BISHARA LAW
Sherif Bishara (NY STATE BAR# 4979100)
836 Broadway, Suite A
Bayonne, NJ 07002
Telephone: 646-203-3992
sbishara@bisharafirm.com

Attorney for Petitioner

FILED
SEP 17 2026
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Case No.: 3:26CV02397

Ishak Salah Nashed Henein,

Petitioner,

v.

Todd Blanche, Attorney General of the United States;

Fredrick W. Stevens, Sheriff of Seneca County, Ohio;
Robert Lynch, Field Office Director, Detroit Field Office, U.S. Immigration and Customs Enforcement;
David Venturella, Acting Director of U.S. Immigration and Customs Enforcement; and
Markwayne Mullin, Secretary of the U.S. Department of Homeland Security;

Respondents.

) PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

) IMMIGRATION HABEAS CASE

JUDGE NUGENT

MAG. JUDGE SHEPERD

PRELIMINARY STATEMENT

Petitioner Ishak Salah Nashed Henein, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his continued civil immigration detention by the United States Department of Homeland

Security ("DHS") and its component agency, United States Immigration and Customs Enforcement ("ICE"). Petitioner is currently detained at the Seneca County Jail in Tiffin, Ohio, within the territorial jurisdiction of this Court.

Petitioner, a native of Egypt and [redacted] has been held in ICE custody continuously since December 18, 2025 — approximately nine months as of the filing of this Petition — without any individualized determination by a neutral decision maker that his continued confinement is necessary to ensure his appearance at proceedings or to protect the community. An Immigration Judge pretermitted Petitioner's applications for asylum, withholding of removal, and protection under the Convention Against Torture and ordered him removed to Uganda, a country in which Petitioner has never set foot and with which he has no family, community, or other tie of any kind. That order is not administratively final: Petitioner timely appealed, and his appeal remains pending before the Board of Immigration Appeals, where he has raised substantial due process and statutory challenges to the Immigration Judge's decision. Respondents continue to detain Petitioner during the pendency of that appeal without affording him any meaningful opportunity to obtain an individualized custody determination — an opportunity Petitioner has independently sought through a recently filed motion for bond before the Immigration Court, which the Board of Immigration Appeals' own precedent forecloses that court from granting. This Petition therefore seeks judicial intervention to remedy Petitioner's unconstitutional detention and to restore the basic procedural safeguards required by the Constitution.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, which authorizes federal courts to grant habeas relief to individuals held in custody in violation of the Constitution, laws, or treaties of the United States.

2. Petitioner Ishak Salah Nashed Henein is currently detained by United States Immigration and Customs Enforcement at the Seneca County Jail located in Tiffin, Ohio, which lies within Seneca County and within the territorial jurisdiction of the United States District Court for the Northern District of Ohio, Western Division. Petitioner is therefore "in custody" within this District for purposes of federal habeas jurisdiction.

3. Jurisdiction is proper because Petitioner challenges the legality of his present physical confinement, and the immediate custodian responsible for that confinement—the Sheriff of Seneca County, who operates the Seneca County Jail—is located within this District. See 28 U.S.C. § 2241(a).

4. Venue is proper in this District, and specifically in the Western Division, because Seneca County is among the counties comprising the Western Division under 28 U.S.C. § 115(a)(2), Petitioner is detained within this judicial district, Respondents exercise custody and legal authority over him here, and the constitutional injuries arising from his unlawful detention are occurring within this District.

II. PARTIES

5. Petitioner Ishak Salah Nashed Henein, A# [redacted], is a native and citizen of Egypt and [redacted] who is currently detained by United States Immigration and Customs Enforcement at the Seneca County Jail in Tiffin, Ohio. Petitioner fears persecution and torture on account of [redacted] if returned to Egypt and has never lived in, traveled to, or had any connection whatsoever with Uganda, the country to which the Immigration Judge ordered him removed.

6. Respondent Todd Blanche is the Attorney General of the United States. The Attorney General oversees the Department of Justice and the Executive Office for Immigration Review, which adjudicates immigration proceedings affecting individuals such as Petitioner, including the appeal currently pending before the Board of Immigration Appeals.

7. Respondent Fredrick W. Stevens is the Sheriff of Seneca County, Ohio, and in that capacity operates the Seneca County Jail. Respondent Stevens is the immediate physical custodian of Petitioner and has day-to-day control over Petitioner's confinement. Respondent Stevens is therefore a proper respondent to this habeas action.

8. Respondent Robert Lynch is the Field Office Director for Enforcement and Removal Operations of U.S. Immigration and Customs Enforcement for the Detroit Field Office. In that capacity, Respondent Lynch is responsible for supervising immigration enforcement and detention

operations within the region that includes the State of Ohio. He exercises legal authority over Petitioner's immigration detention.

9. Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Venturella is responsible for the administration and enforcement of the immigration detention system under the authority of the Department of Homeland Security.

10. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security. The Secretary is the cabinet official responsible for administering and enforcing the immigration laws of the United States and exercises ultimate authority over immigration detention.

III. FACTUAL AND PROCEDURAL BACKGROUND

11. Petitioner Ishak Salah Nashed Henein is a native and citizen of Egypt and [redacted], born [redacted], in At Tibah village, Samalout, El Menia, Egypt.

12. Throughout his life in Egypt, Petitioner [redacted]

13. Fearing further violence, Petitioner fled Egypt on July 18, 2023, and entered the United States near Lukeville, Arizona, on or about August 1, 2023. His wife and four children remain in Egypt.

14. On August 5, 2023, DHS issued a Notice to Appear charging Petitioner as removable under INA § 212(a)(6)(A)(i) as an alien present in the United States without having been admitted or paroled. The Notice to Appear does not charge, and DHS has never treated, Petitioner as an arriving alien.

15. Petitioner filed an initial Form I-589 Application for Asylum and for Withholding of Removal on May 18, 2024, and an amended Form I-589 on January 6, 2026, seeking asylum,

withholding of removal, and protection under the Convention Against Torture based on his religion.

16. Petitioner's removal proceedings were assigned to the Cleveland Immigration Court, before Immigration Judge Richard Drucker. At a master calendar hearing on January 6, 2026, Petitioner admitted the factual allegations and conceded removability while continuing to pursue his applications for protection.

17. On January 8, 2026, DHS lodged an additional charge of removability under INA § 212(a)(7)(A)(i)(I) and moved—first orally, then in a written motion filed the same day—to pretermit Petitioner's I-589 based on the Asylum Cooperative Agreement ("ACA") between the United States and Uganda. The Immigration Court ordered Petitioner to respond by January 15, 2026—seven days later.

18. On January 20, 2026, Immigration Judge Drucker granted DHS's Motion to Pretermit, denied Petitioner's applications for asylum, withholding of removal, and protection under the Convention Against Torture without a merits hearing, and ordered Petitioner removed to Uganda—a country in which Petitioner has never set foot, has no family, community, or other ties, and to which his claims for protection do not relate in any way.

19. Petitioner timely reserved his right to appeal and, through undersigned counsel, filed a Notice of Appeal with the Board of Immigration Appeals on January 29, 2026, followed by an appeal brief on June 29, 2026. Petitioner's appeal raises substantial challenges to the Immigration Judge's decision, including that: the seven-day response period afforded to Petitioner was constitutionally and procedurally inadequate; the Immigration Judge relied on administrative notice of a State Department country report on Uganda without affording Petitioner an opportunity to respond; the Immigration Judge failed to consider Petitioner's [redacted] and the regulations DHS invoked to extend the ACA bar to withholding of removal and CAT protection are ultra vires to the governing statute.

20. Petitioner's appeal remains pending before the Board of Immigration Appeals as of the filing of this Petition. Petitioner's timely Notice of Appeal, filed January 29, 2026, and his perfected appeal brief, filed June 29, 2026, automatically stayed execution of the Immigration

Judge's January 20, 2026 order pursuant to 8 C.F.R. § 1003.6(a), which provides that the decision of an Immigration Judge shall not be executed during the pendency of a timely appeal. That order is, for the same reason, not administratively final: under 8 C.F.R. § 1241.1(a), an order of removal becomes final only upon dismissal of the appeal by the Board, entry of a decision affirming the order, or waiver or expiration of the right to appeal—none of which has occurred here. Respondents accordingly have no present legal authority to remove Petitioner from the United States—to Uganda or anywhere else—while his appeal remains pending, and his continued detention is therefore untethered from any imminent or even legally available execution of removal.

21. Petitioner has been detained by ICE continuously since December 18, 2025, at the Seneca County Jail in Tiffin, Ohio, where he remains detained today. Petitioner's detention has therefore continued for approximately nine months, spanning the pretermission proceedings before the Immigration Judge and the entirety of his appeal before the Board, with no end to his confinement presently in sight.

22. On September 3, 2026, undersigned counsel filed a Motion for Bond on Petitioner's behalf with the Cleveland Immigration Court, requesting an individualized custody redetermination hearing under INA § 236(a), 8 U.S.C. § 1226(a). The Immigration Court has since scheduled a custody hearing for September 15, 2026, before Immigration Judge Richard Drucker—one day after the filing of this Petition and more than eight months after Petitioner's detention began. That hearing has not yet occurred, and no bond decision has been rendered. Other than that pending motion, Petitioner has not been afforded a bond hearing or other individualized custody redetermination by an Immigration Judge at any point since his detention began on December 18, 2025.

23. Respondents have detained Petitioner pursuant to INA § 236(a), 8 U.S.C. § 1226(a), during the pendency of his removal proceedings, and have not provided him a meaningful, individualized weighing of his flight risk and dangerousness against the now-substantial length of his confinement. As a result, Petitioner remains subject to continued civil immigration detention while his case—now in its ninth month of detention and still pending before the Board—remains unresolved, despite the absence of any individualized determination that such detention is necessary to ensure his appearance at proceedings or to protect the community.

24. Petitioner has no criminal history in the United States or in Egypt. Before his detention, Petitioner resided at a fixed address, [redacted], from March 2024 until he was taken into ICE custody, reflecting stable, verifiable ties to this community. In Egypt, Petitioner supported himself and his family as a freelance construction worker, a trade reflecting a stable and lawful work history rather than any pattern of instability. In the United States, Petitioner has been lawfully authorized to work since November 14, 2024, pursuant to a valid Employment Authorization Document (Category C08), currently valid through November 13, 2029, and an authorized Social Security number, and was employed as a delivery driver for Amazon pursuant to that authorization until his December 2025 arrest. Petitioner is [redacted] which itself constitutes a further verifiable and stabilizing tie weighing against any generalized assertion of flight risk or danger to the community.

IV. STATUTORY AND CONSTITUTIONAL FRAMEWORK GOVERNING DETENTION

25. The authority of the federal government to detain noncitizens during immigration proceedings arises from the Immigration and Nationality Act. Immigration detention is civil in nature and serves limited purposes, including ensuring that noncitizens appear for removal proceedings and facilitating the execution of removal orders where removal is authorized by law.

26. Because Petitioner was charged as an alien present in the United States without admission or parole—and not as an arriving alien—his detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), which vests the Attorney General with discretionary authority to detain or release a noncitizen during the pendency of removal proceedings, including on bond. Although the statute authorizes detention in certain circumstances, it does not authorize indefinite or unreasonably prolonged detention without meaningful procedural safeguards.

27. Civil immigration detention must remain reasonably related to its legitimate governmental purposes. Because immigration detention is not punitive, it must be accompanied by procedures sufficient to ensure that continued confinement is justified. The Due Process Clause of the Fifth Amendment prohibits the government from depriving a person of liberty without adequate procedural protections.

28. The Supreme Court has repeatedly recognized that civil immigration detention is subject to constitutional limitations. In Zadvydas v. Davis, 533 U.S. 678 (2001), the Court explained that immigration detention must remain reasonably related to the purpose of removal and cannot become indefinite. Although Congress has authorized detention in certain immigration contexts, the Court has emphasized that such detention remains constrained by the Due Process Clause. See Demore v. Kim, 538 U.S. 510 (2003); Jennings v. Rodriguez, 583 U.S. 281 (2018).

29. Other courts have summarized this due process requirement in similar terms: due process requires that, whenever the government detains someone, it must have a good reason for doing so, and where, as here, the detention is civil and nonpunitive, that reason must rise to the level of a "strong special justification." Santillan Quiroz v. Mullin, 2026 WL 1876709, at *16 (10th Cir. June 30, 2026) (quoting Zadvydas, 533 U.S. at 690). Respondents have articulated no justification—let alone a strong one—for detaining Petitioner for nine months without ever affording him an individualized hearing before a neutral decision maker.

30. Federal courts have therefore recognized that prolonged civil immigration detention without an individualized custody determination raises serious constitutional concerns. As detention becomes prolonged, due process requires a meaningful hearing before a neutral decision maker to determine whether continued confinement is necessary to ensure the noncitizen's appearance at proceedings or to protect the community.

31. This principle finds direct and controlling force in this Circuit. In Lopez-Campos v. Raycraft, 175 F.4th 713 (6th Cir. 2026), the Sixth Circuit held that noncitizens detained under INA § 236(a), 8 U.S.C. § 1226(a)—the same provision under which Respondents purport to detain Petitioner, see supra ¶ 26—are entitled to "a forum to explain that their backgrounds and connections to their communities justify release on bond while they undergo their removal proceedings," and that "[t]o hold otherwise would subject long-term law-abiding residents in the United States . . . to the hardship of mandatory detention without due process." Id. at 735.

32. The persistent absence of any individualized bond hearing for noncitizens in Petitioner's circumstances traces directly to the Board of Immigration Appeals' decision in Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025), which held that immigration judges "lack[] authority to hear bond requests or to grant bond to aliens who are present in the United States

without admission." Id. at 225. Petitioner was charged as removable under INA § 212(a)(6)(A)(i) as an alien present in the United States without having been admitted or paroled, see supra ¶ 14—precisely the category of noncitizen to whom Matter of Yajure Hurtado purported to foreclose any bond hearing whatsoever. Courts applying Lopez-Campos have recognized as much, directing that bond hearings for detainees in this position "be conducted in accordance with the normal procedures that were applicable prior to the decision of the Board of Immigration Appeals in Matter of Yajure Hurtado." Gawrgy v. Bullock, No. 2:26-cv-3006-MSN-atc, slip op. at 2 (W.D. Tenn. Aug. 27, 2026).

33. District courts throughout this Circuit have applied Lopez-Campos with consistency. Where no bond hearing had ever been provided, courts have ordered Respondents to provide one under § 1226(a) within ten days, or, failing that, to release the petitioner from custody. See, e.g., Gawrgy, No. 2:26-cv-3006-MSN-atc, slip op. at 2; Abdelmalek v. Bullock, No. 2:26-cv-02758-BCL-tmp, slip op. at 1–2 (W.D. Tenn. Aug. 26, 2026); Ayyad v. Blanche, No. 2:26-cv-02760-BCL-tmp, slip op. at 1–2 (W.D. Tenn. Aug. 21, 2026); Naguib v. Blanche, No. 2:26-cv-02747-BCL-atc, slip op. at 2 (W.D. Tenn. July 6, 2026). Where detention had already become substantially prolonged or otherwise aggravated, courts have ordered immediate release outright rather than a further hearing. See, e.g., Ghaly v. Bullock, No. 2:26-cv-02801-SHL-cgc, slip op. at 3–4 (W.D. Tenn. July 21, 2026); Tawadros v. Bullock, No. 2:26-cv-02802-SHL-atc, slip op. at 3 (W.D. Tenn. July 30, 2026); Gamil v. Blanche, No. 3:26-cv-01097, slip op. at 3 (M.D. Tenn. Aug. 11, 2026). Petitioner's nine months of continuous detention without any individualized hearing whatsoever—far longer than the detentions at issue in these decisions—places him squarely among the latter group and warrants immediate release; at an absolute minimum, he is entitled to the bond hearing within ten days that courts across this Circuit have uniformly ordered under comparable circumstances.

34. Those concerns are especially acute here. Petitioner's ultimate removal, if any, cannot occur while his appeal remains pending before the Board, and the only removal order currently in existence directs him to a country—Uganda—that is itself the subject of his pending, substantial legal challenge. Continued detention under these circumstances is untethered from any imminent or foreseeable removal and serves none of the purposes that justify civil immigration detention in the first place.

35. Absent adequate procedural safeguards, continued detention becomes arbitrary and constitutionally impermissible. The writ of habeas corpus exists precisely to provide judicial review of unlawful detention and to ensure that executive detention remains within the limits imposed by federal law and the Constitution.

V. COUNT I: UNLAWFUL PROLONGED IMMIGRATION DETENTION IN VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

36. Petitioner incorporates by reference the foregoing sections as though fully set forth herein.

37. The Due Process Clause of the Fifth Amendment protects individuals from arbitrary deprivation of liberty by the federal government. Civil immigration detention, while authorized in limited circumstances, must remain reasonably related to its regulatory purposes and may not become excessive, arbitrary, or indefinite.

38. Petitioner Ishak Salah Nashed Henein has been subjected to continued civil immigration detention by the Department of Homeland Security for approximately nine months without any meaningful opportunity to obtain an individualized custody determination before a neutral decision maker.

39. Immigration detention is not punitive. Its permissible purposes are limited to ensuring that a noncitizen appears for immigration proceedings and facilitating removal where removal is authorized by law. Continued detention without a hearing evaluating whether those purposes are actually served violates the fundamental protections guaranteed by the Constitution.

40. Petitioner's case remains pending before the Board of Immigration Appeals. The duration of Petitioner's detention pending that appeal is uncertain and may continue for a substantial additional period while his claims for protection under United States and international law are adjudicated.

41. This detention is not merely prolonged; it is affirmatively decoupled from the very removal purpose that alone justifies civil immigration confinement. See supra ¶ 20. Because the Immigration Judge's order is automatically stayed under 8 C.F.R. § 1003.6(a) and not administratively final under 8 C.F.R. § 1241.1(a), Respondents have no present authority to

execute Petitioner's removal to Uganda or anywhere else. Zadvydas's proportionality principle—that detention must remain "reasonably related" to the purpose of effecting removal, 533 U.S. at 690—applies with even greater force here than in the post-final-order context in which it arose: where removal itself is legally barred and the ultimate destination is structurally speculative—Uganda being a country Petitioner has never set foot in and which he has separately challenged as unlawful on appeal, see supra ¶¶ 18–20—continued detention serves no purpose Congress could have authorized. Nine months of confinement toward a removal that cannot presently occur, to a country whose designation is itself under active legal challenge, is not administrative delay; it is an arbitrary deprivation of liberty.

42. Despite the continuing pendency of Petitioner's immigration proceedings, Respondents have not provided Petitioner with any individualized hearing at which the government must justify continued detention in light of its now-extended duration. Without such procedural safeguards, Petitioner's detention becomes arbitrary and constitutionally impermissible.

43. The Constitution requires that a neutral decision maker evaluate whether continued detention is necessary to serve a legitimate governmental interest and whether less restrictive alternatives would adequately address those interests. Respondents' failure to provide Petitioner with an individualized custody determination violates the Due Process Clause of the Fifth Amendment.

44. As a result of these constitutional violations, Petitioner is entitled to habeas relief requiring Respondents to provide a prompt individualized bond hearing before a neutral decision maker, at which the government bears the burden of justifying continued detention by clear and convincing evidence, see Singh v. Holder, 638 F.3d 1196, 1203 (9th Cir. 2011), or, in the alternative, to release Petitioner from detention under appropriate conditions of supervision.

VI. COUNT II: UNLAWFUL DETENTION IN EXCESS OF STATUTORY AUTHORITY

45. Petitioner incorporates by reference the foregoing sections as though fully set forth herein.

46. The authority of the Department of Homeland Security to detain noncitizens during immigration proceedings arises solely from the Immigration and Nationality Act and is limited by the terms of that statute.

47. Respondents have detained Petitioner pursuant to INA § 236(a), 8 U.S.C. § 1226(a), which authorizes detention during the pendency of removal proceedings but does not authorize detention that becomes unreasonably prolonged or disconnected from its regulatory purposes.

48. The statutory scheme governing immigration detention must be interpreted consistently with the constitutional limitations imposed by the Due Process Clause. Where detention becomes prolonged without adequate procedural safeguards, continued confinement exceeds the scope of the authority granted by Congress.

49. The Sixth Circuit's construction of § 1226(a) in Lopez-Campos confirms as much. See supra ¶¶ 31–33. Detainees held under that provision must be given "a forum to explain that their backgrounds and connections to their communities justify release on bond," Lopez-Campos, 175 F.4th at 735, and detention without that forum imposes "the hardship of mandatory detention without due process," id. Respondents have detained Petitioner under § 1226(a) for nine months without ever providing that forum. Their statutory authority, as construed by this Circuit, does not extend that far.

50. Petitioner's case remains pending before the Board of Immigration Appeals, and the removal order that Respondents ultimately seek to execute directs Petitioner to a country with which he has no connection and which is itself the subject of his pending appeal. As a result, the duration of Petitioner's detention is uncertain and may continue for a substantial additional period while his case is adjudicated.

51. Respondents have continued to detain Petitioner without providing any effective mechanism by which he may obtain an individualized determination regarding whether continued detention is necessary to ensure his appearance at proceedings or to protect the community.

52. Because Respondents continue to detain Petitioner without providing a meaningful opportunity for an individualized custody determination, Petitioner's detention exceeds the lawful authority granted under the Immigration and Nationality Act. Continued detention under these

circumstances is therefore unlawful and subject to judicial review through the writ of habeas corpus.

53. Petitioner is entitled to relief requiring Respondents to provide a prompt individualized custody hearing before a neutral decision maker or, in the alternative, to release Petitioner from immigration detention under reasonable conditions of supervision.

VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES IS EXCUSED

54. Petitioner realleges and incorporates by reference the preceding paragraphs of this Petition as though fully set forth herein.

55. Although federal courts sometimes require exhaustion of administrative remedies before granting habeas relief, exhaustion is not a jurisdictional requirement in petitions brought pursuant to 28 U.S.C. § 2241 and may be excused where administrative remedies are unavailable, inadequate, or incapable of providing the relief requested, or where pursuing them would be futile.

56. As set forth above, see supra ¶ 22, Petitioner has moved for bond before the Cleveland Immigration Court. That request is—and, independent of its disposition, any such request would have been—categorically foreclosed by the Board's holding in Matter of Yajure Hurtado that immigration judges lack jurisdiction to consider bond for aliens present without admission, the very category into which Petitioner falls. See supra ¶¶ 32–33. Nor would an appeal of any adverse bond ruling to the Board itself supply a meaningful avenue for relief: the Board authored Matter of Yajure Hurtado and remains bound by its own published precedent unless and until that decision is reconsidered en banc or overruled by superior authority, so any such appeal would be resolved by straightforward application of the very holding Petitioner challenges here. Exhaustion cannot be required where the administrative forum has disclaimed authority to grant the relief sought. See McCarthy v. Madigan, 503 U.S. 140, 147–148 (1992).

57. Petitioner has not previously received an individualized custody redetermination hearing before an Immigration Judge, and the pendency of his bond motion does not change that analysis: DHS has already made its custody determination, and Petitioner should not be required to await the outcome of a motion the Board has already held the Immigration Court lacks jurisdiction to grant before this Court may review the legality of his detention. Requiring further

delay while that motion remains pending—nine months into Petitioner's detention—would only prolong the constitutional injury described herein.

58. Moreover, the injury Petitioner challenges in this action is the ongoing deprivation of liberty resulting from continued civil immigration detention without adequate procedural safeguards, now compounded by the fact that Petitioner cannot lawfully be removed while his appeal remains pending. Each day that Petitioner remains detained without a meaningful opportunity to challenge that detention constitutes a continuing constitutional injury.

59. Requiring further administrative exhaustion under these circumstances would therefore serve no practical purpose and would only prolong Petitioner's unconstitutional detention. Accordingly, any exhaustion requirement should be deemed satisfied or excused, and this Court should exercise its authority under 28 U.S.C. § 2241 to review the legality of Petitioner's detention.

VIII. IRREPARABLE HARM

60. Petitioner realleges and incorporates by reference the preceding paragraphs of this Petition as though fully set forth herein.

61. Petitioner is currently deprived of his physical liberty as a result of Respondents' continued civil immigration detention. The loss of liberty resulting from unlawful detention constitutes a profound and irreparable injury.

62. Each day that Petitioner remains confined without a constitutionally adequate process inflicts continuing harm that cannot be remedied through monetary damages or any other form of retrospective relief.

63. The Supreme Court has long recognized that unlawful physical detention is among the most severe forms of constitutional injury because it directly implicates the fundamental right to personal liberty protected by the Due Process Clause.

64. This Circuit has likewise recognized that "the Supreme Court has held that release from confinement . . . is 'the heart of habeas corpus.'" Wilson v. Williams, 961 F.3d 829, 838 (6th Cir. 2020) (citation omitted). Every day that Petitioner remains detained without the individualized hearing to which he is entitled inflicts precisely the harm that the writ exists to remedy.

65. Petitioner's continued detention during the pendency of his appeal subjects him to prolonged confinement without any individualized determination that such detention is necessary to serve a legitimate governmental purpose, while the country to which he has been ordered removed remains one to which his claims for protection have no connection whatsoever.

66. The harm resulting from unlawful detention is immediate and ongoing. Without judicial intervention, Petitioner will remain confined under conditions of civil detention despite the absence of the procedural safeguards required by the Constitution. Because the injury at issue is the present and continuing deprivation of liberty, the harm suffered by Petitioner is irreparable and warrants prompt judicial intervention through the writ of habeas corpus.

IX. REQUESTED RELIEF

67. For the foregoing reasons, Petitioner Ishak Salah Nashed Henein respectfully requests that this Court grant his Petition for Writ of Habeas Corpus and enter appropriate relief to remedy his unlawful detention.

68. Petitioner requests that the Court declare that his continued civil immigration detention violates the Due Process Clause of the Fifth Amendment and exceeds the detention authority conferred by the Immigration and Nationality Act.

69. Petitioner further requests that the Court order his immediate release from immigration custody, subject to reasonable conditions of supervision if deemed appropriate by the Court. In the alternative, Petitioner requests that the Court order Respondents to provide Petitioner with an individualized custody hearing before a neutral adjudicator—at which the government bears the burden of demonstrating, by clear and convincing evidence, that continued detention is necessary to serve a legitimate governmental interest—within ten (10) days of the Court's order, consistent with the relief that courts across this Circuit have granted under comparable circumstances, or, absent such a timely hearing, that the Court order Petitioner's immediate release from custody.

70. To preserve this Court's jurisdiction and prevent irreparable harm, Petitioner also requests an order enjoining Respondents from transferring him out of the physical custody of the Seneca County Jail, out of the Northern District of Ohio, or removing him from the United States, while this habeas action is pending, absent further order of the Court.

71. Finally, Petitioner requests such other and further relief as the Court deems just and proper to fully remedy the ongoing constitutional and statutory violations at issue in this case.

Dated: September 14, 2026

/s/ Sherif Bishara
BISHARA LAW
Sherif Bishara (NY STATE BAR# 4979100)
836 Broadway, Suite A
Bayonne, NJ 07002
Telephone: 646-203-3992
sbishara@bisharafirm.com

VERIFICATION (28 U.S.C. § 2242)

I, Sherif Bishara, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am counsel for Petitioner Ishak Salah Nashed Henein in the above-captioned matter. I have reviewed the foregoing Petition for Writ of Habeas Corpus and, based upon my review of the record, communications with Petitioner, and the documents available to me, I believe the factual allegations contained therein to be true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 14th day of September, 2026, at Bayonne, New Jersey.

/s/ Sherif Bishara
BISHARA LAW
Sherif Bishara (NY STATE BAR# 4979100)
836 Broadway, Suite A
Bayonne, NJ 07002
Telephone: 646-203-3992
sbishara@bisharafirm.com

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 was filed electronically with the Clerk of the Court using the CM/ECF system for the United States District Court for the Northern District of Ohio, Western Division. Service was thereby effectuated upon all counsel of record, including the United States Attorney's Office for the Northern District of Ohio, which represents Respondents in this action.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sherif Bishara
BISHARA LAW
Sherif Bishara (NY STATE BAR# 4979100)
836 Broadway, Suite A
Bayonne, NJ 07002
Telephone: 646-203-3992
sbishara@bisharafirm.com