FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
APR -3 2026
JEFFREY P. COLWELL
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-01132
(To be supplied by the court)

FADI MAJED OSSEIRAN, Applicant,

v. JUAN BALTAZAR, WARDEN OF THE AURORA ICE DETENTION;
ROBERT HAGAN, DIRECTOR OF ICE FIELD OFFICE IN CENTENNIAL, CO
, Respondent.
(Name of warden, superintendent, jailer, or other custodian)

(Note: If you are attacking the validity of a state conviction or sentence and not the execution of your sentence, you must file an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. If you are attacking the validity of a judgment entered in a federal court, you must file a motion pursuant to 28 U.S.C. § 2255 in the federal court that entered the judgment.)

APPLICATION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

A. APPLICANT INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

FADI MAJED OSSEIRAN, [redacted]
(Applicant's name, prisoner identification number, and complete mailing address)

3130 N. OAKLAND STREET, AURORA CO 80010

Indicate whether you are a prisoner or other confined person as follows: (check one)

___ Pretrial detainee
___ Civilly committed detainee
_X_ Immigration detainee
___ Convicted and sentenced state prisoner
___ Convicted and sentenced federal prisoner
___ Other: (*Please explain*) _____

B. RESPONDENT INFORMATION

JUAN BALTAZAR, WARDEN OF THE AURORA ICE
(Respondent's name and complete mailing address)

DETENTION, 3130 N. OAKLAND ST, AURORA CO 80010

C. STATEMENT OF CLAIMS

State clearly and concisely every claim you are asserting in this action. For each claim, specify the right that allegedly has been violated and all facts that support your claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "C. STATEMENT OF CLAIMS."

CLAIM ONE: VIOLATION OF REGULATORY REQUIREMENTS

Supporting facts: ON JANUARY 05, 2026, PETITIONER WAS RE-DETAINED BY ICE. ICE DID NOT PROVIDE PETITIONER WITH ANY NOTICE OF REVOCATION OF RELEASE INFORMING HIM OF THE REASON FOR HIS RE-DETENTION, NOR DID ICE PROVIDE HIM WITH A NOTICE OF CUSTODY DETERMINATION OR ANY OTHER WRITTEN DECISION EXPLAINING WHAT CHANGED CIRCUMSTANCES ALLEGEDLY JUSTIFIED OR CURRENTLY JUSTIFY HIS RE-DETENTION. FINALLY, PETITIONER ALLEGES HE HAS NOT RECEIVED "ANY SORT OF INTERVIEW AT WHICH HE CAN PRESENT

(1) "C. STATEMENT OF CLAIMS"

EVIDENCE DEMONSTRATING THERE IS NO SIGNIFICANT LIKELIHOOD OF HIS REMOVAL IN THE REASONABLY FORESEEABLE FUTURE.

PETITIONER ARGUES THAT HIS DETENTION UNLAWFULLY VIOLATES THE REGULATIONS SET FORTH IN 8 C.F.R. §§ 241.4 (I) AND 241.13 (i). IN RELEVANT PART, RELEASE MAY BE REVOKED WHEN THE EXECUTIVE ASSOCIATE COMMISSIONER OR A DISTRICT DIRECTOR BELIEVES REVOCATION "IS APPROPRIATE TO ENFORCE A REMOVAL ORDER OR TO COMMENCE REMOVAL PROCEEDINGS AGAINST [A NONCITIZEN]." 8 C.F.R. § 241.4 (I)(2)(iii). SECTION 241.13 PROVIDES "SPECIAL REVIEW PROCEDURES" THAT APPLY WHERE A NONCITIZEN "HAS PROVIDED A GOOD REASON TO BELIEVE THERE IS NO SIGNIFICANT LIKELIHOOD OF REMOVAL TO THE COUNTRY TO WHICH HE OR SHE WAS ORDERED REMOVED... IN THE REASONABLY FORESEEABLE FUTURE." § 241.13 (a). RELEASE MAY BE REVOKED UNDER THIS SECTION IF, "ON ACCOUNT OF CHANGED CIRCUMSTANCES, THE SERVICE DETERMINES THAT THERE IS A SIGNIFICANT LIKELIHOOD THAT THE [NONCITIZEN] MAY BE REMOVED IN THE REASONABLY FORESEEABLE FUTURE." § 241.13 (i)(2). UNDER BOTH REGULATIONS, "[U]PON REVOCATION", THE NONCITIZEN WILL BE NOTIFIED OF THE REASONS FOR REVOCATION OF HIS OR HER RELEASE OR PAROLE AND WILL BE GIVEN AN INITIAL INFORMAL INTERVIEW PROMPTLY AFTER HIS OR HER RETURN TO SERVICE CUSTODY TO RESPOND TO THE REASONS FOR REVOCATION STATED IN THE NOTIFICATION." § 241.4 (I)(1); § 241.13 (i)(3). SEE TRAN V. BONDI, 2025 WL 3140462, at *3 (W.D. Wash. Nov. 10, 2025) (FINDING THAT PETITIONER

(2) "STATEMENT OF CLAIMS"

SHOWED HIS RE-DETENTION DID NOT COMPLY WITH THE REQUIREMENTS SET FORTH BY 8.C.F.R. § 241.13 AND GRANTING HABEAS RELIEF); SORYADVONGSA V. NOEM, 2025 WL 3126821, at *3 (S.D. Cal. Nov. 8, 2025) ("THE GOVERNMENT'S AUTHORITY TO CIVILLY DETAIN ANYONE IS STRICTLY CONFINED [BY THE INA REGULATIONS]. [PETITIONER] HAS CARRIED HIS BURDEN OF ESTABLISHING THAT ICE EXCEEDED THOSE UMCOMPROMISING BOUNDS AND THAT HIS CUSTODY IS UNLAWFUL. THUS, HE MUST BE SET FREE."); PHONGSAVANH V. WILLIAMS, F. Supp. 3d IS 221725, 2025 WL 3124032, at *6 (S.D. IOWA Nov. 7, 2025) (HOLDING THAT "[T]HE GOVERNMENT HAS FAILED TO CARRY ITS BURDEN UNDER 8 C.F.R. § 241.13(i)(2). THAT REGULATION EMBODIES THE EXECUTIVE BRANCH'S OWN PROCEDURAL REQUIREMENTS, AND AGENCIES MUST COMPLY WITH THE RULES THEY PROMULGATE" AND GRANTING HABEAS RELIEF); RASAKHAMDEE V. NOEM, 2025 WL 3102037, at *5 (S.D. Cal. Nov. 6, 2025) ("GOVERNMENT AGENCIES ARE REQUIRED TO FOLLOW THEIR OWN REGULATIONS. ICE FAILED TO DO SO HERE. THE COURT'S RESEARCH INDICATES THAT EVERY DISTRICT COURT, EXCEPT TWO, TO CONSIDER THE ISSUE HAS DETERMINED THAT WHERE ICE FAILS TO FOLLOW ITS OWN REGULATIONS IN REVOKING RELEASE, THE DETENTION IS UNLAWFUL AND THE PETIONER'S RELEASE MUST BE ORDERED.'") (INTERNAL CITATION AND FOOTNOTE OMITTED); SARAIL AV. BONDI, 2025 WL 2533673 (D. Minn. Sept. 3, 2025) (ORDERING RELEASE BASED ON VIOLATION OF 8C.F.R. § 241.13(i)).

CLAIM TWO: PETIONER CONTENDS THAT HIS DETENTION VIOLATES 8 U.S.C. § 1231 BECAUSE FOLLOWING THE 90-DAY REMOVAL PERIOD, HIS RELEASE ON SUPERVISION IS MANDATORY.

(3) "C. STATEMENT OF CLAIMS"

CLAIM TWO: PETITIONER HAS HAD HIS FINAL ORDER OF REMOVAL SINCE 2009. ICE RE-DETAINED PETITIONER ON OR AROUND JANUARY 05, 2026.

PETITIONER CONTENDS THAT HIS DETENTION BY RESPONDENTS VIOLATES 8 C.F.R. § 1231, BECAUSE FOLLOWING THE 90-DAY REMOVAL PERIOD HIS RELEASE ON SUPERVISION IS MANDATORY. TITLE 8, SECTION 1231 (a)(2)(A) OF THE UNITED STATES CODE MANDATES THAT "THE ATTORNEY GENERAL SHALL DETAIN" AN ALIEN WHO IS ORDERED REMOVED FROM THE COUNTRY. HOWEVER THE LENGHT OF DETENTION CANNOT BE INDEFINITE: IN GENERAL, "WHEN AN ALIEN IS ORDERED REMOVED, THE ATTORNEY GENERAL SHALL REMOVE THE ALIEN FROM THE UNITED STATES WITHIN A PERIOD OF 90 DAYS." § 1231 (a)(1)(A). THIS IS KNOWN AS THE "REMOVAL PERIOD", AND BEGINS AT THE LATEST OF (1) "[T]HE DATE THE ORDER OF REMOVAL BECOMES ADMINISTRATIVELY FINAL," (2) "THE DATE OF THE COURT'S FINAL ORDER" WHEN A REMOVAL ORDER IS JUDICIALLY REVIEWED, OR (3) "THE DATE THE ALIEN IS RELEASED FROM DETENTION OR CONFINEMENT" IF THE ALIEN IS DETAINED ACCORDING TO A NON-IMMIGRATION PROCESS (e.g., IMPRISONMENT FOR A CRIME). SEE ZADVYDAS, 533 U.S. at 682 ("WHEN AN ALIEN HAS BEEN FOUND TO BE UNLAWFULLY PRESENT IN THE UNITED STATES AND A FINAL ORDER OF REMOVAL HAS BEEN ENTERED, THE GOVERNMENT ORDINARILY SECURES THE ALIEN'S REMOVAL DURING A SUBSEQUENT 90-DAY STATUTORY 'REMOVAL

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PERIOD', DURING WHICH TIME THE ALIEN NORMALLY IS HELD IN CUSTODY.").

"IF THE ALIEN DOES NOT LEAVE OR IS NOT REMOVED WITHIN THE REMOVAL PERIOD, THE ALIEN, PENDING REMOVAL, SHALL BE SUBJECT TO SUPERVISION" UNDER CERTAIN CONDITIONS OR RESTRICTIONS. 8 U.S.C. § 1231(a)(3). SEE ALSO 8 C.F.R. § 241.5 (SETTING FORTH CONDITIONS OF RELEASE AFTER REMOVAL PERIOD). RELEASE ON SUPERVISION MAY BE REVOKED AND THE ALIEN RETURNED TO CUSTODY IF THE ALIEN VIOLATES THE CONDITIONS OF SUPERVISED RELEASE OR "IF, ON ACCOUNT OF CHANGED CIRCUMSTANCES, [ICE] DETERMINES THAT THERE IS SIGNIFICANT LIKELIHOOD THAT THE ALIEN MAY BE REMOVED IN THE REASONABLY FORESEEABLE FUTURE." 8 C.F.R § 241.13(i)(1)-(2). THE ALIEN IS ENTITLED TO BE NOTIFIED OF THE REASONS FOR REVOCATION OF HIS RELEASE, AN INITIAL INFORMAL INTERVIEW, AND AN OPPORTUNITY TO RESPOND. § 241.13(i)(3).

CLAIM THREE: PETITIONER STATES THAT HIS DETENTION VIOLATES HIS RIGHT TO DUE PROCESS UNDER THE FIFTH AMENDMENT AS ESTABLISHED IN ZADVYDAS v. DAVIS, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001).

PETIONER CHALLENGES HIS DETENTION AS UNLAWFUL BASED ON ICE'S DECISION TO REVOKE HIS RELEASE WITHOUT PROVIDING THE REQUIRED NOTICE AND OPPORTUNITY TO BE HEARD. PETITIONER'S

(5) "C. STATEMENT OF CLAIMS"

CLAIMS THEREFORE IMPLICATE THE DUE PROCESS CLAUSE.

THE DUE PROCESS CLAUSE PROHIBITS DEPRIVATIONS OF LIFE, LIBERTY, AND PROPERTY WITHOUT DUE PROCESS OF LAW. U.S. CONSTITUTION AMENDMENT V. DUE PROCESS RIGHTS EXTEND TO NONCITIZENS PRESENT IN THE UNITED STATES, INCLUDING THOSE SUBJECT TO FINAL REMOVAL ORDERS. ZADVYDAS, 533 U.S. at 693-94; SEE TRUMP v. J.G.G., 604 U.S. 670, 673, 145 S. Ct. 1003, 221 L. Ed. 2d 529 (2025) ("IT IS WELL ESTABLISHED THAT THE FIFTH AMENDMENT ENTITLES ALIENS TO DUE PROCESS OF LAW' IN THE CONTEXT OF REMOVAL PROCEEDINGS." (QUOTING RENO v. FLORES, 507 U.S. 292, 306, 113 S. Ct. 1439, 123 L. Ed. 2d 1 (1993)).

D. PRIOR APPLICATIONS

Have you ever filed a lawsuit, other than this lawsuit, in any federal court in which you raised or could have raised the claim(s) raised in this action? ___ Yes X No (*check one*).

If your answer is "Yes," complete this section of the form. If you have filed more than one prior application, use additional paper to provide the requested information for each prior application. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "D. PRIOR APPLICATIONS."

Name and location of court: _____

Case number: _____

Type of proceeding: _____

List the claim(s) raised: _____

Date and result: (Attach a copy of the decision if available) _____

Result on appeal, if appealed: _____

E. ADMINISTRATIVE REMEDIES

WARNING: You must exhaust administrative and/or state remedies before filing an action in federal court pursuant to 28 U.S.C. § 2241. Your case may be dismissed if you have not exhausted administrative and/or state remedies. If additional space is needed to explain exhaustion, use extra paper to do so. Please indicate that additional paper is attached and label the additional pages regarding exhaustion as "E. ADMINISTRATIVE REMEDIES."

Explain the steps you have taken to exhaust administrative and/or state remedies:

I HAVE HELPED ICE FIND MY TRAVEL DOCUMENTS SINCE I'HAVE BEEN IN DETENTION. I HAVE SPOKE TO TWO EMBASSIES AND ANSWERED THEIR QUESTIONS TOTHE BEST OF MY KNOWLEDGES. I HAVE ALSO BEEN TO MY ICE INTERVIEWS AND ASSISSTED THEM WITH EVERYTHING THAT THEY NEEDED. IT IS CLEAR TOTHEM THAT NO COUNTRY WANTS ME BUT THEY (ICE) DO NOT WANT TO RELEASEME.

F. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "F. REQUEST FOR RELIEF."

WHEREFORE, PETITIONER RESPECTFULLY ASKS THAT THIS COURT GRANT THE FOLLOWING RELIEF:

(1) ORDER RESPONDENTS TO IMMEDIATELY RELEASE PETITIONER FROM THEIR CUSTODY, SUBJECT TO THE CONDITIONS IN HIS PREEXISTING ORDER OF SUPERVISION;

(2) ORDER RESPONDENTS NOT TO TRANFER PETITIONER EXCEPT TO A FACILITY WITHIN THIS DISTRICT, TO PRE-

G. APPLICANT'S SIGNATURE

I declare under penalty of perjury that I am the applicant in this action, that I have read this application, and that the information in this application is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this application: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the application otherwise complies with the requirements of Rule 11.

Osseinou Fadi

(Applicant's signature)

03/30/2026

(Date)

(Form Revised December 2017)

"F. of REQUEST FOR RELIEF"

SERVE THIS COURT'S JURISDICTION PENDING A RULING ON THE PETITION;

(3) ENJOIN RESPONDENTS FROM RE-DETAINING PETITIONER WITHOUT PROVIDING HIM A PRE-DETENTION HEARING BEFORE A NEUTRAL DECISION MAKER WHERE RESPONDENTS BEAR THE BURDEN OF DEMONSTRATING BY CLEAR AND CONVINCING EVIDENCE THAT PETITIONER IS A FLIGHT RISK OR A DANGER SUCH THAT HIS PHYSICAL CUSTODY IS REQUIRED;

(4) GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COURT DEEMS JUST AND PROPER.

CERTIFICATE OF SERVICE

FADI MASJED OSSEIRAN
(Name of Respondent)

[redacted]
("A number" of Respondent)

On 03/30/2026, I, FADI MASJED OSSEIRAN,
(Print Name)

served a true and correct copy of this:

HABEAS CORPUS

and any attached pages to: X

US DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
OFFICE OF CHIEF COUNSEL
12445 E. CALEY AVENUE
CENTENNIAL, CO 80111-6432

_____

US DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
OFFICE OF CHIEF COUNSEL (IN COURT)
3130 NORTH OAKLAND STREET
AURORA, CO 80010

By: JAIL HOUSE MAIL BOX.

Osseiran Fadi.
(Signature)

03/30/2026
(Date)

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