

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

SADIQ SADRUDIN LAKHANI

A 

Petitioner,

V.

PAMELA BONDI, Attorney General,  
TODD LYONS, Director,  
U.S. Immigration and Customs Enforcement; and  
ELEAZAR GARCIA, Warden,  
Winn Correctional Center;

### Respondents.

## Petition for a Writ of Habeas Corpus

Case No. 1:25-cv-00763

# PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner, Sadiq Sadrudin Lakhani, hereby petitions this Court for a writ of habeas corpus to remedy his unlawful detention by Respondents and to enjoin his continued unlawful detention. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

## I. CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement (“ICE”). Petitioner is detained at the Winn Correctional Center in Winnfield, Louisiana. Petitioner is under the direct control of Respondents and their agents. Petitioner was previously in immigration proceedings in Aurora, Colorado, and Dallas, Texas, and was ordered removed by an Immigration Judge on June 23, 2015. This removal order was not appealed and thus became final on July 23, 2015.

## II. JURISDICTION

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*
3. Mr. Lakhani challenges the constitutionality of his detention without bail and the statutory framework that permits his detention without bail. This Court has jurisdiction to hear such claims under 28 U.S.C. § 2241.
4. Federal courts have authority to review statutory and constitutional habeas claims. *See Bravo v. Ashcroft*, 341 F.3d 590, 592 (5th. Cir. 2003).
5. ICE is currently holding Mr. Lakhani in its custody in violation of statute and the Constitution. Mr. Lakhani seeks a review of the legality of his detention. Thus, § 2241 confers jurisdiction upon this Court to hear the present case.

## III. EXHAUSTION OF REMEDIES

6. Mr. Lakhani has requested individualized determinations of his custody status from the government. On February 24, 2025, ICE detained Mr. Lakhani when he attended a routine check-in despite him cooperating with ICE and attending check-ins regularly for the past 10 years. On April 29, 2025, attorneys for Mr. Lakhani sent a letter to his deportation officer at the New Orleans Field Office of Enforcement and Removal Operations (“ERO”) at ICE requesting his immediate release due to the 180 day removal period expiring over 9 years ago, and due to his health, as he has many health issues that are not being adequately treated while he is in detention. On May 9, 2025, attorneys for Mr. Lakhani sent a follow-up release request to his deportation officer, but they never received any kind of response to either request. On May 21, 2025, attorneys for Mr. Lakhani sent another release request email to ICE, and again have yet to receive any kind of response. The complete lack of

communication regarding the custody status of this detainee is extremely concerning, as he has been detained for nearly 100 days, his family does not know what is going on, and he has not been receiving adequate medical care while at Winnfield Correctional Center. As of the date of this lawsuit, there has been no response from ICE on this custody review. Attorneys for Mr. Lakhani were informed by his family that a 90-day review of his custody was scheduled to occur on May 24, 2025; however, his attorneys have no way of knowing if this occurred or of obtaining a copy of this custody determination. Therefore, Mr. Lakhani has exhausted any and all administrative remedies to the extent required by law.

#### **IV. VENUE**

7. Petitioner is currently detained in Winnfield, Louisiana, which is located within the Western District of Louisiana, so venue is proper in this Honorable Court pursuant to 28 U.S.C. 1391.

#### **V. PARTIES**

8. Mr. Lakhani is a native and citizen of India. After being ordered removed from the United States on June 23, 2015, he was detained for a period of time but then was released under an order of supervision with conditions that he has complied with, including attending ICE check-ins and cooperating with the U.S. government's efforts to obtain travel documents for him. On February 24, 2025, at a routine ICE check-in, he was taken into ICE custody and has remained there ever since. He currently resides at Winn Correctional Center in Winnfield, Louisiana.
9. Defendant Pamela Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act ("INA"). As such, Ms. Bondi has ultimate custodial authority over Petitioner. *See Roman v. Ashcroft*, 340 F.3d 314, 324 (6th Cir. 2003). Ms. Bondi is sued in her

official capacity.

10. Defendant Todd Lyons is the Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Mr. Lyons is a legal custodian of Petitioner. Mr. Lyons is sued in his official capacity.

11. Defendant Eleazar Garcia is the Warden at the Winn Correctional Center, where Petitioner is currently detained under the authority of ICE, and is Petitioner's immediate custodian.

Eleazar Garcia is sued in their official capacity.

## **VI. FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY**

12. Petitioner, Sadiq Sadrudin Lakhani, is a 54-year-old native and citizen of India. He originally entered the United States on or around 1999 on a tourist visa. In 2012, Petitioner was the subject of a criminal complaint, and in 2014, he pled guilty to one count of an indictment for violating 18 U.S.C. §§ 1029(a)(5) and (c)(1)(A)(ii) (Access Device Fraud). He was sentenced to six months in prison with credit for time served. After serving time for this conviction, he was taken into ICE custody and was ordered removed from the United States on June 23, 2015. After being ordered removed, he remained in ICE custody until April 1, 2016, at which time he was released under an order of supervision. He has complied with the terms of this order of supervision, attending regular ICE check-in appointments without issue, and he has had no criminal convictions since the one mentioned previously. As part of the conditions of his supervised release, Mr. Lakhani was required to continue to make good faith efforts to secure a travel document on his own. It appears that both ICE and Mr. Lakhani have attempted for years to obtain a travel document for him to return to India, but neither have been successful.

13. Although Mr. Lakhani has complied with the terms of his supervised release for many years,

on February 24, 2025, over nine years after Mr. Lakhani's removal order became final, he was detained at a routine ICE check-in without explanation. Attorneys for Petitioner sent a release request to his deportation officer on April 29, 2025, and never received any kind of response or information about his detention or custody status. Attorneys for Petitioner sent a second release request to his deportation officer on May 9, 2025, and were again met with silence. On May 22, 2025, attorneys for Petitioner sent a third release request, this time to both the Petitioner's deportation officer and the general outreach email for the New Orleans Field Office of ERO at ICE. As of the date of the filing of this writ of habeas corpus, there has been no response to any of the release requests sent to ICE.

14. Mr. Lakhani was ordered removed from the United States on June 23, 2015, and this order became final 30 days later, on July 23, 2015. Since that time, ICE has been unable to effectuate Mr. Lakhani's removal from the United States. For the past ten years, Mr. Lakhani has complied with ICE requirements, but he is unable to force the issuance of a travel document from India or do anything else to resolve his current situation, particularly without being informed of any aspect of it. His current detention, which has lasted 98 days, appears to be without cause, and he has not yet received an individualized custody determination or been given any other information to prove otherwise.
15. In addition to concerns over the lack of explanation for taking him into custody and the government's complete silence regarding his custody status, the Petitioner and his family are also concerned about his health. He is a diabetic who has not been able to access the right medications, and as a result, has had swelling in his lower extremities amongst other symptoms. He also suffers from high blood pressure. Mr. Lakhani expressed his concerns over not receiving the correct medications to ICE officers, and they responded by writing

down his symptoms and telling him that his attorney could contact them about asking for his release or giving them information about his health before a custody review. However, as previously mentioned, ICE has ignored the Petitioner's attorneys communications for the past five weeks.

## VII. LEGAL FRAMEWORK FOR RELIEF SOUGHT

16. Mr. Lakhani is in custody pursuant to INA § 241(a), 8 U.S.C. § 1231(a). Under INA § 241(a)(1), 8 U.S.C. § 1231(a)(1), ICE shall remove aliens within 90 days of receiving an administrative final order of removal. Further, for aliens with a final order of removal who have entered the United States, INA § 241 has been interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, to only authorize continued detention for a period reasonably necessary to secure the alien's removal. *See Zadvydas*, 533 U.S. at 699-700.
17. The six months following the date an administrative order becomes final is presumptively reasonable, but beyond the 180-day mark, ICE may not continue to hold a detainee if his removal is not likely in the reasonably foreseeable future. *Id.* at 701.
18. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens.
19. An analysis of inadmissibility, flight risk, or danger is not relevant to justify the prolonged detention of an individual beyond a reasonable period of time to effectuate removal. *See Clark*, 543 U.S. 371 (2005); *Tran v. Mukasey*, 515 F.3d 478 (5th Cir. 2008); *Tuan Thai v. Ashcroft*, 366 F. 3d 790 (9th Cir. 2004).
20. Aliens released from custody pursuant to *Zadvydas* would be subject to orders of supervision and would be subject to conditions amounting to "supervised release." *See Zadvydas*, 533 U.S. at 696.

21. The detention power of the government is not unlimited, as aliens remain entitled to due process under the Fifth Amendment. *Reno v. Flores*, 507 U. S. 292, 306 (1993); *see also Foucha v. Louisiana*, 504 U. S. 71, 80 (1992) (“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action”).
22. Indeed, the Fifth Amendment requires a “special justification” that “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Zadvydas v. Davis*, 533 U. S. 678, 690 (2001). In *Zadvydas*, the Supreme Court found that nothing in the history of immigration detention statutes “clearly demonstrates a congressional intent to authorize indefinite, perhaps permanent, detention.” 533 U.S. at 699. The Supreme Court further reasoned that such detention would result in a “serious constitutional problem.” *Id.* at 692.

## **VIII. CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **STATUTORY VIOLATION**

23. Petitioner re-alleges and incorporates by reference the paragraphs above as if set forth here in full.
24. Mr. Lakhani’s continued detention by Respondents violates INA § 241(a)(1).
25. Because Mr. Lakhani’s order of removal became final on July 23, 2015, his 90-day statutory removal period ended on October 21, 2015, and his six-month presumptive removal period ended on January 19, 2016.
26. Despite Mr. Lakhani’s cooperation, ICE has been unable to obtain a travel document from the government of India in the approximately ten years that have passed since his administrative



order of removal became final. Petitioner and his attorneys have made numerous requests for his immediate release and for information or updates on his custody determinations, and no information has been given. Therefore, it appears that his removal order cannot be effectuated by ICE.

27. Thus, as Mr. Lakhani's removal is not likely in the foreseeable future, his continued detention violates INA § 241(a)(1) in that it would be of an indefinite nature expressly prohibited by *Zadvydas*.

## **COUNT TWO**

### **SUBSTANTIVE DUE PROCESS VIOLATION**

28. Petitioner re-alleges and incorporates by reference the paragraphs above as if set forth here in full.

29. Mr. Lakhani's continued detention violates his right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint without the presence of a compelling government interest.

30. The Supreme Court in *Zadvydas* interpreted the Due Process Clause of the Fifth Amendment to require that the deprivation of an alien's liberty be narrowly tailored to serve a compelling government interest. While the Respondents would have a compelling government interest in detaining Mr. Lakhani in order to effect his deportation, that interest does not exist if Mr. Lakhani cannot be deported. *Zadvydas* thus interpreted INA § 241 to allow continued detention only for a period reasonably necessary to secure the alien's removal because any other reading would go beyond the government's articulated interest, which is to effect the alien's removal. 533 U.S. 678.



### **COUNT THREE**

#### **PROCEDURAL DUE PROCESS VIOLATION**

31. Mr. Lakhani re-alleges and incorporates by reference the paragraphs above as if set forth here in full.
32. The Supreme Court has repeatedly held that providing procedural safeguards against arbitrary deprivation of liberty by the government is of paramount importance. *See Hamdi*, 542 U.S. 507; *United States v. Salerno*, 481 U. S. 739; *Foucha*, 504 U. S. 71; *Zadvydas*, 533 U.S. 678.
33. Under the Due Process Clause of the United States Constitution, an alien is entitled to a timely and meaningful opportunity to demonstrate that he or she should not be detained. Mr. Lakhani has been denied that opportunity. There is no administrative mechanism in place for the Petitioner to demand a decision or ensure that a decision will ever be made.

### **IX. PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) If release into the United States is not possible, order the Respondents to deport the Petitioner to India;
- 4) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 5) In the alternative, grant Petitioner an individualized hearing as to his custody status;

- 6) Award reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- 7) Grant any other further relief that this court deems just and proper.

Respectfully submitted,

/s/ Carley A. Tatman

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Dated: June 2, 2025

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Sadiq Sadrudin Lakhani, and submit this verification on his behalf.

I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 2nd day of June, 2025.

/s/ Carley A. Tatman

Carley A. Tatman

**CERTIFICATE OF SERVICE**

I hereby certify that the above PETITION FOR WRIT OF HABEAS CORPUS was this day electronically filed with the Clerk of Court using the Court's CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Notice will be mailed to any party or counsel not participating in the Court's CM/ECF system by this date depositing same in the United States Mail, first class postage prepaid and properly addressed.

Baton Rouge, Louisiana on this 2nd day of June, 2025

/s/ Carley A. Tatman  
Carley A. Tatman