

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

*WAGDI NOMAN,*



Petitioner,

vs.

Civil No. \_\_\_\_\_

*WARDEN,*  
PRAIRIELAND DETENTION CENTER,

*FIELD OFFICE DIRECTOR,*  
ICE DALLAS - ENFORCEMENT AND REMOVAL OPERATIONS,

*TODD LYONS,*  
ACTING DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

And,

*KRISTI NOEM,*  
SECRETARY OF U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS  
(28 U.S.C. § 2241)

A STAY OF REMOVAL (NON-EMERGENCY) IS REQUESTED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

***WAGDI NOMAN,***

**[REDACTED],**

**Petitioner,**

**vs.**

Civil No. \_\_\_\_\_

***KRISTI NOEM, et al.,***

**Respondents.**

**PETITION FOR WRIT OF HABEAS CORPUS**  
**(28 U.S.C. § 2241)**

**NOW COMES PETITIONER, WAGDI NOMAN,** by and through undersigned counsel, and states the following in support of his Petition:

**Introduction**

1. Wagdi Noman, [REDACTED] (“Petitioner” or “Mr. Noman”), respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing and unlawful civil immigration detention at Prairieland Detention Center in Alvarado, Texas.
2. Mr. Noman is a citizen of Yemen who has resided in the United States for more than thirty-five years and who has been granted deferral of removal under the United Nations Convention Against Torture (“CAT”).
3. Mr. Noman has been detained by U.S. Immigration and Customs Enforcement (“ICE”) at Prairieland Detention Center in Alvarado, Texas, without notice, explanation, or lawful justification since on or around January 21, 2026.

4. Mr. Noman's detention violates the Immigration and Nationality Act ("INA"), implementing regulations, the Administrative Procedure Act ("APA"), and the Due Process Clause of the Fifth Amendment to the United States Constitution.
5. This petition seeks urgent judicial review and relief from arbitrary and indefinite civil detention.
6. **Petitioner respectfully requests a stay of removal to preserve the status quo and prevent his transfer from the Northern District of Texas while this matter is being considered. Petitioner is unaware of any imminent threat of removal or transfer at this time. Should circumstances change, he will file a separate emergency motion for stay of removal and brief with the Court. Therefore, this request for stay is practical and customary with the filing of this petition, and Petitioner respectfully requests that the Court consider issuing a stay in its normal course of business.**

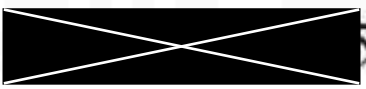
#### Jurisdiction

6. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution, laws, and treaties of the United States.
7. Specifically, jurisdiction exists pursuant to the Suspension and Due Process clauses of the Fifth Amendment to the United States Constitution, the federal habeas statute, 28 U.S.C. § 2241, the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*, Immigration and Nationality Act § 241, codified as 8 U.S.C. § 1231, and implementing regulations found in 8 C.F.R. § 241.

Venue

9. Venue is proper in the Northern District of Texas pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in this District.
10. Mr. Noman's removal proceedings occurred in the Northern District of Texas, he was supervised in this district, and he is currently detained at Prairieland Detention Center in Alvarado, Texas, within this district.

Parties

11. Petitioner Wagdi Noman, , is a fifty-five-year-old citizen of Yemen and long-time resident of Bedford, Texas. He is currently detained by ICE at Prairieland Detention Center.
12. Respondent Warden, Prairieland Detention Center, is the official with immediate custody over Mr. Noman, **and is sued in his or her official capacity only.**
13. Respondent Field Office Director, ICE Dallas Enforcement and Removal Operations ("ERO"), is responsible for ICE detention and supervision decisions within this district **and is sued in his or her official capacity only.**
14. Respondent Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement, is the head of ICE, an agency within the U.S. Department of Homeland Security tasked with interior enforcement of immigration laws, and **is sued in his official capacity only.**
15. Respondent Kristi Noem, Secretary of the Department of Homeland Security, is the cabinet official charged with administration and enforcement of the immigration laws and **is sued in her official capacity only.**

**Statement Of Facts**

15. Mr. Noman is a citizen of Yemen who first entered the United States on April 8, 1989, through Chicago, Illinois, on a B-2 visitor visa.
16. On or around April 4, 1990, Mr. Noman obtained an F-1 student visa to attend Lubbock Christian University in Texas.
17. Mr. Noman has continuously resided in the United States for more than thirty-five years.
18. On August 3, 1996, Mr. Noman married a United States citizen, Amy Noman, and subsequently became a lawful permanent resident through that marriage.
19. The couple divorced in 2005 but reconciled approximately six months later and entered into a common-law marriage.
20. On January 29, 2007, Mr. Noman was convicted in Tarrant County, Texas, of sexual assault of a child under the age of seventeen and was sentenced to five years of deferred adjudication probation.
21. Following this conviction, ICE detained Mr. Noman and initiated removal proceedings before the Dallas Immigration Court, charging him as removable under INA §§ 101(a)(43) and 237(a)(2), 8 U.S.C. §§ 1101(a)(43), 1227(a)(2).
22. On November 24, 2008, an Immigration Judge granted Mr. Noman deferral of removal under the Convention Against Torture based on a likelihood of torture if returned to Yemen.
23. Mr. Noman was released from ICE custody on an order of supervision and has complied with all conditions for approximately seventeen years.
24. Mr. Noman has attended all ICE check-ins, has not absconded, and has not been convicted of any subsequent crimes.

25. On or about January 21, 2026, during a routine ICE check-in, Mr. Noman was detained without explanation.
26. ICE has not provided Mr. Noman with charging documents, a notice of custody determination, or any written justification for his detention.
27. Upon information and belief, there are no pending removal proceedings in Immigration Court and no material change in circumstances justifying revocation of Mr. Noman's order of supervision.
28. Mr. Noman remains detained at Prairieland Detention Center.

#### **Legal Framework**

29. The "Great Writ" of habeas corpus is a fundamental safeguard against unlawful detention, codified in federal law at 28 U.S.C. § 2241.
30. Federal courts have long recognized habeas corpus as a vehicle to challenge arbitrary executive detention, including civil immigration detention, that violates constitutional or statutory limits.
31. Under INA § 241, 8 U.S.C. § 1231, ICE generally may detain an alien for a 90-day removal period following a final order of removal, during which time they may attempt to deport the alien.
32. After the removal period, detention is authorized only under limited circumstances and must be reasonably related to the purpose of effectuating removal. The U.S. Supreme Court has held that indefinite post-removal immigration detention is impermissible under the INA and constitution. *See Zadvydas v. Davis*, 533 U.S. 678 (2001).

33. Once the 90-day removal period has run, detained aliens who cannot be removed in the reasonably foreseeable future, including those granted deferral of removal under CAT, must generally be released under conditions of supervision pursuant to 8 C.F.R. § 241.5 to prevent indefinite immigration detention.
34. The APA, 5 U.S.C. §§ 701–706, prohibits agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

**Claims For Relief**

**- Count I -  
(Fifth Amendment Due Process)**

35. Mr. Noman has a fundamental protected liberty interest in freedom from arbitrary governmental detention under the Fifth Amendment.
38. His current immigration detention without notice, hearing, or individualized supervision determination violates substantive and procedural due process under the Fifth Amendment. Upon information and belief, ICE has to-date provided no written notice, or any notice whatsoever, to Mr. Noman as to why the agency has detained him and revoked his Order of Supervision after seventeen years of compliance. He has been torn from his family and is being held by ICE in physical and legal limbo for no apparent reason.
39. Upon information and belief, Mr. Noman's removal proceedings are closed. His deferral of removal order remains in effect. There are no future court dates, and ICE has not filed any motion with the Immigration Court to reopen removal proceedings to deport Mr. Noman.
40. Upon information and belief, there have been no material changes in Mr. Noman's circumstances regarding his removability to Yemen or any other country.

41. Upon information and belief, Mr. Noman lacks a valid Yemeni passport, and has not been asked to apply for, or actually applied for, any travel document that would allow him to be deported to any country.
42. Under these circumstances, Mr. Noman truly faces indefinite immigration detention as there is no indication that his removal can or will take place at any time in the future in accordance with the law.
36. ICE's actions are illegal, unjustified, and not reasonably related to any legitimate governmental purpose. ICE's actions constitute punitive and indefinite detention as prohibited by the Fifth Amendment.

**- Count II -**  
**(Violation Of INA § 241, 8 C.F.R. § 241, And The APA)**

43. Mr. Noman's detention exceeds the statutory authority provided by INA § 241, 8 U.S.C. § 1231, and implementing regulations found at 8 C.F.R. § 241 *et seq.*
44. ICE has failed to follow required post-final-order custody review procedures rendering his detention unlawful. Mr. Noman was previously released from immigration detention on an Order of Supervision following his post-removal custody review in 2008.
45. Under the regulations, it would be expected that ICE would be taking actions at this time to deport Mr. Noman to justify his re-detention. This normally requires that ICE file a motion to terminate the deferral of removal order with the Immigration Court having administrative control over Mr. Noman's case under 8 C.F.R. § 1208.17(d). The Court would then provide Mr. Noman written notice of his rights and of the scheduling of a *de novo* review hearing on the deferral order. ICE would be expected to provide evidence of changed circumstances, such as changed country conditions in Yemen that negate his fear

of torture, changed legal conditions such as a different country agreeing to accept him, or formal assurances from the Yemeni government against torture being transmitted to the U.S. Secretary of State.

46. Weeks have passed since Mr. Noman has been detained, and none of these procedures have taken place to the best of Mr. Noman's knowledge. Mr. Noman has asked ICE on multiple occasions why he has been detained without any meaningful response. No notice has been provided to Mr. Noman from ICE or the Immigration Court, no motion to terminate deferral of removal has been filed with the Immigration Court, and no future court date has been scheduled.
47. ICE's decision to revoke his Order of Supervision and re-detain Mr. Noman is arbitrary, capricious, and contrary to law in violation of the APA and INA.

**Request For Relief**

**WHEREFORE, PREMISES CONSIDERED,** Petitioner respectfully requests that this

Court:

1. Assume jurisdiction over this matter;
2. Issue a stay of removal to prevent Mr. Noman's transfer from this district;
3. Grant Petitioner's Writ of Habeas Corpus;
4. Order Petitioner's prior Order of Supervision be reinstated by ICE, and Petitioner immediately released from ICE detention;
5. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any additional relief the Court deems necessary or proper.

Respectfully Submitted,  
MATHUR LAW OFFICES, P.C.  
/s/ Michael A. Zumberg  
Michael A. Zumberg  
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*Attorney for Petitioner*

**Verification**

**I, Michael A. Zumberg**, represent the **Petitioner, Wagdi Noman, [REDACTED]**, and submit this verification on his behalf pursuant to 28 U.S.C. § 2242. **I HEREBY VERIFY** that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

**EXECUTED** on **FEBRUARY 5, 2026**, in the City of Dallas, Texas.

/s/ Michael A. Zumberg  
Michael A. Zumberg  
*Attorney for Petitioner*

**Proof Of Service**

I, **Michael A. Zumberg**, CERTIFY that pursuant to Fed. R. Civ. P. 4(i), L.R. 4.1, and 6 C.F.R. § 5.42(a), I caused a true and correct copy of the foregoing, and any attached pages, to be served on the following by CM/ECF and USPS First Class Certified Mail Return Receipt Requested:

**Attorney General of the United States**

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

**U.S. Attorney for the Northern District of Texas**

1100 Commerce Street, Third Floor  
Dallas, TX 75242-1699

**U.S. Department of Homeland Security**

Office of the General Counsel  
2707 Martin Luther King Jr. Ave SE  
Washington, D.C. 20528-0485

**U.S. Immigration and Customs Enforcement**

Enforcement and Removal Operations - Dallas Field Office  
8101 N. Stemmons Fwy.  
Dallas, TX 75247

**U.S. Immigration and Customs Enforcement**

Office of the Principal Legal Advisor (OPLA) – Dallas  
125 E. John Carpenter Fwy., Ste. 500  
Irving, TX 75062

**Prairieland Detention Center**

Attn: Warden  
1209 Sunflower Lane  
Alvarado, TX 76009

**EXECUTED** on **FEBRUARY 5, 2026**, in the City of Dallas, Texas.

/s/ Michael A. Zumberg  
Michael A. Zumberg  
*Attorney for Petitioner*