

JUDGE LEON SCHYDLOWER

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Western District of Texas



FILED

FEB 09 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

Omar Shehada)

Petitioner)

v.)

Warden, El Paso Camp East Montana; Mary De
Andra-Ybarra, El Paso Field Office Director (ICE/ERO);
U.S. DHS; Pamela Bondi, Attorney General)

Respondent)

(name of warden or authorized person having custody of petitioner)

EP26CV0391

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Omar Nawaf Shehada
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: ERO El Paso Camp East Montana
 - (b) Address: 6920 Digital Road
El Paso, Texas 79936
 - (c) Your identification number: A# 
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

☒ Being held on an immigration charge

☐ Other (explain): _____

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☒ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): Prolonged post final order detention with no foreseeable removal (Zadvydas)

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement (ICE)
ERO El Paso Camp East Montana 6920 Digital Road, El Paso, Texas 79936

(b) Docket number, case number, or opinion number: N/A

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
See attached continuation sheet for Question 6.

(d) Date of the decision or action: 06/25/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(b) If you answered "No," explain why you did not appeal: Petitioner filed a Post-Order Custody Review Request mentioned in Question 12.

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Petitioner is not challenging a federal criminal conviction or sentence. Petitioner is challenging prolonged immigration detention after a final order of removal. Because Petitioner has been detained for more than six months after the final order and ICE has not provided a removal date, and removal to Palestine is not reasonably foreseeable, 28 U.S.C. § 2255 does not apply. Relief is properly sought under 28 U.S.C. § 2241.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 02/11/2025
(b) Date of the removal or reinstatement order: 06/25/2025
(c) Did you file an appeal with the Board of Immigration Appeals?
☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing:
(2) Case number:
(3) Result:
(4) Date of result:
(5) Issues raised:

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court:
(2) Date of filing:
(3) Case number:

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: ICE Post-Order Custody Review Request

(b) Name of the authority, agency, or court: U.S. Immigration and Customs Enforcement (ICE)

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: N/A

(e) Result: Denied; no written decision provided.

(f) Date of result: _____

(g) Issues raised: Prolonged post- final- order immigration detention exceeding six months; lack of a likelihood of removal in the reasonably foreseeable future; request for release under supervision pursuant to Zadvydas v. Davis. Petitioner has a medical concern of high blood pressure. Petitioner has strong family ties including U.S Citizen wife and children, he is not a flight risk or danger to the community.

Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.**

GROUND ONE: Prolonged Post-Order Detention in Violation of Zadvydas v. Davis

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(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has been detained for more than six months following a final order of removal, exceeding the presumptively reasonable period of detention recognized in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner has been detained since February 11, 2025 and has been subject to a final order of removal since June 25, 2025. ICE has not provided a removal date. There is no significant likelihood of removal in the reasonably foreseeable future, particularly due to the lack of routine removals to Palestine. Continued detention therefore violates the Due Process Clause.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: No Significant Likelihood of Removal in the Reasonably Foreseeable Future

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Removal is not reasonably foreseeable. ICE has not provided any timeline for removal. Due to practical barriers to repatriation to Palestine, removal is not likely to occur in the reasonably foreseeable future. Continued detention under these circumstances is unlawful under *Zadvydas*.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: Denial of Meaningful Custody Review and Lack of Individualized Determination

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner requested post-order custody review from ICE. The request was denied without a written decision. The failure to provide a written explanation or meaningful review violates due process and demonstrates that continued detention is arbitrary.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR: Continued detention Violates Substantive and Procedural Due Process

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Prolonged, potentially indefinite civil detention without a realistic prospect of removal and without meaningful procedural safeguards violates substantive and procedural due process under the Fifth Amendment.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Petitioner requests immediate release from immigration detention under supervision. In the alternative, Petitioner requests that the Court order Respondents to provide written justification for continued detention and to demonstrate a significant likelihood of removal in the reasonably foreseeable future, providing a definite removal date. Petitioner also requests any other relief the Court deems just and proper. Petitioner is willing to comply with any conditions of supervision, including reporting, electronic monitoring, or other reasonable conditions.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

N/A - Petitioner not filing from immigration detention mail system

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 02-06-2026

Next Friend: Omar Shehada - wife of
Signature of Petitioner Omar Shehada

Signature of Attorney or other authorized person, if any

Print

Save As...

Reset

Attachment to AO- 242

Petitioner: Omar Shehada

A- Number: 

Question 6 (c): Decision or action you are challenging

Petitioner is challenging his continued immigration detention by U.S. Immigration and Customs Enforcement (ICE) following a final order of removal. He has been detained since approximately February 2025, and his final order of removal was issued on June 25, 2025. He has now been detained for more than six months after the final order of removal.

ICE has been unable to effect petitioners removal, and there is no significant likelihood of removal in the reasonably foreseeable future. Petitioner has not been provided a definite removal date.

Petitioner has fully cooperated with ICE in all removal efforts. He has strong family ties in the United States, including his wife and two children, and he has a confirmed residence available upon release. Petitioner does not pose a danger to the community and is not a flight risk.

Petitioner suffers from high blood pressure. Due to prolonged and indefinite detention, he previously engaged in a hunger strike for 29 days, and ended it due to rising health issues.

Under *Zadvydas v. Davis*, detention beyond six months after a final order of removal is presumptively unreasonable when there is no significant likelihood of removal in the reasonably foreseeable future. Petitioners' continued detention violates his due process rights. He respectfully requests release under reasonable conditions of supervision. Petitioner is willing to comply with all ICE supervision requirements, including reporting, monitoring, and residence restrictions.

CERTIFICATE OF SERVICE

I certify that on February 06, 2026, I mailed a true and correct copy of the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, together with all attachments, by U.S. Mail, to the following:

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

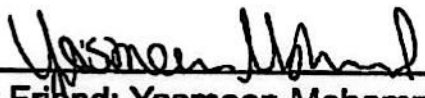
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE Mail stop 0485
Washington, DC 20528

Warden
El Paso Camp East Montana
6920 Digital Road
El Paso, TX 79936

El Paso Field Office
11541 Montana Ave Suite E
El Paso, Texas 79936

I declare under penalty of perjury that the foregoing is true and correct.

Date: 02-06-2026



Next Friend: Yasmeen Mohammed, Wife of Omar Shehada
Pro Se