

UNITED STATES DISTRICT COURT
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.

REPLY TO OBJECTIONS TO R&R

INTRODUCTION

COMES NOW, the Petitioner, Jad Alwawi, by and through undersigned counsel and hereby submits this respectfully submits this Response to Respondent's Objections to the Magistrate Judge's Report and Recommendation (R&R) The Magistrate Judge correctly applied the law to the facts, and the objections raised merely rehash arguments already considered and properly rejected Petitioner will not reply to every issue or objection and argument made by the Respondent. The absence of any rebuttal is not, however, a waiver or abandonment of any claim or argument made previously and contained in the R&R. For arguments not addressed herein, Petitioner stands on the Magistrate's R&R.

I. PETITIONER IS NOT LAWFULLY DETAINED.

The Respondent objects to the R&R's finding that Petitioner's detention is not proper arguing that "even if the Court agrees with the R&R's findings with respect to jurisdiction and administrative exhaustion, the Court should decline to adopt the finding that Petitioner should be released pursuant to 8 U.S.C. § 1231(a)(3)." (Obj. at 3). This objection should be overruled because the evidence shows the R&R found that Petitioner was not removable under § 1227(a)(1)(C)(i) because he was not charged under that section in the NTA. ECF 14, PageID # 121.

II. THE COURT HAS JURISDICTION TO CONSIDER PETITIONER'S WRIT.

The Respondent objects to the R&R's finding that Court has subject-matter jurisdiction (Obj. at 5). This objection should be overruled because the evidence shows that the Court has jurisdiction to grant the petition pursuant to the R&R.

III. THERE IS NO REQUIREMENT TO EXHAUST ADMINISTRATIVE REMEDIES.

The Respondent objects to the R&R's finding that there are no remedies to exhaust admirative remedies arguing that Petitioner failed to exhaust administrative remedies. (Obj. at 8). This objection should be overruled because the evidence shows there are no remedies to exhaust because there is no administrative appeal from a custody determination under 8 C.F.R. § 241.4(d). ECF No. 14, PageID # 118.

CONCLUSION AND RELIEF SOUGHT

For the reasons stated above and in the Report and Recommendation, the Court should overrule Respondent's objections, adopt the R&R in its entirety, and grant the Petition for relief.

Counsel for Petitioner
Dated: April 3, 2026

Respectfully Submitted,

**/s/ Gus Shihab
Ghassan "Gus" Shihab
Ohio Bar Number 0061098
Law Firm of Shihab & Associates
5900 Wilcox Pl.
Dublin, Ohio 43016
Tel. 614-255-4872
Fax. 614-255-4870
Email: gus@shihab.law**

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2026, the foregoing *Reply* was served on the following through the CM/ECF system:

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

**U.S. DEPARTMENT
OF HOMELAND SECURITY,**

**PAM BONDI, ATTORNEY GENERAL
OF THE UNITED STATES**

**KEVIN RAYCRAFT, DIRECTOR OF
THE FIELD OFFICE OF ICE**

Respectfully Submitted,

**/s/ Gus Shihab
Ghassan "Gus" Shihab
Ohio Bar Number 0061098
Law Firm of Shihab & Associates
5900 Wilcox Pl.
Dublin, Ohio 43016
Tel. 614-255-4872**

Fax. 614-255-4870

Email: gus@shihab.law