

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Adbalkarim Al Khatib v. Noem

No. 25cv2978-LL-VET (S.D. Cal. Nov. 6, 2025) · No. 25cv2978-LL-VET · Decided November 6, 2025

SUMMARY

The United States District Court for the Southern District of California granted Abdalkarim Al Khatib’s motion to appoint counsel in his 28 U.S.C. § 2241 habeas proceeding concerning immigration detention and potential removal. The court appointed Federal Defenders of San Diego, Inc., set a briefing schedule for the habeas petition and motion for a temporary restraining order, and enjoined respondents from removing him from the United States or the district pending further order. The order was entered on November 6, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Linda Lopez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 6, 2025
DOCKET	25cv2978-LL-VET
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging his immigration detention and potential removal to a third country, along with motions for appointment of counsel and a temporary restraining order. The court granted appointment of counsel, set a briefing schedule, and entered a limited stay and injunction preserving the status quo pending further order.
STANDARD OF REVIEW	For appointment of counsel in a habeas proceeding, the court evaluates the likelihood of success on the merits and the petitioner's ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unpublished district-court order; limited persuasive value and no merits determination of the habeas claims.
PARTIES	Quoc Abdalkarim Al Khatib v. Kristi Noem, Secretary of the Department of Homeland Security, Pamela Jo Bondi, Attorney General, Todd M. Lyons, Acting Director, Immigration and Customs

Enforcement, Jesus Rocha, Acting Field Office Director, San Diego
Field Office, Christopher Larose, Warden at Otay Mesa Detention
Center

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QUESTIONS PRESENTED

1. Whether appointment of counsel was warranted under 18 U.S.C. § 3006A(a)(2)(B) in light of the complexity of the immigration habeas claims, petitioner's limited English proficiency, inability to afford counsel, and asserted inability to litigate pro se.
2. Whether the court should issue interim relief under the All Writs Act to preserve the status quo and prevent petitioner's removal while the court considers the habeas petition and motion for a temporary restraining order.
3. What briefing schedule should govern respondents' response to the habeas petition and motion for a temporary restraining order.

HOLDINGS

1. The court may appoint counsel for a financially eligible habeas petitioner when the interests of justice so require, and appointment was appropriate because petitioner had limited English proficiency, lacked legal training and financial resources, and faced complex immigration-law issues.
2. The court may issue a limited stay and injunction under the All Writs Act to preserve the status quo and protect its ability to decide a pending immigration matter; respondents were enjoined from removing petitioner from the United States or the Southern District of California pending further order.

KEY QUOTATIONS

“In deciding whether to appoint counsel in a habeas proceeding, the district court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.” (at 2)

“Respondents, their agents, employees, successors, attorneys, and all persons acting in active concert or participation with them are hereby ENJOINED from removing Petitioner from the United States or this district pending further order of the Court, to maintain the status quo to allow the Court to provide a reasoned decision.” (at 3-4)

FACTUAL BACKGROUND

Petitioner is a Palestinian national who was born in the West Bank, moved to the United States in 1996, and obtained lawful permanent resident status. After a 2002 domestic-violence conviction, he was ordered removed on July 29, 2004, but was released on supervision when the government could not remove him to Palestine or Jordan. He allegedly complied with all conditions of supervision until ICE arrested and detained him at a scheduled check-in on June 16, 2025. His petition challenges the legality and duration of detention and seeks protection from removal to a third country without adequate notice and an opportunity to be heard.

PROCEDURAL HISTORY

Petitioner was detained by Immigration and Customs Enforcement after being arrested at a scheduled check-in while subject to an order of supervision. He filed this habeas action and related motions in the Southern District of California. The court resolved the motion for appointment of counsel and issued interim case-management and jurisdiction-preserving relief, while deferring merits determination on the habeas petition and temporary restraining order.

DISPOSITION

other

CASES CITED

- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)
- Zadvydas v. Davis, 533 U.S. 678 (2001)
- E-C-R- v. Noem, No. 3:25-CV-1230-SI, 2025 WL 2300543, at *1 & n.1 (D. Or. July 16, 2025)