

order his release from indefinite detention in violation of the Immigration and Nationality Act (“INA”) and U.S. Constitution.

INTRODUCTION

1. Mr. Alsheref has lived in the United States since 1998, during which time he has helped raise his three U.S. citizen children, married his U.S. citizen wife, and started a successful auto repair shop in Dallas, Texas. In 2006, he was convicted of a non-violent drug-related offense and began a 32-month prison term. He was released early for good behavior. On April 2, 2008, Petitioner was ordered removed to Libya and detained by Immigration and Customs Enforcement (“ICE”) for around 90 days but was released in or around July 2008 on an Order of Supervision (“OSUP”) following a determination by Respondents-Defendants that it was not significantly likely he would be removed from the United States in the reasonably foreseeable future, and that his continued detention would therefore be unlawful under the Supreme Court’s holding in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

2. On July 26, 2025, under two months since his most recent ICE check-in on or around June 1, Mr. Alsheref was re-detained under an apparent new policy, whereby Respondents-Defendants systematically re-detain individuals on OSUP without either (a) determining that there is a significant likelihood that individuals on OSUP will be removed in the reasonably foreseeable future as required by the Supreme Court’s *Zadvydas* ruling, or (b) satisfying regulatory requirements that re-detention be predicated on a determination that changed conditions render their removal more foreseeable than when they were released on OSUP in the first place.

3. On or about August 22, 2025, and apparently pursuant to a new policy, ICE subsequently initiated the process for attempting to remove Mr. Alsheref to Israel, although Mr. Alsheref is not a citizen of Israel and the likelihood that Israel will issue a travel document to a stateless Palestinian is close to zero. The Palestinian Authority has also stated it will not grant him a travel document.

4. This Court can order Mr. Alsheref's release because Defendants-Respondents lack authority to detain individuals unless they can establish there is a substantial likelihood of removal in the reasonably foreseeable future, *Zadvydas*, 533 U.S. at 701, and because Defendants-Respondents revoked Mr. Alsheref's OSUP without following the appropriate procedures in violation of the Administrative Procedure Act and the *Accardi* doctrine.

JURISDICTION & VENUE

5. This action arises under the Suspension Clause, U.S. Const., 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 INA, 8 U.S.C. § 1101 *et seq.*

6. 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).

7. 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.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 2241 because Petitioner is detained at Bluebonnet Detention Center in Anson, Texas, within the Northern District of Texas.

PARTIES

9. **Petitioner-Plaintiff Mohamed Nader Alsheref** is a 44-year-old longtime U.S. resident of Palestinian descent. He was born in 1981 in Libya, and his birth certificate lists him as a “foreigner.” Exh. A. After fleeing Libya, Ms. Alsheref and his family lived in Egypt for 17 years. He entered the United States lawfully on a valid F-1 student visa in 1998. His application for Lawful Permanent Residency was denied based on a 2005 conviction for conspiracy to possess marijuana with intent to distribute. He has three U.S. citizen children from a prior marriage and is presently married to a U.S. citizen. Upon completing his criminal sentence and subsequent 90-day immigration detention, he was released by ICE and placed on OSUP based on a lack of likelihood of removability. On July 26, 2025, he was re-detained by ICE and is presently detained at Bluebonnet Detention Facility.

10. **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 responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); is legally responsible for pursuing any effort to confine and remove Petitioner; and as such is a custodian of Mr. Alsheref.

11. **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. Alsheref.

12. **Respondent-Defendant Todd Lyons** is named in his official capacity as Acting Director of 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. Alsheref and to confine him pending removal. As such, he is a custodian of Mr. Alsheref.

13. **Respondent-Defendant John Johnson** is named in his official capacity as Acting Director of the ICE Dallas Field Office in Dallas, Texas. In this capacity, he is responsible for the execution of immigration confinement and the institution of removal proceedings within North Texas, in which Mr. Alsheref is confined. As such, he is a custodian of Mr. Alsheref.

14. **Respondent-Defendant Marcelo Villegas** is named in his official capacity as the Warden of Bluebonnet Detention Facility. In this capacity, he oversees the daily administration of the detention center in which Mr. Alsheref is in custody. As such, he is the immediate custodian of Mr. Alsheref.

STATEMENT OF FACTS

Background

15. Mr. Alsheref's parents are stateless Palestinians born in Libya and Egypt. Mr. Alsheref was born in 1981 when his parents were residing as foreigners in Libya. Mr. Alsheref then moved to Egypt where he lived for 17 years. In 1998, he travelled to the United States on an F-1 student visa and began attending school.

16. Mr. Alsheref applied for Lawful Permanent Residency, but his application was denied based on a 2005 conviction for conspiracy to possess marijuana with intent to distribute. Upon release from criminal detention, he was placed in ICE detention and was detained for roughly 90 days.

17. ICE released Mr. Alsheref after failing to secure travel documents from any country, including Libya, Egypt, and Jordan.

18. Over the course of his time in the U.S., Mr. Alsheref has raised three U.S. citizen children and is presently married to a U.S. citizen.

19. Mr. Alsheref has a pending U-visa application stemming from his cooperation with police following an armed robbery attempt against him in March 2025. During the incident, a disgruntled customer held a gun to Mr. Alsheref's head and pistol whipped him multiple times.

20. As a result of his injuries, Mr. Alsheref requires spinal surgery. Due to his detention, Mr. Alsheref was unable to attend his surgery appointment. It is unclear if or when Mr. Alsheref will be permitted to undergo the surgery he needs.

The Revocation of Mr. Alsheref's Order of Supervision

21. Mr. Alsheref has been on supervision for 17 years. He's never missed an ICE check-in or otherwise violated the terms of his supervision.

22. On July 26, 2025, while Mr. Alsheref was stopping at his office with his family on their way to Galveston, Texas, ICE agents suddenly detained him.

23. Upon his arrival at a Dallas ICE facility, Mr. Alsheref asked an agent why he was being re-detained. The agent responded that he did not know. He went

on to say, “I don’t know what to do with you. I see here no Egypt, no Jordan,” referring ICE’s previous failure to secure travel documents for Mr. Alsheref. The agent posited that perhaps ICE would send him to “some country in Africa.” He shrugged his shoulders and said, “we’ll try.”

24. At no point did any ICE officer either inform Mr. Alsheref of any changed circumstances that increased the likelihood of his removal or provide him an opportunity to respond. Indeed, the agent who processed Mr. Alsheref affirmatively disclaimed any actual changed circumstances that could have justified his re-detention.

25. In September 2025, ICE directed Mr. Alsheref, a stateless Palestinian, to request travel documents to Israel.

LEGAL FRAMEWORK

Detention Authority

26. 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. § 1231(a)(1)(A)-(C).

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

27. 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 v. Davis*, 533 U.S. 678, 689 (2001).

28. 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.

Process for Revoking Orders of Supervision

29. Non-citizens released following the 90-day “removal period” are “subject to supervision under regulations prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3). The regulation relevant to supervised release on the basis that there is no significant likelihood of removal in the reasonably foreseeable future is found at 8 C.F.R. § 241.13.

30. Release under an order of supervision can be revoked for two reasons: (a) the non-citizen has violated a condition of release, 8 C.F.R. §241.13(h)(4)(i)(1), or (b) ICE determines that “on account of changed circumstances, . . . there is a significant likelihood that the [non-citizen] may be removed in the reasonably foreseeable future.” *Id.* § 241.13(h)(4)(i)(2).

31. When ICE revokes an order of supervision, it must notify the non-citizen “of the reasons for revocation” and “promptly . . . afford the [non-citizen] an

opportunity to respond to the reasons for revocation stated in the notification.” *Id.* § 241.13(h)(4)(i)(3).

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

32. Pursuant to 8 U.S.C. § 1231(b)(3), the government “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.” § 1231(b)(3)(A).

33. Section 1231(b)(3)(C) explains that “[i]n determining whether a [noncitizen] 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).

Recent Removals of Individuals of Palestinian Descent to Israel

34. Upon information and belief, the government has initiated a policy of deporting individuals of Palestinian descent to Israel.

35. In September, a 22-year-old Palestinian detainee was handcuffed and transported from Joe Corley Processing Center in Conroe, Texas via commercial flight to Tel Aviv. Once on the ground in Israel, he was transferred into the custody of the

Israeli military, taken to the border with the West Bank, and dropped there without any formal transfer to Palestinian officials. The detainee asked how he was supposed to get to his home roughly 50 miles away and was told to “walk.” Upon information and belief, this “removal” was conducted without any coordination with the government of the West Bank, the Palestinian Authority.

36. Upon information and belief, another Palestinian detainee was also transferred from the Joe Corley Processing Center and flown to Israel accompanied by ICE agents earlier this summer. The individual was also transferred into the custody of the Israeli military at an airport in Israel and driven to a checkpoint at the border with the West Bank. Upon information and belief, once dropped off at the border, Israeli soldiers told the individual he had ten seconds to run before they would shoot him.

37. 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). 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

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>.

38. 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.”). As such, the Palestine Territories and Israel are considered “separate foreign states” under the INA, and the government may not end-run 8 U.S.C. § 1231’s removal process by removing an individual “through” a non-designated country.

CAUSES OF ACTION

Count I: Fifth Amendment Substantive Due Process

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

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

40. 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.

41. 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.*

42. 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.*

43. 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.”).

44. “[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).

45. Respondents-Defendants have proven unsuccessful at removing Mr. Alsheref for over almost two decades. As a stateless individual, Mr. Alsheref is not a citizen of any country and, as such, every country to which the government has sought to remove him has refused to accept him. The government has not demonstrated any

reason to expect this to change in the reasonably foreseeable future. As such, his continued detention is unlawful.

46. Because Respondents-Defendants have custody over Mr. Alsheref 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: Violation of the INA and Implementing Regulations
28 U.S.C. § 2241; 5 U.S.C. § 706(2); 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.4(l)

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

48. The APA permits judicial review of agency actions. 5 U.S.C. § 702. It further empowers courts to “hold unlawful and set aside agency action[s]” that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; [or] without observance of procedure required by law[.]” 8. U.S.C. § 706(2)(A)-(C).

49. The APA also empowers a reviewing court to “hold unlawful and set aside agency actions, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 702(2)(D).

50. Administrative agencies must abide by their own regulations. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

51. Respondents-Defendants revoked Mr. Alsheref’s order of supervision without determining that changed circumstances render his removal significantly

likely in the reasonably foreseeable future and failed to provide him with notification for the reasons for the revocation or an opportunity to respond, as required by 8 C.F.R. § 241.4(l).

52. Having failed to provide Mr. Alsheref with the process mandated by its own regulations, the government revoked his supervision order in violation of his due process rights, rendering the revocation invalid.

53. Furthermore, as a stateless person, Mr. Alsheref is not a citizen of any country. For almost two decades, the government has been unable to remove Mr. Alsheref.

54. These circumstances have not changed, and Mr. Surovtsev's removal is therefore not possible.

55. Because Mr. Alsheref's removal is not significantly likely in the reasonably foreseeable future, the revocation of his supervision order and re-detention violate the government's own regulations.

Count III: Fifth Amendment Procedural Due Process
28 U.S.C. § 2241; U.S. Const. amend. V

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

57. The Fifth Amendment demands that determinations to revoke orders of supervision comport with due process.

58. To comport with due process, the regulations governing revocation of a release must be construed to require an individualized showing as to why the earlier assessment justifying the individual's release has changed, such that detention is

now necessary to serve a legitimate purpose. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1200-06 (N.D. Cal. 2017) (where unaccompanied minor was previously found not to be dangerous or flight risk, due process requires that he or she “cannot reasonably be rearrested absent a material change in circumstances” and “a prompt hearing in which the government must show that these changed circumstances exist”), *aff’d*, 905 F. 3d 1137 (9th Cir. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383, 386-89 (D. Mass. 2017) (despite wide latitude to detain citizens with final orders of removal, ICE does not have “carte blanche to re-incarcerate someone without basic due process protection”); *Matter of Sugay*, 17 I. & N. Dec. 6737, 640 (B.I.A. 1981) (requiring changed circumstances to justify re-detention of individual previously released on bond by immigration judge). *See also Zinermon v. Burch*, 494 U.S. 113, 135-39 (1990) (specifying three factors for assessing when Fifth Amendment requires predeprivation process for a civil deprivation of liberty: (1) whether the governmental interest in the deprivation is unpredictable, (2) whether predeprivation process is impossible, and (3) whether the deprivations result from “unauthorized” conduct); *id.* at 139 (“This case does not present the special instance of the *Mathews* due process analysis where postdeprivation process is all that is due because no predeprivation safeguards would be of use in preventing the kind of deprivation alleged.”); *Chhoeun v. Marin*, No. 17-cv-1898, 2019 U.S. Dist. LEXIS 17560, *3-8 (C.D. Ca. Jan. 3, 2019) (issuing TRO forbidding re-detention without the government’s first providing targeted individuals at least 14-days’ notice.)

59. Respondents-Defendants have made no such individualized showing that the prior assessment justifying Mr. Alsheref's release has changed, such that his re-detention is necessary.

60. Thus, the revocation of Mr. Alsheref's order of supervision is invalid.

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) Declare that Defendants-Respondents have violated Petitioner-Plaintiff's statutory, regulatory, and constitutional rights by revoking his supervision order and re-detaining him without an individualized determination of changed circumstances that render his removal from the United States significantly likely in the reasonably foreseeable future or providing notice of the reasons for re-detention or an opportunity to be heard;
- (4) Award Petitioner costs and reasonable attorneys' fees in this action pursuant to the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified by law; and
- (5) Grant any other and further relief that this Court may deem fit and proper.

Dated: September 22, 2025

Respectfully Submitted,

/s/ Felix Galvez

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**Pro Hac Vice* forthcoming

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 the 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 September 2025.

/s/ Christopher Godshall-Bennett
Christopher Godshall-Bennett
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Mohamed Nader Alsheref