

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

YEZID SHABANA

Petitioner,

Case No. 2:26-cv-805-JES-NPM

v.

SECRETARY, U.S. DEP'T OF
HOMELAND SECURITY, et al.,

Respondents.

FEDERAL RESPONDENTS' RESPONSE TO ORDER FOR SUPPLEMENTAL
BRIEFING

Petitioner Yezid Shabana has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, arguing, among other grounds, that there is not a significant likelihood of his removal in the foreseeable future. In their response Federal Respondents argued that Yezid Shabana's petition was premature because he had not been detained for more than 180 days at the time he filed the present petition. (Doc. 2.) On May 13, 2026, the Court issued an order directing the government to "explain how (and whether) Shabana's removal is likely in the reasonably foreseeable future." (Doc. 7.)

FACTS

The petitioner, Shabana, Yazid Loai Abdalhafez, A [REDACTED] (hereinafter "Petitioner"), is a native and citizen of Palestine, born [REDACTED] (Ex. 1 Decl. of DO Rodgers) On September 4, 2023, Petitioner arrived in the United States and was admitted as a nonimmigrant Academic or Language Student (F-1), to attend Saint Leo University in Saint Leo, Florida, with authorization to remain in the United States for the duration of his study. *Id.* Petitioner completed his course of study on or about May 7, 2023. *Id.* On or about May 15, 2023, Petitioner began the F-1 student Optional Practical Training (OPT) program, which ended on May 15, 2024. *Id.* Petitioner remained in the United States beyond May 15, 2024, without authorization from the United States Department of Homeland Security. *Id.* On August 6, 2025, Tampa ICE ERO, encountered the Petitioner, at Pasco County Corrections, located in Land O Lakes, Florida pursuant to his arrest for, Obtaining Property of 50K or more by Fraud. *Id.*

On November 13, 2025, an Immigration Judge order the Petitioner removed from the United States. *Id.* On December 17, 2025, ERO submitted a crossing request to the Israeli Embassy. *Id.* On March 31, 2026, ERO followed up with ICE HQ RMD DDO regarding the travel document request and was advised approvals generally take between 3-6 months. *Id.*

Shazid Yabana is currently detained at Glades County Detention Center.

ARGUMENT

Shazid Yabana's detention does not violate the Fifth Amendment's Due Process Clause.

As an initial matter, Federal Respondents maintain their position the present petition should be denied because Shazid Yabana filed it before the expiration of six months in detention. Shazid Yabana was detained at the time the final order entered on November 13, 2025, and filed the present petition on March 19, 2026. At that point, Shazid Yabana been detained for 126 days. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (“This six-month period thus must have expired at the time [the petitioner’s] § 2241 petition was filed in order to state a claim under *Zadvydas*.”).¹

Even if the Court were to shift the burden to U.S. Immigration and Customs Enforcement to show a significant likelihood of removal in the foreseeable future, the record shows ICE has been actively seeking Shazid Yabana’s removal to Palestine. A crossing request was submitted to the Israeli Embassy. (Decl. of DO Rodgers). Furthermore, the crossing requests generally take between 3-6 months

¹ See also *Mehighlovesky v. U.S. Dep't of Homeland Sec.*, No. CIV. 12-902 RHK/JJG, 2012 WL 6878901, at *2 (D. Minn. Dec. 7, 2012), *report and recommendation adopted*, No. CIV. 12-902 RHK/JJG, 2013 WL 187553 (D. Minn. Jan. 17, 2013) (“There is a good policy reason for dismissing premature *Zadvydas* actions, even when post-removal-order detention has exceeded six months by the time the case is decided. If the rule were otherwise, removable aliens would have no incentive to wait for their potential *Zadvydas* claims to ripen, and the federal courts might then be inundated with pre-emptive *Zadvydas* claims brought by aliens who are unwilling to give the Government six months to effect their removal.”)

for approval, and it was submitted on December 17, 2025. *Id.* Although it has now been 6 months from the request, since the timeline was a general guideline, this does not indicate that a crossing request is not soon forthcoming. Based on the declaration, at this time, there is a significant likelihood of removal with the reasonably foreseeable future. *Id.*

CONCLUSION

Respondents respectfully request Yazid Shabana's petition be denied. However, if the Court grants the Petition and orders Petitioner's release, such release "shall be subject to supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3); *Zadvydas*, 533 U.S. at 699-700 (holding that when continued detention is unreasonable because removal is not reasonably foreseeable, "the alien's release may and should be conditioned on any of the various forms of supervised release.").

DATED this 18th day of May, 2026.

Respectfully submitted,

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Lead Counsel for Federal Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 18, 2026, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send notice of filing and a downloadable copy of the filed document to the following CM/ECF participant listed below:

Yazid Shabana
Glades County Detention Center
1297 FL-78
Moore Haven, FL 33471

Petitioner

/s/ Matthew T. Brodersen
Matthew T. Brodersen
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