

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION
CASE NO. 1:25-cv-25960-PCH**

HUSSAM MOHAMMAD ABUEL-HAWA,

Petitioner,

v.

KRISTI NOEM, Secretary of the U.S. Department of
Homeland Security, et al.,

Respondents.

**PETITIONER'S REPLY TO RESPONDENTS'
RESPONSE TO ORDER TO SHOW CAUSE**

I. INTRODUCTION

Respondents ask this Court to deny the Writ based on the assertion that Petitioner Hussam Mohammad Abuel-Hawa is a "native and citizen of Jordan" and that his removal to Jordan is "significantly likely" in the reasonably foreseeable future. This assertion is factually incorrect, contradicted by Respondents' own exhibits, and legally insufficient to justify the continued detention of a stateless Palestinian who has lived in the United States for 43 years.

For twenty-one years, the U.S. government has failed to remove Petitioner because he is stateless. Respondents' sudden claim that removal is now imminent—based solely on a generic travel document request submitted *after* this litigation began—does not satisfy the government's burden under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Furthermore, Respondents' attempt to shield their arbitrary revocation of Petitioner's release behind 8 U.S.C. § 1252(g) fails because Petitioner challenges the *constitutionality* of his indefinite detention, not the discretionary execution of a valid removal order.

II. ARGUMENT

A. Petitioner is a Stateless Palestinian, Not a Citizen of Jordan.

Respondents rest their entire justification for detention on the claim that Petitioner is a "native and citizen of Jordan". This is false. Petitioner was born in Jerusalem and is a **stateless Palestinian**.

1. While the Response brief argues Petitioner is Jordanian, Respondents' own Exhibit 1 (Form I-213, Record of Deportable/Inadmissible Alien, dated Oct. 18, 2025) lists Petitioner's "Country of Citizenship" as "**ISRAEL**". This internal inconsistency demonstrates that ICE is confused regarding Petitioner's nationality and lacks a verified country of return.
2. Petitioner previously held a five-year Jordanian travel document issued in 1978, but that document expired decades ago. Jordanian authorities have explicitly refused to renew it, refused to issue a passport, and refused to recognize him as a national.
3. Petitioner has never held citizenship or nationality documentation from Israel, which also refused to accept him in 2004.

B. Removal is Not Reasonably Foreseeable (Zadvydas Claim).

Under *Zadvydas*, detention violates due process if removal is not reasonably foreseeable.

Respondents assert there is a "significant likelihood of removal" solely because they "submitted a request for a travel document from the Jordanian consulate" on **December 31, 2025**.

This request, filed only *after* Petitioner was re-detained and *after* this Court issued its Order to Show Cause, is speculative.

- Respondents admit that "[a]s of today, the request for the travel document remains pending". They provide no evidence that Jordan has agreed to accept *this specific* Petitioner, whom they previously rejected.
- ICE has been unable to effectuate Petitioner's removal since 2004. A new request for the same travel document that has been unavailable for two decades does not make removal "reasonably foreseeable." It merely demonstrates that ICE is engaging in a repetitive, futile exercise to justify indefinite detention.

C. Jurisdiction is Proper; Section 1252(g) Does Not Bar This Claim.

Respondents argue that 8 U.S.C. § 1252(g) bars this Court from reviewing the revocation of the Order of Supervision (OSUP). This argument mischaracterizes the Petition.

Petitioner is not asking this Court to review the "discretion" to execute a removal order.

Petitioner is challenging the **constitutionality of indefinite detention** where the removal order *cannot* be executed. As the Supreme Court held in *Zadvydas*, § 1252(g) does not bar habeas jurisdiction over statutory and constitutional challenges to the length and indefiniteness of detention. *See Zadvydas*, 533 U.S. at 688.

Furthermore, the revocation of Petitioner's OSUP violated Due Process. Petitioner was compliant for 20 years, never missing a check-in. ICE re-detained him without a change in circumstances, based on the false premise that he is Jordanian and removal is imminent. Because the premise of the revocation (imminent removal) is factually false (he is stateless), the detention is arbitrary and violates the Fifth Amendment.

III. CONCLUSION

Respondents have detained a 51-year-old stateless man who is the sole provider for his widowed mother and disabled sister. They justify this detention based on conflicting records (listing him as Israeli or Jordanian) and a pending travel document request that ignores 21 years of diplomatic rejection.

WHEREFORE, Petitioner respectfully requests that this Court **GRANT** the Writ of Habeas Corpus and order his immediate release under an Order of Supervision.

DATED: January 23, 2026

Respectfully submitted,

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