Congress previously doubted the constitutionality of detention for more than six months. Consequently, for the sake of uniform administration in the federal courts, we recognize that period. After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.

Zadvydas, 533 U.S. at 701 (cleaned up). To obtain relief from a post-removal order of detention, then, a petitioner must: (1) show that he’s been detained for more than six months since his final order of removal; and (2) establish that there’s no significant likelihood of removal in the foreseeable future. *See Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (“[T]o state a claim under *Zadvydas* the alien not only must show post-removal order detention in excess of six months but also must provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”).

ANALYSIS

The Petitioner's *Zadvydas* claim is premature and must be denied. The Petitioner was ordered removed on December 10, 2025, so his *post*-removal detention order is presumptively reasonable until June 8, 2026, and any petition filed before that date is premature. *See Zadvydas*, 533 U.S. at 701 (“[F]or the sake of uniform administration in the federal courts, we recognize [a presumptively reasonable six-month detention] period.”); *see also Akinwale*, 287 F.3d at 1052 (“[I]n order to state a claim under *Zadvydas* the alien . . . must show post-removal order detention in excess of six months[.]”); *Phadael v. Ripa*, 2024 WL 3088350, at *2 (S.D. Fla. June 21, 2024) (Altman, J.) (“Unless a detainee shows that his post-removal detention is in excess of six months, his § 2241 petition must be dismissed as premature.” (cleaned up)).

The Petitioner argues that his *pre*-removal detention order—from August 1, 2025, to December 10, 2025—should be aggregated with his current, post-removal detention order. *See* Petition ¶¶ 6, 12 (“Petitioner Batuhan Celik is a Turkish national who has been detained by ICE since August 1, 2025. . . . Petitioner[']s detention is beyond [six] months, which is over the six-month presumptive reasonable period[.]”). But the Petitioner hasn't cited *any* authority for this proposition. And *Zadvydas* clearly holds that the six-month period of presumptive reasonableness begins to run *after* a final removal order is entered. *See Zadvydas*, 533 U.S. at 683 (“*After entry of a final removal order and during the 90-day removal period, however, aliens must be held in custody.*” (emphasis added)); *see also Akinwale*, 287 F.3d at 1052 (“In order to state a claim under *Zadvydas* the alien . . . must show *post-removal order detention* in excess of six months[.]” (emphasis added)); *O'Neal v. United States*, 2022 WL 168536, at *3 (S.D. Fla. Jan. 19, 2022) (Bloom, J.) (“Petitioner states that ICE detained him on December 4, 2020, but the date an alien is detained or confined with regard to an immigration process is not sufficient to trigger the start of the [ninety]-day removal period.”). In short, because the

Petitioner has failed to demonstrate that the six-month period has expired, he hasn't stated a claim for relief.

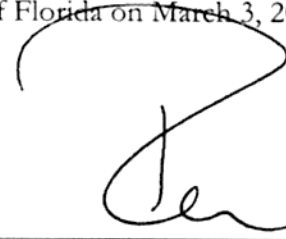
Resisting this conclusion, the Petitioner argues that his detention is unlawful because he's been granted "an Order Withholding Removal under INA § 241(b)(3)[.]" Petition ¶ 11. This argument fails for two reasons. *First*, while the Order Withholding Removal *may* serve as evidence that the Petitioner's removal isn't likely in the reasonably foreseeable future, his *Zadvydas* claim would still be premature for the reasons we discussed above. *Second*, an order withholding removal under INA § 241(b)(3) doesn't mean that an alien can't be removed *at all*. It simply means that an alien won't be removed to a country in which the Attorney General has decided that "the alien's life or freedom would be threatened . . . because of the alien's race, religion, nationality, membership in a particular social group, or political opinion." INA § 241(b)(3)(A); *see also* 8 U.S.C. § 1231(b)(3)(A). The Petitioner, however, may still be removed to a *different* country. *See Thamotar v. U.S. Att'y Gen.*, 1 F.4th 958, 968 (11th Cir. 2021) ("[A] noncitizen protected by an order of withholding of removal may nonetheless be removed to a third country[.]"). The Petitioner's argument that his Order Withholding Removal serves as a "cancellation of his removal" is thus meritless. Reply in Support of Petition [ECF No. 12] at 1.

CONCLUSION

After careful review, therefore, we **ORDER and ADJUDGE** as follows:

1. The Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**.
2. All pending deadlines are **TERMINATED**, and any pending motions are **DENIED as moot**. The Clerk is directed to **CLOSE** this case.

DONE AND ORDERED in the Southern District of Florida on March 3, 2026.

A handwritten signature in black ink, appearing to read 'Roy K. Altman', written over a horizontal line.

ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record

Noticing INS Attorney
Email: usafis-immigration@usdoj.gov