

**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.

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

THIS CAUSE is before the Court on Petitioner Hussam Mohammad Abuel-Hawa's Verified Petition for Writ of Habeas Corpus and Complaint for Injunctive Relief [ECF No. 1] (the "Petition"). Petitioner contends that Respondents, Kristi Noem, et al.,¹ illegally revoked his Order of Supervision ("OSUP") and that his resulting detention at Krome North Service Processing Center ("Krome") is in violation of his constitutional and statutory rights pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001), and the Fifth Amendment. The Court has considered the Petition, Respondents' Response [ECF No. 6], Petitioner's Reply [ECF No. 7], and Respondents' Sur-Reply [ECF No. 11]. For the reasons stated below, the Petition is denied.

¹ For convenience and simplicity, all respondents are collectively referred to as "Respondents" throughout this Order, without distinguishing each respondent's specific role.

BACKGROUND

Petitioner entered the United States as a lawful permanent resident in 1978.² In 1999, Petitioner was convicted of aggravated assault and possession of cannabis. Respondents issued a Notice to Appear on October 17, 2001, which stated that Petitioner was subject to removal pursuant to Section 237(a)(2)(C) of the Immigration and Nationality Act. Petitioner was taken into custody but was subsequently released on his own recognizance. On February 5, 2004, an immigration court denied Petitioner's application for relief and issued a removal order. The removal order became final on February 1, 2005, when the Board of Immigration Appeals dismissed Petitioner's appeal. On September 30, 2005, Petitioner was again taken into custody but was later released on an OSUP. Petitioner remained in the United States until October 17, 2025, at which point Respondents detained him and issued a Notice of Revocation of Release the following day, revoking the OSUP. Respondents conducted an informal interview of Petitioner on November 2, 2025. Since then, Petitioner has remained at Krome, awaiting removal.

DISCUSSION

The Petition appears to raise two claims—one challenging the revocation of Petitioner's OSUP and another challenging Petitioner's ongoing detention, both as violative of his statutory and constitutional rights. Indeed, Respondents were under the same impression. *See* ECF No. 6 at 1 (“Petitioner challenges not only his detention but also the revocation of his Order of Supervision[.]”). In his Reply, however, Petitioner clarifies that he challenges only his detention, and not the revocation of his OSUP. *See* ECF No. 7 at 1 (“Petitioner challenges the constitutionality

² Petitioner's nationality and citizenship are disputed. Petitioner maintains that he is a stateless Palestinian born in Jerusalem. Respondents contend that Petitioner is a native and citizen of Jordan, citing his 1998 Jordanian passport, and further assert that, by virtue of his birth in Jerusalem, he may be considered a citizen of Israel.

of his indefinite detention, not the discretionary execution of a valid removal order.”); *id.* at 3 (“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.”) (emphasis in original). In view of this clarification, the Court concludes that the Petitioner does not challenge the revocation of his OSUP and now turns to Petitioner’s remaining “indefinite detention” claim. Here, Petitioner fares no better.

As best the Court can make of Petitioner’s position, it appears that Petitioner contends that, because he is a stateless person not subject to removal, his detention is indefinite, arbitrary, and in violation of *Zadvydas v. Davis*, 533 U.S. 678 (2001), and the Fifth Amendment. In their Response, Respondents assert that Petitioner is not stateless and that his removal is reasonably imminent; in fact, it is currently being processed.

The Court need not resolve the issue of whether Petitioner is stateless and not subject to removal because Petitioner has not been detained for the 90-day “removal period,” plus the additional 90 days presumptively constitutional under *Zadvydas* and authorized by 8 U.S.C. § 1231(a)(6). *See Zadvydas*, 533 U.S. at 682, 700–01 (construing 8 U.S.C. § 1231(a)(6) “to contain an implicit ‘reasonable time’ limitation” of 90 days after the expiration of the 90-day “removal period”). Since Petitioner was detained on October 17, 2025, the presumptively constitutional six-month period has not expired. *See Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 1895479, at *8 (S.D. Fla. July 8, 2025) (“Because [petitioner] has been in custody for fifteen days, his detention does not violate the implicit six-month period read into the post-removal-period detention statute under *Zadvydas*.”). Thus, Petitioner’s “indefinite detention” claim is premature. If, in fact, Petitioner is correct and he is not removed within the presumptively lawful six-month period, he may file a new petition.

CONCLUSION

For the foregoing reasons, it is **ORDERED AND ADJUDGED** that the Petition is **DENIED WITHOUT PREJUDICE**.

DONE AND ORDERED in Miami, Florida, on March 3, 2026.

A handwritten signature in black ink, appearing to read 'Paul C. Huck', is written over a horizontal line.

PAUL C. HUCK
UNITED STATES DISTRICT JUDGE

cc: counsel of record