

1 Hani Habbas, S.N. No. 337016
2 hani@hhlawfirm.law
3 HH LAW FIRM
4 7700 Irvine Center Dr., Ste. 750
5 Irvine, C.A. 92618
6 (833) 359-6116

7 Christopher Godshall-Bennett – *pro hac vice forthcoming*
8 chris@leegodshallbennett.com
9 LEE & GODSHALL-BENNETT LLP
10 712 H St. NE, Unit 5019
11 Washington, D.C. 20002
12 (202) 240-8496

13 *Attorneys for Petitioner*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **EASTERN DIVISION**

17 Fadi Bassam Rouf SHUHAIBAR,

18 *Petitioner,*

19 v.

20 Fereti SEMAIA, Warden of Adelanto
21 ICE Processing Center; Ernesto
22 SANTA CRUZ, Director, ICE Los
23 Angeles Field Office; Todd LYONS,
24 Acting Director of Immigrations and
25 Customs Enforcement; Kristi NOEM,
26 Secretary of the U.S. Department of
27 Homeland Security; Pamela Bondi,
28 Attorney General of the United States,
in their official capacities;

Respondents.

Case No. 25-cv-3399

**VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS**

1 Petitioner Fadi Bassam Rouf Shuhaibar (“Mr. Shuhaibar” or “Petitioner”), by
2 and through the undersigned counsel, hereby files this petition for writ of habeas
3 corpus and accompanying motion for a temporary restraining order and preliminary
4 injunction to secure his release from Respondent’s custody in violation of the
5 Immigration and Nationality Act (“INA”), its implementing regulations, and the
6 United States Constitution. In support of the Petition, Mr. Shuhaibar alleges the
7 following:
8
9

10 JURISDICTION AND VENUE

11
12 1. This action arises under the Suspension Clause, U.S. Const., Art. I, § 9,
13 Cl. 2, and the Fifth Amendment to the United States Constitution, the Administrative
14 Procedure Act (“APA”), 5 U.S.C. § 551 *et seq.*, and the INA, 8 U.S.C. § 1101 *et*
15 *seq.*, and its implementing regulations.
16

17
18 2. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 2241
19 (habeas corpus), 28 U.S.C. § 1331 (federal question), 5 U.S.C. § 702 (APA), and
20 Art. I, § 9, Cl. 2 of the United States Constitution (the Suspension Clause). The
21 government has waived its sovereign immunity pursuant to 5 U.S.C. § 702.
22

23
24 3. This Court has additional remedial authority under the All Writs Act,
25 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201.
26
27
28

10. Mr. Shuhaibar was not provided with a reason for his re-detention as required by law, nor an opportunity to rebut any evidence that “changed circumstances” have rendered his removal significantly likely in the reasonably foreseeable future. ICE itself informed him that it would not remove him to Palestine or Israel upon his re-detention.

11. When Mr. Shuhaibar asked why he was being re-detained, an ICE agent responded, "It's a new administration."

12. The summary revocation of Mr. Shuhaibar's OSUP and his re-detention violate his due process rights and ICE's own regulations. The Constitution and laws of the United States do not allow government officials to deprive someone of their liberty arbitrarily. The law is clear about the process required to re-detain a non-citizen previously released because their removal is unlikely. Because Respondents disregarded that process and, in doing so, violated Mr. Shuhaibar's constitutional and statutory rights, he must be released.

PARTIES

13. **Petitioner Fadi Bassam Rouf Shuhaibar** is 
from Gaza who has resided in the United States since 2016. He is engaged to a U.S.
citizen and will become eligible for U.S. residency upon their marriage. He has been
detained at Adelanto ICE Processing Center since October 15, 2025, following the

1 revocation of his Order of Supervision. He was previously in ICE custody for 14
2 months between 2016 and 2018.

3
4 14. **Respondent Fereti Semaia** is named in his official capacity as Warden
5 of Adelanto ICE Processing Center. In this capacity, he oversees the daily
6 administration of the detention center in which Mr. Shuhaibar is in custody. As such,
7 he is the immediate custodian of Mr. Shuhaibar.
8

9
10 15. **Respondent Ernesto Santa Cruz** is named in his official capacity as
11 Director of the ICE Los Angeles Field Office in Los Angeles, California. In this
12 capacity, he is responsible for the execution of immigration confinement and the
13 institution of removal proceedings within Central California, in which Mr. Shuhaibar
14 is confined. As such, he is a custodian of Mr. Shuhaibar.
15

16
17 16. **Respondent Todd Lyons** is named in his official capacity as Acting
18 Director of U.S. Immigration and Customs Enforcement. As the senior official
19 performing the duties of the Director of ICE, he is responsible for the administration
20 and enforcement of the immigration laws and is legally responsible for pursuing any
21 effort to remove Mr. Shuhaibar and to confine him pending removal. As such, he is
22 a custodian of Mr. Shuhaibar.
23
24

25 17. **Respondent Kristi Noem** is named in her official capacity as the
26 Secretary of the Department of Homeland Security. In this capacity, she is
27 responsible for the administration of the immigration laws pursuant to 8 U.S.C. §
28

1 1103(a); is legally responsible for pursuing any effort to confine and remove
2 Petitioner; and as such is a custodian of Mr. Shuhaibar.

3
4 18. **Respondent Pamela Bondi** is named in her official capacity as the
5 Attorney General of the United States. In this capacity, she is responsible for the
6 administration of the immigration laws pursuant to 8 U.S.C. § 1103(g), and as such
7 is a custodian of Mr. Shuhaibar.
8

9
10 **FACTUAL ALLEGATIONS**

11 **I. Legal Background**

12 **A. The Government's Detention Authority**

13
14 19. The statutory framework for removing individuals with final removal
15 orders apprehended within the United States is found at 8 U.S.C. § 1231. Section
16 1231(a)(1) provides that non-citizens who have been issued final removal orders
17 must be removed within 90 days, whereupon they must be released on supervision,
18 subject to limited exceptions. 8 U.S.C. § 1231(a)(1)(A)-(C).
19

20 **B. Limitations on Detention Under 8 U.S.C. § 1231**

21
22 20. The Supreme Court has “read an implicit limitation” into the statute “in
23 light of the Constitution’s demands,” and has held that a non-citizen may be detained
24 only for “a period reasonably necessary to bring about that [non-citizen’s] removal
25 from the United States.” *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).
26
27
28

1 21. According to the Supreme Court, a period reasonably necessary to bring
2 about the non-citizen's removal from the United States is presumptively six months.
3 *Id.* at 701. But detention is only lawful "*until* it has been determined that there is no
4 significant likelihood of removal in the reasonably foreseeable future." *Id.* (emphasis
5 added). When there is not a significant likelihood of removal in the reasonably
6 foreseeable future, any continued detention is unlawful.
7

9 C. Process for Revoking Orders of Supervision
10

11 22. Non-citizens released following the 90-day "removal period" are
12 "subject to supervision under regulations prescribed by the Attorney General." 8
13 U.S.C. § 1231(a)(3). The regulation relevant to supervised release on the basis that
14 there is no significant likelihood of removal in the reasonably foreseeable future is
15 found at 8 C.F.R. § 241.13.
16

17 23. Release under an order of supervision can be revoked for two reasons:
18 (a) the non-citizen has violated a condition of release, 8 C.F.R. § 241.13(i)(1), or (b)
19 ICE determines that "on account of changed circumstances, . . . there is a significant
20 likelihood that the [non-citizen] may be removed in the reasonably foreseeable
21 future." *Id.* § 241.13(i)(2).
22

23 24. When ICE revokes an order of supervision, it must notify the non-
24 citizen "of the reasons for revocation" and "promptly . . . afford the [non-citizen] an
25
26
27
28

1 opportunity to respond to the reasons for revocation stated in the notification” at an
2 informal interview. *Id.* § 241.13(i)(3).

3 **II. Mr. Shuhaibar’s Case**

4 **A. Background**

5
6 25. Mr. Shuhaibar is a 35-year-old Palestinian Christian born in the Gaza
7 Strip. He has resided in the United States since November 19, 2016.
8

9 26. On November 19, 2016, Mr. Shuhaibar arrived at Los Angeles
10 International Airport (“LAX”) with a valid B-1 visitor’s visa. Following an
11 admissibility review, Customs and Border Protection (“CBP”) found him
12 inadmissible under 8 U.S.C. §§ 1182(a)(6)(C)(i) and (a)(7)(i)(I) because Mr.
13 Shuhaibar did not disclose that his brother resided in the United States. *See* Exh. A.
14
15

16 27. CBP ordered Mr. Shuhaibar removed from the United States pursuant
17 to 8 U.S.C. § 1225(b)(1) pending a credible fear interview. Mr. Shuhaibar expressed
18 a fear of returning to Gaza and received a positive determination. *See* Exh. A. He
19 was issued a Notice to Appear (“NTA”) on December 2, 2016, and taken into
20 Immigration and Customs Enforcement (“ICE”) custody on or around December 7,
21 2016.
22
23

24 28. On October 25, 2017, an Immigration Judge (“IJ”) denied Mr.
25 Shuhaibar’s asylum application and ordered him removed to Israel. His attorney
26 filed a timely appeal with the Board of Immigration Appeals (“BIA”).
27
28

1 29. While his appeal was pending, on January 18, 2018, Mr. Shuhaibar was
2 released on bond, after 14 months of detention. He remained in California where he
3 attended college in the evening and became involved in a local church. Later that
4 year, he met his now-fiancé, a U.S. citizen, at his cousin's wedding.
5

6 30. On August 17, 2018, the BIA denied Mr. Shuhaibar's appeal. His
7 attorney filed a petition for review with the Ninth Circuit which ultimately denied
8 the petition on March 8, 2021. Throughout this three-year period, Mr. Shuhaibar was
9 unable to obtain work authorization.
10

11 31. In 2023, Mr. Shuhaibar informed ICE of a new address and was
12 directed to come into the local ICE office in Riverside, California, on October 23,
13 2023. There, an ICE officer informed him that his bond was cancelled, and he would
14 be placed on an Order of Supervision ("OSUP") because his removal to Gaza was
15 impossible and it was not significantly likely he would be removed in the reasonably
16 foreseeable future. *See* Exh. B. Mr. Shuhaibar also obtained work authorization.
17

18 32. In May 2024, Mr. Shuhaibar's parents fled Gaza to the United States,
19 joining him and his brother. They have pending asylum applications. Mr.
20 Shuhaibar's mother is undergoing treatment for breast cancer.
21

22 33. Mr. Shuhaibar never missed an ICE check-in or violated any other
23 conditions of his supervision.
24

25 B. The Revocation of Mr. Shuhaibar's Order of Supervision
26
27
28

1 34. On October 15, 2025, Mr. Shuhaibar attended a scheduled ICE check-
2 in at which an ICE officer informed him they would conduct a case re-evaluation.
3 That afternoon, the ICE officer arrested Mr. Shuhaibar, informing him that, while
4 ICE “did not want to send [him] to Palestine or Israel,” they may attempt to send
5 him to a third country. Mr. Shuhaibar asked where we would be sent, but the ICE
6 officer did not respond.
7

9 35. The ICE officer did not tell Mr. Shuhaibar why his OSUP was being
10 revoked, nor provide any information about ICE’s plan to remove him. In response
11 to one of his questions asking why he was being re-detained, the ICE officer told
12 Mr. Shuhaibar, “It’s a new administration.”
13

14 36. Mr. Shuhaibar was not provided any opportunity to respond to ICE’s
15 unstated reasons for his re-detention.
16

17 37. On or around October 18, 2025, Mr. Shuhaibar was transferred to the
18 Adelanto ICE Processing Center where he remains. He has explained to ICE
19 personnel at the facility that he is engaged to a U.S. citizen. He and his fiancé have
20 requested permission to get married. ICE has not granted their requests.
21

22 38. In November 2025, at ICE’s direction, Mr. Shuhaibar submitted a travel
23 document request to the Israeli embassy, along with his expired Palestinian passport.
24 Two weeks later, his Deportation Officer informed him that Israel would not accept
25 an expired passport and had him sign a document requesting his passport’s renewal.
26
27
28

1 39. Mr. Shuhaibar was never informed the reasons why ICE now intended
2 to seek removal to Israel after having previously told him he would not be sent to
3 Palestine or Israel.
4

5 40. It is unclear if his passport will be renewed or, if so, how long it will
6 take. In any case, travel into Gaza is not currently permitted by Israel.¹ Upon
7 information and belief, the United States has not removed any non-citizens to Gaza
8 since July 2023.²
9
10

11 41. This impossibility is not surprising. Gaza is largely destroyed after over
12 two years of Israeli military bombardment.³
13

14 42. ICE has not revealed any specific plans to pursue third-country removal
15 or otherwise indicated to which country it would attempt to remove Mr. Shuhaibar.
16

17 CAUSES OF ACTION

18
19 ¹ See Fatma Khaled & Julia Frankel, *What Israel's plan to reopen the Rafah border*
20 *crossing means for Palestinian in Gaza*, Associated Press (Dec. 3, 2025),
21 [https://apnews.com/article/israel-gaza-palestinians-hamas-rafah-](https://apnews.com/article/israel-gaza-palestinians-hamas-rafah-1e1f8a208a58c0bb671b52304e2d6afa)
22 [1e1f8a208a58c0bb671b52304e2d6afa](https://apnews.com/article/israel-gaza-palestinians-hamas-rafah-1e1f8a208a58c0bb671b52304e2d6afa) (“Israel says that until militants in Gaza
return all the hostages they took in the Oct. 7, 2023, attack that triggered the war, it
will only allow Palestinians to exit Gaza, *not enter*.”) (emphasis added).

23 ² See Rowaida Abdelaziz, *The U.S. Deported A Palestinian To Gaza – And He Was*
24 *Killed A Few Months Later*, HuffPost (Feb. 6, 2024),
25 [https://www.huffpost.com/entry/palestinian-motaz-alhelou-killed-after-us-](https://www.huffpost.com/entry/palestinian-motaz-alhelou-killed-after-us-release_n_65bd3775e4b05c8779f915ed#:~:text=Alhelou%20fled%20Gaza%20in%202018,he%20was%20deported%20to%20Gaza)
26 [release_n_65bd3775e4b05c8779f915ed#:~:text=Alhelou%20fled%20Gaza%20in%202018,he%20was%20deported%20to%20Gaza](https://www.huffpost.com/entry/palestinian-motaz-alhelou-killed-after-us-release_n_65bd3775e4b05c8779f915ed#:~:text=Alhelou%20fled%20Gaza%20in%202018,he%20was%20deported%20to%20Gaza).

27 ³ Freddie Clayton & Max Butterworth, *Satellite images reveal extent of destruction*
28 *in the Gaza Strip*, NBC News (Oct. 7, 2025),
<https://www.nbcnews.com/world/gaza/satellite-images-destruction-gaza-strip-rcna236089>.

Count I: 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. 241.13(l)

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

44. 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[.]” 5 U.S.C. § 702(2)(A)-(C).

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

46. Respondents have violated the APA and *Accardi* doctrine by ignoring 8 C.F.R. § 241.13(i)(2) and (3)’s requirements that they provide a rationale—a determination that changed circumstances now render Mr. Shuhaibar significantly likely to be removed in the reasonably foreseeable future—to revoke an order of supervision, as well as an meaningful opportunity to respond to that rationale.

47. Upon Mr. Shuhaibar’s re-detention, the ICE agent processing him did not provide him with any reason for the revocation of his OSUP, stating only, “It’s a new administration.”

1 48. Mr. Shuhaibar was not informed of any changed circumstances that
2 now make his removal significantly likely. Indeed, the ICE agent affirmatively
3 indicated that he would *not* be removed to Palestine or Israel.
4

5 49. Respondents did not provide Mr. Shuhaibar with an interview or an
6 opportunity to respond. In any case, a meaningful response was impossible given
7 Respondent's failure to provide any rationale for his re-detention.
8

9 50. Respondent's conduct exceeds their statutory and regulatory authority.
10 ICE did not follow its own procedures and re-detained Mr. Shuhaibar merely
11 because "it's a new administration." Respondents did not provide Mr. Shuhaibar
12 with a determination that changed circumstances now make his removal
13 significantly likely and, indeed, suggested the opposite.
14

15 51. As such, the revocation of Mr. Shuhaibar's order of supervision and his
16 re-detention violate the APA, INA, and ICE's own regulations.
17

18
19 **Count II: Fifth Amendment Procedural Due Process**

20 *28 U.S.C. § 2241; U.S. Const. amend. V*

21 52. Petitioner realleges and incorporates by reference each and every
22 allegation contained above.
23

24 53. "[T]he Due Process Clause applies to all 'persons' within the United
25 States, including [non-citizens], whether their presence here is lawful, unlawful,
26 temporary, or permanent." *Zadvydas*, 533 U.S. at 693. "The fundamental
27
28

1 requirement of due process is the opportunity to be heard at a meaningful time and
2 in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

3
4 54. When the government interferes with a liberty interest, “the procedures
5 attendant upon that deprivation [must be] constitutionally sufficient.” *Ky. Dep’t of*
6 *Corr. v. Thompson*, 490 U.S. 454, 460 (1989). The constitutional sufficiency of
7 procedures is determined by weighing three factors: (1) the private interest that will
8 be affected by the official action, (2) the risk of erroneous deprivation of that interest
9 through the available procedures, and (3) the government’s interest, including the
10 function involved and the fiscal and administrative burdens that additional or
11 substitute procedures would entail.” *Mathews*, 424 U.S. at 335.

12
13
14
15 55. Mr. Shuhaibar has a strong liberty interest in his liberty from civil
16 government custody that has increased in the years since his release. *Morrissey v.*
17 *Brewer*, 408 U.S. 471, 482 (1997) (“[I]ndividuals who have been released from
18 custody, even where such release is conditional, have a liberty interest in their
19 continued liberty.”).

20
21
22 56. The revocation of Mr. Shuhaibar’s order of supervision “without either
23 a hearing before or additional oversight from a neutral adjudicator[,]” created a high
24 risk of erroneous deprivation—an erroneous deprivation that did, in fact, occur. *Sun*
25 *v. Santacruz*, No. 5:25-cv-02198, 2025 WL 2730235, at *6 (C.D. Cal. Aug. 26,
26
27
28

1 2025) (quoting *Guillermo M.R. v. Kaiser*, No. 25-cv-05436, 2025 WL 1983677, at
2 *7 (N.D. Cal. July 17, 2025)).

3
4 57. The government has little to no interest in Mr. Shuhaibar's re-detention
5 without a hearing. Immigration detention must be "nonpunitive in purpose and
6 effect." *Zadvydas*, 533 U.S. at 690. When detention is not aimed at ensuring
7 appearance at immigration proceedings or preventing danger to the community, it
8 violates due process. *Id.* at 690-92. Furthermore, the government's interest in
9 preventing flight risk "is weak or nonexistent where removal seems a remote
10 possibility at best." *Id.* at 690.

11
12 58. Because Mr. Shuhaibar was summarily deprived of his strong liberty
13 interest in his physical liberty by Respondents whose have little to no cognizable
14 interest in such summary deprivations, Mr. Shuhaibar's Fifth Amendment due
15 process rights have been violated.

16 PRAYER FOR RELIEF

17 WHEREFORE, Petitioner respectfully requests that this Court grant the
18 following relief:

- 19
20
21
22
23 i. Assume jurisdiction over this matter;
24
25 ii. Expedite consideration of this action pursuant to 28 U.S.C. § 1657
26 because it is an action brought under chapter 153 (habeas corpus) of Title
27
28 28;

- 1 iii. Prohibit ICE from transferring Petitioner to another detention center
- 2 outside the court's jurisdiction until a decision has been rendered;
- 3
- 4 iv. Declare Petitioner's detention by Respondents to be unconstitutional and
- 5 in violation of the Immigration and Nationality Act;
- 6
- 7 v. Order Respondents to release Petitioner from their custody and prohibit
- 8 his re-detention without compliance with 8 C.F.R. § 241.13(i);
- 9
- 10 vi. Award reasonable attorneys' fees and costs pursuant to the Equal Access
- 11 to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- 12 vii. Grant such further relief as this Court deems just and proper.

13 Dated: December 15, 2025

Respectfully Submitted,

15 /s/ Hani Habbas

16 Hani Habbas

17 HH LAW FIRM

18 /s/ Christopher Godshall-Bennett

19 Christopher Godshall-Bennett

20 LEE & GODSHALL-BENNETT LLP

21 *Attorneys for Petitioner*

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

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner 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 15th day of December 2025.

/s/ Christopher Godshall-Bennett
Christopher Godshall-Bennett

Attorney for Petitioner