

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 25-CV-2183 (NEB/DLM)

Nadeem KHALID )  
)  
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; )  
and Joel Brott, Sheriff of Sherburne )  
County )  
Respondents. )

**SUPPLEMENTAL RESPONSE TO  
PETITION FOR WRIT  
OF HABEAS CORPUS**

Respondents (1) Pam Bondi, Attorney General of the United States; (2) Kristi Noem, Secretary, Department of Homeland Security; (3) Todd Lyons, Acting Director, Immigration and Customs Enforcement; and (4) Kenneth Genalo, Acting Executive Associate Director of Enforcement and Removal Operations, (collectively, the “Federal Respondents”) respectfully submit this supplemental memorandum after the October 9, 2025 hearing (ECF No. 29.) Because Respondents have obtained a new travel document for Mr. Khalid and are making preparations to remove him in October 2025 via a commercial flight, it is clear that there is a significant likelihood of his removal in the reasonably foreseeable future. Mr. Khalid’s Petition should be denied.

**UPDATED FACTUAL BACKGROUND**

In accordance with the Court's recent post-hearing order, Respondents provide the following updates regarding the status of their efforts to remove Mr. Khalid. On September 16, 2025, Enforcement and Removal Operations (ERO) contacted the Consulate General of Pakistan to request issuance of a new travel document. (Declaration of Thomas P. Murphy "Murphy Decl." ¶ 4.) Ten days later, on September 24, 2025, ERO contacted the Consulate General of Pakistan to request a status update on the issuance of the new travel document with an expiration date of January 10, 2026. (*Id.* ¶ 5.)

On October 4, 2025, ERO was informed by the Sherburne County Jail that Mr. Khalid was sent to the hospital with non-specific chest pains. (Murphy Decl. ¶ 6.) Mr. Khalis was released a few hours later. (*Id.*) On October 6, 2025, ERO contacted the Consulate General of Pakistan to request a status update on the issuance of the new travel document. (*Id.* ¶ 7.) Six days later, on October 10, 2025, ERO received a new travel document issued from the Consulate General of Pakistan. (*Id.* ¶ 8.)

ERO is actively coordinating commercial removal plans to remove Mr. Khalid to Pakistan in October 2025. (Murphy Decl. ¶ 9.) Due to issues of operational security, third country considerations, and officer safety, ICE does not disclose specific dates and times of forthcoming removal itineraries. (*Id.*) There is a significant likelihood that Mr. Khalid will be removed in the reasonably foreseeable future. (*Id.*)

## ARGUMENT

### **I. Mr. Khalid Now Has a Valid Travel Document to Pakistan.**

Even if Khalid had met his initial burden under *Zadvydas* because he has been detained for 15 months after he completed his 18-month sentence for stalking and domestic abuse, immigration officials have solidly rebutted any such showing. See *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1365-68 (N.D. Ga. 2002) (mere passage of time insufficient to meet alien's burden of proof); *Lema v. U.S. I.N.S.*, 214 F. Supp. 2d 1116, 1118 (W.D. Wa. 2002) (same). The Declaration of Thomas P. Murphy lays out the basis for detaining Khalid and the ongoing process of removing him to Pakistan. (Murphy Decl. ¶¶ 8-10.) As a result of the consistent ongoing efforts by immigration officials, Khalid's removal is substantially likely to occur in the reasonably foreseeable future. (*Id.*) This satisfies *Zadvydas*. See, e.g., *Khan v. Fasano*, 194 F. Supp. 2d 1134, 1136 (S.D. Cal. 2001) (new repatriation procedure in place was sufficient to show removal substantially likely in reasonably foreseeable future); *Jaiteh v. Gonzales*, No. 07-cv-1727 (PJS/JJG), 2008 WL 2097592, at \*3 (D. Minn. Apr. 28, 2008), *report and recommendation adopted*, 2008 WL 2074163 (May 14, 2008) (“[W]here a foreign country ordinarily accepts repatriation, and that country is acting on an application for travel documents, most courts conclude the alien fails to show no significant likelihood of removal.”). Cf. *Zadvydas*, 533 U.S. 684-85 (detainee was stateless); *Jama v. ICE*, 01-cv-1172 (JRT/AJB), 2005 WL 1205160, at \*4 (D. Minn. May 20, 2005) (habeas relief granted where failed deportation attempt occurred and court concluded that it “may well be impossible” under the conditions in Somalia at that time). Khalid is not stateless, and, far from “impossible,” his removal to Pakistan is

likely, given the progress ICE has made in effectuating his removal. (Murphy Decl. ¶¶ 8-10.)

**II. Mr. Khalid's Medical Issues Do Not Weigh in Favor of Granting the Petition.**

The United States Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) establishes no such bright line rule regarding length of detention. Rather, the Court in *Zadvydas* explicitly recognized that detention longer than six months is constitutional if removal will be accomplished reasonably soon. 533 U.S. at 701. *See also* 8 C.F.R. § 241.13(f); *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (detainee must “present any facts indicating that the INS is incapable of executing his removal . . . and that his detention will, therefore, be of an indefinite nature”); *Gahamanyi v. Baniecke*, No. 07-cv-4007 (RHK/RLE), 2008 WL 5071098, at \*11 (D. Minn. Nov. 24, 2008) (same). As the Federal Respondents have previously argued, a host of factors are relevant to the Court’s analysis. (*See* ECF No. 8 at 8-11); *see also Ahmed v. Brott*, No. 14-cv-5000 (DSD/BRT), 2015 WL 1542131, at \*4 (D. Minn. Mar. 17, 2015), *report and recommendation adopted*, 2015 WL 1542155 (Apr. 7, 2015).

At the October 9 hearing, the Court inquired as to the impact of Mr. Khalid’s medical issues on the Court’s determination as to whether there is a significant likelihood of removal in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701. The Federal Respondents have in good faith continued with efforts to remove Mr. Khalid to Pakistan while also providing for his medical needs. (*See* ECF Nos. 9, 13, 20, 22, 27.) *See, e.g., Abreu v. Crawford*, No. 1:24-cv-1782 (MSN/WBP), 2025 WL 51475, at \*6 (E.D.V.A. Jan. 8, 2025); *Misquitta v. Warden Pine Prairie ICE Processing Center*, 353

F.Supp.3d 518, 526-27 (W.D. La. 2018) (determining whether delays in effectuating removal were the result of “a party’s good faith exercise of its procedural remedies”). Though the case law varies, petitioners who have been in ICE custody for more than four years who also suffer from medical issues have been denied habeas relief. *See Hernandez-Mendoza v. Garland*, No. C21-1419-RSL-MLP, 2022 WL 18878031, at \*3, \*7 (W.D.W.A. Apr. 19, 2022) (denying habeas relief despite length of detention and significant medical issues). Further, that Mr. Khalid was released several hours after he was admitted for chest pain on October 4, 2025, indicates that his present medical condition is stable. (Murphy Decl. ¶ 6.)

Additionally, that Mr. Khalid has not been detained in ICE custody (15 months) longer than he was most recently in state custody for his stalking and domestic violence conviction weighs in favor of denying the Petition. *See Portillo v. Hott*, 322 F.Supp.3d 698, 708 (E.D. Va. 2018) (comparing “the detention in ICE custody to the length of time served on the criminal sentence” under *Zadvydas* analysis). Moreover, the time that has passed since Mr. Khalid failed to comply with removal on June 23, 2025, is not attributable to the Federal Respondents but instead should weigh in favor of denying the Petition. *See* 8 U.S.C. § 1231(a)(1)(C); *see, e.g., Moses v. Lynch*, 15-cv-4168 (PAM/JJK), 2016 WL 2636352, at \*1 (D. Minn. Apr. 12, 2016); *Kanteh v. Ridge*, No. 05-cv-313 (DWF/AJB), 2005 WL 1719217, at \*3 (D. Minn. Jun. 30, 2005); *Pelich v. INS*, 329 F.3d 1057, 1060-61 (9th Cir. 2003). Because the Federal Respondents have amply and repeatedly shown that there is a significant likelihood that Mr. Khalid will be removed to Pakistan in the reasonably foreseeable future, the Petition should be denied.

**CONCLUSION**

For the foregoing reasons and for the reasons set forth in their prior responses (ECF Nos. 8, 12), Federal Respondents respectfully request that this Court deny the Petition.

Dated: October 15, 2025

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