

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

KHALID ABUBLAKAN,

Petitioner,

v.

WARDEN, SOUTH FLORIDA SOFT-
SIDED FACILITY SOUTH, et al. (all
official capacity),

Respondents.

Case No. 2:26-cv-808-SPC-NPM¹

A No. 
Saudi Arabia

Response to Habeas Petition

Petitioner Khalid Abublakan challenges his detention by U.S. Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”) as unreasonably prolonged. The Court lacks jurisdiction. Apart from that, detention is still within the presumptively reasonable time. So the Court should deny the Petition.²

Background

Abublakan is a citizen of Saudi Arabia. Exhibit 1 at 1. He entered the United States in 1991 on a student visa. Exhibit 2 at 1.

Following a criminal conviction for battery in 1994, he was placed in removal proceedings, and an immigration judge (“IJ”) ordered him removed. *Id.*; Exh. 1 at 27.

¹ A notice of related action has been filed in this case because Abublakan filed a previous habeas petition challenging his detention on January 21, 2026, which was denied without prejudice by Judge Dudek on March 4, 2026. *See* Exhibit 4.

² Because little has changed from Abublakan’s initial petition, this response is similar in most aspects to the one filed in Case No. 2:26-cv-109-KCD-DNF.

Abublakan was then convicted of another violent felony. *Id.* In 2002, DHS requested travel documents from Saudi Arabia, which denied the request. *Id.* Shortly after, Abublakan reopened removal proceedings—but he was again ordered removed through a final order. Exh. 2 at 2; Exh. 1 at 22. DHS released Abublakan on an order of supervision (“OSUP”). Exh. 2 at 2; Exh. 1 at 19-21.

In 2016, Abublakan was again arrested for a violent crime. *Id.* So DHS again requested travel documents from Saudi Arabia unsuccessfully. *Id.* In 2017, Abublakan was convicted of yet another violent felony. *Id.*; Exh. 1 at 14-16 After prison and DHS custody, he was released on another OSUP. Exh. 2 at 2, Exh. 1 at 10-13. Between 2017 and 2020, there were some efforts to obtain travel documents. Exh. 2 at 2. Then, there was seemingly no activity until November 2025. *Id.*

DHS issued a Warrant of Removal/Deportation. Exh. 1 at 4-5; Exh. 2 at 2. On November 10, 2025, Abublakan was taken into ICE custody. Exh. 1 at 2). At that time, ICE gave Abublakan a list of documents and information to provide to assist with securing travel documents. Exh. 1 at 9. It is unclear whether Abublakan has provided any of that information or otherwise assisted ICE.

In December 2025, DHS again requested travel documents from Saudi Arabia, which has yet to respond. Exh. 2 at 3. ICE continues to believe there is a significant likelihood of removal in the reasonably foreseeable future (“SLRRFF”). Exh. 2 at 3.

Certified Habeas Return

The Court has power to grants writs of habeas corpus where (among other instances) petitioner “is in custody in violation of the Constitution or laws or treaties

of the United States.” 28 U.S.C. § 2241(c)(3). Petitioner bears the burden to prove custody violates federal law. *Whitfield v. U.S. Sec’y of State*, 853 F. App’x 327, 329 (11th Cir. 2021).

After Abublakan’s convictions, an IJ ordered him removed. And his order of removal became final. At that point, Abublakan was removable from the United States. The Attorney General (through her delegates) has a statutory obligation to execute that removal. 8 U.S.C. § 1231(a)(1)(A), (a)(3).

ICE is detaining Abublakan under 8 U.S.C. § 1231(a)(6) pending his removal. ICE is working towards executing removal to Saudi Arabia.

The period of Abublakan’s detention is still within the presumptively reasonable limits established in *Zadvydas*. Even if he were able to challenge detention before then, Abublakan cannot show there is no SLRRFF.

Discussion

Abublakan challenges his detention under various theories. These claims fail. As described below, the Court has no jurisdiction. Even if it did, detention has not extended to a length creating constitutional questions; nor did ICE violate any law in proceeding with removal.

A. Lack of Jurisdiction

Federal courts are courts of limited jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). They “possess only that power authorized by Constitution and statute.” *Id.* (citations omitted).

In the context of immigration habeas cases related to removal—like here—the

INA divests this Court’s jurisdiction. 8 U.S.C. §§ 1252(b)(9), (g). As discussed, the Court lacks jurisdiction over Abublakan’s claims. Regardless of how he words the matter, Abublakan challenges detention to execute a final order of removal.

1. *Jurisdiction Stripping Under § 1252(g)*

There is no jurisdiction to review “any” claim “arising from the decision or action” to “execute removal orders.” 8 U.S.C. § 1252(g). This provision bars habeas review in federal courts when the claim arises from a decision or action to “execute” a final order of removal. *Reno v. American-Arab Anti-Discrimination Committee (AADAC)*, 525 U.S. 471, 482 (1999).

Courts consistently hold that § 1252(g) eliminates subject-matter jurisdiction over challenges—including constitutional claims—to an arrest or detention for the purpose of executing a final removal order. *E.g., Camarena v. ICE*, 988 F.3d 1268, 1273-74 (11th Cir. 2021) (“[W]e do not have jurisdiction to consider ‘any’ cause or claim brought by an alien arising from the government’s decision to execute a removal order.”); *Johnson v. U.S. Attorney General*, 847 F. App’x 801, 802 (11th Cir. 2021); *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013).³ Likewise, § 1252(g) precludes review of the method by which ICE chooses to commence removal proceedings.

³ See also *Hamama v. Adducci*, 912 F.3d 869, 874 (6th Cir. 2018) (“Under a plain reading of the text of the statute, the Attorney General’s enforcement of long-standing removal orders falls squarely under the Attorney General’s decision to execute removal orders and is not subject to judicial review.”); *Tazu v. U.S. Attorney General*, 975 F.3d 292, 297 (3d Cir. 2020) (“The plain text of § 1252(g) covers decisions about whether and when to execute a removal order.”); *Rauda v. Jennings*, 55 F.4th 773, 778 (9th Cir. 2022); *E.F.L. v. Prim*, 986 F.3d 959, 964–65 (7th Cir. 2021).

Alvarez v. ICE, 818 F.3d 1194, 1203 (11th Cir. 2016) (“By its plain terms, the provision bars us from questioning ICE’s discretionary decisions to commence removal—and thus necessarily prevents us from considering whether the agency should have used a different statutory procedure to initiate the removal process.”).

ICE detained Abublakan to execute the final removal order. He is still within the presumptively reasonable period of detention (as further detailed below). And ICE is in the process of executing removal. This action is an effort to interfere with or halt that legal process. The INA plainly strips the Court’s jurisdiction in these instances. 8 U.S.C. § 1252(g). The Court also lacks jurisdiction for a separate reason.

2. *Jurisdiction Stripping Under § 1252(b)(9)*

There is no jurisdiction to review “all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien from the United States” outside a case reviewing the final removal order. 8 U.S.C. § 1252(b)(9). This is known as the “zipper clause.” *Canal A Media Holding, LLC v. USCIS*, 964 F.3d 1250, 1257 (11th Cir. 2020). The zipper clause is “a jurisdictional bar where” petitioner seeks “review of an order of removal [or] the decision to seek removal.” *DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 19 (2020) (cleaned up).

There is a single path for judicial review of removal orders—“a petition for review filed with an appropriate court of appeals.” 8 U.S.C. § 1252(a)(5). Reading § 1252(a)(5) and (b)(9) together, courts conclude petitioners must funnel all aspects of challenges to removal proceedings through that avenue. *Nasrallah v. Barr*, 590 U.S. 573, 580 (2020) (“The REAL ID Act clarified that final orders of removal may not be

reviewed in district courts, even via habeas corpus, and may be reviewed only in the courts of appeals.”); *see also Bonhometre v. Gonzales*, 414 F.3d 442, 446 (3d Cir. 2005) (There is “clear intent to have all challenges to removal orders heard in a single forum (the courts of appeals).”).

The zipper clause encompasses more than § 1252(g). *AADC*, 525 U.S. at 483. Under these provisions, “most claims that even relate to removal” are improper in a district court. *E.O.H.C. v. DHS*, 950 F.3d 177, 184 (3d Cir. 2020). There are limitations on how broadly courts interpret the zipper clause. *E.g. Canal A*, 964 F.3d at 1257. But a claim obviously “arises from a removal proceeding when the parties are challenging removal proceedings.” *Id.* (cleaned up); *see also Regents of Cal.*, 591 U.S. at 19.

Here, the crux of this case challenges ICE’s execution of Abublakan’s final removal order to stop the removal process. These are the exact claims barred by the zipper clause. 8 U.S.C. § 1252(b)(9). As discussed above, Abublakan’s claims fall squarely within the INA’s jurisdiction-stripping provisions of 8 U.S.C. §§ 1252(g) and (b)(9). The Court, therefore, lacks subject-matter jurisdiction and must dismiss.

B. Constitutionally Lawful Detention

Even if the Court disagrees with the above, it must still deny the writ. Abublakan cannot make a claim for unlawfully prolonged detention at this time. Nor can he litigate SLRRFF prematurely.

After a final removal order, an alien must be removed within ninety days—i.e., the removal period. 8 U.S.C. § 1231(a)(1); *Zadvydas v. Davis*, 533 U.S. 678, 683 (2001). During the removal period, the alien must be detained. 8 U.S.C. § 1231(a)(2);

Zadvydas, 533 U.S. at 683. An alien, however, can be detained beyond that removal period. 8 U.S.C. §§ 1231(a)(1)(C), (a)(6); *Zadvydas*, 533 U.S. at 683. This is called a “post-removal” period. *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021). There is no statutory limit on how long ICE can detain an alien during the post-removal period. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 579 (2022). Yet indefinite detention would present obvious constitutional concerns. *Id.* So the Supremes interpret this post-removal period to allow extended detention for “a period reasonably necessary to bring about that alien’s removal from the United States.” *Zadvydas*, 533 U.S. at 689. In all, a reasonable length of detention “is presumptively six months.” *Guzman Chavez*, 594 U.S. at 529; *see also Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (stating six-month period is inclusive of any ninety-day removal period).

If the presumptively reasonable period expires without removal, then a burden-shifting framework comes into play regarding SLRRFF. *Zadvydas*, 533 U.S. at 689. But before that six-month period expires, any habeas challenge to the detention itself is premature. *E.g.*, *Akinwale*, 287 F.3d at 1051-52; *Guo Xing Song v. U.S. Attorney General*, 516 F. App’x 894, 899 (11th Cir. 2013); *Gozo v. Napolitano*, 309 F. App’x 344, 346 (11th Cir. 2009).⁴ At bottom, “This presumptively reasonable six month period must have expired at the time of the filing of a petition.” *E.g.*, *Jiang v. Mukasey*, No.

⁴ Some districts disagree. *Cesar v. Achim*, 542 F. Supp. 2d 897, 902 (E.D. Wis. 2008). Of course, *Akinwale* binds the Court. Even if it didn’t, *Cesar* and any progeny are wrong. *Zadvydas* recognized the presumptive six-month period for the specific “sake of uniform administration in the federal courts.” *Zadvydas*, 533 U.S. at 701. That was not an invitation to make up exceptions to this ripeness doctrine—like *Cesar* did.

2:08-cv-773-FtM-29DNF, 2009 WL 260378, at *2 (M.D. Fla. Feb. 3, 2009) (Steele, J.); *Noel v. Glades Cnty. Sheriff*, No. 2:11-cv-698-FtM-29SPC, 2011 WL 6412425, at *2 (M.D. Fla. Dec. 21, 2011) (Steele, J.).

Abublakan has only been in detention for 142 days. *See* Exhibit 3 (detention history). He was detained on November 10, 2025, and sued, this time, on March 20 (after first filing his first habeas petition on January 21). At that point in this case, Abublakan had been detained for 131 days. Either timeline is well under the 180-day period that is presumptively reasonable. That is fatal to jurisdiction. *Akinwale*, 287 F.3d at 1051-52.

To contend ICE cannot detain him for the purpose of removal, as Abublakan does, would effectively eliminate ICE's ability to ever remove an alien unless it does so within the presumptively reasonable timeframe. *Chun Yat Ma v. Asher*, No. C11-1797 MJP, 2012 WL 1432229, at *3 (Apr. 25, 2012). *Zadvydas* doesn't sweep that broad. Because Abublakan was first detained on November 10, any *Zadvydas* challenge fails. *E.g.*, *Jiang*, 2009 WL 260378, at *2 ("This presumptively reasonable six month period must have expired at the time of the filing of a petition.").

ICE recognizes that contrary to Judge Dudek's March 4 Order, Judges Chappell and Steele have held the *Zadvydas* period is coterminous with the statutory removal and post-removal periods—meaning it can run while an alien is outside detention. *De Armas v Warden, et al.*, 2:26-cv-489-SPC-DNF, 2026 WL 672974 (M.D. Fla. Mar. 10, 2026) (although not involving a final order of removal, petitioner was arrested on

November 10, 2025 with attempted removal to Mexico); *Beltran v. ICE*, No. 2:25-cv-01174-SPC-NPM, 2026 WL 21252 (M.D. Fla. Jan. 5, 2026); *Godinez Perez v. Noem*, No. 2:25-cv-00429-JES-NPM, 2025 WL 2806557, at *2 (M.D. Fla. Oct. 2, 2025). Respectfully, ICE disagrees based on the INA and *Zadvydas* itself.⁵

With *Zadvydas*, the “basic question” is “whether the detention in question exceeds a period reasonably necessary to secure removal.” *Zadvydas*, 533 U.S. at 699. In *Zadvydas*, the Court “used the words ‘detain’ and ‘custody’ to refer exclusively to physical confinement and restraint.” *Jennings v. Rodriguez*, 583 U.S. 281, 311 (2018). *Zadvydas* protects against unconstitutionally indefinite detention; it did not interpret starting an imaginary detention clock based on statutory periods divorced from physical restraint. Again, to conclude the detention period started with the statutory removal time requires a corresponding finding that ICE has been unconstitutionally detaining Abublakan since his release. That is a factual impossibility. Yet it also imposes an impossible burden on ICE—requiring it to justify over a decade detention

⁵ Notably, Judge Pratt issued a recent decision adopting ICE’s general interpretation of this question. *Da Wu v. ICE*, No. 3:25-cv-1254-JEP-MCR (M.D. Fla. Feb. 3, 2026). Judge Berger just agreed too. *Gonzalez Barrera v. U.S. Att’y General*, No. 3:26-cv-282-WWB-SJH, 2026 WL 472340, at *1-2 (M.D. Fla. Feb. 19, 2026). So too did three Southern District cases recently agreed that this period begins at the start of an alien’s actual detention and begins again when ICE makes a renewed effort to remove after failing long ago. *Barrios v. Ripa*, No. 1:25-cv-22644-GAYLES, 2025 WL 2280485 (S.D. Fla. Aug. 8, 2025) (holding claim premature and rejecting argument that aggregate prior detentions considered for *Zadvydas* purposes); *Guerra-Castro v. Parra*, No. 1:25-cv-22487-GAYLES, 2025 WL 1984300 (S.D. Fla. July 17, 2025) (holding claim premature when removal period ended in 2014); *Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 1895479, at *7-8 (S.D. Fla. July 8, 2025) (same for 2011). Other courts agree. *Ghamelian v. Baker*, No. SAG-25-02106, 2025 WL 2049981, at *4 (D. Md. July 22, 2025) (“The government is entitled to its six-month presumptive period before Petitioner’s continued § 1231(a)(6) [re-]detention poses a constitutional issue.”).

if the burden shifts. *See Zadvydas*, 533 U.S. at 701 (“And for detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.”).

Akinwale and other courts recognize that calculating time will often begin when detention is required (i.e., start of the removal period). 8 U.S.C. § 1231(a)(2)(A). But this would only be the case where petitioner challenges detention beginning at that time. If—as here—petitioner gets detained years later, no reasonable interpretation of *Zadvydas*, *Akinwale*, or any other binding law suggests the six-month period can expire before detention occurs. Many cases on this exact issue hold the period begins with actual detention. *E.g.*, *Cheng Ke Chen v. Holder*, 783 F. Supp. 2d 1183, 1192 (N.D. Ala. 2011) (rejecting claim as premature for petitioner who was not detained during removal period because “it defies common sense to suggest that *Zadvydas* time can run while a petitioner is not in custody”).⁶ Again, *Zadvydas* “exclusively” addressed “physical confinement and restraint.” *Jennings*, 583 U.S. at 311.

Here, Abublakan is in the “post-removal period” under 8 U.S.C. § 1231(a)(6). *Zadvydas*, 533 U.S. at 683. It is “presumptively reasonable” for ICE to detain an

⁶ *See also Callender v. Shanahan*, 281 F. Supp. 3d 428, 436 n.7 (S.D.N.Y. 2017); *Rodriguez-Guardado v. Smith*, 271 F. Supp. 3d 331, 335 n.8 (D. Mass. 2017); *Rivera v. Hassell*, No. 4:15-01497-WMA-SGC, 2016 WL 4257692, at *3 (N.D. Ala. July 12, 2016), *R&R adopted*, 2016 WL 4257052 (Aug. 10, 2016); *Chun Yat Ma v. Asher*, No. C11-1797 MJP, 2012 WL 1432229, at *3 (W.D. Wash. Apr. 25, 2012); *Raia v. Aviles*, No. 11-3374 (WJM), 2011 WL 2710275, at *5 & n.9 (D.N.J. July 6, 2011); *Thelemaque v. Barr*, No. 20-20467-CIV-ALTONAGA/Reid, 2020 WL 13551808, at *2 & n.1 (S.D. Fla. Mar. 30, 2020); *Aionesei-Lupu v. Barr*, No. 1:20-cv-22998-BLOOM, 2020 WL 8679783, at *2 (S.D. Fla. July 23, 2020); *Cruz v. Lumpkin*, No. H-23-2224, 2023 WL 4566252, at *1 n.7 (S.D. Tex. July 17, 2023).

individual with that status for a total of six months. *Id.* at 701. To this day, Abublakan is still within that reasonable detention period.⁷ It is undisputed he has not yet been in physical detention for six months.

Importantly, that six-month period is a bright-line, irrebuttable presumption of constitutionally acceptable detention. *See Zadvydas*, 533 U.S. at 701; *Akinwale*, 287 F.3d at 1052.⁸ It is only “after” this time that SLRRFF and *Zadvydas* burden-shifting comes into play. *Guzman Chavez*, 594 U.S. at 529 (cleaned up); *see also Jennings*, 583 U.S. at 298-99; *Clark v. Martinez*, 543 U.S. 371, 378 (2005); *Jama v. ICE*, 543 U.S. 335, 347-48 (2005). After means “following in time or place or subsequently to the time when or later in time.” *Intellectual Ventures I LLC v. Ubiquiti, Inc.*, No. 1:23-cv-00865-JCG, 2025 WL 1640270, at *3 (D. Del. June 10, 2025) (cleaned up). The word gets used to “describe a temporal sequence.” *Id.*; *see also Arlaine & Gina Rockey, Inc. v. Cordis Corp.*, No. 02-22555-CIV, 2004 WL 5504978, at *42 (S.D. Fla. Jan. 5, 2004) (giving “after” its “ordinary meanings” like “following in time”). Until the Supreme Court recognizes a *Zadvydas* challenge *during* that six-month period, the Court cannot create

⁷ A dicta footnote in *Akinwale* does not alter this outcome. 287 F.3d at 1053 n.3. In part, *Akinwale* decided whether the action was premature. *Id.* at 1051-52. There was no doubt it was since petitioner filed four months after he was “taken into custody.” *Id.* 1051. In dicta and its related footnote, *Akinwale* stated the six-month term was inclusive of the removal period (i.e., six months in total, not six months on top of the ninety-day removal period). ICE does not dispute that. Instead, *Akinwale*’s express holding is relevant: petitioner “must show post-removal order detention in excess of six months.” *Id.* at 1052.

⁸ *See also Guo Xing Song v. U.S. Attorney General*, 516 F. App’x 894, 899 (11th Cir. 2013); *Gozo v. Napolitano*, 309 F. App’x 344, 346 (11th Cir. 2009); *Vaz v. Skinner*, 634 Fed. App’x 778, 782 (11th Cir. 2015); *Ivantchouk v. U.S. Attorney General*, 417 Fed. App’x 918, 921 (11th Cir. 2011); *Chance v. Napolitano*, 453 F. App’x 535, 536 (5th Cir. 2011); *Agyei-Kodie v. Holder*, 418 F. App’x 317, 318 (5th Cir. 2011); *Okpoju v. Ridge*, 115 F. App’x 302, 302 (5th Cir. 2004).

that cause of action where none exists in derogation of *Akinwale*. See 287 F.3d at 1052 (“This six-month period thus must have expired . . . in order to state a claim under *Zadvydas*.”).

To require detailed justification from ICE before the *Zadvydas* period expires is a significant infringement on separation of powers principles because essentially every question related to immigration is “exclusively entrusted to the political branches of government as to be largely immune from judicial inquiry or interference.” *Harisiades v. Shaughnessy*, 342 U.S. 580, 588-89 (1952); see also *Trump v. Hawaii*, 585 U.S. 667, 702 (2018) (“For more than a century, this Court has recognized that the admission and exclusion of foreign nationals is a fundamental sovereign attribute exercised by the Government’s political departments.” (cleaned up)). That power, however, is always “subject to important constitutional limitations.” *Zadvydas*, 533 U.S. at 695. “In these cases, we focus upon those limitations.” *Id.*

Other principles of judicial review come into play too. *Id.* at 700. Courts “recognize primary Executive Branch responsibility” in this field and must also “give expert agencies decisionmaking leeway in matters that invoke their expertise.” *Id.* Important here, that includes “Executive Branch primacy in foreign policy matters.” *Id.* These basic separation-of-powers principles “require courts to listen with care when the Government’s foreign policy judgments, including, for example, the status of repatriation negotiations, are at issue, and to grant the Government appropriate leeway when its judgments rest upon foreign policy expertise.” *Id.*

The Executive branch is attempting to remove Abublakan—a multi-time convicted felon for violent crimes. And he is from Saudi Arabia—a long-time ally of the United States. The Executive’s efforts to remove Abublakan in these circumstances go to the very core of its power to enforce immigration laws and conduct delicate, ever-shifting foreign policy negotiations. *See United States v. Texas*, 599 U.S. 670, 679 (2023) (“That principle of enforcement discretion over arrests and prosecutions extends to the immigration context, where the Court has stressed that the Executive’s enforcement discretion implicates not only normal domestic law enforcement priorities but also foreign-policy objectives.” (cleaned up)); *Biden v. Texas*, 597 U.S. 785, 805-06 (2022) (“That is no less true in the context of immigration law, where the dynamic nature of relations with other countries requires the Executive Branch to ensure that enforcement policies are consistent with this Nation’s foreign policy.” (cleaned up)). Until Abublakan’s detention raises a constitutional problem—i.e., after six months—the political branches (namely, the Executive) must be permitted to pursue law enforcement and foreign policy objectives without interference.

What’s more, an interpretation allowing a challenge now grants rights based on the statutory definitions of removal and post-removal periods under 8 U.S.C. § 1231 (specifying under subsection (h) it “shall [not] be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States.”). The only way to conclude SLRRFF burden-shifting applies now is by first concluding ICE’s failure to remove within the statutory period somehow entitles Abublakan to review. Again, that’s atextual. Even if the Court were to get past the

bright-line cutoff, there is no way for Abublakan to show no SLRRFF exists. *See Zadvydas*, 533 U.S. at 689. At this point, ICE is working toward removal “the reasonably foreseeable future.” *See id.* ICE is actively trying to remove to Saudi Arabia. ICE now believes SLRFF exists. Exh. 2 at 3. There are no allegations—much less evidentiary support—to rebut ICE’s SLRRFF determination.

What’s more, Abublakan makes no effort to show his cooperation or assistance in securing travel documents. *See* Exh. 2 at 2. “*Zadvydas* does not save an alien who fails to provide requested documentation to effectuate his removal.” *Pelich v. INS*, 329 F.3d 1057, 1060 (9th Cir. 2003). “The reason is self-evident: the detainee cannot convincingly argue that there is no [SLRRFF] if the detainee controls the clock.” *Id.* In sum, a *Zadvydas* claim fails if petitioner holds the “keys to his freedom in his pocket and could likely effectuate his removal by providing the information requested by” ICE. *Id.* (cleaned up). The Eleventh Circuit recognizes these commonsense principles. *Singh v. U.S. Att’y General*, 945 F.3d 1310, 1314 (11th Cir. 2019). Specifically, it reads the plain language of § 1231(a)(1)(C) for what it says—extending the detention period if the alien “fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure.” *Id.* (citation omitted). If an alien withheld travel documents needed for removal in bad faith, detention continues. *Id.*

Again, there is no indication that Abublakan has done anything to affect his removal. For decades, Abublakan committed violent felonies in this while DHS tried unsuccessfully to execute that removal. Now, ICE believes there is SLRRFF, asked

for comprehensive documentation and information to assist, yet nothing indicates Abublakan has helped. Until he does so, there is no *Zadvydas* claim.

Conclusion

Based on the arguments set forth herein, this Court should deny Abublakan's Petition (again). To the extent that the Court grants any relief, the only proper relief would be whatever notice and hearing requirement it believes proper—not outright release.

Date: March 31, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 31, 2026, a true and correct copy of the foregoing application was sent by United States Mail to Petitioner at the Alligator Alcatraz address and to the address listed on the priority envelope (see ECF 1 at pp. 1 and 8).

/s/Kelley C. Howard-Allen
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Assistant United States Attorney