

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.

**PETITIONER'S BRIEF IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS**

Introduction

Mr. Wagdi Noman ("Mr. Noman" or "Petitioner"), by and through undersigned counsel, respectfully submits this memorandum of law in support of his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

Mr. Noman is a 55-year-old citizen of Yemen, former U.S. Lawful Permanent Resident ("LPR" or "green card holder"), and long-time resident of Bedford, Texas. Mr. Noman has been subject to a final order of removal since 2008 but has also been granted the protection of deferral of removal under the U.N. Convention Against Torture ("CAT"). **EXHIBIT A: NOVEMBER**

24, 2008, REMOVAL ORDER. After close to two decades of satisfactory compliance with his Order of Supervision, U.S. Immigration and Customs Enforcement (“ICE”) abruptly detained him on or around January 21, 2026, without explanation. ICE continues to hold him at Prairieland Detention Center in Alvarado, Texas. **EXHIBIT B: DETAINEE LOCATION INFORMATION; EXHIBIT C: ICE ORDER OF SUPERVISION PAPERWORK.** Upon information and belief, there are no ongoing removal proceedings or future court dates in Immigration Court, no valid travel document to affect Mr. Noman’s removal to Yemen or any other country, and no material change in circumstances that could justify revoking his supervised release and re-detaining him. **EXHIBIT D: EOIR CASE INFORMATION.**

Mr. Noman’s ongoing civil detention is both arbitrary in nature and seemingly-indefinite in scope given the circumstances, in violation of the U.N. Convention Against Torture (a federal treaty), the Due Process Clause of the Fifth Amendment, Section 241 of the Immigration and Nationality Act (“INA”), the Administrative Procedure Act (“APA”), and related regulations. Therefore, the Court should grant this writ, order his immediate release, and order the reinstatement of his Order of Supervision.

Factual Background

Mr. Wagdi Noman first entered the U.S. on or around April 8, 1989, on a B-2 visitor visa and later received a F-1 student visa. He attended Lubbock Christian University. [REDACTED]
[REDACTED], in 1996 and became a U.S. Lawful Permanent Resident (“LPR” or “green card holder”) through that marriage. They divorced in 2005. However, they reconciled just six months later realizing that they had been too hasty in divorcing each other and began a common law marriage.

On January 29, 2007, Mr. Noman was “convicted” by plea for immigration purposes under INA § 101(a)(48)(A), 8 U.S.C. § 1101(a)(48)(A), of statutory rape, in Tarrant County, Texas, Criminal District Court No. 1. He was sentenced to five years of deferred adjudication probation. As a result of this immigration conviction, he was detained by ICE and placed in removal proceedings before the Dallas Immigration Court. He was charged as a removable aggravated felon under INA §§ 101(a)(43) and 237(a)(2)(A)(III), 8 U.S.C. §§ 1101(a)(43) and 1227(a)(2)(A)(III), and was stripped of his LPR status by an Immigration Judge as a result. On November 24, 2008, the Immigration Judge granted him deferral of removal under the U.N. Convention Against Torture (“CAT”) due to his fear of torture if returned to Yemen. He was released by ICE on an Order of Supervision and, for the next **seventeen years**, complied with all conditions and attended ICE check-ins without incident (emphasis added).

On or around January 21, 2026, ICE detained Mr. Noman without explanation at a routine check-in at the Dallas ICE ERO Field Office and transferred him to Prairieland Detention Center, where he remains. **Ex. B.** Upon information and belief, he does not possess a valid Yemeni passport or other travel document, there are no ongoing removal proceedings or future court dates according to the Immigration Court docket as of the drafting of this brief, and there has been no material change in circumstances to the best of his knowledge. **Ex. D.** ICE has not provided him with any written notice as to why he has been detained, no rationale, evidence of flight risk, or evidence that removal in the near-future is reasonably foreseeable.

Legal Standards

An Article III federal district court has subject-matter jurisdiction under the Fifth Amendment and 28 U.S.C. §§ 1331 and 2241 to review the legality of post-removal order

immigration detention where the petitioner is in custody within the judicial district and challenges the fact or duration of detention.

Post-removal immigration detention is governed by INA § 241, codified as 8 U.S.C. § 1231. The implementing regulations in 8 C.F.R. § 241 provide standards for release under orders of supervision, custody reviews, and the circumstances under which detention may be continued or reinstated after a period of supervised release. Under INA § 241, the Government can generally detain an alien for 90 days after a removal order becomes final to affect the alien's removal. Thereafter, aliens are normally released on an Order of Supervision which sets forth specific requirements to guarantee their compliance with immigration law and protect public safety. Orders of Supervision prevent aliens from being indefinitely detained for a violation of civil (immigration) law after they have been ordered removed, where removal from the U.S. is not possible.

The Fifth Amendment's Due Process Clause prohibits arbitrary and indefinite post-removal immigration detention, requiring that detention bear a reasonable relation to its purposes and be supported by individualized, reasoned determinations. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005).

The Administrative Procedure Act ("APA"), 5 U.S.C. § 701 *et seq.*, independently requires agency action not be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and obligates adherence to promulgated procedures.

Argument

I. ICE's Re-Detention of Mr. Noman Violates the Fifth Amendment's Due Process Clause.

Civil detention is constitutionally permissible only so long as it serves a legitimate, nonpunitive purpose and is reasonably related to that purpose. In the immigration context, civil

detention is authorized to ensure an alien's compliance with the removal process established under Congress' plenary power over immigration. *See* INA §§ 236 and 241, 8 U.S.C. §§ 1226 and 1231 (governing immigration detention before, during, and after removal proceedings). Here, the 90-day detention period authorized by INA § 241 has clearly run because Mr. Noman's removal order became final in 2008. Mr. Noman's sudden detention after over seventeen years of compliant supervision post-removal is unsupported by any articulated, individualized rationale provided by ICE. There has been no known material change in circumstances, no known instances of noncompliance, and no evidence of danger to the community or flight risk. He lacks a valid Yemeni travel document (*e.g.* passport), and there is no indication that removal is reasonably foreseeable in the near future. In these circumstances, detention is not reasonably related to ensuring removal or protecting the community; it is punitive and arbitrary.

Due process further requires meaningful procedural safeguards before depriving an alien of their liberty. Abruptly revoking supervised release without any notice of the grounds, without an opportunity to contest the basis for ongoing detention, and without a reasoned decision grounded in evidence violates the axiomatic due process requirement of "notice and opportunity." The absence of any explanation or individualized findings renders the detention unlawful.

II. Detention Is Unlawful Under INA § 241 Because Removal Is Not Reasonably Foreseeable and Petitioner Has Long Been Suitable for Supervised Release.

INA § 241 governs the detention of aliens who have gone through the administrative removal process and been ordered removed. If removal of the alien is not possible, and there is no reason to believe that the government can remove the alien in the reasonably foreseeable future, continued detention is not authorized, and release under appropriate conditions of supervision is required to avoid unconstitutional indefinite civil detention. *Zadvydas v. Davis*, 533 U.S. 678

(2001). Mr. Noman's removal has been deferred under the CAT since 2008. There is no indication that ICE can secure removal to Yemen or an acceptable alternative country in the reasonably foreseeable future, particularly given that removal proceedings have not been reopened to terminate the deferral order, and Mr. Noman's lack of travel documentation. For seventeen years, ICE recognized those realities and supervised him without incident. Reversing course to detain him now, absent some material change in circumstances suggesting imminent removability, clearly exceeds the statute's detention authority.

III. The Re-Detention Contravenes Applicable Regulations Governing Post-Order Custody Reviews and Supervision.

The regulations implementing INA § 241, 8 C.F.R. § 241, require ICE to conduct custody reviews, consider individualized factors such as the likelihood of removal, danger to the community, and risk of flight, and to impose supervision conditions when detention is not warranted. Where an alien has been on an Order of Supervision for close to two decades without incident, revocation requires reasoned decision-making grounded in current, reliable evidence. The record here shows no new conduct, no material change in country conditions bearing on deferral, and no newly available travel document. Detention without documented review, findings, or explanation is inconsistent with the regulatory framework and is therefore unlawful.

IV. ICE's Actions Are Arbitrary and Capricious Under the APA.

The APA requires that agencies provide a reasoned explanation connecting the facts and circumstances of a case to the actions taken, that similar cases be treated consistently, and adherence to established policy and procedures. ICE's abrupt departure from a seventeen-year practice of supervised release — without any notice to Mr. Noman of new facts, changed conditions, or legal developments — constitutes the height of arbitrary and capricious agency

action. ICE appears to have failed to consider critical factors, including the continuing deferral of removal ordered by the Immigration Judge, lack of travel documents, Petitioner's near two decades of compliance with his supervision, community ties through his home and U.S. Citizen spouse, and the availability of less restrictive alternatives. The unexplained re-detention thus violates the APA as unlawful, arbitrary and capricious agency action.

V. The Appropriate Remedy Is Immediate Release and Reinstatement of Petitioner's Order of Supervision

Habeas relief is appropriate where detention is unlawful. For seventeen years and through five presidential administrations (both Republican and Democrat, including President Trump's first term), the federal government deemed an Order of Supervision appropriate to secure Petitioner's appearance and ongoing compliance with immigration law. There is no apparent basis to conclude that Petitioner's current detention is necessary or lawful. Mr. Noman joins a long list of individuals who have been arbitrarily detained by the current administration despite complying with their obligations under immigration law. Due to this arbitrary enforcement, he faces the very-real possibility of indefinite immigration detention, which offends the Constitution. His case is yet another example of why the "Great Writ" is enshrined in law.

The Court should order his immediate release and reinstate his prior Order of Supervision.

Conclusion

For the foregoing reasons, the Court should grant the writ, order Respondents to immediately release Mr. Noman from ICE custody, order ICE to reinstate Petitioner's Order of Supervision, and grant any other relief deemed necessary in the Court's judgement and discretion.

Request For Relief

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests the following relief:

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.
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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 Petitioner's Brief In Support Of Petition For Writ Of Habeas Corpus, Appendix, Exhibits, and any attached pages, to be served on the following by CM/ECF and USPS First Class Certified Mail Return Receipt Requested:

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

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