

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

MAHMOOD YOUSEF,

*Petitioner,*

v.

Case No.

JASON STREEVAL, Warden, Stewart Detention  
Center; LADEON FRANCIS, Field Office Director,  
Atlanta Field Office, U.S. Immigration and Customs  
Enforcement; TODD LYONS, Acting Director, U.S.  
Immigration and Customs Enforcement;  
MARKWAYNE MULLIN, Secretary of Department  
of Homeland Security; TODD BLANCHE, Attorney  
General of the United States, *in their official  
capacities*

*Respondents.*

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

## INTRODUCTION

1. Petitioner Mahmood Yousef (“Petitioner”) is a citizen and national of Syria. He has been detained at the Stewart Detention Center since his arrival in the United States in May of 2024, a total of almost 23 months.

2. [REDACTED]. On March 5, 2025, an immigration judge at the Stewart Immigration Court (the “IJ”) granted Petitioner’s application for withholding of removal, finding it more likely than not that the Syrian government, Syrian society, or both will kill or seriously harm Petitioner based on his sexual orientation if he were returned to Syria. The IJ’s order—that Petitioner’s removal to Syria be withheld—became administratively final on April 4, 2025.

3. Since that time, Immigration and Customs Enforcement (“ICE”) has refused to release Petitioner from detention under the pretense that it will somehow be able to deport him to a country other than Syria.

4. Petitioner has now been detained, post-final order of removal, for over a year.

5. ICE has provided Petitioner no indication he will be deported to a third country within the reasonably foreseeable future. ICE has never requested that Petitioner meet with the consulate of a third country, nor completed any application for a third-country travel document.

6. The fact is, no third country is likely to grant Petitioner travel documents. There is, accordingly, no significant likelihood of removal in the reasonably foreseeable future. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

7. Respondents’ actions violate the U.S. Constitution, the Immigration and Nationality Act (“INA”) and its implementing regulations, and the Administrative Procedure Act (“APA”).

8. To remedy his unconstitutional and statutorily unauthorized detention, Petitioner is entitled to release.

### **JURISDICTION AND VENUE**

9. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question), 2241 (habeas corpus), and the Suspension Clause, U.S. Const., Art. I, § 9, cl. 2, as Petitioner is currently detained under color of the authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651

10. Venue is proper in the United States District Court for the Middle District of Georgia pursuant to 28 U.S.C. § 1391(b)(2) and (e)(1) because Respondents reside in this District; Petitioner is currently detained in this District, where a substantial part of the events or omissions giving rise to this action occurred and continue to occur; and Petitioner's immediate physical custodian is in this District.

### **PARTIES**

11. Petitioner Mahmood Yousef is a citizen of Syria currently detained at Stewart Detention Center in Lumpkin, Georgia. Petitioner arrived in the U.S. in May of 2024. He was immediately detained and then transferred to Stewart Detention Center in Lumpkin, Georgia. Respondents have detained Petitioner at Stewart Detention Center since approximately May 2024.

12. Respondent Jason Streeval is sued in his official capacity as Petitioner's immediate legal and physical custodian. Respondent Streeval is the Warden of Stewart Detention Center, where Petitioner is currently detained.

13. Respondent Ladeon Francis is sued in his official capacity as a legal custodian of Petitioner. Respondent Francis is the Field Office Director of the ICE Atlanta Field Office. In this

role, Respondent Francis is responsible for ICE activities in the Atlanta Area of Responsibility, which includes Georgia and its detention facilities, including Stewart Detention Center.

14. Respondent Todd Lyons is sued in his official capacity as a legal custodian of Petitioner. As the Acting Director of ICE, Respondent Lyons is responsible for the administration of immigration law pursuant to 8 U.S.C. § 1103.

15. Respondent Markwayne Mullin is sued in his official capacity as a legal custodian of Petitioner. As the Secretary of the Department of Homeland Security (“DHS”), he directs DHS and its components, which include ICE, and is responsible for administering immigration laws pursuant to 8 U.S.C. § 1103.

16. Respondent Todd Blanche is sued in his official capacity as a legal custodian of Petitioner. As the Attorney General of the United States, Respondent Blanche administers immigration laws pursuant to 8 U.S.C. § 1103(g), including the Executive Office of Immigration Review (“EOIR”).

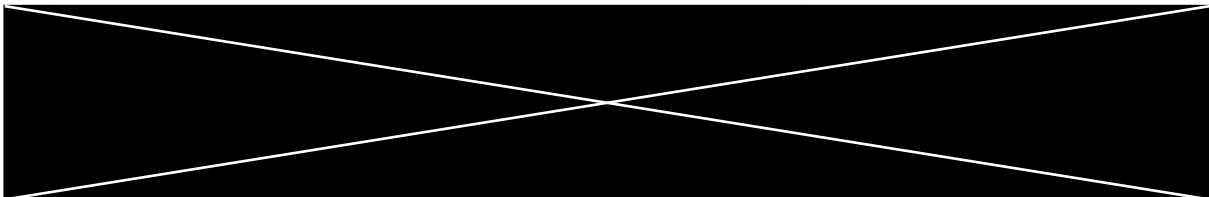
#### STATEMENT OF FACTS

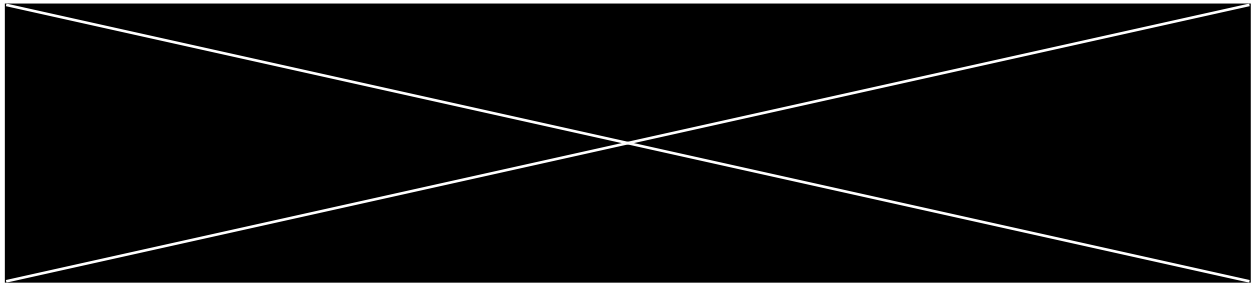
17. Petitioner, male, is a native and citizen of Syria. Now 23 years old, 



 Being gay is against the law in Syria.

18. In December of 2022, Petitioner fled Syria to avoid conscription into the Syrian military, which he believed killed innocent people. Petitioner went to Venezuela on a tourist visa.





20. After learning of [REDACTED] Petitioner left Venezuela and traveled over land through Colombia, Panama, Costa Rica, Nicaragua, Guatemala, and Mexico before arriving in the United States on May 20, 2024. He crossed the Rio Grande River on a raft and was immediately arrested by the Department of Homeland Security, which sent him to the Stewart Detention Center in Lumpkin, Georgia.

21. On February 7, 2025, the Stewart Immigration Judge (“IJ”) held a merits hearing on Petitioner’s application for asylum or, in the alternative, withholding of removal.

22. In her written decision dated March 5, 2025, the IJ found that Petitioner testified credibly at the merits hearing, but denied asylum based on the Circumvention of Lawful Pathways rule, codified at 8 C.F.R. § 1208.33 (herein “CLP”). The CLP applies a rebuttable presumption of asylum ineligibility to noncitizens who enter the U.S. on land from Mexico, between ports of entry, without documentation and without having applied for asylum in one of the countries transited on the way to the United States. The IJ found the presumption applied to Petitioner and was not, despite the plain text of the CLP regulations, *see* 8 C.F.R. § 1208.33(a)(3), rebutted by the fact that in Mexico Petitioner had been kidnapped and robbed by cartel members, who then forced him to cross the border.

23. Though she denied asylum, the IJ granted Petitioner’s application for withholding of removal, finding it more likely than not that if returned to Syria, the Syrian government or Syrian society, or both, would kill or seriously harm Petitioner based on his sexual orientation.

Footnote four to the IJ's decision states: "The Court notes that if the CLP bar did not apply to [Petitioner], this Court would have granted asylum because he has established a well-founded fear of future persecution on a protected ground."

24. The IJ's order removing Petitioner to Syria—simultaneously ordering that removal be withheld—became administratively final when the 30-day appeal window expired on April 4, 2025. *See* 8 C.F.R. § 1241.1(c) (removal order becomes final "[u]pon expiration of the time allotted for an appeal if the respondent does not file an appeal within that time"). A true and correct copy of the IJ's order is attached as **Exhibit 1**.

25. Despite being granted withholding of removal from Syria, Petitioner remains detained at the Stewart Detention Center.

26. On September 30, 2025, Petitioner filed in this Court, pro se, a petition for writ of habeas corpus alleging that his post-order detention is illegal under *Zadvydas v. Davis*, 533 U.S. 678 (2001). *M.Y. v. Warden, Stewart Detention Center, et al.*, 4:25-cv-00308-CDL-AGH, ECF Doc. 1. On March 19, 2026, Magistrate Judge Amelia G. Helmick, "conclud[ing] that an evidentiary hearing is necessary," granted Petitioner's motion for appointment of counsel. *Id.*, ECF Doc. 15 at 2. After appointment of the undersigned as pro bono counsel, the parties conferred and agreed that dismissing the pro se petition and then filing a new, counseled petition would best address the government's contention that the pro se petition was filed prematurely. *See id.*, ECF Doc. 6 (Motion to Dismiss) at 5-8. On today's date, April 14, 2026, the parties filed a notice of stipulated dismissal without prejudice. *Id.*, ECF Doc. 24.

27. April 4th marked a full year of post-order detention for Petitioner. During this entire time, Petitioner has not interviewed or otherwise communicated with government officials from any third country. He has not filled out any paperwork or otherwise provided information regarding

a request for travel documents to any third country. And he has received no concrete information from ICE or anyone else about the status of his removal to a third country.

28. Upon information and belief, ICE has not communicated with the consulate of any third country to request travel documents for Petitioner.

29. Petitioner is a citizen of no country other than Syria.

30. Upon information and belief—and considering that Petitioner’s case is strikingly similar to that of a Syrian man whose habeas petition was granted in December after ICE admitted it could not effect third-country removal—ICE cannot, or will not, remove Syrians like Petitioner to a third country. True and correct copies of a news article on Kamel Maklad’s case; of Mr. Maklad’s habeas petition; and of the Arizona district court’s order granting the petition are attached as **Exhibit 2**, **Exhibit 3**, and **Exhibit 4**, respectively.

31. ICE is scheduled to review Petitioner’s “custody status” on April 23rd. A true and correct copy of ICE’s “Notice to Alien of File Custody Review” is attached at **Exhibit 5**.

32. On or around April 9, Petitioner met with his Deportation Officer, Kirk Scott. As Petitioner understood him, Officer Scott stated that Petitioner had been detained for too long and that he (i.e., Officer Scott) would be recommending Petitioner’s release.

## **LEGAL FRAMEWORK**

### **Post-Removal Order Detention Under 8 U.S.C. § 1231**

33. 8 U.S.C. § 1231 permits ICE to detain noncitizens during the “removal period,” which is defined as the 90-day period during which “the Attorney General shall remove the [noncitizen] from the United States.” 8 U.S.C. § 1231(a)(1)(A). The removal period begins on the latest of the following:

- (i) The date the order of removal becomes administratively final.

(ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court's final order.

(iii) If the [noncitizen] is detained or confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement.

*Id.* § 1231(a)(1)(B).

34. If an individual is ordered removed by an Immigration Judge and does not appeal, their removal order becomes administratively final when the 30-day deadline for appeal expires, or immediately if the person waives appeal. *See* 8 C.F.R. §§ 1241.1(b), (c).

35. Detention is mandatory only during the 90-day “removal period.” *See* 8 U.S.C. § 1231(a)(1)(A). After the 90-day removal period, detention is no longer mandatory, and ICE may release noncitizens under orders of supervision (“OSUP”). *See* 8 U.S.C. § 1231(a)(3).

36. The INA’s implementing regulations provide a comprehensive regulatory scheme governing the issuance and revocation of OSUPs. The regulations state that ICE may release a noncitizen on an OSUP if he “would not pose a danger to the community . . . or a significant risk of flight,” 8 C.F.R. § 241.4(d)(1), or if “there is no significant likelihood that [he] will be removed in the reasonably foreseeable future,” *id.* § 241.13(g)(1).

#### ***Constitutional Limits on Detention Under 8 U.S.C. § 1231***

37. ICE may continue to detain some noncitizens who are not released on orders of supervision. Noncitizens who are “inadmissible,” who have been ordered removed because of certain criminal convictions, or who are deemed “a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period[.]” 8 U.S.C. § 1231(a)(6). But that period of post-removal order detention is not without limits.

38. In *Zadvydas v. Davis*, the Supreme Court applied the doctrine of constitutional avoidance to hold that § 1231(a)(6) authorizes detention only for “a period reasonably necessary to bring about that [noncitizen]’s removal from the United States,” which is presumptively no

longer than six months. 533 U.S. at 689, 701.

39. A person's continued detention pursuant to § 1231(a)(6) is constitutionally impermissible if it is not reasonably related to the statutory purpose of ensuring the individual's prompt removal or protecting against dangerousness in certain narrow circumstances. *Zadvydas*, 533 U.S. at 690. The justification of preventing a noncitizen's flight is "weak or nonexistent" where removal is not foreseeable, and detention based on dangerousness is only permissible "when limited to specially dangerous individuals and subject to strong procedural protections." *Id.* at 690–91.

40. To avoid the "serious constitutional problem" of indefinite civil detention under § 1231(a)(6), the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a "reasonable period of detention" for noncitizens after a removal order. *Id.* at 690, 700–01. The Court determined that six months of detention could be deemed a "presumptively reasonable period of detention," after which the burden shifts to the government to justify continued detention if the noncitizen provides a "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701. The noncitizen need not show that their removal is "impossible." *Id.* at 702. And once the burden shifts to the government, the government must do more than simply claim that "good faith efforts to effectuate . . . deportation continue." *See id.* If the government fails to rebut the noncitizen's showing that there is no significant likelihood of removal in the reasonably foreseeable future, the government must release the noncitizen. *See id.*; *Singh v. Att'y Gen.*, 945 F.3d 1310, 1313–14 (11th Cir. 2019).

41. The Eleventh Circuit has distilled a noncitizen's burden under *Zadvydas* into two elements. To state a claim under *Zadvydas*, the noncitizen must show (1) detention for over six months, and (2) that there is no significant likelihood of removal in the reasonably foreseeable

future. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

42. Release is the proper remedy for unconstitutionally prolonged post-order detention. *See Zadvydas*, 533 U.S. at 699–700 (explaining that supervised release is the appropriate relief when “the detention in question exceeds a period reasonably necessary to secure removal” because, at that point, detention is “no longer authorized by statute”).

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231** ***Presumptively Unreasonable Detention Under Zadvydas***

43. Petitioner re-alleges and incorporates by reference each allegation contained above.

44. Petitioner is currently detained under 8 U.S.C. § 1231(a)(6), as he is subject to a final order of removal, and has been detained beyond the mandatory 90-day removal period under 8 U.S.C. § 1231(a)(1)(A).

45. Petitioner’s continued detention violates 8 U.S.C. § 1231, as interpreted by *Zadvydas*. First, ICE has detained Petitioner far in excess of the six months deemed presumptively reasonable.

46. Second, there is no significant likelihood of Petitioner’s removal to a third country—that is, a country that is not Syria—in the reasonably foreseeable future.

47. Petitioner has never spoken to officials from any third country’s consulate regarding his being sent to that country. ICE has never asked Petitioner to complete a travel document application nor to meet with a consular official from any third country. ICE has never told Petitioner that it has requested travel documents on his behalf.

48. Petitioner has never been convicted of a crime, and there is no reason to believe that if released from detention he would pose a risk to the community or fail to comply with lawful

removal to a third country.

49. It follows that no “sufficiently strong special justification” exists to justify Petitioner’s continued detention beyond the removal period and the presumptively reasonable six-month limit. *See Zadvydas*, 533 U.S. at 690–91.

50. Petitioner’s continued detention violates 8 U.S.C. § 1231, and he is entitled to immediate release from Respondents’ custody.

## **COUNT TWO**

### **VIOLATION OF DUE PROCESS CLAUSE OF FIFTH AMENDMENT TO U.S. CONSTITUTION**

#### ***Indefinite Civil Detention Unrelated to Ensuring Removal or Protecting Community***

51. Petitioner re-alleges and incorporates by reference each allegation contained above.

52. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Fifth Amendment’s Due Process] Clause protects.” *Id.* at 690.

53. Civil detention requires a “special justification” that “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)).

54. The Supreme Court in *Zadvydas* recognizes that “indefinite detention” of those with final removal orders “would raise serious constitutional concerns” of the kind implicated here. *Id.* at 691.

55. Mitigating flight risk is not an issue where, as here, “removal seems a remote possibility at best.” *Id.* at 690. And detention based on dangerousness is permissible only “when limited to specially dangerous individuals and subject to strong procedural protections.” *Id.* at 691. Petitioner has no criminal record. If released from detention, he will pose no danger to the

community.

56. Because his removal to a third country is not reasonably foreseeable, there is no constitutionally valid justification for Petitioner's continued, indefinite civil detention.

### **COUNT THREE**

#### **VIOLATION OF DUE PROCESS CLAUSE OF FIFTH AMENDMENT TO U.S. CONSTITUTION *Failure to Provide Notice and Meaningful Opportunity to Contest Removal to Unidentified Third Country***

57. Petitioner re-alleges and incorporates by reference each allegation contained above.

58. “It is well established that the Fifth Amendment entitles aliens to due process of law’ in the context of removal proceedings.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025)(per curium)(quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

59. Petitioner is thus “entitled to notice and opportunity to be heard ‘appropriate to the nature of the case.’” *Id.* (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950)).

60. This means Petitioner must receive notice that he is to be removed to a third country “within a reasonable time and in such a manner as will allow [him] to actually seek habeas relief in the proper venue before such removal occurs.” *Id.* See also *D.V.D. v. Dep’t of Homeland Sec.*, -- F. Supp. 3d --, 2026 WL 521557 (D. Mass. Feb. 25, 2026)(vacating third-country removal guidance based on due process concerns, including that the guidance “extinguishes valid challenges to third-country removal by effecting removal before those challenges can be raised”), *stay granted*, No. 26-1212 (1st Cir. Mar. 16, 2026).

61. Petitioner has never been ordered removed to any country other than Syria. As such, he has never had the opportunity to contest removal to any third country on the grounds that he may face persecution or torture in that country.

62. Post-order detention is meant to facilitate the noncitizen's removal. *See Zadvydas*, 533 U.S. at 690. It follows, then, that if Petitioner's removal to a third country is effected in violation of his due process rights—that is, without the opportunity to contest it—his post-order detention is illegal. This due process claim “necessarily impl[ies] the invalidity of [Petitioner's] confinement and removal” to a third country not yet named in any removal order. *J.G.G.*, 604 U.S. at 672. A habeas petition is the proper vehicle for this claim. *Id.* Release from detention is the proper remedy.

### PRAYER FOR RELIEF

**WHEREFORE**, Petitioner Mahmood Yousef respectfully requests that the Court:

- A. Assume jurisdiction over this matter;
- B. Order Respondents to show cause why the writ should not be granted, to “be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” 28 U.S.C. § 2243;
- C. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
- D. Enjoin Respondents from transferring Petitioner outside of this judicial district pending litigation of this matter in order to preserve jurisdiction and Petitioner's access to counsel;
- E. In the event that this Court determines that a genuine dispute of material fact exists regarding the likelihood of Petitioner's removal in the reasonably foreseeable future, or regarding any other material factual issue, schedule an evidentiary hearing and allow Petitioner to conduct discovery. *See Singh*, 945 F.3d at 1315–16;
- F. Declare that Petitioner's detention violates the Immigration and Nationality Act;
- G. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution;
- H. Grant a Writ of Habeas Corpus, ordering Respondents to immediately release Petitioner from their custody based on any or all of the findings above;

*[continued on following page]*

- I. Award Petitioner's costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- J. Grant such further relief as the Court deems just and proper.

Respectfully submitted, this 14th day of April, 2026.

GEORGIA STATE UNIVERSITY  
COLLEGE OF LAW

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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF  
PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner Mahmood Yousef ("Petitioner") because I am Petitioner's attorney. I have discussed with Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

GEORGIA STATE UNIVERSITY  
COLLEGE OF LAW

BY: /s/ Willis L. Miller IV  
WILLIS L. MILLER IV

Counsel for Petitioner