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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 Ashraf Farhan Husny SULAIMAN,

Case No. 5:25-cv-03475-PA-SSC

10 Petitioner,

11 v.

12 Kristi NOEM, Secretary, U.S.
13 Department of Homeland Security;
14 Pamela BONDI, U.S. Attorney General;
15 Todd LYONS, Acting Director,
16 Immigration and Customs Enforcement;
17 Jaime RIOS, Acting Director, Los
18 Angeles Field Office, Immigration and
19 Customs Enforcement, Enforcement and
20 Removal Operations;
21 Fereti SEMAIA, Warden, Adelanto ICE
22 Processing Center; EXECUTIVE
23 OFFICE FOR IMMIGRATION
24 REVIEW; IMMIGRATION AND
25 CUSTOMS ENFORCEMENT; and U.S.
26 DEPARTMENT OF HOMELAND
27 SECURITY,

28 Respondents.

**AMENDED PETITION FOR
WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241;
VERIFIED PETITION**

PETITIONER'S DHS NO:



INTRODUCTION

1
2
3 1. Petitioner Ashraf Farhan Husny Sulaiman (“Petitioner”), by and through
4 undersigned counsel, files this petition for a writ of habeas corpus challenging his
5 removal to Palestine, the Palestinian Occupied Territories, and/or the Israeli
6 Occupied Territories, or to a third country without the opportunity to assert a fear
7 claim, and his unlawful arrest and detention.
8

9 2. Petitioner is a native of the Palestinian Occupied Territories (“Palestine”). He
10 is a citizen of no country. He was previously in removal proceedings pursuant to 8
11 U.S.C. § 1229a. Petitioner was ordered removed on June 18, 2015, but granted
12 withholding of removal to the Occupied Territories. At no point during his removal
13 proceedings was he in Department of Homeland Security (“DHS”) custody, nor was
14 he placed on an order of supervision after his removal order.
15

16
17 3. Since his removal order and withholding of removal grant, Petitioner has lived
18 peacefully with his family. His wife and four children are U.S. citizens, and one of
19 his sons has petitioned for Petitioner to become a lawful permanent resident.
20

21 4. On December 8, 2025, Petitioner appeared for an appointment with
22 Immigration and Customs Enforcement (“ICE”) in Santa Ana, California, where he
23 suffered a medical emergency while ICE officers detained him. Once the emergency
24 subsided, Petitioner was transferred to the Adelanto ICE Processing Center
25 (“Adelanto”), where he remains today.
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1 5. Officials from ICE in Adelanto originally informed Petitioner's immigration
2 attorney that they intend to remove Petitioner to Palestine, which would be in
3 defiance of the Immigration Court's withholding order. Counsel for Respondents
4 have recently acknowledged that the withholding order bars Petitioner's removal to
5 Palestine.
6

7
8 6. Respondents have recently acknowledged their intent to remove Petitioner to
9 a third country, i.e., a country other than the country designated as the country of
10 removal in Petitioner's final order of removal (Palestine). ICE officials previously
11 presented Petitioner an application for travel documents on Israeli Embassy
12 letterhead and have his country of birth on the ICE detainee locator listed as Jordan.
13

14 7. Petitioner has previously experienced imprisonment and torture in Israel and
15 fears that he will be imprisoned and tortured and/or sent back to the Occupied
16 Territories if he is removed to either Israel or Jordan.
17

18 8. This Court has issued a preliminary injunction enjoining Petitioner's removal
19 to Palestine. ECF No. 18. This Court has also enjoined Petitioner's removal to a third
20 country without written notice of the third country to which Petitioner may be
21 removed provided to Petitioner and his counsel in a language the Petitioner can
22 understand. *Id.* This Court has further ordered that, following such notice, Petitioner
23 must be given a meaningful opportunity to raise a fear-based claim for withholding
24 of removal or protection under the Convention Against Torture ("CAT") prior to
25 removal. *Id.* Further, if Petitioner demonstrates "reasonable fear" of removal to the
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1 third country, Respondents must move to reopen Petitioner's removal proceedings.
2 *Id.* If Petitioner is not found to have demonstrated a "reasonable fear" of removal to
3 the third country, Respondents must provide a meaningful opportunity, and a
4 minimum of fifteen (15) days, for Petitioner to seek reopening of his immigration
5 proceedings. *Id.* This preliminary injunction remains in effect pending resolution of
6 the merits of Petitioner's pending Petition for Writ of Habeas Corpus. *Id.*
7
8

9 9. On information and belief, ICE has no individualized evidence that Petitioner
10 is a danger to the community or a flight risk.
11

12 10. Petitioner is unlawfully detained. DHS has improperly concluded that
13 Petitioner is subject to mandatory detention due to his removal order, despite the
14 same agency never detaining him during the pendency of his removal proceedings
15 nor after he was ordered removed but granted withholding of removal, presumably
16 because it determined he did not present a safety or flight risk, nor could it effectuate
17 a removal order to any country. Petitioner was never placed on an order of
18 supervision as a result of his removal order.
19
20

21 11. Accordingly, Petitioner seeks a writ of habeas corpus enjoining his removal to
22 the Occupied Territories and enjoining his removal to any other country without
23 notice and a reasonable opportunity to assert a fear claim.
24

25 12. Additionally, Petitioner seeks a writ of habeas corpus requiring that he be
26 immediately released from custody and to enjoin Respondents from re-detaining him:
27 (1) absent further order of this Court; or (2) absent the provision of a pre-deprivation
28

1 hearing before a neutral arbiter, at which Respondents will bear the burden of proving
2 by clear and convincing evidence that he is a flight risk or a danger to the community.
3

4 JURISDICTION

5 13. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. § 1331,
6 general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the Administrative
7 Procedure Act (APA); habeas jurisdiction pursuant to 28 U.S.C. § 2241 et seq.; Art
8 I., § 9, Cl. 2 of the United States Constitution (the Suspension Clause); and the
9 common law. This action arises under the Due Process Clause of the Fifth
10 Amendment of the U.S. Constitution and the INA.
11

12 14. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
13 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et seq., and the All-Writs
14 Act, 28 U.S.C. § 1651.
15

16 15. Federal district courts have jurisdiction to hear habeas claims by noncitizens
17 challenging the lawfulness or constitutionality of DHS conduct. Federal courts are
18 not stripped of jurisdiction under 8 U.S.C. § 1252. See e.g., *Zadvydas v. Davis*, 533
19 U.S. 678, 687 (2001).
20
21

22 VENUE

23 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,
24 493- 500 (1973), venue lies in the United States District Court for the Central District
25 of California, the judicial district in which Petitioner is currently detained.
26
27
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1 17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
2 Respondents are employees, officers, and agencies of the United States, and because
3 a substantial part of the events or omissions giving rise to the claims brought herein
4 occurred in the Central District of California.
5

6
7 **REQUIREMENTS OF 28 U.S.C. § 2243**

8 18. The Court must grant a petition for writ of habeas corpus or order Respondents
9 to show cause “forthwith,” unless a petitioner is not entitled to relief. 28 U.S.C. §
10 2243. If an order to show cause is issued, Respondents must file a return “within three
11 days unless for good cause additional time, not exceeding twenty days, is allowed.”
12
13 *Id.*

14
15 19. Habeas corpus is “perhaps the most important writ known to the constitutional
16 law . . . affording as it does a swift and imperative remedy in all cases of illegal
17 restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application
18 for the writ usurps the attention and displaces the calendar of the judge or justice who
19 entertains it and receives prompt action from him within the four corners of the
20 application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).
21
22

23 **PARTIES**

24 **Petitioner**

25 20. Petitioner (DHS No. ) was arrested by ICE agents on December
26 8, 2025 in Santa Ana, California. He has been in immigration detention since that
27 date. He is a native of Palestine. He is the subject of a June 18, 2015 removal order,
28

1 but an Immigration Judge has ordered that his removal to the Occupied Territories
2 be withheld. After arresting Petitioner, ICE did not set bond.

3
4 **Respondents**

5 21. Respondent Kristi Noem is the Secretary of U.S. Department of Homeland
6 Security ("DHS"). She is responsible for the implementation and enforcement of the
7 Immigration and Nationality Act and oversees Immigration and Customs
8 Enforcement ("ICE"), which is responsible for Petitioner's detention and removal.
9 Ms. Noem has ultimate custodial authority over Petitioner. She is sued in her official
10 capacity.
11

12
13 22. Respondent Pamela Bondi is the Attorney General of the United States. She is
14 responsible for the Department of Justice, of which the Executive Office for
15 Immigration Review and the BIA and immigration court system it operates, is a
16 component agency. She is sued in her official capacity.
17

18
19 23. Respondent Todd M. Lyons is the Acting Director of ICE, a federal law
20 enforcement agency within DHS. ICE carries out arrests of noncitizens and removals
21 from the United States. He is sued in his official capacity.
22

23 24. Respondent Jaime Rios is the Acting Director of the Los Angeles Field Office
24 of ICE's Enforcement and Removal Operations division. He is the head of the ICE
25 office that is detaining Petitioner for an unlawful removal. He is sued in his official
26 capacity.
27
28

1 25. Respondent Fereti Semaia is the Warden of the Adelanto ICE Processing
2 Center, Adelanto, California, where Petitioner is detained. He has immediate
3 physical custody of Petitioner. He is sued in his official capacity.
4

5 26. Respondent Executive Office for Immigration Review ("EOIR") is the federal
6 agency within the Department of Justice responsible for implementing the INA in
7 removal proceedings, including for custody redeterminations or bond hearings.
8

9 27. Respondent U.S. Department of Homeland Security ("DHS") is the federal
10 agency responsible for implementing and enforcing the INA, including the detention
11 and removal of noncitizens.
12

13 28. Respondent Immigration and Customs Enforcement ("ICE") is the agency
14 within DHS responsible for implementing and enforcing the INA, including the
15 detention and removal of noncitizens.
16

17 **LEGAL FRAMEWORK**

18 29. Federal law prohibits the government from removing a noncitizen to a country
19 where he is more likely than not to face persecution on account of a statutorily
20 protected ground. 8 U.S.C. § 1231(b)(3)(A). This protection is called withholding of
21 removal.
22

23
24 30. For an immigration judge (serving as the designee of Defendant Bondi) to
25 grant withholding of removal to a noncitizen, the noncitizen must prove that he is
26 more likely than not to suffer persecution. "The burden of proof is on the applicant
27 for withholding of removal [] to establish that his or her life or freedom would be
28

1 threatened in the proposed country of removal on account of race, religion,
2 nationality, membership in a particular social group, or political opinion.” 8 C.F.R. §
3 1208.16(b).
4

5 31. If a noncitizen is granted withholding of removal, “DHS may not remove the
6 alien to the country designated in the removal order unless the order of withholding
7 is terminated.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 531 (2021). No exceptions
8 lie, but the order is country-specific and does not prevent removal to any other
9 country.
10
11

12 32. Federal regulations provide a procedure by which a grant of withholding of
13 removal issued by an immigration judge may be terminated: DHS must move to
14 reopen the removal proceedings before the immigration judge, and then DHS will
15 bear the burden of proof, by a preponderance of the evidence, that grounds for
16 termination exist. 8 C.F.R. § 1208.24(e). After a grant of withholding of removal is
17 terminated, there would be no impediment to removal.
18
19

20 33. DHS has the authority to remove noncitizens to a third country but only where
21 removal to the country designated in the final order is “impracticable, inadvisable, or
22 impossible.” 8 U.S.C. § 1231(b)(2)(E)(vii); see also 8 U.S.C. § 1231(b) (outlining
23 framework for designation). However, DHS is barred from removing a non-citizen
24 to a country where the non-citizen’s life or freedom would be threatened because of
25 five protected grounds. *Id.* at § 1231(b)(3)(A). In addition, DHS is barred from deporting
26 a non-citizen to a country where they face a threat of torture. *See* 8 C.F.R. §§ 208.16-
27
28

1 208.18. “In other words, third-country removals are subject to the same mandatory
2 protections that exist in removal or withholding-only proceedings.” *D.V.D. v. U.S.*
3 *Dep’t of Homeland Sec.*, 778 F. Supp. 3d 355, 389 (D. Mass. May 21, 2025) (D.
4 Mass. May 21, 2025).

5
6 34. On March 30, 2025, DHS issued a policy memorandum entitled Guidance
7 Regarding Third Country Removals, outlining its policy on third country removals
8 for individuals with final orders of removal pursuant to 8 U.S.C. §§ 1229a,
9 1251(a)(5), or 1228(b). Under the memo, if the U.S. State Department receives
10 credible diplomatic assurances from the third country that persons will not be
11 persecuted or tortured, *no further process is provided*. If no such assurances have
12 been provided, a notice of removal is to be provided to the noncitizen detainee and
13 only if the detainee affirmatively expresses fear of removal to that country will DHS
14 refer the detainee for a screening interview.

15
16 35. In its stay application to the Supreme Court, the government represented that
17 these individuals are entitled to some “additional process, before any one of them is
18 deported to a third country.” Defendants’ Application for Stay of Preliminary
19 Injunction at 28, *DHS v. D.V.D.*, No. 24A1153 (S. Ct. Jun. 23, 2025). (W.D. Wash.
20 Mar. 27, 2025) (granting preliminary injunction).

21
22 36. The INA prescribes three basic forms of detention for the vast majority of
23 noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a.
24
25
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1 37. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in § 1229a
2 removal proceedings before an IJ. Individuals covered by § 1226(a) detention are
3 generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§
4 1003.19(a), 1236.1(d), while certain noncitizens who have been arrested, charged
5 with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C.
6 § 1226(c).

9 38. Second, the INA provides for mandatory detention of noncitizens subjected to
10 an Expedited Removal order imposed pursuant to 8 U.S.C. § 1225(b)(1) and for
11 certain other noncitizen applicants for admission to the U.S. who are deemed not
12 clearly entitled to be admitted. *See* 8 U.S.C. § 1225(b)(2).

14 39. Last, the INA provides for detention of noncitizens who have been ordered
15 removed. *See* 8 U.S.C. § 1231(a)–(b). The statute directs ICE to detain such
16 individuals for 90 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2).
17 This 90-day removal period begins when the removal order becomes final. If ICE
18 cannot remove a person within the 90-day removal period, they are released from
19 custody. 8 U.S.C. § 1231(a)(3).

22 40. The Constitution establishes due process rights for “all ‘persons’ within the
23 United States, including [noncitizens], whether their presence here is lawful,
24 unlawful, temporary, or permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th
25 Cir. 2017) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)). These due process
26 rights are both substantive and procedural.
27
28

1 41. First, “[t]he touchstone of due process is protection of the individual against
2 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974),
3 including “the exercise of power without any reasonable justification in the service
4 of a legitimate government objective.” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833,
5 846 (1998).
6

7
8 42. These protections extend to noncitizens facing detention, as “[i]n our society
9 liberty is the norm, and detention prior to trial or without trial is the carefully limited
10 exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly,
11 “[f]reedom from imprisonment—from government custody, detention, or other
12 forms of physical restraint—lies at the heart of the liberty that [the Due Process]
13 Clause protects.” *Zadvydas*, 533 U.S. at 690.
14

15
16 43. Substantive due process thus requires that all forms of civil detention—
17 including immigration detention—bear a “reasonable relation” to a non-punitive
18 purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has
19 recognized only two permissible non-punitive purposes for immigration detention:
20 ensuring a noncitizen’s appearance at immigration proceedings and preventing
21 danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*,
22 538 U.S. 510, 519–20, 527–28, 31 (2003).
23

24
25 44. Second, the procedural component of the Due Process Clause prohibits the
26 government from imposing even permissible physical restraints without adequate
27 procedural safeguards.
28

1 45. Generally, “the Constitution requires some kind of a hearing *before* the State
2 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127
3 (1990) (emphasis in original). This is so even in cases where that freedom is lawfully
4 revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683 (citing *Young v. Harper*, 520
5 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision requires
6 pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in
7 probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole
8 context).

9
10
11 46. After an initial release from custody on conditions, even a person paroled
12 following a conviction for a criminal offense for which they may lawfully have
13 remained incarcerated has a protected liberty interest in that conditional release.
14
15 *Morrissey*, 408 U.S. at 482. As the Supreme Court recognized, “[t]he parolee has
16 relied on at least an implicit promise that parole will be revoked only if he fails to
17 live up to the parole conditions.” *Id.* “By whatever name, the liberty is valuable and
18 must be seen within the protection of the [Constitution].” *Id.*

19
20
21 47. This reasoning applies with equal if not greater force to people who were never
22 in civil immigration detention and were not apprehended shortly after their removal
23 order became final, like Petitioner. After all, noncitizens living in the United States,
24 like Petitioner, have a protected liberty interest in their ongoing freedom from
25 confinement. *See Zadvydas*, 533 U.S. at 690. “Given the civil context [of
26 immigration detention], [the] liberty interest [of noncitizens released from custody]

1 is arguably greater than the interest of parolees in *Morrissey*.” *Ortega v. Bonnar*, 415
2 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (citing *Morrissey*, 408 U.S. at 487). *See also*
3 *Chaudry v. Bondi*, 2025 U.S. Dist. LEXIS 264342, at *11 (W.D. Wash. Dec. 22,
4 2025) (finding that “logically,” a noncitizen who was never civilly detained by
5 immigration authorities has a liberty interest) and *Diallo v. Joyce*, 2025 U.S. Dist.
6 LEXIS 265532, at *16 (S.D.N.Y. Dec. 23, 2025) (finding “an interest in being free
7 from imprisonment” for a noncitizen granted withholding of removal who was never
8 in immigration custody).

12 FACTS

13 48. Petitioner entered the United States as a visitor in or about 2001 with his wife
14 and son. He applied for asylum in the United States in approximately 2002. On June
15 18, 2015, Petitioner was ordered removed, but his application for withholding of
16 removal to Palestine was granted. Petitioner’s wife and son were granted asylum.

17 49. At no point during his removal proceedings was Petitioner in DHS custody,
18 nor was he placed on an order of supervision after his removal order. His
19 history consists of a non-violent conviction for conspiracy to possess stolen property.

20 50. Petitioner is married to a U.S. citizen and is the father of four U.S. citizens.
21 Once Petitioner’s son became a U.S. citizen, he filed a petition to classify Petitioner
22 as an immediate relative of a U.S. citizen. Petitioner, through his immigration
23 attorney, has been seeking to qualify for permanent residence since April of 2024.
24 He currently has a motion to reopen pending before an Immigration Judge.
25
26
27
28

1 51. On October 10, 2025, Petitioner received a letter from ICE's Enforcement and
2 Removal Operations ("ERO") to report to ERO in Santa Ana, California.

3
4 52. On December 8, 2025, Petitioner attended his ERO appointment in Santa Ana
5 accompanied by his immigration attorney, Patricia M. Corrales. On that day, he
6 suffered a medical emergency while ICE officers detained him. Once the emergency
7 subsided, Petitioner was transferred to Adelanto, where he remains today. Petitioner
8 was not provided a pre-deprivation hearing prior to or concurrent with arrest and
9 transfer to Adelanto.
10

11
12 53. On the ICE detainee locator, Petitioner's country of birth is listed as Jordan,
13 despite him having never lived in Jordan, nor having been born in that country.

14
15 54. On December 17, 2025, ICE officers presented Petitioner documents on the
16 letterhead of the Embassy of Israel.

17 55. Petitioner's immigration attorney immediately emailed Petitioner's
18 Deportation Officer ("DO"), J. Suarez, and informed DO Suarez that she does not
19 consent to any DO contacting her client without her authorization. She also informed
20 them that Petitioner feared removal to Israel and requested, on Petitioner's behalf, a
21 hearing during which he could present a fear claim if ICE planned to deport him to
22 Israel.
23

24
25 56. DO Suarez responded to Petitioner's immigration attorney in writing that
26 Petitioner was presented with a travel document request for the government of his
27 country and that Petitioner is being removed to Palestine and not Israel.
28

1 57. DO Suarez also asserted that Petitioner will be placed on “Failure to Comply”
2 status if he refuses to fill out the travel document request form a second time.

3
4 58. Petitioner’s removal to Palestine would be in violation of an Immigration
5 Court order withholding his removal to the Occupied Territories. Respondents have
6 acknowledged that. ECF Nos. 15, 15-1.

7
8 59. On information and belief, Respondents are also planning to remove Petitioner
9 to Israel or Jordan, or another third country. Petitioner has recently been provided a
10 document entitled “Information About Reasonable Fear Interview.” Petitioner has
11 not been notified of a specific country to which he will be removed. Nevertheless,
12 Petitioner, through counsel, has requested a reasonable fear interview based on his
13 receipt of documentation from the Israeli Embassy.
14
15

16 **COUNT ONE**
17 **VIOLATION OF THE WITHHOLDING OF REMOVAL STATUTE,**
18 **(8 U.S.C. § 1231(b)(3)(A))**

19 60. Petitioner incorporates by reference the allegations of fact set forth in the
20 preceding paragraphs.

21 61. The Withholding of Removal statute, 8 U.S.C. § 1231(b)(3)(A), prohibits
22 Respondents from removing a noncitizen to any country from which he has been
23 granted withholding of removal, unless such grant is formally terminated by lawful
24 means.
25

26 62. As set forth above, Respondents previously informed Petitioner that they are
27 planning to remove him to Palestine, the country from which he has been granted
28

1 withholding of removal, without formally terminating his grant of withholding of
2 removal, thus violating this law.

3
4 63. If Respondents remove Petitioner to Palestine, they would be removing him to
5 a country where he would suffer irreparable harm in the form of persecution and
6 torture.

7
8 64. As Respondents asserted their intention to remove Petitioner to Palestine
9 despite an Immigration Judge's order withholding his removal to Palestine, Petitioner
10 asks this court to enjoin Respondents from removing Petitioner to Palestine, the
11 Palestinian Occupied Territories, or the Israeli Occupied Territories.¹
12

13
14 **COUNT TWO**
15 **UNLAWFUL REMOVAL TO A THIRD COUNTRY**
16 **(8 U.S.C. § 1231(b)(3)(A))**

17
18 65. Petitioner incorporates by reference the allegations of fact set forth in the
19 preceding paragraphs

20
21 66. Notwithstanding the statutory and regulatory prohibitions on removing non-
22 citizens to countries where they face potential persecution or torture, on March 30,
23 2025, Respondent Noem issued a memo entitled, "Guidance Regarding Third
24 Country Removals" (available at: [https://immigrationlitigation.org/wp-content /](https://immigrationlitigation.org/wp-content/uploads/2025/04/43-1-Exh-A-Guidance.pdf)
25 uploads/2025/04/43-1-Exh-A-Guidance.pdf). This memo states that if the United
26 States has received "diplomatic assurances" from a third country that non-citizens
27

28 ¹ Petitioner requests that any order use these various names for clarity.

1 removed to that country will not be persecuted or tortured, DHS may remove that
2 non-citizen “without the need for further procedures.”
3

4 67. The procedure laid out in this memo violates the statutory and regulatory
5 provisions requiring Respondents to provide a non-citizen with a forum to
6 demonstrate an individualized risk of torture or persecution in a specific country. The
7 memo purports to rely on blanket assurances from third countries that non-citizens
8 generally will not be tortured or persecuted to circumvent the obligation to determine
9 if an individual non-citizen faces a risk of torture or persecution.
10
11

12 68. To the extent that Respondents are detaining Petitioner with the intent to
13 remove him to a third country without notice or the opportunity to demonstrate that
14 he is at a particularized risk of torture or persecution in that third country, the
15 detention is unlawful.
16

17 **COUNT THREE**
18 **UNLAWFUL DETENTION**
19 **(8 U.S.C. § 1231)**

20 69. Petitioner incorporates by reference the allegations of fact set forth in the
21 preceding paragraphs.
22

23 70. “The government can’t detain anyone it wants. It needs a statutory basis to
24 arrest and detain people...” *Diallo*, 2025 U.S. Dist. LEXIS 265532, at *4. Petitioner’s
25 detention violates 8 U.S.C. § 1231, which directs DHS to detain individuals for 90
26 days while carrying out a removal order. 8 U.S.C. § 1231(a)(2). This 90-day removal
27 period begins when the removal order becomes final. *Id.* at § 1231(a)(1)(B)(i).
28

1 Absent an applicable exception, if DHS cannot remove a person within the 90-day
2 period, they are released from custody subject to supervision. *Id.* at § 1231(a)(3).

3
4 71. 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day removal
5 period, but even those exceptions do not authorize indefinite detention. *See Zadvydas*
6 *v. Davis*, 533 U.S. 678, 689 (2001) (limiting ICE’s detention authority to a period
7 “reasonably necessary” to carry out removal and deeming detention impermissible
8 when removal is not “reasonably foreseeable”).
9

10 72. Additionally, 8 U.S.C. § 1231(a)(6) only “provides for *continued* detention for
11 certain classes of people who have not been removed” during the 90-day removal
12 period. *Diallo*, 2025 U.S. Dist. LEXIS 265532, at *15 (emphasis in original).
13

14 73. Here, Petitioner was never detained during his removal proceedings, nor was
15 he detained during the 90-day removal period in 2015. He was also never subject to
16 an order of supervision. Therefore, there is no statutory basis for his detention.
17

18
19 **COUNT FOUR**
20 **SUBSTANTIVE DUE PROCESS – DETENTION**
21 **(U.S. CONST. AMEND. V)**

22 74. Petitioner incorporates by reference the allegations of fact set forth in the
23 preceding paragraphs.

24 75. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
25 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom
26 from imprisonment—from government custody, detention, or other forms of physical
27
28

1 restraint—lies at the heart of the liberty that [the Due Process] Clause
2 protects.” *Zadvydas*, 533 U.S. at 690.

3
4 76. Immigration detention is constitutionally permissible only when it furthers the
5 government’s legitimate goals of ensuring the noncitizen’s appearance during
6 immigration proceedings and preventing danger to the community. *See id.*

7
8 77. Petitioner is not a flight risk or danger to the community. Respondents’
9 detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner
10 is being detained in violation of the Due Process Clause of the Fifth Amendment.
11 Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation” to
12 any legitimate government purpose. *Id.* (finding immigration detention is civil and
13 thus ostensibly “nonpunitive in purpose and effect”). Here, the purpose of
14 Petitioner’s detention is not to protect against risk of flight or dangerousness.
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18 **COUNT FIVE**
19 **PROCEDURAL DUE PROCESS – DETENTION**
20 **(U.S. CONST. AMEND. V)**

21 78. Petitioner incorporates by reference the allegations of fact set forth in the
22 preceding paragraphs.

23 79. As part of the liberty protected by the Due Process Clause, Petitioner has a
24 weighty liberty interest in avoiding detention. *See Young v. Harper*, 520 U.S. 143,
25 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey*, 408
26 U.S. at 482–83; *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen
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1 has a protected liberty interest in remaining out of custody following an IJ's bond
2 determination).

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4 80. Accordingly, "[i]n the context of immigration detention, it is well-settled that
5 due process requires adequate procedural protections to ensure that the government's
6 asserted justification for physical confinement outweighs the individual's
7 constitutionally protected interest in avoiding physical restraint." *Hernandez*, 872
8 F.3d at 990 (cleaned up); *Zinerman*, 494 U.S. at 127 (Generally, "the Constitution
9 requires some kind of a hearing *before* the State deprives a person of liberty or
10 property.") (emphasis in original). In the immigration context, for such hearings to
11 comply with due process, the government must bear the burden to demonstrate, by
12 clear and convincing evidence, that the noncitizen poses a flight risk or danger to the
13 community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also*
14 *Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

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18 81. Petitioner's detention without a pre-deprivation hearing violated due
19 process. Over 10 years after his removal order became final, Respondents detained
20 Petitioner with no notice, no explanation of the justification for his detention, and no
21 opportunity to contest his detention in front of a neutral adjudicator before being
22 taken into custody.
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25 82. A noncitizen with an outstanding removal order who was released from DHS
26 custody on an order of supervision is entitled to procedural due process found in 8
27 C.F.R. § 241.4(l) before that order of supervision is revoked. Those due process rights
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1 require the noncitizen to be provided notice for the revocation and imminent
2 detention, as well as an opportunity to contest the decision. *Id.* at § 241.4(l)(1). While
3 Petitioner was never released on an order of supervision, these procedural safeguards
4 are the closest analog for due process. *See Diallo*, 2025 U.S. Dist. LEXIS 265532,
5 *14-15 (rejecting government’s argument that noncitizen with a removal order and
6 withholding of removal grant who was never in immigration custody is not entitled
7 to “procedural safeguards in the regulations implementing” the detention authority
8 the government cites).

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12 83. Even if the regulatory protections at 8 C.F.R. § 241.4(l) do not apply, Petitioner
13 is nonetheless entitled to procedural due process under the Fifth Amendment. *See id.*
14 at 15.

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16 84. Petitioner has a profound personal interest in his liberty. *See id.*, at *16 (finding
17 “an interest in being free from imprisonment” for a noncitizen granted withholding
18 of removal who was never in immigration custody); *Chaudry*, 2025 U.S. Dist. LEXIS
19 264342, at *11 (finding that “logically,” a noncitizen who was never civilly detained
20 by immigration authorities has a liberty interest); and *Alvarenga Matute v. Wofford*,
21 2025 U.S. Dist. LEXIS 196512, at *10-11 (E.D. Ca. Oct. 24, 2025) (confirming that
22 noncitizen with an outstanding removal order had a protected liberty interest due to
23 his previous conditional release).

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27 85. Because Petitioner received no procedural protections, the risk of erroneous
28 deprivation is high. When Respondents elected not to detain Petitioner in 2015 after

1 his removal order became final, they presumably did so because they determined he
2 was not a danger to the community and presented no flight risk. *See e.g., Marin v.*
3 *Andrews*, 2025 U.S. Dist. LEXIS 223928, *8-9 (E.D. Ca. Nov. 13, 2025) (citing
4 *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022) and quoting 8 C.F.R.
5 § 236.1(c)(8)).
6

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8 86. Prior to his detention in December 2025, Petitioner had no notice of
9 Respondents' intention to detain him and no opportunity to contest that action.
10 Because the private interest in freedom from immigration detention is substantial,
11 due process requires the government to bear the burden of proving by clear and
12 convincing evidence that Petitioner is a flight risk or danger to the community before
13 detaining him. *See e.g., Rodriguez Diaz v. Kaiser*, 2025 U.S. Dist. LEXIS 212851,
14 *38 (N.D. Ca. Sep. 15, 2025).
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17 87. The government has no legitimate interest in detaining Petitioner without a
18 hearing. *See e.g., Peters v. Wofford*, 2025 U.S. Dist. LEXIS 153595, *18 (E.D. Ca.
19 Aug. 8, 2025) (finding that "the government's asserted interest is hinged on mere
20 speculation about [the noncitizen's] risk of flight or dangerousness" given that
21 noncitizen was complying with terms of his probation when detained); *Chaudry*,
22 2025 U.S. Dist. LEXIS 264342, at *14 (government's interests were never at risk
23 where noncitizen appeared at all immigration-related proceedings and there was no
24 evidence he presented a danger to the community); *Noori v. Larose*, 2025 U.S. Dist.
25 LEXIS 194953 at *30 (S.D. Ca. Oct. 1, 2025) ("Respondents did not provide
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1 Petitioner individualized notice and reasoning prior to his arrest and detention on
2 June 12, 2025 and have presented no legitimate reason for why those decisions were
3 made. Any governmental interest of efficient administration of immigration laws . .
4 . does not outweigh these first two factors.”). Bond hearings are a routine part of
5 immigration court proceedings, imposing a minimal cost to the government. *See Doe*
6 *v. Becerra*, 787 F. Supp. 3d 1083, 1094 (E.D. Ca. March 3, 2025).

9 88. Nothing in Petitioner’s record suggests that he would abscond or endanger the
10 community before a bond hearing could be carried out. *See, e.g., Jorge M.F. v.*
11 *Wilkinson*, 2021 U.S. Dist. LEXIS 40823, at *8 (N.D. Cal. Mar. 1, 2021); *Vargas v.*
12 *Jennings*, 2020 U.S. Dist. LEXIS 153579, at *13 (N.D. Cal. Aug. 23, 2020) (finding that
13 “the government’s concern that delay in scheduling a hearing could exacerbate flight
14 risk or danger is unsubstantiated in light of petitioner’s strong family ties and his
15 continued employment during the pandemic as an essential agricultural worker”). In
16 fact, Petitioner is represented by counsel and has a demonstrated record of attendance
17 at his immigration proceedings. There is no reason to think that his compliance will
18 change if he is released pending a pre-deprivation custody hearing.
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22 PRAYER FOR RELIEF

23
24 WHEREFORE, Petitioner respectfully asks that this Court take jurisdiction
25 over this matter and grant the following relief:

- 26 1. Assume jurisdiction over this matter;
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- 1 2. Order that Petitioner shall not be transferred outside of the Central District
- 2 of California while this petition is pending;
- 3
- 4 3. Issue an Order to Show Cause ordering Respondents to show cause within
- 5 three days why this Petition should not be granted;
- 6
- 7 4. Issue a Writ of Habeas Corpus order Respondents to immediately release
- 8 Petitioner from custody;
- 9
- 10 5. Declare that Petitioner's detention is unlawful;
- 11
- 12 6. Enjoin Respondents from removing Petitioner to Palestine, the
- 13 Palestinian Occupied Territories, or the Israeli Occupied Territories;
- 14
- 15 7. Enjoin Respondents from removing Petitioner to a third country without
- 16 sufficient notice and opportunity to demonstrate that he faces a specific
- 17 risk of torture or persecution in that third country;
- 18
- 19 8. Enjoin Respondents from re-detaining Petitioner unless his re-detention
- 20 is ordered at a custody hearing before a neutral arbiter in which the
- 21 government bears the burden of proving, by clear and convincing
- 22 evidence, that Petitioner is a flight risk or danger to the community;
- 23 9. Award Petitioner attorney's fees and costs under the Equal Access to
- 24 Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other
- 25 basis justified under law; and
- 26
- 27
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1 10. Grant any other and further relief that this Court deems just and proper
2

3 DATED: January 11, 2026

s/ Keli M. Reynolds

4 KELI M. REYNOLDS

5 Olmos & Reynolds Law Group, LLP

6 Attorney for Petitioner
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VERIFICATION

I, Keli M. Reynolds, declare as follows:

I am an attorney admitted to practice law in the State of California.

Because many of the allegations of this Petition require a legal knowledge not possessed by the Petitioner, I am making this verification on his behalf.

I have read the foregoing Amended Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 11, 2026.

s/ Keli M. Reynolds
KELI M. REYNOLDS
Olmos & Reynolds Law Group, LLP
Attorney for Petitioner

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4 315 W. 9th St. Ste. 801
5 Los Angeles, CA 90015
6 (323) 951-0144

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 Ashraf Farhan Husny SULAIMAN,
10
11 Petitioner,
12
13 v.
14

Case No. 5:25-cv-03475-PA-SSC

12 Kristi NOEM, Secretary, U.S.
13 Department of Homeland Security;
14 Pamela BONDI, U.S. Attorney General;
15 Todd LYONS, Acting Director,
16 Immigration and Customs Enforcement;
17 Jaime RIOS, Acting Director, Los
18 Angeles Field Office, Immigration and
19 Customs Enforcement, Enforcement and
20 Removal Operations;
21 Fereti SEMAIA, Warden, Adelanto ICE
22 Processing Center; EXECUTIVE
23 OFFICE FOR IMMIGRATION
24 REVIEW; IMMIGRATION AND
25 CUSTOMS ENFORCEMENT; and
26 U.S. DEPARTMENT OF HOMELAND
27 SECURITY,
28

Respondents.

DECLARATION OF
PATRICIA M. CORRALES IN
SUPPORT OF PETITION
FOR WRIT OF HABEAS
CORPUS

DECLARATION OF PATRICIA M. CORRALES

I, Patricia M. Corrales, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am an immigration attorney in Pasadena, California. My office represents Petitioner Ashraf Farhan Husny Sulaiman ("Mr. Sulaiman") in his immigration matters before the Department of Homeland Security and the Immigration Court.
2. This declaration is based on my own personal knowledge as well as information Mr. Sulaiman has relayed to me during my representation of him as his attorney. Although I visited Mr. Sulaiman at the Adelanto ICE Processing Center on December 13, that visit occurred prior to threats to unlawfully remove him. Obtaining Mr. Sulaiman's signature for a declaration related to his current claims is not possible given the urgency of this matter.

Mr. Sulaiman's Immigration History

3. I have represented Mr. Sulaiman and his family members in various immigration matters since 2015. Mr. Sulaiman and his family hired me to represent them in 2015 during their Immigration Court proceedings. On June 18, 2015, the Immigration Judge ordered Mr. Sulaiman removed but granted his application for withholding of removal to the Occupied Territories. Mr. Sulaiman's wife and son were granted asylum.
4. Mr. Sulaiman is the beneficiary of an approved immediate relative petition filed by his U.S. citizen son. In April of 2024, I filed a request with ICE's Office of the Principal Legal Advisor ("OPLA") to join in a motion to reopen Mr. Sulaiman's case so that he could apply for adjustment of status to permanent residence. On September 17, 2025, OPLA declined to join in a motion to reopen.

1 5. On November 17, 2025, I filed a *sua sponte* motion to reopen Mr.
2 Sulaiman's removal proceedings with the Immigration Judge ("IJ"). That
3 motion remains pending. The IJ's clerk recently informed me that no
4 decision has been made because Mr. Sulaiman's file has not been transferred
5 from the National Records Center.

6 Mr. Sulaiman's Detention

7 6. On October 10, 2025, Mr. Sulaiman received a letter from ICE's
8 Enforcement and Removal Operations ("ERO") to report to Santa Ana ERO.

9 7. On December 8, 2025, I attended Mr. Sulaiman's ERO appointment with
10 him. On that day, ICE detained him with no prior notice. When an ICE
11 officer asked Mr. Sulaiman to stand up to handcuff him, he fainted and was
12 unconscious for approximately 15 minutes. The ERO Officer threatened to
13 escort me out of the processing room but I refused to leave so that I could
14 witness my client being medically attended to.

15 8. Mr. Sulaiman has been detained in ICE custody since then and is currently
16 at Adelanto ICE Processing Center.

17 9. On the ICE detainee locator, Mr. Sulaiman's country of birth is listed as
18 Jordan, despite him having never lived in Jordan. Mr. Sulaiman's wristband
19 in detention also lists his country of birth as Jordan. Both he and I have
20 advised ICE that he was not born in Jordan.

21 ICE's Threat To Remove Mr. Sulaiman to the Occupied Territories

22 10. On December 17, 2025, I was notified that ICE officers had met with Mr.
23 Sulaiman and presented him documents on the letterhead of the Embassy of
24 Israel. I immediately emailed Mr. Sulaiman's Deportation Officer ("DO"), J.
25 Suarez, and informed him that I do not consent to any deportation officer
26 contacting my client without my authorization. I also informed them that
27 Mr. Sulaiman feared removal to Israel and requested, on Mr. Sulaiman's
28

behalf, a hearing during which he could present a fear claim if ICE planned to deport him to Israel.

11. DO Suarez responded to me that Mr. Sulaiman was presented with a travel document request for the government of his country and that Mr. Sulaiman is being removed to Palestine and not Israel.

12. DO Suarez also asserted that Mr. Sulaiman will be placed on Failure to Comply status if he refuses to fill out the travel document request form a second time.

13. Mr. Sulaiman has been served with a document entitled, "Information About Reasonable Fear Interview." Although no explanation was provided, I believe this was in response to my assertion of Mr. Sulaiman's fear of removal to Israel and demand for a reasonable fear interview.

14. Mr. Sulaiman's removal to Palestine would be in violation of an Immigration Court order withholding his removal to the Occupied Territories.

Executed on this 11th day of January, 2026 in Pasadena, California:

s/ Patricia M. Corrales
Declarant

IMMIGRATION COURT
606 SOUTH OLIVE ST.
LOS ANGELES, CA 90014

In the Matter of

SULAIMAN, ASHRAF FARHAN HUSNY
Respondent

Case No.: A

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 6/18/2015
This memorandum is solely for the convenience of the parties. If the
proceedings should be appealed or reopened, the oral decision will become
the official opinion in the case.

☒ The respondent was ordered removed from the United States to Occupied Territories
or in the alternative to .

☐ Respondent's application for voluntary departure was denied and
respondent was ordered removed to or in the
alternative to .

☐ Respondent's application for voluntary departure was granted until
upon posting a bond in the amount of \$ _____
with an alternate order of removal to .

Respondent's application for:

- ☒ Asylum was () granted () denied () withdrawn. AAT
☒ Withholding of removal was () granted () denied () withdrawn.
☐ A Waiver under Section _____ was () granted () denied () withdrawn.
☐ Cancellation of removal under section 240A(a) was () granted () denied
() withdrawn.

Respondent's application for:

- ☐ Cancellation under section 240A(b)(1) was () granted () denied
() withdrawn. If granted, it is ordered that the respondent be issued
all appropriate documents necessary to give effect to this order.
☐ Cancellation under section 240A(b)(2) was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
☐ Adjustment of Status under Section _____ was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.

☒ Respondent's application of () withholding of removal () deferral of
removal under Article III of the Convention Against Torture was
() granted () denied () withdrawn.

☐ Respondent's status was rescinded under section 246.

☐ Respondent is admitted to the United States as a _____ until _____.

☐ As a condition of admission, respondent is to post a \$ _____ bond.

☐ Respondent knowingly filed a frivolous asylum application after proper
notice.

☐ Respondent was advised of the limitation on discretionary relief for
failure to appear as ordered in the Immigration Judge's oral decision.
☐ Proceedings were terminated.

☐ Other:

Date: Jun 18, 2015

AAT 18

Appeal: Waived/Reserved Appeal Due By:

2/1/2016

A. ASHLEY TABADDOR
Immigration Judge

ALIEN NUMBER:



NAME: SULAIMAN, ASHRAF FARHAN HUSNY

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☒ ALIEN'S ATT/REP ☒ DHS
DATE: 6/18/2015 BY: COURT STAFF
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

Q6