**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

Mufid Ahmad MUSTAFA *Petitioner*, v. **KRISTI NOEM, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE U.S. DEPARTMENT OF HOMELAND SECURITY,** **PAMELA BONDI, IN HER OFFICIAL CAPACITY AS U.S. ATTORNEY GENERAL,** **TODD LYONS, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT,** **ROBERT CERNA, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE ICE DALLAS FIELD OFFICE, AND** **MARCELO VILLEGAS, IN HIS OFFICIAL CAPACITY AS THE WARDEN OF THE BLUEBONNET DETENTION FACILITY** *Respondents.*	§ §	**Case No. 1:26-cv-83**

<u>PETITION FOR WRIT OF HABEAS CORPUS</u>

COMES NOW Mufid Ahmad Mustafa ("Petitioner"), by and through undersigned counsel, hereby filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing and unlawful civil immigration detention by the United States Department of Homeland Security ("DHS") and its agents.

INTRODUCTION

1. Petitioner is a 74-year-old stateless man born on former Palestinian territories in the West Bank. He has lived in the United States since 1974, after he entered the United States as a U.S. lawful permanent resident.

2. Over 28-years ago, in 1998, Mr. Mustafa began serving a 78-month sentence for conspiracy to possess and intent to distribute a controlled substance. Upon completing his sentence, he was transferred to Immigration and Custom Enforcement ("ICE") custody where he was ordered removed in 2002 but ultimately released under an Order of Supervision ("OSUP") when it was determined that his removal was not reasonably foreseeable.

3. For more than twenty years, Petitioner complied fully with all supervision requirements and incurred no new criminal charges. Nevertheless, in January 2026, Respondents re-detained him without alleging any violation of his supervision conditions or identifying any changed circumstances that would make his removal more foreseeable than at the time of his release.

4. This Court has authority to order Petitioner's immediate release because Respondents lack statutory and constitutional authority to detain an individual beyond the removal period unless they can demonstrate a significant likelihood of removal in the reasonably foreseeable future. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Respondents cannot meet that burden here.

5. Further, Respondents revoked Petitioner's Order of Supervision without identifying any material change in circumstances that would render his removal more foreseeable and without complying with the governing regulatory procedures. His re-detention pursuant to an apparent categorical enforcement policy, rather than an individualized determination, also violates the Administrative Procedure Act and the principles articulated in *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

6. Accordingly, this Court should order Petitioner's immediate release and vacate Respondents' unlawful policy as applied to him.

JURISDICTION

7. This action arises under 28 U.S.C. § 2241, U.S. Const., Art. I, § 9, Cl. 2 (the Suspension Clause), and the Fifth Amendment to the United States Constitution, the Administrative Procedure Act ("APA"), 5 U.S.C. § 551 *et seq.*, and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.* and its implementing regulations.

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution ("Suspension Clause"). This Court retains jurisdiction over Petitioner's claims because he is presently detained within this District in violation of the U.S. Constitution, laws, or treaties of the United States.

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Petitioner is currently detained.

11. Venue is also proper pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees, or agencies of the United States, Petitioner is detained at the Bluebonnet Detention Facility in Anson, Texas, and a substantial part of the events or omissions giving rise to these claims occurred within the Northern District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless it appears from the application that the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within *three* days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

13. Courts have long recognized the central importance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been described as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

14. **Petitioner, Mufid Ahmad Mustafa,** is a stateless man born in former Palestinian territories in the West Bank, presently under Israeli control. He has resided in the United States since on or about 1974. He has been detained at the Bluebonnet Detention Facility since on or about January 2026. Prior to his detention, Petitioner was residing in Texas with his Lawful Permanent Resident wife and his two U.S. citizen children. As a result of Respondents' detention policies and controlling agency decisions, Petitioner is subject to continued detention without any opportunity for an individualized custody determination.

15. **Respondent Marcelo Villegas.** in his official capacity as Warden of the Bluebonnet Detention Facility, has immediate physical custody of Petitioner pursuant to the facility's contract with ICE and is therefore Petitioner's immediate custodian for purposes of this habeas action.

16. **Respondent Robert Cerna** is sued in his official capacity as Director of the Dallas Field Office of Enforcement and Removal Operations ("ERO") of ICE. In that capacity, he is a legal custodian of Petitioner and has authority to effectuate his release from custody.

17. **Respondent Kristi Noem** is sued in her official capacity as Secretary of the U.S. Department of Homeland Security ("DHS"). In that capacity, she is responsible for the administration and enforcement of the Immigration and Nationality Act and for oversight of ICE, the component agency responsible for Petitioner's detention. Accordingly, Respondent Noem is a legal custodian of Petitioner.

18. **Respondent Pam Bondi** is sued in her official capacity as Attorney General of the United States and chief law enforcement officer of the U.S. Department of Justice. In that capacity, she has authority over the Executive Office for Immigration Review ("EOIR"), which administers the Immigration Courts and the Board of Immigration Appeals, and oversees the adjudication of removal proceedings. Accordingly, Respondent Bondi is a legal custodian of Petitioner.

19. **Respondent Todd Lyons** is named in the official capacity as Acting Director of U.S. Immigration and Customs Enforcement. As the senior official performing the duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws and is legally responsible for pursuing any effort to remove Petitioner and to confine him pending removal. As such, he is a custodian of Petitioner.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

20. Petitioner has exhausted all administrative remedies to the extent they are available and meaningful. "[W]hen a petitioner's due process claim does not assert a procedural error correctable by the BIA, it is not subject to an exhaustion requirement." *Lopez de Jesus v. INS*,

312 F.3d 155, 162 n.47 (5th Cir. 2002). Exhaustion is likewise excused where further administrative delay would result in hardship. See *Shalala v. Illinois Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000). Requiring additional administrative steps here would prolong Petitioner's unlawful detention and inflict ongoing irreparable harm through continued deprivation of liberty.

21. DHS's discretionary parole authority does not constitute an available or adequate administrative remedy that must be exhausted prior to habeas review. Parole determinations are committed to unreviewable agency discretion, are not adjudicated by a neutral decision-maker, and provide no procedural mechanism to challenge the legality of detention itself. A request for executive grace cannot substitute for judicial review where the petitioner contests statutory detention authority. Courts have consistently held that discretionary parole is not an exhaustion prerequisite to habeas corpus relief.

22. No adequate alternative remedy exists. Petitioner is subject to a final order of removal; however, he is stateless and cannot be physically removed to any country. The Government previously attempted to effectuate his removal and was unsuccessful.

23. The Supreme Court has made clear that post-removal-period detention is constitutionally limited to the period reasonably necessary to effectuate removal. *Zadvydas v. Davis*, 533 U.S. 678, 689–701 (2001). Where there is no significant likelihood of removal in the reasonably foreseeable future, continued detention violates both the Immigration and Nationality Act and the Due Process Clause. *Id.* at 701.

24. Because Petitioner's removal is not reasonably foreseeable due to his statelessness and the absence of any receiving country, further administrative exhaustion would be futile and incapable of affording meaningful relief. Habeas corpus under 28 U.S.C. § 2241 therefore

remains the sole effective mechanism to vindicate Petitioner's statutory and constitutional rights and to restore his liberty.

STATEMENT OF FACTS

25. Petitioner is a 74-year-old stateless man born in the former Palestinian territory in the West Bank. He has resided in the United States since on or about 1974, when he adjusted his status to that of a lawful permanent resident.

26. On or about January 26, 1998, Petitioner was sentenced in California to seventy-eight months of imprisonment for conspiracy to possess with intent to distribute, and to distribute, a listed chemical. After completing his sentence, he was transferred to ICE custody where he was ordered removed on May 1, 2002.

27. Following the issuance of that order, Petitioner was detained by Immigration and Customs Enforcement ("ICE") for approximately five months. ICE attempted to remove him to Israel and to Jordan but was unsuccessful. After those efforts failed, Respondents released Petitioner under an Order of Supervision ("OSUP") pursuant to 8 U.S.C. § 1231(a)(3), having determined that his removal was not significantly likely in the reasonably foreseeable future and that continued detention would be unlawful under the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

28. Upon Petitioner's release from ICE on OSUP, the Respondents provide him with an Employment Authorization Document ("EAD") category C18, which is granted to individuals with final removal orders "only if the alien cannot be removed due to the refusal of all countries designated by the alien or under section 241 of the [INA] to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest." 8 C.F.R. § 274a.12(c)(18). ***See Exhibit A.***

29. Any theoretical possibility that Petitioner might obtain travel documentation has since dissipated. Petitioner is stateless. The West Bank remains under Israeli control, and Petitioner has been unable to obtain documentation from any sovereign authority that would permit the issuance of a travel document. For more than two decades, Respondents have been unable to effectuate his removal.

30. Despite the foregoing, in or about January 2026, the Government re-detained Petitioner while he was appearing for a scheduled ICE reporting appointment pursuant to the terms of his OSUP. Petitioner had appeared as required and remained in full compliance with all reporting obligations. During that appointment, the reporting officer informed him Petitioner that the basis of re-detention was solely because "we have to deport you," and immediately re-arrested him. Respondents did not identify any violation of the terms and conditions of his OSUP, nor did they allege any changed circumstances rendering his removal more foreseeable than at the time of his prior release. Petitioner has not been arrested, charged with, or convicted of any offense since his release under OSUP and has fully complied with all conditions of supervision for over two decades.

31. Without any meaningful mechanism to seek release or obtain neutral review of whether his continued confinement is justified, Petitioner faces indefinite and prolonged detention without an individualized assessment or adequate procedural safeguards. His continued detention violates the Due Process Clause because there is no significant likelihood that he can be removed in the reasonably foreseeable future. Petitioner is a stateless man, and for more than two decades Respondents have been unable to effectuate his removal to any country. In the absence of a receiving sovereign willing to issue travel documentation, his confinement is not

tethered to the purpose of effectuating removal and therefore constitutes unconstitutional, prolonged detention.

LEGAL FRAMEWORK

32. The statutory framework for removing individuals with final removal orders apprehended within the United States is found at 8 U.S.C. § 1231. Section 1231(a)(1) provides that non-citizens who have been issued final removal orders must be removed within 90 days, whereupon they must be released on supervision, subject to limited exceptions. 8 U.S.C. § 1231(a)(1)(A)-(C).

a. Limitations on Detention Under 8 U.S.C. § 1231

33. The Supreme Court has "read an implicit limitation" into the statute "in light of the Constitution's demands," and has held that a non-citizen may be detained only for "a period reasonably necessary to bring about that [non-citizen's] removal from the United States." *Zadvydas*, 533 U.S. at 689.

34. According to the Supreme Court, a period reasonably necessary to bring about the non-citizen's removal from the United States is presumptively six months. *Id.* at 701. But detention is only lawful "*until* it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* (emphasis added). When there is not a significant likelihood of removal in the reasonably foreseeable future, any continued detention is unlawful.

b. Process for Revoking Orders of Supervision

35. Non-citizens released following the 90-day "removal period" are "subject to supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3). The regulation

relevant to supervised release on the basis that there is no significant likelihood of removal in the reasonably foreseeable future is found at 8 C.F.R. § 241.13.

36. Release under an order of supervision can be revoked for two reasons: (a) the non-citizen has violated a condition or release, 8 C.F.R. § 241.13(h)(4)(i)(1), or (b) ICE determines that "on account of changed circumstances, ... there is a significant likelihood that the [non-citizen] may be removed in the reasonably foreseeable future." *Id.* § 241.13(h)(4)(1)(2).

37. When ICE revokes an order of supervision, it must notify the non-citizen "of the reasons for revocation" and "promptly... afford the [non-citizen) an opportunity to respond to the reasons for revocation stated in the notification." *Id.* § 241.13(h) (4) (i)(3).

Increased Revocations of Supervision Orders and Re-Detention

38. On or about February 18, 2025, DHS issued a directive instructing officers to "review for re-detention" all cases of individuals previously released from immigration detention on the basis that there was not a significant likelihood that they would be removed from the United States in the reasonably foreseeable future. ***See* Exhibit B.**

39. This review is ostensibly predicated on developments in the willingness of various "previously recalcitrant countries" to accept deportees and in "the potential for third country removals." *Id.* The directive notes that re-detention "may proceed without further investigation" "if removal appears significantly likely in the reasonably foreseeable future and states that individuals "should be provided written notification of the reason for his or her detention" and "provided] an opportunity ... to tell the interviewer anything that the [non-citizen] wishes in support of why he or she should be released." *Id.* However, DHS's actual policy or practice has been to revoke orders of supervision and re-detain non-citizens with final

removal orders regardless of this likelihood in any individual case, without written notification, and without any opportunity to explain why they wish to remain on OSUP.

40. Since on or about February 18, 2025, on information and belief, DHS has dramatically increased the number of individuals being re-detained following the revocation of their orders of supervision.

41. These revocations have not been based on individualized determinations that changed circumstances have rendered it significantly likely that the individual will be removed from the United States in the reasonably foreseeable future, nor has ICE provided notice and an opportunity to be heard for individuals facing revocation and re-detention.

42. Rather, the government's policy or practice has been to summarily revoke orders of supervision and re-detain non-citizens before any effort to determine whether removal is practicable, let alone likely, violating the requirements of 8 C.F.R. § 241.13(1).

43. Filings from district courts across the country make clear that local ICE officials are revoking OSUPs and re-detaining non-citizens without an actual plan to effectuate their removal.

44. The District Court for the Eastern District of Texas recently granted a petition for a writ of habeas corpus submitted by a petitioner whose OSUP was revoked and who was simultaneously re-detained. The possibility of the petitioner's removal was, at the time of re-detention, purely theoretical. Discussing the government's burden to demonstrate the likelihood of removal, the court noted that the government "made only conclusory statements that [it was] taking steps to remove [the petitioner]." Order Overruling Objections and Adopting Report and Recommendation at 7, *Escalante v. Noem et al.*, Case No. 9:25-cv-00182 (E.D. Tex. Aug. 2, 2025) (ECF No. 43).

45. The District Court for the District of Massachusetts also recently granted a habeas petition for a similarly situated petitioner. There, ICE claimed that changed circumstances made the petitioner's removal likely but failed to provide any support for that determination, relying entirely on its intention to effectuate removal. The court found that the government could not "make the showing that circumstances have changed such that there is a significantly likelihood that [the petitioner] will be removed ... in the reasonably foreseeable future." Memorandum of Decision and Order at 11, *Nguyen v. Hyde et al.*, Case No. 1:25-ev-11470 (D. Mass. June 20, 2025) (ECF No. 25).

46. The District Court for the District of Massachusetts granted another habeas petition last month on the basis that ICE's notice to the petitioner that changed circumstances rendered his removal significantly likely was "conclusory" and procedurally deficient. Order at 5, *Perez-Escobar v. Moniz, et al.*, Case No. 1:25-cv-11781 (D. Mass. July 24, 2025) (ECF No. 23). While the petitioner in this case was released from custody originally pursuant to 8 C.F.R. § 241.4, his case illustrates Respondents' policy or practice of re-detaining non-citizens without having actually established that changed circumstances justify the re-detention.

47. In June, the District Court for the Southern District of New York granted a habeas petition after ICE re-detained the previously released petitioner without "articulat[ing] any change in circumstances ... that now [made] him a flight risk." Memorandum Decision and Order at 6, *Valdez v. Joyce, et al.*, Case No. 1:20-cv-04627 (S.D.N.Y. June 18, 2025) (ECF No. 15). As in *Perez-Escobar*, while the petitioner here was previously released pursuant to a different regulation, his case illustrates Respondents' policy or practice of disregarding the re-detention regulatory procedures.

48. Civil immigration detention is permissible only to the extent it serves the statutory purposes of ensuring appearance at proceedings and protecting the community from danger. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). When detention becomes prolonged or indefinite and is no longer tied to those purposes, it becomes punitive and unconstitutional. *Id.*

49. Absent any meaningful mechanism for individualized review, Petitioner faces a substantial risk of indefinite detention under penal conditions despite full compliance with the terms of his Order of Supervision. He has committed no violations of his supervision conditions, incurred no disciplinary infractions while on OSUP, and has demonstrated consistent reporting and compliance for over two decades. His continued confinement amounts to arbitrary and constitutionally impermissible detention.

50. For these reasons, this Court may grant habeas relief on constitutional grounds and order Respondents to release Petitioner immediately under reasonable conditions of supervision.

CLAIMS FOR RELIEF

<u>COUNT I</u>
Fifth Amendment Substantive Due Process
28 U.S. § 2241; U.S. Const. amend. V

51. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

52. The Due Process Clause applies to all persons within the United States, including noncitizens, regardless of whether their presence is lawful, unlawful, or temporary. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Fifth Amendment prohibits the Government from depriving any person of life, liberty, or property without due process of law. U.S. Const. amend. V. As the Supreme Court has emphasized, "[f]reedom from imprisonment—from

government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Id.* at 690.

53. Accordingly, civil immigration detention is subject to constitutional limitations, and confinement that is indefinite, arbitrary, or no longer reasonably related to its stated purpose violates the Due Process Clause.

54. Detention for non-criminal purposes is only allowed "in narrow nonpunitive circumstances, where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* (internal quotations and citations omitted). With respect to immigration detention, the Supreme Court has recognized two special justifications: preventing flight risk and preventing danger to the community. See *Id.* "[B]y definition, the first justification, preventing flight, is weak or nonexistent where removal seems a remote possibility at best." *Id.*

55. Petitioner has a fundamental interest in liberty and being free from official restraint.

56. The Supreme Court has held that the Immigration and Nationality Act "limits a [noncitizen's] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States. It does not permit indefinite detention." *Id.*

57. The constitutional defect here is not merely the duration of Petitioner's detention, but the complete absence of any meaningful custody process. Petitioner is detained under a regime in which: a) There is no significant likelihood of removal in the reasonably foreseeable future, rendering his confinement effectively indefinite; b) DHS has not identified any violation of his Order of Supervision or any material change in circumstances justifying re-detention; and c) No neutral decisionmaker is empowered to conduct an individualized review or order release,

notwithstanding Petitioner's demonstrated compliance and the absence of any finding that he poses a danger to the community or a flight risk.

58. Under these circumstances, Petitioner's continued confinement violates the Due Process Clause.

59. [I]f removal is not reasonably foreseeable, the [habeas] court should hold continued detention unreasonable and no longer authorized by statue." *Id.* at 699. This rule applies to both once-lawful permanent residents and inadmissible non-citizens. See *Clark v. Martinez*, 543 U.S. 371, 378 (2005).

COUNT II
Violation of the Administrative Procedure Act
5 U.S.C. § 706(2)

60. Petitioner realleges and incorporates by reference the allegations of fact set forth in the preceding paragraphs.

61. The APA permits judicial review of agency actions. 5 U.S.C. § 702. It further empowers courts to "hold unlawful and set aside agency action[s]" that are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; [or] without observance of procedure required by law[.]" 5 U.S.C. § 706(2)(A)-(C).

62. The APA also empowers a reviewing court to "hold unlawful and set aside agency actions, findings, and conclusions found to be... without observance of procedure required by law." 5 U.S.C. § 702(2)(D).

63. Administrative agencies must abide by their own regulations. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

64. Respondents revoked Petitioner's order of supervision without determining that changed circumstances render his removal significantly likely in the reasonably foreseeable future and failed to provide him with notification for the reasons for the revocation or an opportunity to respond, as required by 8 C.F.R. § 241.4(1).

65. Having failed to provide Petitioner with the process mandated by its own regulations, the government revoked his supervision order in violation of his due process rights, rendering the revocation invalid.

66. Furthermore, as a stateless person, Petitioner is not a citizen of any country. For over two decades, the government has been unable to remove him.

67. These circumstances have not changed, the documents required by the Palestinian government to grant a passport or travel documents are in the custody of Israel, and Petitioner's removal is therefore not possible.

68. Because Petitioner's removal is not significantly likely in the reasonably foreseeable future, the revocation of his supervision order and re-detention violate the government's own regulations.

COUNT III

Violation of the Immigration and Nationality Act and Implementing Regulations

28 U.S.C. § 2241; 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.4(l)

69. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

70. Respondents have a policy or practice of revoking orders of supervision for and re-detaining non-citizens without individualized determinations that changed circumstances render them significantly likely to be removed from the United States in the reasonably

foreseeable future or providing notice of such changed circumstances and an opportunity to be heard in violation of the INA and its implementing regulations.

71. Respondents' policy or practice is arbitrary and capricious. It deprives individuals with impracticable final removal orders of their liberty without any individualized determination that changed circumstances render their re-detention authorized by the INA. It further denies them notification of the reasons for their re-detention and an opportunity to be heard on the matter, as required by the INA and its implementing regulations.

72. Respondents' policy or practice is also not in accordance with law, short of statutory and constitutional rights, and violates the INA and its implementing regulations, all of which mandate that Respondents only re-detain non-citizens after making an individualized determination that changed circumstances render their removal from the United States significantly likely in the reasonably foreseeable future. The policy or practice also is not in accordance with the requirement that, once such a determination is made, the non-citizen be given notice of the reasons for their re-detention and an opportunity to be heard.

73. Accordingly, the Court should hold unlawful and set aside Respondents' policy or practice of revoking the orders of supervision of and re-detaining non-citizens with final removal orders without individualized determinations that changed circumstances render their removal from the United States significantly likely in the reasonably foreseeable future.

COUNT IV

Declaratory Judgement

28 U.S.C. § 2201

74. Petitioner realleges and incorporates by reference each and every allegation contained above.

75. Under 28 U.S.C. § 2201(a), a court "may declare the rights and other legal relations of any interest party seeking such declaration."

76. Petitioner seeks a declaration that the INA, its implementing regulations, and the Due Process Clause of the Fifth Amendment require Respondents to make individualized determinations that changed circumstances render him and similarly situated persons significantly likely to be removed from the United States in the reasonably foreseeable future prior to revoking their supervision orders and re-detaining them and to notify them of the reasons for their re-detention and provide an opportunity to be heard on the matter.

77. Respondents have a policy or practice of ignoring these statutory, regulatory, and constitutional mandates.

78. Accordingly, Petitioner-Plaintiff requests that the Court declare his rights and legal relations under the INA, its implementing regulations, and the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Declare that the actions of Respondents as set forth in this Petition violate the Fifth Amendment, of the United States Constitution, 28 U.S.C. § 2241;

c. Issue a Writ of Habeas Corpus requiring Respondents to release Petitioner forthwith;

d. Declare that Respondents have violated Petitioner's statutory, regulatory and constitutional rights by revoking his supervision order and re-detaining him without an individualized determination of changed circumstances that render his removal From the United Sates significantly likely in the reasonably foreseeable future or providing notice of the reasons for re-detention or an opportunity to be heard;

e. Enjoin the Respondents from transferring Petitioner to another detention facility;

f. Release Petitioner with all personal property under ICE's possession;

g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

h. Grant any other and further relief that this Court deems just and proper.

DATED this 23rd day of February 2026.

Respectfully submitted,

/s/ Karina Roque
Karina Roque
Texas State Bar No. 24118516
The Presti Law Firm PLLC
9330 Lyndon B Johnson Freeway,
Suite 825
Dallas, TX 75243
F : (214) 342-8900
kr@prestilegal.com
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner Mufid Ahmad Mustafa, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 23rd day of February 2026.

/s/ Karina Roque
Karina Roque
Attorney for Petitioner