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Attorney for Adnan Michel Saad, Petitioner/Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Adnan Michel Saad,

Petitioner-Plaintiff,

v.

Kristi Noem, Secretary, U.S. Department
of Homeland Security;

Todd Lyons, Acting Director, Immigration and
Customs Enforcement, U.S. Department of
Homeland Security;

Pamela Bondi, Attorney General of the United
States;

Unknown Individual #1, in her/his Official
Capacity, Warden or Authorized Person Having
Actual Custody of Petitioner;

Unknown Individual #2, Field Office Director,
Phoenix Field Office, U.S. Immigrations and
Customs Enforcement, U.S. Department of
Homeland Security

Respondents-Defendants.

Case No.: TBD

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
EMERGENCY INJUNCTIVE RELIEF**

1 Petitioner, Adnan Michel Saad ("Mr. Saad"), by and through his undersigned counsel,
2 respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. §
3 2241, and seeks Emergency Injunctive Relief pursuant to Fed. R. Civ. P. 65(b) and 28 U.S.C. §
4 2243. For more than ten years, Petitioner has waited for the credible-fear screening required by
5 statute while living under immigration supervision in the United States, only to be abruptly
6 detained without explanation. Since March 3, 2026, Petitioner has been unlawfully detained by
7 the U.S. Department of Homeland Security ("DHS") and its sub-agency, U.S. Immigration and
8 Customs Enforcement ("ICE"), without a lawful basis or individualized determination of flight
9 risk or danger.
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12 INTRODUCTION

- 13 1. Petitioner, Adnan Michel Saad ("Mr. Saad"), by and through his undersigned
14 counsel, hereby files this petition for habeas corpus and complaint for declaratory and
15 injunctive relief to compel his immediate release from immigration detention, where
16 he has been held by the U.S. Department of Homeland Security ("DHS") since
17 being unlawfully re-detained on March 3, 2026, without receiving a due process
18 hearing to determine whether his detention is justified. As a Syrian who has lived in
19 the United States since December 31, 2015 – **more than ten (10) years** – and who
20 has been reporting regularly to Immigration and Customs Enforcement ("ICE") since
21 his release from custody, Mr. Saad's re-detention by ICE must be held unlawful. Mr.
22 Saad's detention is unlawful because it is not reasonably related to any legitimate
23 immigration detention purpose and has been imposed without individualized
24 consideration of flight risk or danger. Petitioner does not challenge any removal order
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1 in this action. Instead, he seeks judicial review of the legality of his current detention
2 under 28 U.S.C. § 2241.

3 2. Mr. Saad has followed every law has complied with every condition the government
4 has imposed from the time of his presenting at the border, seeking admission to apply
5 for asylum, until the date Respondents unlawfully arrested and detained him on
6 March 3, 2026. He followed the process the United States established for people
7 seeking asylum to present at the border and make a request. On December 24, 2015,
8 he appeared with his wife and daughter in the pedestrian lanes at the San Ysidro port
9 seeking asylum protection in the United States.
10

11 3. On December 31, 2015, the government elected to release Mr. Saad while his
12 immigration process moved forward. He was paroled into the United States and
13 reunited with his family to complete the asylum process.
14

15 4. Mr. Saad has no criminal history. He is married to a lawful permanent resident and
16 has three daughters, one of whom is a lawful permanent resident, and two of whom
17 are U.S. citizens. He is the sole financial provider for his family. He is not a flight
18 risk.
19

20 5. ICE took Mr. Saad into custody outside of his daughters' school, just after he dropped
21 them off, and believes he was transferred to the Florence Processing Center but he is
22 unaware of exact location. To date, he still has not appeared in the ICE Detainee
23 Locator and has not been processed per officers at the facility. Counsel has not yet
24 been able to speak with him directly.
25

26 6. Mr. Saad is currently in the physical custody of Respondents in Arizona, which falls
27 under the purview of the Phoenix Field Office of Immigration and Customs
28

Enforcement (ICE), which has responsibility for immigration detention centers in Arizona.

7. Petitioner alleges that his arrest and detention lack lawful justification and are unrelated to any individualized consideration of his circumstances. In the ten years he has lived in the United States, Mr. Saad has done all he can to integrate into his community and follow every lawful path toward regularizing his status, from timely filing for asylum and temporary protected status, to his wife filing the Refugee Asylee Relative Petition with USCIS. He has consistently, and without failure, complied with all procedural requirements and deadlines set by the government.
8. Mr. Saad's arrest and ongoing detention are causing him immense harm. Prior to his arrest by ICE on March 3, 2026, he had never been criminally arrested or placed in a detention center setting aside from his brief time in custody at the port of entry upon arrival. He has been separated from his family and support network and fears that he will be sent back to Syria from where he seeks asylum.
9. Each day Mr. Saad spends in detention subjects him to further irreparable harm.
10. Immediate relief is necessary to ensure that Mr. Saad is no longer subjected to continued violations of his substantive and procedural rights.
11. Petitioner alleges that although he expressed fear of persecution and was referred for credible fear screening, the interview required under 8 U.S.C. §1225(b)(1) was never conducted. The Department of Homeland Security has not completed the statutory process governing his immigration status, yet has nevertheless taken him back into custody more than ten years later.

12. Mr. Saad respectfully asks this Court to hold that his continued detention is unlawful, and to order his release from custody. Mr. Saad also respectfully asks that this Court order Respondents not to transfer him outside of this District for the duration of this proceeding.

JURISDICTION AND VENUE

13. Petitioner, Adnan Michel Saad, is in the physical custody of Respondents. Mr. Saad is in the custody of ICE, though his exact whereabouts are unknown while he remains “in processing.”

14. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

15. District courts retain jurisdiction to review immigration detention through habeas corpus. See *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006); *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022).

16. Mr. Saad does not challenge a removal order. This petition challenges the legality of his detention.

17. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

18. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(e) because the Respondents are employees or officers of the United States, acting in their official capacity; because a substantial part of the events or omissions giving rise to the claim occurred in the District of Arizona; because Petitioner is currently detained in the District of Arizona; and because there is no real property involved in this action.

19. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive the prudential exhaustion requirement if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)). Petitioner asserts that exhaustion is satisfied as there is no administrative jurisdiction over his detention status because Respondents appear to be treating Petitioner as subject to detention under INA §1225 despite his long-standing presence in the United States and the government’s prior decision to release him on supervision. See 8 U.S.C. § 1225(b).

20. No statutory exhaustion requirements apply to Petitioner’s claim of unlawful custody in violation of his due process rights, and there are no administrative remedies that he needs to exhaust. See *Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion to be a “futile exercise because the agency does not have jurisdiction to review” constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same).

REQUIREMENTS OF 28 U.S.C. § 2243

21. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

1 22. Habeas corpus is “perhaps the most important writ known to the constitutional law ...
2 affording as it does a swift and imperative remedy in all cases of illegal restraint or
3 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The
4 application for the writ usurps the attention and displaces the calendar of the judge or
5 justice who entertains it and receives prompt action from him within the four corners
6 of the application.” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation
7 omitted).
8

9 PARTIES

10 23. Petitioner, Adnan Michel Saad, is a citizen of Syria who has resided in the United
11 States since December 31, 2015. He has been in immigration detention since March
12 3, 2026, and is currently detained in the custody of the Respondents at an
13 unconfirmed location, but believed to be Florence.
14

15 24. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.
16 She is responsible for the implementation and enforcement of the Immigration and
17 Nationality Act (“INA”) and oversees ICE, which is responsible for Petitioner’s
18 detention. Ms. Noem has ultimate custodial authority over Petitioner and is named in
19 her official capacity.
20

21 25. Respondent Todd Lyons is the Acting Director of ICE and is named in his official
22 capacity. Among other things, ICE is responsible for the administration and
23 enforcement of the immigration laws, including the removal of noncitizens. In his
24 official capacity as head of ICE, he is the legal custodian of Petitioner.
25

26 26. Respondent Pamela Bondi is the Attorney General of the United States and the most
27 senior official in the U.S. Department of Justice (“DOJ”) and is named in her official
28

1 capacity. She has the authority to interpret immigration laws and adjudicate removal
2 cases. The Attorney General delegates this responsibility to the Executive Office for
3 Immigration Review ("EOIR"), which administers the immigration courts and the
4 Board of Immigration Appeals ("BIA").

5
6 27. Respondent Unknown Individual #1 is the warden of the unknown facility
7 where Petitioner is being held. Respondent oversees the day-to-day operations of
8 the facility and acts at the direction of Respondents Lyons, Noem, and Unknown
9 Individual #2 are a custodian of Petitioner and is named in his/her official capacity.

10 28. Respondent Unknown Individual #2 is the Acting Field Office Director of ICE, in
11 Phoenix, Arizona, and is named in their official capacity. ICE is the component of the
12 DHS that is responsible for detaining and removing noncitizens according to
13 immigration law and oversees custody determinations. In their official capacity, they
14 are the legal custodian of Petitioner.¹
15

16 **FACTUAL BACKGROUND**

17
18 29. On December 24, 2015, Mr. Saad appeared with his wife and daughter in the
19 pedestrian lanes at the San Ysidro port of entry and explained to the officer that he
20 and his family were seeking asylum protection in the United States.

21 30. On December 31, 2015, the government elected to release him from custody while he
22 applied for asylum. He was paroled into the United States following inspection and
23 reunited with his family to complete the asylum process.
24

25
26
27 ¹Former Phoenix Field Office Director John Cantu was removed from his position. There is
28 no readily available information about the current Phoenix Field Office Director.

- 1 31. Unfortunately, after allowing the family to enter the United States and apply for
2 asylum in removal proceedings, ICE only issued Notices to Appear to Mr. Saad's
3 wife and daughter and advised him he would have to wait for a credible fear
4 interview despite being told he would be required to see an immigration judge for
5 removal proceedings. Requests for Mr. Saad to be issued a Notice to Appear so his
6 case could be joined and decided with his wife and daughter were refused.
- 8 32. On May 6, 2016, to comply with the one-year filing requirement set forth under 8
9 U.S.C. § 1158(a)(2)(B), Mr. Saad submitted his Form I-589, Application for Asylum,
10 Withholding of Removal, with U.S. Citizenship and Immigration Services
11 ("USCIS"). On June 7, 2016, his application was rejected stating he must first appear
12 for a credible fear interview. Counsel has submitted multiple requests for interview
13 scheduling for Mr. Saad and USCIS consistently advises that he will be scheduled
14 when resources allow.
- 16 33. On August 19, 2016, Mr. Saad applied for Temporary Protected Status as a citizen
17 and national of Syria. That application was approved by USCIS on February 1, 2018.
18 He has renewed this status during each registration period and continues to hold that
19 status today pursuant to the order issued in Southern District of New York staying the
20 Syria TPS termination. *Dahlia Doe v. Noem*, 25-cv-8686 (S.D.N.Y.).
- 22 34. On August 3, 2021, the Office of Principal Legal Advisor ("OPLA") for ICE
23 **stipulated** to a grant of asylum for Mr. Saad's wife and daughter and the immigration
24 judge issue an order granting them protection under 8 U.S.C. § 1158.

1 35. On January 14, 2021, Mr. Saad's wife filed Form I-730, Refugee Asylee Relative
2 Petition, with USCIS on her husband's behalf. To date, despite several status requests
3 and requests to expedite, that petition remains pending with USCIS.

4 36. Since he was released on an Order of Supervision more than ten years ago, Mr. Saad
5 has appeared for every ICE check-in appointment, complied with all requests for
6 information, timely filed all applications that would allow him to remain legally in the
7 United States, and appeared for all biometrics' collection appointments.
8

9 **LEGAL FRAMEWORK**

10 37. An immigration officer may process a noncitizen for expedited removal upon issuing
11 a determination that such noncitizen "is arriving in the United States or is described in
12 clause (iii) and is inadmissible under 8 U.S.C. §§ 1182(a)(6)(C) or 1182(a)(7)." See 8
13 U.S.C. § 1225(b)(I)(A)(i).
14

15 38. A noncitizen who "ha[s] been admitted or paroled following inspection by an
16 immigration officer at a designated port-of- entry" is excluded from expedited
17 removal under 8 U.S.C. § 1225(b)(I)(A)(i).
18

19 39. Unlike Section 240 proceedings, expedited removal is a process that begins - and
20 often concludes - outside of immigration court. Noncitizens subjected to expedited
21 removal are ordered removed by an immigration officer "without further hearing or
22 review." *Id.*
23

24 40. The exception to this rule is that if a noncitizen covered by section 1225(b)(I)
25 "indicates either an intention to apply for asylum ... or a fear of persecution," then
26 that alien is referred for an asylum interview." *Id.* (quoting 8 U.S. C. §
27 1225(b)(I)(A)(ii)). If the asylum officer determines that an alien does not have a
28

1 credible fear of persecution, the officer shall order the alien removed from the United
2 States without further hearing or review. 8 U.S.C. § 1225(b)(1)(B)(iii)(I). Upon a
3 noncitizen's request, an immigration judge shall expeditiously review a determination
4 "that the alien does not have a credible fear of persecution." 8 U.S.C. §
5 1225(b)(1)(B)(iii)(III).
6

7 41. If a noncitizen passes a credible fear interview, they are permitted to apply for asylum
8 through Section 240 proceedings. See 8 U.S.C. § 1225(b)(1)(B); 8 C.F.R. § 208.30(f).
9

10 42. When Mr. Saad was arrested and detained outside of his children's school on Tuesday
11 morning, March 3, 2026, he had been waiting ten years for a credible fear interview
12 to be scheduled or for 240 proceedings to be commenced.

13 43. There seems to be confusion between the agencies of DHS as Mr. Saad's I-94 issued
14 at the port of entry notes removal proceedings but the asylum office states he is
15 awaiting credible fear. Either way, Mr. Saad complied with every single request and
16 procedure over which he had control.
17

18 44. DHS has inexplicably delayed resolution of his request for asylum and now
19 unreasonably holds him in their custody.

20 45. Meanwhile, his wife and eldest daughter already presented their asylum case to an
21 immigration judge in 240 proceedings and ICE, through its' Office of Principal Legal
22 Advisor, stipulated to a grant of asylum in 2021.
23

24 **ARGUMENT: PETITIONER IS NOT SUBJECT TO**

25 **MANDATORY DETENTION UNDER 8 U.S.C. § 1225**

26 46. Respondents appear to be detaining Petitioner without the opportunity for a custody
27 determination on the premise that he is subject to mandatory detention under 8 U.S.C.
28

1 § 1225. However, the circumstances of Petitioner's case demonstrate that continued
2 detention under that provision is not legally justified.

3 47. Section 1225 governs the inspection and processing of individuals who are seeking
4 admission to the United States or who are treated as arriving applicants for admission.
5 Under 8 U.S.C. § 1225(b)(1), individuals placed in expedited removal who express a
6 fear of persecution must be referred to an asylum officer for a credible fear interview.
7 If the asylum officer determines that the individual has a credible fear of persecution,
8 the individual is referred for removal proceedings under 8 U.S.C. § 1229a. See 8
9 U.S.C. § 1225(b)(1)(B).
10

11 48. Petitioner does not seek review of the validity of any expedited removal order.
12 Instead, Petitioner challenges only the legality of his current detention. Federal courts
13 retain jurisdiction under 28 U.S.C. § 2241 to review immigration detention. See
14 *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006). This petition
15 therefore presents a detention challenge within the Court's habeas jurisdiction rather
16 than a challenge to a removal order.
17

18 49. Petitioner alleges that he expressed a fear of persecution when he presented himself at
19 the border in December 2015. According to Petitioner, although he was informed that
20 he would receive a credible fear interview, that interview has never been conducted.
21 Meanwhile, Petitioner was permitted to reside in the United States and was placed
22 under immigration supervision, with which he complied for many years.
23

24 50. During that period, Petitioner reported regularly to immigration authorities and
25 complied with all supervision requirements imposed upon him. Petitioner's spouse
26 and child were placed in removal proceedings and ultimately obtained protection
27

1 through those proceedings. Petitioner also pursued immigration relief available to him
2 during that time, including Temporary Protected Status and the filing of an I-730
3 Refugee/Asylee Relative Petition on his behalf.

4
5 51. The government's own conduct demonstrates that Petitioner was not treated as an
6 individual subject to immediate mandatory detention under §1225(b). For many years
7 following his arrival, immigration authorities released Petitioner and required him to
8 report periodically under immigration supervision. During that time Petitioner
9 complied with all reporting requirements and remained available to immigration
10 authorities. The government's decision to release Petitioner and maintain him under
11 supervision for many years is inconsistent with treating him as an individual subject
12 to the mandatory detention framework governing the initial inspection of arriving
13 applicants for admission.
14

15 52. Civil immigration detention must bear a reasonable relationship to its purpose.
16 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Federal courts retain authority to
17 review immigration detention through habeas corpus. *Nadarajah v. Gonzales*, 443
18 F.3d 1069, 1075–76 (9th Cir. 2006).
19

20 53. Where an individual has resided in the United States for many years while complying
21 with immigration supervision and where the government has not completed the
22 statutory procedures governing that individual's immigration processing, continued
23 detention under the framework governing arriving applicants for admission is not
24 supported by the statutory structure of §1225.
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1 54. At minimum, Petitioner is entitled to an individualized custody determination to
2 assess whether continued detention is necessary to serve the government's interests in
3 ensuring appearance at immigration proceedings or protecting public safety.

4 55. Accordingly, Petitioner respectfully requests that the Court grant habeas relief and
5 order his release from custody or, in the alternative, order that Respondents provide
6 Petitioner with a prompt individualized custody determination.

7 56. Because Respondents lack statutory authority to detain Petitioner under §1225, his
8 continued detention is unlawful and the Court should grant habeas relief ordering his
9 release or, at minimum, require an individualized custody determination. His
10 continued detention is unlawful and independently violates the Due Process Clause.

11 57. The extraordinary delay in completing the statutory credible-fear process further
12 undermines the government's justification for detention and heightens the
13 constitutional concerns presented by Petitioner's confinement.

14 CAUSES OF ACTION

15 FIRST CLAIM

16 Violation of the Due Process Clause of the Fifth Amendment to the United States

17 Constitution (Substantive Due Process); 5 U.S.C. §§. 702, 706

18 58. Petitioner, Mr. Adnan Michel Saad, repeats and realleges the allegations contained in
19 all preceding paragraphs of this Petition-Complaint as if fully set forth herein.

20 59. Although the Supreme Court rejected certain statutory interpretations requiring
21 periodic bond hearings in *Jennings v. Rodriguez*, 583 U.S. 513 (2018), the Court
22 expressly declined to resolve the underlying constitutional questions concerning
23 prolonged immigration detention. Following *Jennings*, courts in the Ninth Circuit

1 continue to recognize that noncitizens may bring as-applied constitutional challenges
2 to immigration detention through habeas corpus. See *Rodriguez Diaz v. Garland*, 53
3 F.4th 1189, 1205–06 (9th Cir. 2022).

4
5 60. Immigration detention must bear a reasonable relationship to its purpose. See
6 *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 583 U.S. 513 (2018).

7 61. Detention that is unreasonable or arbitrary raises constitutional concerns. *Id.* Where
8 immigration detention becomes prolonged, courts examine whether continued
9 detention remains reasonable in light of the purposes of the detention authority.
10 Relevant considerations may include the length of detention, the government’s
11 interest in continued detention, and the procedural posture of the immigration case.
12 *Id.*

13
14 62. Petitioner alleges that his arrest and continued detention violates due process and
15 therefore seeks habeas relief.

16
17 63. Respondents detained Petitioner without conducting any individualized assessment of
18 whether his detention is necessary to ensure his appearance at future immigration
19 proceedings or to protect the public. Courts have long recognized that civil
20 immigration detention must be reasonably related to those purposes. See *Zadvydas v.*
21 *Davis*, 533 U.S. 678, 690 (2001).

22
23 64. Respondents’ detention of Petitioner is therefore unjustified and unlawful as it serves
24 no purpose, especially when he has been out of custody for the last 10 years and has
25 fully complied with all conditions of his release. Where the government detains a
26 noncitizen without providing any opportunity to contest detention before a neutral
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1 decisionmaker, the risk of erroneous deprivation of liberty is substantial and raises
2 serious procedural due process concerns.

3 **SECOND CLAIM**

4 **Violation of the Due Process Clause of the Fifth Amendment to the United States**
5 **Constitution (Procedural Due Process); 5 U.S.C. §§ 702, 706**

6
7 65. Petitioner repeats and realleges the allegations contained in all preceding paragraphs
8 of this Petition-Complaint as if fully set forth herein.

9
10 66. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
11 deprivation of liberty “without due process of law.” U.S. CONST AMEND. V.

12 67. Here, Respondents created a reasonable expectation that Mr. Saad would be permitted
13 to live and work in the United States without being subject to arbitrary arrest and
14 removal while he awaited the scheduling of a credible fear interview or
15 commencement of removal proceedings. For ten years, Mr. Saad complied with every
16 requirement imposed by Respondents and filed every application for which he was
17 eligible in order to maintain his lawful status and obtain a final adjudication on his
18 request for asylum protection in the United States. His reasonable expectation creates
19 constitutionally protected liberty and property interests. *Perry v. Sindermann*, 408
20 U.S. 593, 601 (1972) (reliance on policies and practices may establish a
21 legitimate claim of entitlement to a constitutionally-protected interest); see also
22 *Texas v. United States*, 809 F.3d 134, 174 (2015), affirmed by an equally divided
23 court, 136 S. Ct. 2271 (2016) (explaining that “DACA involve[s] issuing benefits” to
24 certain applicants). These benefits are entitled to constitutional protections no matter
25 how they may be characterized by Respondents. See, e.g., *Newman v.*
26
27
28

1 *Sathyavaglswaran*, 287 F.3d 786, 797 (9th Cir. 2002) (“[T]he identification of
2 property interests under constitutional law turns on the substance of the interest
3 recognized, not the name given that interest by the state or other independent
4 source.”) (internal quotations omitted).

5
6 68. Whether detention without a hearing violates procedural due process is evaluated
7 under the balancing framework articulated in *Mathews v. Eldridge*, 424 U.S. 319
8 (1976). Under that framework, courts consider (1) the private interest affected by the
9 government action, (2) the risk of erroneous deprivation through the procedures used
10 and the probable value of additional safeguards, and (3) the government’s interest,
11 including the burdens that additional procedures would impose. *Id.* at 335.

12
13 69. Here, each factor favors additional process. Petitioner’s interest in freedom from
14 physical detention is substantial. The risk of erroneous deprivation is significant
15 where detention is imposed without any individualized assessment of flight risk or
16 danger. And requiring a prompt custody determination before a neutral adjudicator
17 would impose only minimal administrative burden on the government.

18
19 70. The basic principle that individuals placed at liberty are entitled to process before
20 the government imprisons them has particular force here, whereas Mr. Saad had
21 already afforded an Order of Supervision (OSUP) over ten years ago, after which he
22 faithfully complied with its’ terms and deepened his ties his family members in the
23 United States. Under these circumstances, DHS was required to afford Mr. Saad the
24 opportunity to advance arguments in favor of his freedom before it robbed him of his
25 liberty. For these reasons, Mr. Saad must be released from custody and should not be
26 re-detained unless and until DHS proves to an Immigration Judge that his removal to
27 re-detained unless and until DHS proves to an Immigration Judge that his removal to
28

1 Syria is reasonably foreseeable. At this stage of his immigration process, he has not
2 even been afforded a credible fear interview so his removal cannot be considered
3 reasonably foreseeable or, even probable, given Mr. Saad's pending I-730 and his
4 current TPS. Nevertheless, if that occurs, the Immigration Judge must further
5 consider whether, in lieu of detention, alternatives to detention exist to mitigate any
6 risk that DHS may establish.
7

- 8 71. Because, in this case, the provision of a pre-deprivation hearing both was possible
9 and would have been valuable to preventing an erroneous deprivation of liberty, ICE
10 was required to provide Petitioner with notice and a hearing prior to any incarceration
11 and revocation of his OSUP. See *Morrissey v. Brewer*, 408 U.S. at 481-82;
12 *Haygood v. Younger*, 769 F.2d at 1355-56; *Jones v. Blanas*, 393 F.3d 918, 932 (9th
13 Cir. 2004); *Zinerman v. Burch*, 494 U.S. at 128; see also *Youngberg v. Romeo*, 457
14 U.S. 307, 321-24 (1982). Under *Mathews*, "the balance weighs heavily in favor of
15 [Petitioner's] liberty" and required a pre-deprivation hearing before an Immigration
16 Judge, which ICE failed to provide. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).
17
18 72. The government made the reasoned decision to release Mr. Saad from detention while
19 he pursued his asylum claim in the United States. The Due Process Clause entitles
20 Petitioner to meaningful process assessing whether his detention is justified. The
21 arrest and detention of Mr. Saad without an opportunity for him to contest his
22 detention in front of a neutral adjudicator after he has been living in the United States
23 for over a decade provides insufficient process and violate the Due Process Clause of
24 the Fifth Amendment of the Constitution.
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THIRD CLAIM

Violation of the Immigration and Nationality Act

73. Petitioner repeats and realleges the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.

74. Respondents are unlawfully detaining Mr. Saad without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(1).

75. Section 1225(b)(1) does not apply to Petitioner, who immigration officials paroled into the country for Section 240 proceedings and has been residing in the United States for more than ten years prior to Respondents arresting and detaining him without a warrant outside his children's school.

76. Instead, Petitioner should be subject to the detention provisions of § 1226(a) and is therefore entitled to a custody determination by ICE, and if custody is continued, to a custody redetermination (i.e., a bond hearing) by an immigration judge.

77. Respondents' application of 8 U.S.C. § 1225(b)(1) to Petitioner results in Petitioner's unlawful detention without the opportunity for a bond hearing and violates the INA.

GOVERNMENT DELAY AND PROCEDURAL IRREGULARITY

SUPPORTING HABEAS RELIEF

78. Petitioner's detention must be evaluated in light of the procedural history of his case and the government's handling of the underlying immigration process.

79. Petitioner alleges that he presented himself at the United States border on December 24, 2015 and requested asylum. After expressing fear of persecution if returned to Syria, Petitioner reports that he was informed he would receive a credible fear interview.

1 80. The expedited removal statute provides that when an individual subject to expedited
2 removal expresses a fear of persecution or an intention to apply for asylum, the
3 individual shall be referred to an asylum officer for a credible fear determination. See
4 8 U.S.C. §1225(b)(1)(A)(ii).
5

6 81. Petitioner alleges that the credible fear interview was never conducted.

7 82. Petitioner further reports that his spouse and child were permitted to enter the United
8 States and pursue immigration proceedings. According to Petitioner, his family
9 members ultimately obtained immigration protection through those proceedings and
10 are now lawful permanent residents.
11

12 83. For several years following his entry, Petitioner complied with immigration
13 supervision requirements, including attending scheduled immigration check-ins.

14 84. Petitioner also reports that an I-730 Refugee/Asylee Relative Petition was filed on his
15 behalf in January 2022 based on his spouse's protected status. According to
16 information available to counsel, that petition remains pending.
17

18 85. Petitioner was recently taken into immigration custody.

19 86. This procedural history reflects a significant period during which Petitioner remained
20 in the United States while interacting with immigration authorities and complying
21 with supervision requirements.
22

23 87. The Supreme Court has explained that civil immigration detention must bear a
24 reasonable relationship to its purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001);
25 *Jennings v. Rodriguez*, 583 U.S. 513 (2018).

26 88. The Ninth Circuit has likewise recognized that federal courts retain authority through
27 habeas corpus to review immigration detention. *Nadarajah v. Gonzales*, 443 F.3d
28

1069, 1075--76 (9th Cir. 2006); *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022).

89. Petitioner alleges that the government has not completed the statutory credible-fear screening process that ordinarily follows an expression of fear under 8 U.S.C. §1225(b)(1).

90. Where the statutory procedures governing an individual's immigration processing remain unresolved for an extended period of time, continued detention raises substantial questions regarding whether the detention remains reasonably related to its purpose.

91. Petitioner therefore seeks habeas review so that this Court may determine whether Respondents possess lawful authority to continue detaining him under these circumstances.

92. Petitioner does not seek review of the validity of any removal order. Instead, he seeks judicial review of the legality of his current detention and appropriate relief from that detention.

EQUITIES AND FAMILY HARDSHIP SUPPORTING RELEASE

PENDING ADJUDICATION

93. In determining whether continued civil detention is appropriate, courts may consider the circumstances of the individual's detention and the practical consequences of continued confinement while judicial review is pending.

94. Petitioner's circumstances present significant equities relevant to the Court's consideration of the requested habeas relief.

1 95. Petitioner has resided in the United States for several years following his arrival at the
2 border in or about December 2015. During that time, Petitioner reports that he
3 complied with immigration supervision requirements, including attending scheduled
4 immigration check-ins.
5

6 96. Petitioner reports that he has no criminal history.

7 97. Petitioner's spouse and eldest daughter pursued immigration relief in immigration
8 court and were ultimately granted protection in their proceedings. According to
9 information available to counsel, they are now lawful permanent residents of the
10 United States.
11

12 98. Petitioner and his spouse also have two daughters who are United States citizens.

13 99. Petitioner reports that his spouse does not work outside the home and that he has
14 served as the primary financial provider for the household. His detention therefore
15 directly affects the family's financial stability and ability to meet basic living needs.
16

17 100. Petitioner's detention also separates him from his spouse and children.

18 101. Petitioner further reports that an I-730 Refugee/Asylee Relative Petition was filed on
19 his behalf in January 2022 based on his spouse's protected status. According to
20 information available to counsel, that petition remains pending.

21 102. Petitioner seeks only judicial review of the legality of his detention while these
22 immigration processes remain unresolved.
23

24 103. Under these circumstances, Petitioner respectfully requests that the Court consider
25 these equities when determining the appropriate relief in this habeas action.
26
27
28

IRREPARABLE HARM FROM CONTINUED DETENTION

104. Petitioner is currently detained by federal immigration authorities and remains separated from his family and community while this habeas petition is pending.
105. The loss of physical liberty resulting from detention constitutes a serious and ongoing harm. Courts have long recognized that habeas corpus exists to provide prompt judicial review of unlawful detention. See *Preiser v. Rodriguez*, 411 U.S. 475, 485 (1973).
106. Petitioner reports that he has resided in the United States since December 2015 and has complied with immigration supervision requirements during that time, including attending scheduled immigration check-ins. Petitioner reports that he has no criminal history.
107. Petitioner's detention has separated him from his spouse and children, including two daughters who are United States citizens. Petitioner reports that he has served as the primary financial provider for his household, and his continued detention directly affects his family's financial stability and ability to meet basic living needs.
108. Petitioner's continued detention also interferes with his ability to communicate with counsel and participate meaningfully in the preparation of his legal claims. At the time of filing, Petitioner's precise detention location has not yet been confirmed, further complicating counsel's ability to communicate with him.
109. Each additional day of detention prolongs these harms and deprives Petitioner of his physical liberty while the legality of that detention remains unresolved.

1 110. For these reasons, Petitioner respectfully submits that continued detention during the
2 pendency of this case constitutes irreparable harm warranting prompt judicial review
3 and interim relief.
4

5 **ENTITLEMENT TO TEMPORARY RESTRAINING ORDER**

6 **AND PRELIMINARY INJUNCTIVE RELIEF**

7 111. The Court may grant interim relief under Fed. R. Civ. P. 65(b) and 28 U.S.C. § 2243
8 to prevent irreparable harm pending resolution of the habeas petition.

9 112. Courts apply the four-factor test from *Winter v. NRDC*, 555 U.S. 7 (2008), as
10 reaffirmed in *Nken v. Holder*, 556 U.S. 418 (2009): likelihood of success on the
11 merits; irreparable harm absent relief; balance of equities; and public interest.
12

13 113. Likelihood of Success: Petitioner is likely to prevail because his detention is contrary
14 to the Constitution.

15 114. Irreparable Harm: Every day of unlawful detention constitutes irreparable injury.
16 *Preiser v. Rodriguez*, 411 U.S. 475 (1973). Respondents have authority to transfer
17 detainees between facilities. Transfer outside this District could interfere with Mr.
18 Saad's access to his pro bono counsel and this Court's jurisdiction and cause
19 additional harm.
20

21 115. Balance of Equities: Releasing or providing a bond hearing for a non-dangerous
22 person who has been living in the United States for over ten years imposes no harm
23 on the government, or its' citizens, and prevents the ongoing constitutional violation.
24

25 116. Public Interest: Upholding constitutional safeguards and the lawful limits of detention
26 serves the public interest. *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

27 117. Under these factors, emergency injunctive relief is both warranted and necessary.
28

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Enjoin Respondents from transferring Petitioner from the jurisdiction of this District pending these proceedings;
- c. Declare that Petitioner's continued detention is unlawful and violates the Due Process Clause of the Fifth Amendment, the Fourth Amendment, and the Immigration and Nationality Act;
- d. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody;
- e. In the alternative, order Respondents to provide Petitioner with a prompt individualized custody determination before a neutral decisionmaker within seven (7) days, at which the government bears the burden of demonstrating that continued detention is necessary;
- f. Grant such additional relief as may be necessary to ensure that Petitioner's detention complies with the Constitution and laws of the United States.
- g. Award reasonable attorneys' fees and costs for this action; and
- h. Grant any other and further relief that this Court deems just and proper.

Dated this 9th day of March, 2026.

/s/Alicia Marie Heflin

Alicia Marie Heflin

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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242
AND DECLARATION OF COUNSEL IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS AND EMERGENCY MOTION**

I, **Alicia M. Heflin**, declare as follows:

1. I am an attorney licensed to practice law in the State of Arizona and counsel for Petitioner in this matter.
2. I make this declaration based on my personal knowledge, my communications with Petitioner and his family members, and my review of records related to Petitioner's immigration case. I have represented the Petitioner and his family on a pro bono basis since May 2017.
3. Petitioner is a native and citizen of Syria.
4. Petitioner presented himself at the United States border on December 24, 2015, with his wife and child and requested asylum.
5. Petitioner reported that he expressed a fear of persecution if returned to Syria.
6. According to Petitioner, he was informed that he would receive a credible fear interview, but he reports that such an interview was never conducted.
7. For several years following his entry into the United States, Petitioner complied with immigration supervision and attended required immigration check-ins. His most recent check-in was on October 3, 2025, which counsel also attended.
8. Petitioner's wife and daughter pursued immigration relief in immigration court and were later granted protection in their proceedings. Petitioner's family members are now lawful permanent residents.
9. An I-730 Refugee/Asylee Relative Petition was filed on Petitioner's behalf in January 2022. According to information available to counsel, the petition remains pending.

1 10. On or about March 3, 2026, Petitioner was taken into immigration custody.

2 11. Petitioner informed counsel that he believes he is currently detained in Florence, Arizona.

3 12. At the time of this declaration, Petitioner does not appear in the ICE Online Detainee
4 Locator System, and counsel is continuing efforts to confirm the precise detention
5 facility.
6

7 13. Petitioner's detention separates him from his wife and children, including two U.S.
8 citizen daughters, and Petitioner's family reports that he has been the primary financial
9 provider for the household.
10

11 14. Because Petitioner is currently detained, prompt judicial review is necessary to determine
12 the legality of his detention.

13 15. For this reason, Petitioner respectfully seeks expedited consideration of his habeas
14 petition and emergency motion.

15 16. I have discussed with the Petitioner the events described in the Petition. Based on
16 those discussions, I hereby verify that the factual statements made in the attached
17 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.
18

19 Executed on this 9th day of March, 2026, in Phoenix, Arizona.
20

21 /s/Alicia Marie Heflin
22 Alicia Marie Heflin
23 Attorney for the Petitioner
24
25
26
27
28