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11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 Loai Joker,

14 Petitioner,

15 v.

16 Pam Bondi, *et al.*,

17 Respondents.

Case No. 2:26-cv-00414-JAD-MDC

**Reply in Support of § 2241 Petition**

18 INTRODUCTION

19 Loai Joker, who came to the United States from Sudan with his mother and  
20 brother at just under three years old during the civil war in that country, has lived  
21 under a shadow of uncertainty, a citizen of no country, for over two and a half  
22 decades. Although an immigration judge ordered his removal to Sudan in 2024, the  
23 United States has not been able to carry out that order for approaching two years.  
24 Prior to his order of removal, Mr. Joker was residing in the community under an  
25 order of supervision ("OSUP"). He was in compliance with that order, abiding by its  
26 conditions and reporting weekly to immigration officials. Mr. Joker lived with his  
27 family in Salt Lake City, Utah.

1 Nothing changed. Yet, in September 2025, immigration officials arrested Mr.  
2 Joker again. Since then, he has received no information about when or whether he  
3 will be removed. What has changed is this: after nearly nine years of effort, the  
4 government is no closer to securing travel documents. When Mr. Joker has been a  
5 refugee his entire life, with no closer tie to Sudan than most any American today.  
6 Mr. Loai Joker grew up in Salt Lake City, Utah, with no memory of any of his time  
7 in Sudan as an infant. No country acknowledges his citizenship.

8 Mr. Joker is, in short, unremovable. The statutory 90-day removal period  
9 expired more than a year and a half ago. Yet, the government has again subjected  
10 him to prolonged, purposeless detention, this time lasting over six months, in  
11 violation of the Constitution, the Immigration and Nationality Act, and its own  
12 governing policies.<sup>1</sup> With no evidence that removal has become more likely now  
13 than at any point in the past nine years, his continued detention is unlawful. Mr.  
14 Joker must be released.

## 15 ARGUMENT

### 16 I. Joker's continuing detention violates due process.

17 The Due Process Clause of the Fifth Amendment forbids the government  
18 from depriving any "person" of liberty "without due process of law." U.S. Const.  
19 amend. V. Petitioner has a liberty interest in remaining free from physical  
20 confinement where removal is not reasonably foreseeable. Respondents have  
21 violated the Due Process Clause of the Fifth Amendment because Petitioner's  
22 removal is not reasonably foreseeable. *Zadvydas* requires that Petitioner be  
23 immediately released. *See* 533 U.S. at 700-01 (describing release as an appropriate  
24  
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26 <sup>1</sup> DHS has been actively attempting to remove Mr. Joker since 2022. He has  
27 been either in detention or under constant supervision. Still nothing has changed,  
with DHS unable to obtain his travel documents.

1 remedy); 8 U.S.C. § 1231(a)(6) (authorizing release “subject to . . . terms of  
2 supervision”).

3 **A. Joker must be released immediately because his removal is not**  
4 **reasonably foreseeable.**

5 Joker’s continued detention is unreasonable and his removal is not  
6 reasonably foreseeable. Joker cannot be removed to Sudan. As the government has  
7 conceded, Joker has now been in immigration detention since September 25, 2025,  
8 seven months ago, beyond the 90-day period mandated pursuant to *Zavydas*. ECF  
9 No. 15 at 2. Respondents do not reference *any efforts at all* to obtain travel  
10 documents. The only update for this Court is “he is still eligible for ICE detention  
11 beyond the initial ninety days, as he is subject to 8 U.S.C. § 1231(a)(6)(A).  
12 Respondents also ignore the plain language of § 1231(a)(6)(A), which states,

13 An alien ordered removed who is inadmissible under section 1182 of this  
14 title, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of  
15 this title or who has been determined by the Attorney General to be a  
16 risk to the community or unlikely to comply with the order of removal,  
17 **may** be detained beyond the removal period and, if released, shall be  
18 subject to the terms of supervision in paragraph (3).

19 8 U.S.C. § 1231(a)(6)(A). (emphasis added) In short, what has been described as  
20 mandatory detention by the Respondents clearly states “may” be detained beyond  
21 the removal period (six months), indicating a clear discretionary detention within  
22 the purview of this Court’s decision-making. In sum, we are beyond mandatory  
23 detention and plainly within the circumstance *Zavydas* prohibits. Mr. Joker is truly  
24 not a citizen of *any* country as he left Sudan as a two-year-old child. Furthermore,  
25 the Sudan that Mr. Joker’s mother fled with him and his brother no longer exists.  
26

27 Upon information and belief, throughout his prolonged detention, there has  
not been any indication that preparations have been made to deport Joker. This is  
clearly evidenced by the lack of any mention within the Respondents’ filing. *See*

1 ECF No. 15. Accordingly, Joker has shown that his current custody is unreasonable,  
2 as there is no reasonable foreseeability of deportation. Joker must be released.

3 Respondents' response ignores this reality altogether without providing any  
4 indication that removal might be imminent all but confirms the fact that Joker is  
5 not likely to be removed. Accordingly, Mr. Joker has further established that his  
6 removal is not reasonably foreseeable and his detention has become indefinite.  
7 Respondents fail to provide any information to rebut that showing. Thus, *Zadvydas*  
8 compels Joker's release from detention.

9 **B. Joker was detained on illegal grounds in violation of The Code**  
10 **of Federal Regulations.**

11 Second, Respondents argue that Joker was detained by ICE on September 25,  
12 2025. ECF No. 15 at 2. Joker was neither charged with any crimes, violations of his  
13 supervision, or any other indicia of a change in circumstances pursuant to his  
14 OSUP. What this suggests is that Joker was re-detained for an irrelevant ground of  
15 removability (because Joker was already ordered removed in 2024), instead of for  
16 any reason relating to violating his OSUP terms or changed circumstances making  
17 his removal reasonably foreseeable. This suggests that Joker's re-detention was not  
18 motivated by an individualized analysis of appropriate factors under the regulations  
19 governing the revocation of an OSUP (8 C.F.R. 241.13(i)), but by political factors.

20 Notably, the immigration documents submitted by Respondents do not  
21 include a revocation of Joker's OSUP at all. To the contrary, Respondents state,  
22 "Petitioner is outside the initial 90-day mandatory removal period which  
23 commenced following his order of removal on April 17, 2024. However, he is still  
24 eligible for ICE detention beyond the initial ninety days as he is subject to 8 U.S.C.  
25 § 1231(a)(6)(A) and is not entitled to a bond hearing under § 1231(a)(6). This only  
26 refers to the § 1231(a)'s partial language and nothing referring to the  
27 reasons/grounds for Mr. Joker's detention while under an OSUP. Respondents do

1 not explain why or how Joker was in violation of immigration law or why he was  
2 wanted by ICE, given that he had already been ordered removed and released on an  
3 OSUP that does not seem to have been properly revoked.

4 As of the time of this filing, there is no indication when Mr. Joker might be  
5 removed, if ever. Courts in this district and within the circuit have regularly  
6 refused to find the Government has established reasonable foreseeability where the  
7 Government has offered little more than generalizations regarding the likelihood  
8 that removal will occur. See, e.g., *Cavieres Gomez v. Mattos*, No. 2:25-cv-00975-  
9 GMN-BNW, 2025 WL 3101994 at \*6 (D. Nev. Nov. 6, 2025); *Singh v. Gonzales*, 448  
10 F. Supp. 2d 1214, 1220 (W.D. Wash. 2006); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-  
11 JDP, 2025 WL 1993771, at \*3 (E.D. Cal. July 16, 2025). Indeed, in cases such as  
12 *Singh* and *Hoac*, the Government had at least provided some indication that efforts  
13 for removal were being made. Here, no efforts have been made beyond detaining  
14 Mr. Joker and responding to his petition. In sum, there is no reliable or specific  
15 evidence that deportation is reasonably foreseeable. The Government's vague claims  
16 utterly fail.

17 The question for this Court is whether Joker's removal is reasonably  
18 foreseeable. The history of his case, and the lack of any evidence provided by  
19 Respondents compels the conclusion that it is not.

20 **II. Mr. Joker's continued detention violates the Immigration and**  
21 **Nationality Act, 8 U.S.C. § 1231(a)(6).**

22 Mr. Joker incorporates the above paragraphs by reference as if fully set forth  
23 herein.

24 As provided above, Mr. Joker's detention is governed by 8 U.S.C. § 1231(a)(6),  
25 as interpreted by the Supreme Court in *Zadvydas, supra*. Mr. Joker's continued  
26 detention violates 8 U.S.C. § 1231(a)(6) because it is both unreasonable and because  
27 removal is not reasonably foreseeable. Rather, his continued detention under 8

1 U.S.C. § 1231(a)(6) is driven by sweeping and arbitrary DHS policies. Moreover, and  
2 as discussed in Ground One, Mr. Joker's removal is not reasonably foreseeable. This  
3 Court should order that Mr. Joker be released.

4  
5 **CONCLUSION**

6 Joker's continuing detention violates due process. He is entitled to relief on  
7 the grounds raised in his petition. He must be released immediately.

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9 Dated April 24, 2026.

10 Respectfully submitted,

11  
12 Rene L. Valladares  
13 Federal Public Defender

14 /s/ Christian Lassiter

15 Christian Lassiter  
16 Assistant Federal Public Defender  
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