

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Nadeem KHALID,

Case No. 25-2183 (NEB/DLM)

Petitioner,

v.

Pam BONDI, Attorney General of the United
States,

Kristi NOEM, Secretary of the Department of
Homeland Security,

Todd LYONS, Director of Immigration and
Customs Enforcement

Kenneth GENALO, Acting Executive Associate
Director, Enforcement and Removal Operations,

Joel BROTT, Sheriff of Sherburne County,

Respondents.

**PETITIONER'S RESPONSE TO RESPONDENT'S RESPONSE TO ORDER TO
SHOW CAUSE**

Petitioner hereby respectfully replies to Respondents' July 11, 2025 Supplemental
Response to Petition for Writ of Habeas Corpus (hereafter "Supplemental Response"),
Docket No. 12., as follows:

1. Respondents assert in their Supplemental Response that the reason that Petitioner was not removed to Pakistan on June 23, 2025 was Petitioner's refusal to board his scheduled flight, but Petitioner does not agree with this statement of the facts.

2. Respondents attempted to remove Petitioner on June 23, 2025 but were unable to do so in large part because of the timing of the attempted removal. According to Exhibit 1 filed by Respondents in connection with their Supplemental Response, Khalid arrived at the ERO / SPM office from Sherburne County Jail “at approximately 1155 hours. The first leg of the flight (MSP to JFK) was scheduled to depart at 1255 hours.” Docket No 13-1. So, according to Respondents’ own exhibit, the flight was scheduled to actually depart the airport no more than an hour after Petitioner was brought to the ICE/ERO office.
3. Aside from the timing of Petitioner being brought to the ICE/ERO office one hour before his flight was scheduled to depart, which Petitioner agrees with, Petitioner does not agree with the other facts that Respondents assert in Exhibit 1 of their Supplemental Response. Petitioner notes that the officers were in a rush to get him into a blue pickup truck, but that Petitioner had questions that he wanted to ask his deportation officer. (Declaration of Petitioner, Exhibit 1, Paragraph 6). Petitioner agrees that he did say that he was not comfortable getting into the truck without having his questions answered. (*Id.* Paragraph 7). Petitioner asserts that he asked questions for about ten minutes, at which point the officers stated that there would not be time for him to get onto the flight. (*Id.* Paragraph 8.). Essentially, Petitioner believes that the issue had more to do with the rushed timing than it did with his refusal to comply, which is also corroborated by Respondents’ exhibit that reflects that Petitioner only arrived to the ICE offices an hour before the flight was scheduled to *depart*.
4. It also bears noting that in May of 2025, Respondents attempted to remove Petitioner from the United States and he did not refuse to board the plane or otherwise resist his removal or boarding the plane.

5. Further, Petitioner's undersigned counsel understands that further attempts were made after June 23, 2025 but were unsuccessful for reasons unrelated to Petitioner's compliance.
6. It is undisputed that Respondents have detained Petitioner for more than a year, since July 8, 2024, pursuant to a final order of removal.
7. As asserted in the petition, Docket No. 1., there is regional instability and conflict surrounding Pakistan such that the ability of Respondents to remove Petitioner is in doubt. The "Emergency Passport" travel document that Respondents filed with the Court as an exhibit to their first response expired on July 15, 2025.
8. Petitioner continues to assert that his prolonged detention is in violation of his constitutional rights, as he has been detained post-final order for over eleven months, and his removal is not reasonably foreseeable.
9. Petitioner continues to contend that his prolonged and indefinite detention violates his right to due process under the Fifth Amendment of the Constitution of the United States. Indefinite detention is not authorized where his removal is not reasonably foreseeable. *See Zadvydas v. Davis*, 533 U.S. 678, 690-91 (2001) and its progeny. Petitioner thus requests that this Court issue a writ of habeas corpus and order his immediate release under reasonable conditions of supervision, or, in the alternative, order a constitutionally adequate hearing where Respondents must prove that his continued detention is justified.

Dated: August 1, 2025

Respectfully submitted,

/s/ Graham Ojala-Barbour
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