

**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, in her official capacity;
TODD LYONS, Acting Director and Senior Official Performing the Duties of the Director of ICE, in his official capacity; **GARRETT RIPA**, Field Office Director for ICE ERO Miami, in his official capacity; **Warden of the Krome North Service Processing Facility**, in his/her official capacity, **U.S. Department of Homeland Security; and U.S. Immigration and Customs Enforcement,**

Respondents.

RESPONDENTS' SUR-REPLY

Respondents by and through the undersigned Assistant United States Attorney file this Sur-Reply pursuant to this Court's Order [DE 8] and states in support thereof as follows:

I. INTRODUCTION

On February 2, 2026, this honorable Court ordered that Respondents address Petitioner's contention that Respondents' detention order is constitutionally fatally grounded on an incorrect factual assertion—"that [Petitioner's] removal to Jordan is 'significantly likely' because Petitioner "'is a native and citizen of Jordan'"—when, in fact, he a stateless person. [DE 7, p. 1-2]. Respondents maintain that Petitioner is a native and citizen of Jordan due to the passport he previously obtained from Jordan. Further, Petitioner's detention remains constitutional under *Zadvydas v. Davis*, 533 U.S. 678 (2001), as the presumptive six-month period has not been

satisfied. Irrespective of Petitioner's claim that he is a stateless person, this does preclude Respondents from effectuating removal to Jordan or any other country that will accept Petitioner.

II. ARGUMENT

Petitioner claims (without documentary proof) he was issued a Jordanian travel document in 1978. However, his Jordanian passport was issued in 1998. *See* Ex. 1, Jordanian Passport. And while the I-213, Record of Deportable/Inadmissible Alien, indicates Petitioner's country of birth is Jerusalem, Israel [DE 6-1], it should be noted that persons born in Jerusalem can be considered citizens of Israel. *See* Ex. 2, U.S. Department of State Foreign Affairs Manual, 8 FAM 403.4.

Respondents have requested travel documents from Jordan for the purpose of effectuating removal, which to date remains pending. *See* Ex. 3, Declaration of Deportation Officer, ¶ 10. Moreover, Respondents believe Jordan will issue Petitioner a travel document, as he was previously issued a passport. *Id.* at ¶ 13. Petitioner's additional claim that the Jordanian authorities have explicitly refused to renew his passport, refused to issue a passport, or refused to recognize him as a national again lacks any documentary support. [DE 7, p. 2]. Specifically, Petitioner has not presented any denials from Jordan to that effect.

Thus, Petitioner has failed to meet his burden that a current lack of travel documents would preclude immediate removal upon receipt. A delay of several months in the issuance of travel documents does not, without more, establish that a petitioner's removal is unlikely to occur in the reasonably foreseeable future – even if detention extends beyond the presumptively reasonable six-month period, as explained in *Zadvydas*. *See Shaikh v. Meade*, No. 21-cv-23752, 2022 U.S. Dist. LEXIS, at *9-10 (S.D. Fla. Mar. 2, 2022) (concluding Petitioner did not meet his burden in the context of an anticipated delay of several months as it pertained to travel documents).

III. CONCLUSION

Based upon the foregoing reasons, the Verified Petition for Writ of Habeas Corpus and Complaint for Injunctive Relief [DE 1] should be denied.

Dated: February 12, 2026

Respectfully submitted,

JASON A. REDING QUIÑONES
UNITED STATES ATTORNEY

By: /s/ Jeanette M. Lugo
Jeanette M. Lugo
Assistant United States Attorney
Florida Bar No. 122060
Email: Jeanette.Bernard@usdoj.gov
United States Attorney's Office
101 South U.S. 1, Suite 3100
Fort Pierce, Florida 34950
Phone: 772-293-0352

Counsel for Respondents