

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

ALHALABI SALEH MONJED,	:	
	:	
Petitioner,	:	
	:	Case No. 4:26-cv-517-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,	:	
	:	
	:	
Respondent.	:	

RESPONDENT’S MOTION TO DISMISS

On March 31, 2026, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”). ECF No. 1. Petitioner primarily asserts that his detention violates his due process rights pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001), and seeks release from custody. Pet. at 4–6. As explained below, the Petition should be dismissed in its entirety.

BACKGROUND

Petitioner is a native and citizen of Syria who is detained post-final order of removal pursuant to 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). Declaration of Deportation Officer John Simonton II (“Simonton Decl.”) ¶¶ 4, 17; Ex. A. On April 6, 2023, Petitioner was encountered by United States Border Patrol (“CBP”) near Eagle Pass, Texas, after illegally entering the United States and was processed for expedited removal. *Id.* ¶ 5; Ex. B. On April 19, 2023, an Immigration Judge (“IJ”) affirmed the United States Citizenship and Immigration Service’s (“USCIS”) unfavorable credible fear determination and returned the case to DHS to execute the removal order. *Id.* ¶¶ 6, 7; Ex. C. On May 11, 2023, Petitioner was paroled and released from ICE/ERO custody; that parole authorization expired on May 11, 2024. *Id.* ¶ 8; Ex. D.

On August 17, 2025, Petitioner re-entered ICE/ERO custody following a targeted enforcement operation. *Id.* ¶ 9. On November 21, 2025, ICE/ERO submitted a travel document request (“TDR”) to ERO HQ for review. *Id.* ¶ 10. ICE/ERO diligently pursued the TDR, requesting status updates on December 9, 2025, December 20, 2025, and January 13, 2026. *Id.* ¶ 11. On January 13, 2026, ERO HQ approved the TDR, and ICE/ERO submitted it to Syrian officials that same day. *Id.* ¶ 12. ICE/ERO requested further status updates on February 18, 2026, and March 2, 2026. *Id.* ¶ 13. On March 16, 2026, ICE/ERO inquired about removing Petitioner to Venezuela based on his prior residence there. *Id.* ¶ 14. On April 2, 2026, ERO HQ responded that the government of Syria has resumed engagement and will begin interviews for non-passport cases once passport cases are completed. *Id.* ¶ 15. Most recently, on April 23, 2026, ERO HQ again inquired with the government of Syria regarding the status of interviews. *Id.* ¶ 16. ICE/ERO continues to work with the appropriate officials to obtain a travel document and is currently removing non-citizens to Syria. *Id.* ¶ 18.

LEGAL FRAMEWORK

Petitioner is detained pursuant to an expedited order of removal. Simonton Decl. ¶ 5. As a result, his detention is mandatory pursuant to 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). *Id.* ¶ 17.

Expedited removal orders permit ICE/ERO to remove specific classes of inadmissible non-citizens without conducting removal proceedings under INA section 240, 8 U.S.C. § 1229a: (1) arriving aliens, and (2) certain inadmissible non-citizens who have not otherwise been admitted or paroled. 8 C.F.R. § 253.3(b)(1), (b)(2)(ii). First, 8 U.S.C. § 1225(a)(1) provides that “[a]n alien present in the United States who has not been admitted or who arrives in the United States . . . shall be deemed . . . an applicant for admission.” These non-citizens—known as “arriving aliens”—are subject to expedited removal orders in two ways. 8 C.F.R. § 253.3(b)(1)(i). “If an

immigration officer determines that an alien . . . who is arriving in the United States . . . is inadmissible under [8 U.S.C. §§] 1182(a)(6)(C) or 1182(a)(7)[,] the officer shall order the alien removed from the United States without further hearing or review unless the alien” intends to apply for asylum or claims a fear of persecution. 8 U.S.C. § 1225(b)(1)(A)(i). For arriving aliens who claim a fear of persecution, “if the officer determines that an alien does not have a credible fear of persecution, the officer shall order the alien removed from the United States without further hearing or review.” 8 U.S.C. § 1225(b)(1)(B)(iii)(I).

Second, 8 U.S.C. § 1225(b)(1)(A)(iii)(I) provides that DHS/ERO may apply expedited removal proceedings to an additional class of non-citizens. *See also* 8 C.F.R. § 253.3(b)(1)(ii). Specifically, this includes non-citizens who (1) have “not been admitted or paroled into the United States,” and (2) have “not affirmatively shown, to the satisfaction of an immigration officer, that [they have] been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility[.]” 8 U.S.C. § 1225(b)(1)(A)(iii)(II).

If an immigration officer determines that a non-citizen is inadmissible and subject to expedited removal in one of these two manners, the “immigration officer shall advise the alien of the charges against him or her on Form I-860, Notice and Order of Expedited Removal, and the alien shall be given an opportunity to respond to those charges[.]” 8 C.F.R. § 253.3(b)(2)(i). If the charges are sustained, the “immigration official shall serve the alien with Form I-860[.]” *Id.* Thereafter, the non-citizen will be processed for removal. 8 C.F.R. § 253.3(b)(8).

Non-citizens subject to expedited removal orders “shall be detained pending . . . removal, except that parole of such alien, in accordance with section 212(d)(5) of the Act, may be permitted[.]” 8 C.F.R. § 253.3(b)(2)(iii); *see also* 8 U.S.C. § 1225(b)(1)(B)(iii)(IV) (“Any alien

subject to the procedures under this clause shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.”).

ARGUMENT

Petitioner argues that his continued detention is unlawful under the INA and Due Process because it has exceeded a “reasonable” period, and that his potential removal to a third country violates the APA and Due Process. Pet. 4–6. These claims should be dismissed. First, Petitioner’s detention claims fail because he is an arriving alien subject to mandatory detention under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). Simonton Decl. ¶ 17.

Second, Petitioner’s third-country claims fail as a matter of law. To the extent Petitioner raises an APA claim, it is not cognizable in habeas, as it is inappropriate to “bootstrap” civil administrative claims onto a habeas petition to avoid higher filing fees. *See Villafruerte v. Warden, Stewart Det. Ctr.*, 2018 WL 6626640, at *2. Furthermore, his Due Process claim is not ripe for review; ICE/ERO has only made a “possible” inquiry regarding Venezuela, and no final decision to remove Petitioner to a third country has been made. Simonton Decl. ¶ 14. Because there is no actual injury or final agency action, this claim should be dismissed.

I. Petitioner’s detention is mandatory under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV).

Petitioner argues that his continued detention violates the INA and the Supreme Court’s interpretation thereof in *Zadvydas*. Pet. 4–5. This argument fails as a matter of law because Petitioner is not detained under the discretionary authority of 8 U.S.C. § 1231, but rather the mandatory framework of 8 U.S.C. § 1225(b). The statute contains no discretionary language; it mandates that an arriving alien “shall be detained” pending a final determination of credible fear and, if no fear is established, “until removed.” 8 U.S.C. § 1225(b)(1)(B)(iii)(IV).

Here, Petitioner was apprehended at the border and processed for expedited removal. Simonton Decl. ¶ 5. Although he was paroled in May 2023, that parole did not terminate his legal status as an “applicant for admission.” *See* 8 U.S.C. § 1182(d)(5)(A); 8 U.S.C. § 1225(a)(1). Under the plain language of the statute, parole is not an admission; thus, when Petitioner was re-detained in August 2025, he remained an arriving alien subject to mandatory detention. Simonton Decl. ¶¶ 8–9. Because his removal order was affirmed by an immigration court, his detention authority is governed by the final phrase of § 1225(b)(1)(B)(iii)(IV). As the Supreme Court held in *Jennings*, this specific provision does not contain the “reasonableness” time limit found in other statutes. Accordingly, Petitioner’s circumstances are nearly identical to those of the petitioner “G.A.G.C.” discussed in this Court’s decision in *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL-CHW, 2025 WL 3269947, at *2 (M.D. Ga. Nov. 24, 2025). There, the Court denied G.A.G.C.’s petition because he had been inspected by an examining officer upon entry and was subject to mandatory detention while his claim for relief was considered. While Petitioner was previously paroled, that parole did not terminate his status as an “arriving alien.” *See* 8 U.S.C. § 1182(d)(5)(A); Simonton Decl. ¶ 8. Consistent with the Court’s holding regarding G.A.G.C., Petitioner remains subject to mandatory detention.

Even if a “reasonableness” or “foreseeability” standard applied, Petitioner’s claim would still fail because ICE/ERO is diligently working toward his removal. This Court held in *S.S. v. Bondi* that continued detention is authorized where the Government demonstrates good-faith efforts to secure travel documents. No. 4:25-cv-45-CDL-AGH, at 7. The record here affirmatively demonstrates such diligence. Since November 2025, ICE/ERO has pursued Petitioner’s TDR through at least seven documented status inquiries to Headquarters and Syrian officials. Simonton Decl. ¶¶ 10–16. These efforts have yielded tangible administrative progress: as of April 2, 2026,

the Syrian government has resumed engagement with ICE/ERO and confirmed it will begin interviews for non-passport cases, like Petitioner's, once passport-holding cases are concluded. *Id.* ¶ 15. Because the removal process is actively moving through administrative channels, and the Government is currently effectuating removals of other non-citizens to Syria, there is no evidence of a permanent barrier to Petitioner's removal. *Id.* ¶ 18.

CONCLUSION

For the reasons stated above, Petitioner's detention is mandatory under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV) and is authorized until he is removed. Petitioner has failed to state a claim for relief because his detention is not subject to a "reasonableness" time limit, and even if it were, the record demonstrates that Respondent is diligently working toward his removal and that the Syrian government has resumed engagement. Furthermore, Petitioner's third-country claims are not cognizable in this habeas proceeding and are not ripe for review. Accordingly, Respondent respectfully requests the Court dismiss the Petition.

Respectfully submitted this 28th day of April, 2026.

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28 U.S.C. § 543

CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Respondent's Motion to Dismiss with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

ALHALABI SALEH MONJED

A# 
Stewart Detention Center
P.O. Box 248
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This 28th day of April, 2026.

BY: s/ Andressa Bryant
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