

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAD ALWAWI, 

Petitioner,

v.

KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security, et al.,

Respondents.

) CASE NO.: 3:26-cv-00375-JRK

) JUDGE JAMES R. KNAPP II

) MAGISTRATE JUDGE JAMES E.
) GRIMES JR.

) SUPPLEMENTAL BRIEF IN SUPPORT
) OF RESPONSE TO PETITION FOR WRIT
) OF HABEAS CORPUS

In their Response to Petition for Writ of Habeas Corpus, Respondents erred in stating that “8 U.S.C. § 1231(a)(6) allows ICE to detain Petitioner because he is subject to removal pursuant to 8 U.S.C. § 1227(a)(1)(B).” ECF No. 7, Response to Petition, PageID #48. As the Court pointed out during the March 12, 2026 hearing, § 1227(a)(1)(B) is not identified in § 1231(a)(6). Respondents should have said that 8 U.S.C. § 1231(a)(6) allows ICE to detain Petitioner because he is subject to removal pursuant to 8 U.S.C. § 1227(a)(1)(C)(i) because he is an “alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted.” 8 U.S.C. § 1227(a)(1)(C)(i).

As stated in Respondents’ Response to Petition, Petitioner arrived in the United States as a nonimmigrant tourist for pleasure with permission to remain in the United States until May 11, 2015. ECF No. 7, Response to Petition, PageID # 41. Petitioner filed two Form I-485s (Application to Register Permanent Residence or Adjust Status), but the first application was withdrawn and the second was denied. *Id.*, PageID # 42. Therefore, once his nonimmigrant visa expired and he remained in the United States beyond the authorized period of stay, Petitioner

“failed to maintain the nonimmigrant status in which [he] was admitted.” 8 U.S.C. § 1227(a)(1)(C)(i).

8 U.S.C. § 1231(a)(6) permits ICE to continue detention beyond the removal period for aliens who, like Petitioner, are removable under § 1227(a)(1)(C). Consequently, Petitioner is being lawfully detained pursuant to 8 U.S.C. § 1231(a)(6).

Respectfully submitted,

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