

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

**TAHER MOHAMMED TAHER
HASAN,**

Petitioner-Plaintiff,

v.

Case No. 4:25-cv-3990

KRISTI NOEM, in her official
capacity as Secretary of the United
States Department of Homeland
Security; **PAMELA BONDI**, in her
official capacity as Attorney General of
the United States; **TODD LYONS**, in
his official capacity as Acting Director
of Immigration and Customs
Enforcement; **BRET BRADFORD**, in
his official capacity as ICE Houston
Field Office Director; and **RAYMOND
THOMPSON**, in his official capacity
as Warden of Joe Corley Processing
Center,

Respondents-Defendants.

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

Taher Mohammed Taher Hasan ("Mr. Hasan" or "Petitioner"), by and through the undersigned counsel, hereby files this petition for a writ of habeas corpus, complaint for declaratory and injunctive relief, and accompanying motion for a preliminary injunction to enjoin Respondents-Defendants from deporting him from the United States in violation of the Immigration and Nationality Act ("INA") and to

secure his release from indefinite detention in violation of the INA and U.S. Constitution.

INTRODUCTION

1. Mr. Hasan is a 22-year-old Palestinian who has been detained for 16 months by Respondents-Defendants at the Joe Corley Processing Center in Conroe, Texas. Neither the INA nor the Constitution tolerates indefinite detention. All efforts to remove Mr. Hasan to any country have failed, and because “there is no significant likelihood of removal in the reasonably foreseeable future,” he must be released. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

2. Respondents-Defendants may seek to evade this result by attempting to remove Mr. Hasan to a country not authorized by statute—contrary to *Jama v. ICE*, 543 U.S. 335 (2005), and the four-step removal framework set forth in 8 U.S.C. § 1231. To prevent such unlawful action, this Court should not only order Mr. Hasan’s release but also stay his removal unless and until the government identifies a statutorily authorized country of removal, demonstrates that removal is significantly likely, and provides Mr. Hasan an opportunity to present any claim of fear of persecution or torture with respect to that country before removal is executed.

JURISDICTION & VENUE

3. This action arises under the Suspension Clause, Art. I, § 9, cl. 2, and the Fifth Amendment to the United States Constitution, the Administrative Procedure Act (“APA”), 5 U.S.C. § 551 *et seq.*, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 5 U.S.C. § 702 (APA), and Art. 1, § 9, cl. 2 of the United States Constitution (the Suspension Clause).

5. This Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 2241 because Petitioner is detained in the Joe Corley Processing Center in Conroe, Texas, within the Southern District of Texas, Houston Division.

PARTIES

7. **Petitioner-Plaintiff Taher Mohammed Taher Hasan** is a 22-year-old who was born in Nablus, in the West Bank of the Palestinian Territories, in 2002. He was lawfully admitted to the United States on or about September 2023, at the age of twenty. On or about March 2024, Mr. Hasan was working as a locksmith in Texas and called to assist a client who was locked out of their car at a military base in Waco (Mr. Hasan does not recall which base). Upon attempting to enter the army base through the official checkpoint, he was arrested, detained, and transferred to the custody of immigration authorities. He was placed into immigration proceedings before an immigration judge, who ordered him removed. At the time of this filing, he has been detained by ICE for 16 months.

8. **Respondent-Defendant Kristi Noem** is named in her official capacity as the Secretary of the Department of Homeland Security ("DHS"). In this capacity, she is charged with the administration of the immigration laws under 8 U.S.C. §

1103(a), bears legal responsibility for Petitioner's detention and removal, and thus serves as a custodian of Mr. Hasan.

9. **Respondent-Defendant Pamela Bondi** is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g), and as such is a custodian of Mr. Hasan.

10. **Respondent-Defendant Todd Lyons** is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). As the senior official performing the duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws and is legally responsible for pursuing any effort to remove Mr. Hasan and to confine him pending removal. As such, he is a custodian of Mr. Hasan.

11. **Respondent-Defendant Bret Bradford** is named in his official capacity as Director of the ICE Houston Field Office in Houston, Texas. In this capacity, he is responsible for the execution of immigration confinement and the institution of removal proceedings within South Texas, in which Mr. Hasan is confined. As such, he is a custodian of Mr. Hasan.

12. **Respondent-Defendant Raymond Thompson** is named in his official capacity as the Warden of Joe Corley Processing Center. In this capacity, he oversees the daily administration of the detention center in which Mr. Hasan is in custody. As such, he is the immediate custodian of Mr. Hasan.

STATEMENT OF FACTS

Mr. Hasan's Background and Arrival in the United States

13. Mr. Hasan was born in Nablus, in the West Bank of the Palestinian Territories, on October 31, 2002. His mother and father are Palestinian. For many generations, his family has farmed an olive grove in Nablus. While residing in the West Bank, Mr. Hasan studied Information Technology at Al-Quds University. ICE's Record of Deportable Noncitizen, Form I-213, refers to Mr. Hasan as "stateless." See Exh. A at 4.

14. In September 2023, at the age of twenty, Mr. Hasan traveled to the United States on a valid non-immigrant B1/B2 visitor's visa, granted by the U.S. Government based on documentation he provided from the Palestinian Authority. He traveled from Palestine to Jordan, stopping en route in Dubai, U.A.E. Upon arrival in the United States, he was inspected by Customs and Border Protection ("CBP") at the Orlando International Airport in Orlando, Florida, and lawfully admitted.

15. Mr. Hasan's intention on traveling to the United States was to visit his cousin in Florida. However, shortly after Mr. Hasan arrived in the United States, Hamas launched the attacks of October 7, 2023, and the Israeli government initiated its ongoing military campaign. As the violence escalated and the humanitarian situation in Palestine worsened, Mr. Hasan became fearful of returning to Palestine, where he faced a substantial likelihood of being killed or tortured by the government of Israel on account of his status as a Palestinian.

16. Fearful of returning to Palestine, Mr. Hasan travelled to Texas where he stayed with friends. On or about March 2024, his visa expired. Shortly thereafter, while working as a locksmith in the Waco, Texas area, Mr. Hasan was called to assist a client who had been locked out of their vehicle. Unbeknownst to Mr. Hasan, the client was located within a local military base, and after complying with a checkpoint officers' requests for identification, Mr. Hasan was arrested.

17. He was transferred to ICE custody and DHS initiated removal proceedings against him. Upon information and belief, Mr. Hasan designated Palestine as the country of removal, but also sought asylum, protection under the Convention Against Torture and statutory withholding of removal from Palestine.

18. Although Mr. Hasan attempted to retain an attorney to represent him before the Immigration Judge ("IJ"), it is unclear when counsel made an appearance in his case and what steps he took in his defense. His applications for relief were denied. On or about September 23, 2024, an IJ ordered Mr. Hasan removed to Palestine. The removal order became final on October 23, 2024—30 days after the order was issued, because Mr. Hasan did not appeal the IJ's decision to the Board of Immigration Appeals. 8 C.F.R. § 1241.1. Mr. Hasan has been detained for 10 months since this latter date.

19. Upon information and belief, Respondents-Defendants have not asked Mr. Hasan to apply for travel documents from Palestine, Israel or any other country that may fall under steps one, two or three of the statutory removal framework explained by the Supreme Court in *Jama*.

20. Notably, ICE maintained Mr. Hasan's detention despite having no authority to remove him pursuant to a Deferred Enforced Departure program for Palestinians

Mr. Hasan's Conditions of Confinement

21. In the sixteen months since Mr. Hasan was first detained, ICE has proved unable to secure travel documents that would permit his removal. During his detention he has been subjected to inhumane and degrading conditions of confinement. Most concerning, despite his young age and lack of criminal convictions, Mr. Hasan has been segregated from the general population and placed in a high-security holding area where he is in constant, imminent danger of being physically assaulted or abused by cellmates with long criminal records.

22. Upon information and belief, in or around March 2024, Mr. Hasan was woken up at 3:30 in the morning, driven to an off-site location and interrogated by officers who identified themselves as agents from the Federal Bureau of Investigation ("FBI"). For roughly 5-6 hours, Mr. Hasan was questioned about his political affiliations and was asked whether he would become an informant and report to authorities about the activities of his friends and family in the West Bank. Officers asked Mr. Hasan to name all the members of his immediate family. They told Mr. Hasan, "We can help you if you help us," but Mr. Hasan repeated that he was not political, did not attend any political meetings, did not belong to any political organization and had no information to impart. Officers told Mr. Hasan they were not planning to charge him with any crimes for his attempt to enter the military base.

23. Soon after returning him to the detention facility, Respondents transferred Mr. Hasan to a high security part of the prison in retribution for his refusal to become an informant.

24. Conditions in the high security detention facilities are far worse than those in the general population facilities. Mr. Hasan now wears a "red shirt" and is housed with other "red shirts," who consist of men who are separated from the general population due to the risk of violence, assault or other forms of abuse. He lives in constant fear of being assaulted by his cell mates, who grow angry at him when he prays. He keeps entirely to himself for fear of bringing any attention to himself to avoid being subject to physical attack. He has witnessed multiple fights between inmates, including a fight in July 2025 in which two inmates punched and kicked each other in the common sleeping area for thirty minutes until guards intervened.

25. In the high-security detention area, there are regularly cockroaches and bugs on the floor, walls and beds. Food must be consumed very rapidly before bugs render the food inedible. There are twelve men sleeping on bunks in his room and they share one toilet and one shower.

26. Mr. Hasan has been the victim of repeated racial and religious abuse at the hands of guards. During the holy month of Ramadan, in March 2025, several Muslim detainees, including Mr. Hasan, complained to Respondent Thompson, as Warden of Joe Corley Processing Center, that there was inadequate food at breakfast and dinner, given the detainees' need to fast from sun-up to sun-down. In response, Respondent Thompson told the Muslim Detainees, "Why don't you convert to

Christianity?” When Mr. Hasan asked a guard if he could be taken to Friday prayer, the guard responded, “I’m not taking you, I don’t have time for your God.” Guards repeatedly mock Mr. Hasan and his fellow detainees for speaking English with accents.

27. Since the beginning of his detention, Mr. Hasan has struggled to receive necessary medical attention. He has outdated lenses in his glasses which make it difficult to see, but despite asking repeatedly for a medical examination, he has not been allowed to see an optician. He has suffered from a toothache that causes pain on the left side of his mouth for several months but has not been allowed to see a dentist. When he asks when he will be allowed to see a dentist, he is not given a clear answer.

28. The impact of these conditions on Mr. Hasan’s long-term mental well-being is exacerbated by the extraordinary hardship his family is enduring in Palestine. While Mr. Hasan has been detained, his family has suffered a series of disasters caused by Israeli military operations in the occupied West Bank. On or about October 2024, the Israeli military exploded grenades in the family’s olive grove, destroying trees and depriving the family of their livelihood. On or about December 2024, one of his cousins was killed by an Israeli soldier who shot him through the window of his family home despite his non-combatant status. Around the same time, another of Mr. Hasan’s cousins, a 12-year-old girl, was shot in the head by an Israeli soldier while in the car en route to a medical appointment. Also, on or about December 2024, members of the Israeli military entered Mr. Hasan’s family home in Nablus, beating his father with their fists and his 17-year-old brother with rifle butts. Israeli

soldiers also ransacked the house, smashing tables, the television and other furniture.

Respondents' Recent Attempt to Deport Mr. Hasan

29. Defendants have been unable to remove Mr. Hasan from the United States for ten months since his removal order became final. On or about June 6, 2025, Mr. Hasan and roughly 25 other Palestinian detainees were taken out of Joe Corley Processing Center, placed in hand and leg restraints and transported to Dallas, where they were held in a detention center close to an unknown airport. At the airport, individuals who were wearing military fatigues and carrying weapons guarded the detainees. At this time, Mr. Hasan was protected from removal by Deferred Enforced Departure.

30. Mr. Hasan and other detainees were taken near an airplane that had the word "Oman" on the fuselage. The plane's engines were running. The Palestinian detainees repeatedly asked ICE officers whether they were being removed—and if so, to where—but officers refused to answer.

31. At one point in the transportation process, Mr. Hasan overheard one ICE officer say to another that the Palestinian detainees were being deported to Israel, even though this was not the country Respondents-Defendants designated in the Notice to Appear. Exh. A at 2.

32. Mr. Hasan heard another Palestinian detainee tell an ICE officer that he was afraid of being sent to Israel given the risk of death at the hands of the Israeli

military or mistreatment by its government and laws. Mr. Hasan heard the officer tell the detainee he did not care about the detainee's fear.

33. ICE officers then began the boarding process. Individuals from Africa and Latin America boarded first, and when it came time for the Palestinians to board, ICE officers stopped them and told them, "You aren't going." Mr. Hasan and the other Palestinian detainees were then returned to ICE detention facilities.

34. ICE has made no physical attempt to remove him since.

LEGAL FRAMEWORK

Detention Authority

35. The statutory framework for removing individuals with final removal orders apprehended within the United States is found at 8 U.S.C. § 1231. Section 1231(a)(1) provides that non-citizens who have been issued final removal orders must be removed within 90 days, whereupon they must be released on supervision, subject to limited exceptions. § 1231(a)(1)(A)-(C).

Country-of-Removal Selection Process

36. Determining whether there is a significant likelihood of removal in the reasonably foreseeable depends on the government's ability to timely execute removal to a country permitted by the statutory scheme laid out in 8 U.S.C. §1231(b)(2).

37. The INA "provides four *consecutive* removal commands." *Jama v. ICE*, 543 U.S. at 341 (emphasis added). These commands must be followed in the order they are listed in the statute, and the government may not skip steps in the process. *Id.* The four steps are as follows:

38. First, “[a non-citizen] shall be removed to the country of his choice” pursuant to 8 U.S.C. § 1231(b)(2)(A) unless the non-citizen “fails to designate a country promptly,” § 1231(b)(2)(C)(i), or if the country is unwilling to accept the non-citizen, does not indicate its willingness to accept the non-citizen within 30 days of inquiry, or the Attorney General determines that removing the non-citizen to the country “is prejudicial to the United States.” § 1231(b)(2)(C)(ii)-(iii).

39. Second, if no country satisfies Step One, the non-citizen “shall” be removed “to a country of which the [non-citizen] is a subject, national, or citizen” unless the country is unwilling to accept the non-citizen or does not indicate whether it will accept the non-citizen within 30 days of inquiry, or an otherwise reasonable period. § 1231(b)(2)(D)(i)-(ii).

40. Third, if no country satisfies Steps One or Two, the Attorney General “shall” remove the non-citizen to “any of the following countries: (i) [t]he country from which the [non-citizen] was admitted to the United States[,] (ii) [t]he country in which is located the foreign port from which the [non-citizen] left for the United States or for a foreign territory contiguous to the United States[,] (iii) [a] country in which the [non-citizen] resided before the [non-citizen] entered the country from which the [non-citizen] entered the United States[,] (iv) [t]he country in which the [non-citizen] was born[,] (v) [t]he country that had sovereignty over the [non-citizen’s] birthplace when the [non-citizen] was born[or], (vi) [t]he country in which the [non-citizen’s] birthplace is located when the [non-citizen] is ordered removed.” § 1231(b)(2)(E)(i)-(vi).

41. Finally, if no country satisfies these three steps, and if it is “impracticable, inadvisable or impossible” to remove the non-citizen to any country in Step Three, the Attorney General may remove the non-citizen to “another country whose government will accept the [non-citizen] into that country.” § 1231(b)(2)(E)(vii).

Limitations on Detention Under 8 U.S.C. § 1231

42. The Supreme Court has “read an implicit limitation” into the statute “in light of the Constitution’s demands,” and has held that a non-citizen may be detained only for “a period reasonably necessary to bring about that [non-citizen’s] removal from the United States.” *Zadvydas*, 533 U.S. at 689. According to the Court, a period reasonably necessary to bring about the non-citizen’s removal from the United States is presumptively six months. *Id.* at 701. But detention is only lawful “*until* it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* (emphasis added). When there is not a significant likelihood of removal in the reasonably foreseeable future, any continued detention is unlawful.

Limitations on Countries of Removal Under 8 U.S.C. § 1231

43. The determination of whether there is a significant likelihood of removal in the reasonably foreseeable future depends on the government’s ability to locate a country that will accept the non-citizen through the process laid out in 8 U.S.C. § 1231(b)(2).

44. Regardless of which country is identified pursuant to § 1231(b)(2), “the Attorney General may not remove a[non-citizen] to a country if the Attorney General decides that the [non-citizen’s] life or freedom would be threatened in that country

because of the [non-citizen's] race, religion, nationality, membership in a particular social group, or political opinion" subject to certain exceptions to individuals deported on grounds not applicable here. 8 U.S.C. § 1231(b)(3)(A)-(B).

45. Section 1231(b)(3)(C) explains that "[i]n determining whether a [non-citizen] has demonstrated" that their "life or freedom would be threatened for a reason described in subparagraph (A), the trier of fact shall determine whether the [non-citizen] has sustained" their "burden of proof, and shall make credibility determinations, in the manner described in clauses (ii) and (iii) of section 1158(b)(1)(B) of this statute." The latter provisions specify that an applicant's burden may be satisfied by their own credible testimony. 8 U.S.C. § 1158(b)(1)(B)(ii)-(iii).

CAUSES OF ACTION

Count I: Fifth Amendment Substantive Due Process

28 U.S.C. § 2241; U.S. Const. amend. V.

46. Petitioner realleges and incorporates by reference each and every allegation contained above.

47. The Due Process Clause of the Fifth Amendment provides that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V.

48. The "Due Process Clause applies to all persons within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 690. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.*

49. Detention for non-criminal purposes is only allowed “in narrow nonpunitive circumstances, where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* (internal quotations and citations omitted). With respect to immigration detention, the Supreme Court has recognized two special justifications: preventing flight risk and preventing danger to the community. *See id.* “[B]y definition, the first justification—preventing flight—is weak or nonexistent where removal seems a remote possibility at best.” *Id.*

50. The Supreme Court has held that the INA “limits a[non-citizen’s] post-removal period detention to a period reasonably necessary to bring about that [non-citizen’s] removal from the United States. It does not permit indefinite detention.” *Id.* at 689; *see id.* at 699 (“Whether a set of circumstances amounts to detention within, or beyond, a period reasonably necessary to secure removal is determinative of whether the detention is, or is not, pursuant to statutory authority.”).

51. “[I]f removal is not reasonably foreseeable, the [habeas] court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699. This rule applies to both once-lawful permanent residents and inadmissible non-citizens. *See Clark v. Martinez*, 543 U.S. 371, 378 (2005).

52. Mr. Hasan has been detained for 16 months and counting, and his final removal order became final ten months ago in October 2024. 8 C.F.R. § 1241.1. Since October 2024, ICE has not been able to remove him from the United States. To the extent ICE tried in June 2025—two months after the presumptively reasonable six-

month period had lapsed—it was clearly unable to secure acceptance by the country to which they attempted to remove him.

53. Respondents-Defendants' continued detention of Mr. Hasan no longer "bears a reasonable relation" to any legitimate, nonpunitive government purpose. *Id.* at 690 (cleaned up). He has been detained for almost twice the presumptive six-month limit set by the Court in *Zadvydas*, and the government's only attempt to remove him in that period was unsuccessful. Respondents-Defendants clearly have not met their burden to establish a significant likelihood of removal in the reasonably foreseeable future.

54. After 16 months, it is clear that Mr. Hasan's removal is not significantly likely in the reasonably foreseeable future. As such, his continued detention is "unreasonable and no longer authorized by statute." *Id.* at 699.

55. Because Respondents-Defendants have custody over Mr. Hasan in violation of his Fifth Amendment rights, the Court should issue a writ of habeas corpus directing Respondents-Defendants to release him to safeguard his constitutional liberties.

Count II: Administrative Procedure Act
5 U.S.C. § 706; 8 U.S.C. § 1231(b)(2)

56. Petitioner realleges and incorporates by reference each and every allegation contained above.

57. Respondents-Defendants have violated the four-step process laid out by Congress in §1231(b)(2) in several ways. *See Jama*, 543 U.S. at 431.

58. Mr. Hasan designated “Palestine” as the country of removal. The designation, made at the initiation of removal proceedings, was “prompt.” See 8 U.S.C. § 1231(b)(2)(C)(i).

59. Under the statutory framework, Mr. Hasan’s designation of Palestine triggered Respondents-Defendants’ statutory obligation to communicate with the government of the Palestinian Authority as to whether it “will accept” Mr. Hasan “into” Palestine. Palestine is the only country in Step One of the *Jama* four-step process.

60. Respondents-Defendants have not established that they made any attempt to communicate with the Palestinian Authority as to whether it would “accept” Mr. Hasan. Until Respondents-Defendants establish that they did communicate with the Palestinian Authority and that the Palestinian Authority failed to indicate its willingness to accept Mr. Hasan within 30 days of the inquiry, it may not execute a final removal order to *any* country under Steps Two through Four of the *Jama* process.

61. Even if Respondents-Defendants had attempted to contact the Palestinian Authority, they still may not remove Mr. Hasan to Israel until they have attempted to communicate with the countries through which Mr. Hasan traveled to arrive in the U.S. in September 2023: Jordan and the United Arab Emirates. See *id.* § 1231(b)(2)(E)(i). Under the *Jama* analysis, efforts must be made to remove to these two countries *before* Respondents-Defendants may attempt to remove Mr. Hasan to Israel. Without having attempted to contact the Palestinian Authority or the

governments of Jordan or the UAE, removal to Israel would violate § 1231 as interpreted by the Supreme Court in *Jama*.

62. Removing Mr. Hasan to Israel, or through Israel to any other country (including the Palestinian Territories), would not cure the violations *supra*. The Palestinian Territories qualify as a separate “foreign state” from Israel under the INA which defines “country” or “foreign state” as follows: “The term ‘foreign state’ includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.” 8 U.S.C. § 1101(a)(14).

63. The United States treats the Palestinian Territories as a “foreign state” for visa purposes, granting travel documents to individuals in the West Bank as well as to individuals in Gaza if “verified by the Palestinian Authority in the West Bank.”¹ Additionally, the Foreign Affairs Manual (“FAM”) acknowledges that the United States government does not recognize Israeli sovereignty over the West Bank: “U.S. policy recognizes that Jerusalem, the West Bank, and the Gaza Strip are territories whose final status must be determined by negotiations.” 8 FAM 403.4-4. The Foreign Affairs Manual makes clear that residents of the West Bank are not to be issued travel documents from Israel. *Id.* (“Do not list Israel for persons born in . . . the West Bank.”).

¹ See U.S. Dep’t of State, *U.S. Visa Reciprocity and Civil Documents by Country: Israel, Jerusalem, the West Bank and Gaza*, available at: <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Israel.html>.

64. As such, the Palestine Territories and Israel are considered “separate foreign states” under the INA, and any communication Respondents-Defendants may have had with the Israeli government about removing Mr. Hasan would not satisfy the need under Step One of the *Jama* analysis to communicate with the Palestinian Authority before it can move on to remove Mr. Hasan to any other country under Steps Two through Four, because Mr. Hasan designated Palestine as his country of removal under § 1231(b)(2)(A) and Respondents-Defendants listed Palestine as the country of removal in the Notice to Appear.

65. Finally, Respondents-Defendants at no point provided Mr. Hasan with an opportunity—guaranteed by § 1231(b)(3)—to express a fear of being removed to Israel or any other country. Removal cannot be lawfully secured to any country without granting Mr. Hasan the opportunity to establish eligibility for statutory withholding of removal. If, after properly establishing they have followed the statutory framework pursuant to *Jama*, Respondents-Defendants should elect to attempt to remove Mr. Hasan to any other country, they must provide him with adequate notice and time to apply for withholding of removal.

66. Respondents-Defendants have the burden to establish that they are following the statutory framework. They have failed to do so here. They therefore may not remove Mr. Hasan without demonstrating that they are following the law.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;

- (2) Issue a Writ of Habeas Corpus requiring Respondents-Defendants to release Petitioner forthwith;
- (3) Order Respondents to state which country they plan to remove Petitioner;
- (4) Enjoin Respondents from failing to provide Petitioner with his statutory right to express fear of returning to any country of removal under 8 U.S.C. § 1231(b)(3);
- (5) Order Respondents to state whether they have communicated with the Palestinian Authority or any other country as to whether they will accept Petitioner as required under 8 U.S.C § 1231(b)(2)(A);
- (6) Order Respondents to return Petitioner from the high-security population to the general detainee population;
- (7) Award Petitioner costs and reasonable attorneys' fees in this action pursuant to the Equal Access to Justice Act, as amended, 28 U.S.C. § 2412, and on any other basis justified by law; and
- (8) Grant any other and further relief that this Court may deem fit and proper.

Dated: August 22, 2025

Respectfully Submitted,

/s/ Eric Lee

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner-Plaintiff because I am one of Petitioner-Plaintiff's attorneys. I have discussed with Petitioner-Plaintiff the events described in this Petition. Based on those discussions, I hereby verify that the factual statements in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 22nd day of August 2025.

/s/ Eric Lee

Eric Lee

Attorney for Petitioner-Plaintiff Taher

Mohammed Taher Hasan