

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT of TEXAS
SAN ANTONIO DIVISION**

AHMAD ZEKRIA, A # 200-889-188,

Petitioner

v.

**JANET NAPOLITANO, Secretary of the
Department of Homeland Security, ET AL.,**

Respondents

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**Civil Action
No. SA-11-CA-1066-FB**

ORDER

Petitioner Ahmad Zekria’s 28 U.S.C. § 2241 Habeas Corpus Petition challenges his detention pending removal pursuant to an order of the U.S. Department of Homeland Security’s Bureau of Immigration and Customs Enforcement (ICE). Zekria, a citizen of Afghanistan, complains that the removal order in his case became final on May 4, 2011, however he has not been removed and he remains in custody. Zekria claims his potentially indefinite detention violates due process and *Zadvydas v. Davis*, 533 U.S. 678, 701, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). In *Zadvydas v. Davis* the Supreme Court held 8 U.S.C. § 1231(a)(6), the post-removal-period detention statute of the Immigration and Nationality Act, implicitly limits an alien's detention to a period reasonably necessary to bring about that alien's removal from the United States, which is presumably six months, and does not permit indefinite detention. On January 13, 2012, Respondents moved that Zekria’s Petition be denied because ICE was actively seeking travel documents from the Afghanistan authorities for Zekria’s removal and ICE was confident such travel authorization was imminent.

Therefore the Court directs Respondents to advise this Court within twenty-one (21) days of the status of Zekria's removal, and if Zekria has not been removed Respondents will show cause why the § 2241 Petition should not be granted.

SIGNED on March 1, 2012.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE