

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

MAR 17 2026 AM 11:31
RCD - USDC - FLMD - FTM

SHAIR ALI, Petitioner,

v.

ICE, FLORIDA SOFT SIDE SOUTH, Respondents.

2:26-CV-757-JES-DNF

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

I. IDENTIFICATION

1. Name: Shair Ali
2. Alien Registration Number (A-Number) 
3. Place of Detention: Alligator Alcatraz, Florida Soft Side South 54575 TAMiami
TRL E OCHOPEE, FL 341414.

II. PREPARER STATEMENT

Petitioner, I Shair Ali, have prepared and is filing this petition pro se.

III. RESPONDENTS

1. ICE, FLORIDA SOFT SIDE SOUTH, is the custodian of the facility where I am currently detained.
2. U.S. ATTORNEY GENERAL is the chief law enforcement officer of the United States and has ultimate authority over immigration matters.

IV. JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which grants federal courts the authority to issue writs of habeas corpus to individuals held in custody in violation of the Constitution or laws of the United States.
2. This Court also has jurisdiction under 28 U.S.C. § 1331 (federal question) and the Fifth Amendment to the United States Constitution.
3. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 2241(d) because I am detained within this judicial district.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. I have a final order of deportation. All administrative appeals concerning my removal order have been exhausted or denied. This petition does not challenge the final order of removal but rather the legality of the detention.

VI. STATEMENT OF FACTS

1. I the Petitioner, Shair Ali, have resided in the United States since 1990. I have established deep and meaningful ties to my family and community in the United States over the past three decades.
2. I am married and I am the father of four children. Three of my children are United States citizens:
 - Mohammad Ali (U.S. Citizen)
 - Almas Ali (U.S. Citizen)
 - Hader Ali (U.S. Citizen)
3. I maintain a stable residence with my wife and children in Pembroke Pines, Florida.
4. I am neither a flight risk nor a danger to the community. I have been under an order of supervision with ICE from 2006 to the present day. Throughout this entire period, I

have demonstrated exemplary compliance, having reported for every scheduled appointment without ever being late or missing a single one.

5. I have no criminal history and poses no threat to public safety or national security, also I never been a flight risk.
6. This detention is the third time ICE has detained me for the same purpose of removal, a purpose ICE has consistently failed to achieve.
 - a. I was first detained in 1999. I was subsequently released from ICE custody after the Embassy of Pakistan refused to issue travel documents, denying that I was a Pakistani national.
 - b. I was detained for a second time in 2006. I was again released after the Embassy of Pakistan once more denied my nationality and refused to issue travel documents.
 - c. The current detention which started on December 2025, marks the third time I've been deprived of my liberty for the same, unachievable purpose.
7. The Government of Pakistan has formally and repeatedly rejected me as a national.
8. Because I'm not considered a national by Pakistan or any other state under the operation of its law, I am a de facto stateless person as defined by U.S. and international law, including the 1954 Convention relating to the Status of Stateless Persons and guidance from the U.S. Department of State.
9. I at all times since 1999, been cooperative and respectful in my dealings with ICE and have assisted in all efforts to obtain travel documents, despite the consistent failures of those efforts.
10. The evidence of my statelessness is incontrovertible, demonstrated by decades of failed deportation attempts, the explicit denial by the Government of Pakistan, and a complete lack of any birth certificates or national documents connecting me to any country.

11. I, Shair Ali am unlawfully detained. As a stateless alien, no removal order can ever be issued, and under 8 U.S.C. § 1226(a) the government may detain an alien only “pending a decision on whether the alien is to be removed.” Because removal is not reasonably foreseeable, there is no statutory basis for my continued confinement. The Supreme Court held that detention beyond a reasonable period is unlawful where removal is not foreseeable (see *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001); *applied in Hernandez-Carrera v. Carlson*, 546 F. Supp. 2d 1185). The Eleventh Circuit reiterated that the government must show a “significant likelihood of removal in the reasonably foreseeable future” (*Mau v. Chertoff*, 549 F. Supp. 2d 1247). I have complied with every ICE request, I am not a flight risk, and poses no danger to the community. Accordingly, my detention violates due-process protections and exceeds the discretionary authority recognized in *Dos Santos v. Meade*, 965 F. Supp. 2d ____ (court lacking jurisdiction to review discretionary detention). Under 28 U.S.C. § 2241(a) and Fla. Stat. § 79.01, the Southern District of Florida has jurisdiction to issue a writ of habeas corpus and order my release from unlawful custody.

VII. GROUNDS FOR RELIEF

A. The 90-Day Removal Period Has Long Expired.

1. Under 8 U.S.C. § 1231(a)(1)(A) an alien may be detained for up to 90 days after a final removal order becomes final. The statutory removal period therefore ended in 2002 when I was first detained for 90 days and detained a second time for 6 months in 2006, and this will be the third time the government’s continued detention far exceeds that period. The Government try to pursue documentation while I was on supervision, renewed confinement adds no material progress toward removal and is thus punitive in effect and unreasonable under § 1231(a)(6). The Government’s reliance on this particular detention ignores *Zadvydas’s* focus on foreseeability and reasonableness,

not mechanical clocks. Where the country of removal has not issued documents after sustained efforts over many years, continued detention lacks a reasonably foreseeable endpoint. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Kassama v. Dep't of Homeland Sec.*, 553 F. Supp. 2d 301 (W.D.N.Y. 2008).

B. No Demonstrated Likelihood of Removal.

1. ICE has been attempting to obtain Pakistani travel documents for more than 20 years with no success. The prolonged, unproductive effort demonstrates the absence of a foreseeable removal. Under *Gonzalez-Rondon v. Gillis*, No. 1:20-CV-5-LG-RHW, 2020 U.S. Dist. LEXIS 110298 (S.D. Miss. June 23, 2020), once the government cannot produce evidence of a significant likelihood of removal, continued detention is unlawful. *Burden of Proof Lies with the Government. Hernandez-Lara v. ICE*, 2024 WL ____ (D.N.H. July 25 2024) holds that the government bears the burden of proving detention is justified by clear and convincing evidence. ICE has failed to meet that burden. The copy of the birth certificate ICE has produced to request travel documents or passport is irrelevant. Copy of birth certificate is irrelevant because a Pakistani birth Certificate should be in the Urdu language which is in Arabic text not in English with roman alphabets, also embassies and consulate do not accept copies, only originals.

C. Medical Condition Gives Rise to a Fifth-Amendment Claim and Requires Release

1. Medical needs are not adequately met in custody. My cardiac disease and hypertension require continuous monitoring and specialized care. The detention facility “Alligator Alcatraz” lacks the capacity to provide such care, I was transferred to HCA Florida Kendall Hospital for treatment, indicating that the prison cannot meet my medical needs. (See exhibit 1 medical records of where I was sent to outside hospital for medical emergency 3 different times while in custody at alligator Alcatraz in December of 2025 and February 2026).
2. Detention that serves as punishment violates due process. *Vaz v. Skinner*, 634 F. App’x 778 (11th Cir. 2015) (per curiam) held that a civil detainee may not rely on improved conditions to avoid release when the conditions constitute “punishment” or an undue burden. The combination of prolonged confinement and inadequate medical care is effectively punitive and triggers Fifth-Amendment due process concerns.
3. Court Authority to Order Release. While the government may improve conditions, the court in *Gomez v. United States*, 899 F.2d 1124 (11th Cir. 1990) recognized that when conditions of confinement are unconstitutional, the appropriate remedy can include release, not merely remediation.

VIII. PRAYER FOR RELIEF

WHEREFORE, I respectfully request that this Honorable Court:

1. Grant this Petition for a Writ of Habeas Corpus;
2. Order my immediate and unconditional release from the custody of Respondents;
3. Declare that Respondents’ continued detention of Petitioner violates the Fifth Amendment’s Due Process Clause, both on the basis of statutory limits (*Zadvydas*) and on the ground of deliberate indifference to my serious cardiovascular condition,
4. Grant such other and further relief as this Court may deem just and proper.

Date: March 2, 2026

Respectfully submitted,

Shair Ali, Pro Se

A-Number



Florida Soft Side South

54575 TAMiami TrL E

OCHOPEE, FL 34141

x S. Ali