

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

NIZAR TRABELSI,	)	
	)	
Petitioner-Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:24-cv-1509 (RDA/LRV)
	)	
JEFFREY CRAWFORD, <i>et al.</i> ,	)	
	)	
Respondents-Defendants.	)	

ORDER

This matter comes before the Court on Petitioner-Plaintiff Nizar Trabelsi's Motion to Vacate (Dkt. 57). This matter is fully briefed and is ripe for disposition. For the reasons set forth below, the Court DENIES the Motion.

I. BACKGROUND

Petitioner filed his Petition for Habeas Corpus and Complaint for Injunctive Relief on August 28, 2024. Dkt. 1 (the "Petition/Complaint"). The Petition/Complaint raised both issues pertaining to his detention pursuant to a writ for habeas corpus and pertaining to his conditions of confinement pursuant to other provisions of law. *Id.* On September 26, 2024, the Court entered an Order directing the Respondent-Defendants to respond, which was subsequently extended. Dkts. 25, 26, 27. In the Order, the Court indicated that it did not expect the Federal-Respondents to respond to the "Complaint" portion of the Petition/Complaint on the same expedited timeline as the habeas claims. Dkt. 27 n.1. On October 10, 2024, the Respondent-Defendants filed their Opposition to the habeas claims. Dkt. 33. On October 17, 2024, Petitioner filed his Reply. Dkt. 35. On October 23, 2024, the Court heard argument on the habeas arguments and took them under advisement. Dkt. 36.

On November 8, 2024, the Respondent-Defendants filed their Motion to Dismiss or, in the alternative, for Summary Judgment. Dkt. 38. On November 22, 2024, Petitioner filed a Motion for Discovery. Dkt. 45.

On December 2, 2024, the Court issued an Order dismissing the habeas counts. Dkt. 50.

The parties subsequently completed briefing on the motions related to potential dismissal and discovery. Dkts. 46, 51, 52, 53.

Petitioner then filed a Notice indicating that the United States removed Petitioner to Belgium. Dkt. 56. Petitioner further acknowledged that his challenges to his conditions of confinement were moot and that the parties would stipulate to the dismissal of such claims. *Id.*

On September 18, 2025, Petitioner filed the pending Motion to Vacate. Dkt. 57. On September 24, 2025, the Court dismissed the conditions of confinement claims. Dkt. 61. After a brief stay due to a lapse in appropriations, the Respondent-Defendants filed their Opposition. Dkt. 69. On January 12, 2026, Petitioner filed his Reply. Dkt. 70.

II. ANALYSIS

As the parties acknowledge, a party to a civil suit generally has the right to appeal an adverse decision of the district court. *See* 28 U.S.C. §1291. Here, Petitioner seeks to vacate the December 2, 2024 Order pursuant to Federal Rule of Civil Procedure 60(b)(6). Rule 60(b)(6) provides for relief from a judgment or order of the Court for “any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(6). The Fourth Circuit has held that, in deciding whether to vacate a prior decision, a district court’s authority under Rule 60(b)(6) is equivalent to appellate considerations pursuant to 28 U.S.C. § 2106. *See Valero Terrestrial Corp. v. Paige*, 211 F.3d 112, 117 (4th Cir. 2000) (holding that “we are satisfied that the standards under 28 U.S.C. § 2106 and Rule 60(b) are essentially the same.”); 28 U.S.C. § 2106 (“The Supreme Court or any other court of appellate

jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.”).

The Fourth Circuit has explained that the applicable standard when evaluating whether a district court decision should be vacated is essentially who is at fault: whether the party seeking vacatur created the circumstances resulting in mootness or whether his appeal was prevented by the “vagaries of circumstance” or the “unilateral action of the party who prevailed below.” *Valerio*, 211 F.3d at 117. Here, there was a period of more than eight months between the Court’s issuance of December 2, 2024 Order and Petitioner’s removal on August 8, 2025. *See* Dkts. 50, 56. If Petitioner had only brought his habeas claims, then he would have had time to appeal and perhaps could have obtained a ruling by the Fourth Circuit in that time period. But Petitioner did not. Petitioner instead combined his habeas claims with other claims which were not subject to the same expedited schedule as required pursuant to 28 U.S.C. § 2243. Courts have recognized that this is improper. *See, e.g., Malcom v. Starr*, 2021 WL 931213 (D. Minn. Mar. 11, 2021) (holding that petitioner-plaintiffs “cannot pursue a combined § 2241 petition and a civil complaint in this matter” and noting that “habeas petitions and civil complaints have different and incompatible rules regarding service of process, discovery, and even filing fees” (citations omitted)); *Robinson v. Crawford*, 2022 WL 17340469, at *3 (E.D. Mich. Nov. 30, 2022) (similar); *Demos v. Satterberg*, 2022 WL 1174990, at *1 (W.D. Wash. Mar. 10, 2022), *report and recommendation adopted sub nom. Johnson v. Galvan*, 2022 WL 1170534 (W.D. Wash. Apr. 19, 2022) (holding that “plaintiff improperly combined these allegations with his allegations sounding in habeas” and that “plaintiff has improperly filed this action”); *Brown v. Haney*, 2021 WL

2826468, at *1 (E.D. Tex. July 7, 2021) (“Judge Love observed that Petitioner had improperly combined a challenge to his conviction with civil rights claims and ordered Petitioner to file an amended habeas petition and a civil rights complaint.”). And the decision to combine Petitioner’s habeas and other claims has consequences; namely, it put Petitioner in a procedural posture in which he otherwise would not have found himself.

As the Fourth Circuit has recognized, “strategic decisions made during the course of litigation” will not justify Rule 60(b)(6) relief because “Rule 60(b)(6) is not a vehicle for a do-over.” *Chavez-Deremer v. Med. Staffing of Am., LLC*, 147 F.4th 371, 416 (4th Cir. 2025). This is what Petitioner seeks here. Petitioner seeks an escape hatch from the consequences of his decision to attach his habeas claims to other claims. To the extent that Petitioner contends that the Court’s December 2, 2024 Order was interlocutory, Petitioner also seeks an escape hatch from his strategic decision not to request leave to appeal that decision. Moreover, the relief that Petitioner seeks is not without consequences. As the Supreme Court has recognized, and the Fourth Circuit has repeated: “Judicial precedents are presumptively correct and valuable to the legal community as a whole. They are not merely the property of private litigants and should stand unless a court concludes that the public interest would be served by a vacatur.” *U.S. Bancorp Mite. Co. v. Bonner Mall Partnership*, 513 U.S. 18, 26-27 (1994); *Valerio*, 211 F.3d at 117. Here, there is a benefit to the legal community from this Court’s analysis of the relevant claims, and, in particular, the treaties discussed with respect to the habeas claims. Petitioner’s engagement in legal strategy in attaching his habeas claims to other issues does not render the mootness of his claims without an appeal – during pendency of the litigation over those other issues – unfair or extraordinary.

Petitioner makes much of the Respondent-Defendants’ alleged “unilateral action” in obtaining his removal. Dkt. 70 at 2. However, on this record, it is not clear to the Court that the

Respondent-Defendants engaged in unilateral action by removing Petitioner to Belgium where Petitioner contends he “was in the United States against his will and had no desire to stay, [and] he did not contest his removability” and, in fact,” sought to be removed to Belgium. Dkts. 56, 57-1 at 2. Thus, it is difficult to see how, where the Federal-Respondents provided Petitioner with relief that he was requesting and did not oppose – removal to Belgium – that the Federal-Respondents mooted this case by unilateral action.

In short, vacatur is an equitable remedy and, given the circumstances present here, the Court cannot say that equity requires that the December 2, 2024 Order be vacated. *See Valerio*, 211 F.3d at 117 (recognizing “the relief of vacatur is equitable in nature”). Accordingly, for all of these reasons, the Motion (Dkt. 57) is DENIED.

IT IS SO ORDERED.

Alexandria, Virginia
May 7, 2026

/s/ 

Rossie D. Alston, Jr.
United States District Judge