

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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JAN 29 2026

UNITED STATES DISTRICT COURT

for the
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

EP 26CV0230

FAYIZ Abdallah
Petitioner

Case No. _____
(Supplied by Clerk of Court)

v.
KRISTI NOAM, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY, BENJAMIN LO BANDO, ATTORNEY GENERAL, WARDEN, ERO EL PASO CAMP EAST MONTANA.
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: FAYIZ Abdallah Fareed
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: ERO EL PASO CAMP EAST MONTANA
(b) Address: 6920 Digital Road
EL PASO, TX 79936
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☒ Other - explain:
IMMIGRATION AND CUSTOMS ENFORCEMENT
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. A false statement may lead to prosecution.
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. Do not use the back of any page.
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Homeland ICE, Chicago. I have been held in custody for over 9 months without due process.
(b) Docket number, case number, or opinion number: [REDACTED]
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I am been held under 8 USC 1236(e) due to my conviction for possession of a hand gun in 2022, and gained TEF AUTO ALSO in 2022.
(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
(2) Date of filing: _____
(3) Docket number, case number, or opinion number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: my continued detention is unconstitutional under the 5th and 8th Amendment of the Constitution because I have now spend over 9 months in custody without seen a judge or been afforded a review of my detention.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have been detained for over 9 months without seen a judge, or afforded a review I have lived in the U.S. since 2018, my continued detention is unconstitutional under the 5th and 8th Amendment of the U.S. Constitution, and I have a liberty interest. See memorandum

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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GROUND FOUR:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: the only decision I could possibly appeal is the immigration court's lack of jurisdiction based on the statute. neither the immigration court nor the BIA can decide the constitutionality of the statute as applied to me, it would be futile to appeal my detention or deny me a bond hearing.

Request for Relief

15. State exactly what you want the court to do: That this Honorable Court Order my immediate release from detention, or, in the alternative, a bond hearing at which the government should bear the burden of proof by clear and convincing evidence that I should keep detained.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
27-01-2026

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury. And I have served a copy of this petition to Pamela Jo Bondi the U.S. Attorney General.

Date: 27-01-26

[Signature]
Signature of Petitioner

Signature of Attorney or other authorized person, if any

Print

Save As...

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Memorandum

PETITIONER Fayiz Abdallah is a citizen of Palestine. PETITIONER is in ICE custody at ERO CAMP EAST MONTANA El Paso TEXAS.

According to ICE he has been ordered removed to Palestine in 2024. and that the court mail him the removal order.

PETITIONER alleges that he has never seen a immigration Judge. or has he received any notification by mail. PETITIONER cannot be removed to Palestine or any other country. Thus PETITIONER remains indefinitely detained in ICE custody, and has been confined for a period far longer than the Law mandates under 8 USC § 1231(a)(3)-(2). Once an alien has been ordered the Attorney General must carry out the removal within a period of 90 days. during which time the alien shall be detained.

The post removal period provision of the same statute, 8 USC § 1231(a)(6). allows for certain alien to be detained beyond the removal period. but the Supreme Court explicitly limited this detention period in *Zadvydas v. Davis* 533 US 678 (2001)

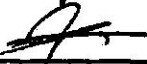
In that case. The Court held that § 1231(a)(6) restricts an alien's post removal period detention to a period reasonably necessary to bring about that alien's removal, and that it does not permit indefinite detention." *Zadvydas* 533 U.S. at 689. The Court found that presumption exists that an alien may not be held longer than six months. the general rule is that an alien

1 may no longer be confined when there is "no
2 significant likelihood of removal in the reasonably
3 foreseeable future" *Id.* at 701. In Alark v. Martinez ~~the~~
4 The Supreme Court extended this holding to
5 inadmissible alien. 125 S. Ct 716, 722 (2005).

6 The question as to whether Petitioner's detention
7 is in violation of the Law of the United States is one
8 for a Federal habeas Court to hear 28 U.S.C. § 2241.
9 Accordingly Petitioner files this accompanying habeas
10 Corpus Petition pursuant to 28 USC § 2241, requesting
11 that this Honorable Court Order Petitioner's release, other
12 wise Petitioner will suffer irreparable harm to his liberty
13 interest under the 5th and 8th amendment. Thank you
14

15 27-01-26

16 Respectfully Submitted

17 
18 In Pro Se