

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Mohammad Abdelrahman Samhan v. Kristi Noem, et al.

Samhan · No. 25-cv-25618-BLOOM/Elfenbein · Decided December 23, 2025

SUMMARY

The United States District Court for the Southern District of Florida issued an Order to Show Cause in Mohammad Abdelrahman Samhan’s 28 U.S.C. § 2241 habeas case challenging the revocation of his order of supervision and resulting detention. The court concluded that it had jurisdiction to review whether the Government followed its own stated procedures, including providing notice and an opportunity to respond. The Government was ordered to show cause by December 29, 2025, why it did not comply with those procedures.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Beth Bloom
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	December 23, 2025
DOCKET	25-cv-25618-BLOOM/Elfenbein
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas and injunctive relief under 28 U.S.C. § 2241 challenging the revocation of his order of supervision and resulting immigration detention. After the Government responded and Petitioner replied, the court sua sponte ordered the Government to show cause why relief should not be granted.
STANDARD OF REVIEW	Sua sponte review of the pleadings and the court's jurisdiction to determine whether the agency followed its own regulations and procedures.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Mohammad Abdelrahman Samhan v. Kristi Noem, Secretary of the U.S. Department of Homeland Security, in her official capacity, Todd Lyons, Acting Director and Senior Official Performing the Duties of the Director of ICE, in his official capacity, Garrett Ripa, Field Office Director for ICE ERO Miami, in his official capacity, Warden of

TOPICS

immigration detention removal proceedings subject matter jurisdiction judicial review of agency action
procedural due process

PRACTICE AREAS

immigration detention habeas corpus administrative law civil procedure

QUESTIONS PRESENTED

1. Whether the district court had subject matter jurisdiction to review whether the Government complied with its own stated procedures when revoking Samhan's Order of Supervision.
2. Whether the Government should be required to show cause why the petition should not be granted when the record suggested that Samhan was not given the notice and opportunity to respond promised in the Notice of Revocation of Release.

HOLDINGS

1. The court has jurisdiction to review whether the Government followed its own binding regulations and procedures in revoking an Order of Supervision, even if the underlying revocation decision is discretionary.
2. The pleadings appeared to show that the Government may not have complied with its own Notice of Revocation of Release, which promised Samhan an informal interview and an opportunity to respond to the reasons for revocation and provide supporting evidence; the Government was therefore ordered to show cause.

KEY QUOTATIONS

"You will promptly be afforded an informal interview at which you will be given the opportunity to respond to the reasons for the revocation and to provide evidence to demonstrate that your removal is unlikely." (ECF No. [8-1] at 72)

"was not within USCIS's discretion. Section 1252(a)(2)(B)(ii) thus does not prevent judicial review of the conduct of the administrative proceedings." (775 F.3d at 1262)

FACTUAL BACKGROUND

Samhan was subject to a final order of removal issued on December 12, 2005, and had been released under an Order of Supervision since April 10, 2006. During an ICE check-in on November 20, 2025, ICE revoked the Order of Supervision and detained him pending removal. The Government's Notice of Revocation of Release stated that Samhan would receive an informal interview and an opportunity to respond to the reasons for

revocation and provide evidence that removal was unlikely, but the Government's response did not establish that those procedures had occurred.

PROCEDURAL HISTORY

Samhan filed a verified petition for writ of habeas corpus and complaint for injunctive relief on December 1, 2025. The court issued an initial order to show cause, the Government filed a response, and Samhan filed a reply. On review of the pleadings, the court ordered the Government to show cause by December 29, 2025, concerning its alleged failure to follow the procedures stated in its Notice of Revocation of Release.

DISPOSITION

other

CASES CITED

- Barrios v. Ripa, No. 25-cv-22644, 2025 WL 2280485, at *5 (S.D. Fla. Aug. 8, 2025)
- Kurapati v. U.S. Bureau of Citizenship & Immigration Services, 775 F.3d 1255, 1262 (11th Cir. 2014)
- Grigorian v. Bondi, No. 25-cv-22914, 2025 WL 1895479, at *3–5 (S.D. Fla. July 8, 2025)
- Fla. Dep’t of Bus. Regulation v. U.S. Dep’t of Interior, 768 F.2d 1248, 1257 n. 11 (11th Cir. 1985)
- Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak, 567 U.S. 209 (2012)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA Case No. 25-cv-25618-BLOOM/Elfenbein MOHAMMAD ABDELRAHMAN SAMHAN, Petitioner, v. KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, in her official capacity; TODD LYONS, Acting Director and Senior Official Performing the Duties of the Director of ICE, in his official capacity; GARRETT RIPA, Field Office Director for ICE ERO Miami, in his official capacity; WARDEN OF KROME SPC, in his/her official capacity, U.S. DEPARTMENT OF HOMELAND SECURITY; and U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, Respondents. _____/ ORDER TO SHOW CAUSE THIS CAUSE is before the Court upon a sua sponte review of the record.

On December 1, 2025, Petitioner Mohammad Abdelrahman Samhan (“Petitioner”) filed a Verified Petition for Writ of Habeas Corpus and Complaint for Injunctive Relief (“Petition”) under 28 U.S.C. § 2241. ECF No. [1]. On December 3, 2025, the Court issued an Order to Show Cause as to why the Petition should not be granted. ECF No. [5].

The Government filed a Response, ECF No. [8], to which Petitioner filed a Reply. ECF No. [9]. The parties agree on the following facts: Petitioner was issued a final order of removal on December 12, 2005 and has been released on an Order of Supervision (“OSUP”) since April 10, 2006. ECF Nos. [1] ¶ 20; [8] at 3.

On November 20, 2025, during a scheduled check-in with Immigration and Customs Enforcement (“ICE”), the Government revoked Petitioner’s OSUP and detained him. ECF Nos. [1] ¶ 3; [8] at 4. Petitioner has been detained in Krome North Service Center awaiting removal since then. ECF Nos. [1] ¶ 3, [8] at 4. Petitioner states that “at no time following Petitioner’s arrest did ICE explain why it revoked Petitioner’s order of supervision or give him an opportunity to respond to those reasons.” ECF No. [1] ¶ 29.

The Government argues that, because Petitioner’s revocation occurred pursuant to 8 C.F.R. § 241.4(l)(2), it was not required to give Petitioner notice or an interview. ECF No. [8] at 8. However, the Government states that Petitioner “was informed that his OSUP was revoked to affect his removal from the United States and was provided an opportunity to ask questions regarding the revocation of release.” *Id.* at 4.

The Government also argues that Petitioner “was given notice by way of the Notice of Revocation of Release.” *Id.* at 7. However, the Government’s description of the procedures which Petitioner was afforded fall short of those outlined in the Notice of Revocation of Release (“Notice”), which the Government issued to Petitioner and attached to its Response.

The Notice states: You will promptly be afforded an informal interview at which you will be given the opportunity to respond to the reasons for the revocation and to provide evidence to demonstrate that your removal is unlikely. If you are not released following the informal interview, you will receive notification of a new review, which will occur within approximately three months from the date of this notice.

ECF No. [8-1] at 72. At no point in the Response does the Government state that Petitioner was given “the opportunity to respond to the reasons for the revocation and to provide evidence to demonstrate that your removal is unlikely[,]” to which he was entitled under the Notice signed by the Assistant Field Office Director. *Id.* Therefore, on the basis of the pleadings, it appears that the Government did not comply with its own stated procedures. “The Eleventh Circuit has consistently held that even where the statutory framework grants agency discretion, courts have jurisdiction to review whether an agency adhered to its own regulations and procedures.” *Barrios v. Ripa*, No. 25-cv-22644, 2025 WL 2280485, at *5 (S.D.

Fla. Aug. 8, 2025) (citing *Kurapati v. U.S. Bureau of Citizenship & Immigr. Servs.*, 775 F.3d 1255, 1262 (11th Cir. 2014)). In *Kurapati*, the Eleventh Circuit held that, although, pursuant to 8 U.S.C. § 1252(a)(2)(B)(ii), the district court “lacks subject matter jurisdiction to review any ‘decision or action of... the Secretary of Homeland Security the authority for which is specified under this subchapter to be in the discretion of... the Secretary of Homeland Security[,]’” USCIS’s failure to follow the correct procedure in revoking I-140 petitions “was not within USCIS’s discretion.

Section 1252(a)(2)(B)(ii) thus does not prevent judicial review of the conduct of the administrative proceedings.” 775 F.3d at 1262 (internal citations omitted). Courts in this district have applied this reasoning to cases involving the revocation of Orders of Supervision, “finding a distinction between the decision to revoke an OSUP and a failure to follow procedures.” Ripa, 2025 WL 2280485, at *5; Grigorian v. Bondi, No. 25-cv-22914, 2025 WL 1895479, at *3-5 (S.D.

Fla. July 8, 2025). The Court finds these cases persuasive and, accordingly, has jurisdiction to determine whether or not the Government “follow[ed] its own binding regulations.” Kurapati, 775 F.3d at 1262 (quoting Fla. Dep’t of Bus. Regulation v. U.S. Dep’t of Interior, 768 F.2d 1248, 1257 n. 11 (11th Cir. 1985), abrogated on other grounds by Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak, 567 U.S. 209 (2012)).

Accordingly, it is ORDERED AND ADJUDGED that, on or before December 29, 2025, the Government shall SHOW CAUSE as to why Petitioner was not told why his order of supervision was revoked or given an opportunity to respond to those reasons, despite the Notice of Revocation of Release, ECF No. [8-1] at 72, stating that he would be given such notice and opportunity to be heard.

Case No. 25-cv-25618-BLOOM/Elfenbein DONE AND ORDERED in Chambers at Miami, Florida, on December 22, 2025. BETH BLOOM UNITED STATES DISTRICT JUDGE ce: counsel of record