

June 10, 2026

**VIA ACMS**

Catherine O'Hagan Wolfe, Clerk of the Court  
U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: No. 25-1113, *Mahdawi v. Trump, et al.*, Fed. R. App. P. 28(j) Letter  
Regarding Petition for Review and Immigration Judge Removal  
Order in Petitioner's Case**

Dear Ms. Wolfe:

Petitioner-Appellee Mohsen Mahdawi submits this Rule 28(j) letter to advise the Court of further developments in his immigration proceedings. As Petitioner previously notified this Court, on April 29, 2026, the Board of Immigration Appeals (BIA) reinstated removal proceedings against him and remanded for an opportunity to submit applications for relief from removal, including asylum. On May 29, 2026, Petitioner filed a Petition for Review (PFR) in the U.S. Court of Appeals for the First Circuit, explaining that the BIA's "order may be considered final"—and therefore ripe for a PFR—"given that Petitioner does not intend to pursue an application for limited administrative relief such as asylum or withholding of removal but rather seeks judicial review to retain his Lawful Permanent Resident status." Petitioner's PFR is docketed as *Mahdawi v. Blanche*, No. 26-1648 (1st Cir.), and is attached hereto.

On June 1, 2026, Petitioner notified the immigration court that he would not be filing an application for asylum or similar relief from removal, and instead is seeking immediate judicial review of the BIA's decision that he is removable. On June 3, 2026, the immigration judge ordered Petitioner's removal, on the basis that "removability was previously determined" by the BIA. A copy of the immigration judge's order is attached with minimal redactions.

These developments further highlight the need for federal habeas review of Mr. Mahdawi's claims of retaliatory detention in violation of the First Amendment and that his punitive detention serves no legitimate purpose in violation of the Fifth Amendment. Petitioner's removal proceedings continue to move forward, but without habeas review, Petitioner would continue to have had no remedy for the unconstitutional detention and censorship that would have been effectuated over the nearly 14 months since his detention. Pet. Br at 17.

Sincerely,

/s/ Nathan Freed Wessler

Nathan Freed Wessler

**AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION**

Nathan Freed Wessler  
Brett Max Kaufman  
Brian Hauss  
Esha Bhandari  
Noor Zafar  
Sidra Mahfooz  
Michael Tan  
125 Broad Street, 18th Floor  
New York, NY 10004  
P: (212) 549-2500  
nwessler@aclu.org

**ACLU FOUNDATION OF  
VERMONT**

Lia Ernst  
Monica H. Allard  
Hillary A. Rich  
P.O. Box 277  
Montpelier, VT 05601  
P: (802) 223-6304  
lernst@acluvt.org

**CLEAR Project  
Main Street Legal Services, Inc.**

Naz Ahmad  
Mudassar Hayat Toppa  
Shezza Abboushi Dallal  
CUNY School of Law  
2 Court Square, 5<sup>th</sup> Floor  
Long Island City, NY 11101  
Tel.: (718) 340-4630  
naz.ahmad@law.cuny.edu  
mudassar.toppa@law.cuny.edu  
shezza.dallal@law.cuny.edu

**BELDOCK LEVINE &  
HOFFMAN LLP**

Luna Droubi  
Matthew Melewski  
Tala Alfoqaha  
Keegan Stephan  
99 Park Avenue, PH/26th Floor  
New York, New York 10016  
P: (212) 277-5875  
F: (212) 277-5880  
ldroubi@blhny.com

**MARTIN DELANEY & RICCI  
LAW GROUP**

Andrew Delaney  
100 North Main Street  
Barre, Vermont 05641  
andrew@mdrvt.com  
P: 802-479-0568

**CYRUS D. MEHTA & PARTNERS  
PLLC**

Cyrus D. Mehta  
David A. Isaacson  
One Battery Park Plaza, 9th Floor  
New York, New York 10004  
cm@cyrusmehta.com  
disaacson@cyrusmehta.com  
P: 212-425-0555  
F: 212-425-3282

*Counsel for Petitioner-Appellee*

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
Docket No. 26-

-----X  
Mohsen Khader MAHDAWI, :  
: :  
Petitioner, :  
v. :  
: :  
Todd BLANCHE, :  
Acting United States Attorney General, :  
: :  
Respondent. :  
-----X

PETITION FOR REVIEW

Petitioner hereby petitions this court for review of the order of removal entered by the Board of Immigration Appeals (“BIA”) on April 29, 2026, finding that “DHS therefore has met its burden of proving by clear and convincing evidence that the respondent [that is, Petitioner] is removable as charged under INA § 237(a)(4)(C)(i), 8 U.S.C. § 1227(a)(4)(C)(i),” Order at 7. This order may be considered final pursuant to 8 U.S.C. § 1101(a)(47)(A)-(B), particularly given that Petitioner does not intend to pursue an application for limited administrative relief such as asylum or withholding of removal but rather seeks judicial review to retain his Lawful Permanent Resident status. A copy of the decision is attached.

To date, no court has upheld the validity of the order.

Jurisdiction is asserted pursuant to 8 U.S.C. § 1252(a)(1).

Venue is asserted pursuant to 8 U.S.C. § 1252(b)(2) because the Immigration Judge completed the proceedings that led to this BIA order in Chelmsford, MA, within the jurisdiction of this Circuit.

Dated: May 29, 2026

Respectfully submitted,  
/s/ Cyrus Mehta  
Cyrus D. Mehta (Bar # 1224402)  
[cm@cyrusmehta.com](mailto:cm@cyrusmehta.com)  
/s/ David Isaacson  
David A. Isaacson (Bar # 1215794)  
[disaacson@cyrusmehta.com](mailto:disaacson@cyrusmehta.com)  
Cyrus D. Mehta & Partners PLLC  
One Battery Park Plaza, 9th Floor  
New York, NY 10004  
(212) 425-0555  
(212) 425-3282 (fax)  
Attorneys for Petitioner



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
CHELMSFORD IMMIGRATION COURT**

Respondent Name:

MAHDAWI, MOHSEN KHADER

To:

Isaacson, David A.  
One Battery Park Plaza  
9th Floor  
New York, NY 10004

A-Number:

[REDACTED]

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

06/03/2026

**ORDER OF THE IMMIGRATION JUDGE**

The immigration court set a time limit for the filing of any and all applications for relief or protection from removal on behalf of Respondent. After reviewing the Record of Proceeding, the immigration court finds that Respondent did not file any applications within the time limit. The immigration court further finds that Respondent, through counsel, asserts that Respondent no longer intends to file an application for asylum or similar relief from removal. (See Exhibit 13 "Legal Brief" filed in the Record of Proceedings on 01 June 2026).

The immigration court finds Respondent has abandoned any and all claims for relief or protection from removal. See 8 C.F.R. § 1003.31(h).

Since removability was previously determined, Respondent is hereby ordered removed from the United States to JORDAN on the charge(s) contained in the Notice to Appear and the I-261.

**Order:**

Respondent shall be removed to JORDAN on the charge(s) contained in the Notice to Appear and the I-261.

Failure to Depart: If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at

any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).



Immigration Judge: Munson, Angela 06/03/2026

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due: 07/03/2026

### Certificate of Service

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [ E ] Alien atty/rep. | [ E ] DHS

Respondent Name : MAHDAWI, MOHSEN KHADER | A-Number : [REDACTED]

Riders:

Date: 06/03/2026 By: Xu, Fang, Court Staff