

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

MUHAMMAD IMRAN #A 

CASE NO. 25-cv-841 SEC P

-vs-

JUDGE DRELL

MELLISSA HARPER, ET AL

MAGISTRATE JUDGE PEREZ-MONTES

RULING AND ORDER

Before the court is Petitioner Muhammad Imran's ("Imran") motion for temporary restraining order (Doc. 3) filed in conjunction with his petition for writ of habeas corpus (Doc. 1).¹ Imran asks this court for a temporary restraining order "halting his imminent removal from the United States and ordering hi[s] release[] from custody." (Doc. 3-1, p.1).

In 2005, the Real ID Act ("the Act") amended 8 U.S.C. § 1252(a) to provide courts of appeals with "sole and exclusive" jurisdiction over most cases involving alien removal proceedings. The legislative history of the Act reveals that its provisions do not preclude district courts habeas review of challenges to detention that are independent of challenges to removal orders, for example, claims made pursuant to Zadvydas v. Davis, 533 U.S. 678 (2001). See H.R. Cong. Rep. No. 109-72, 2873 (May 3, 2005). This matter does not involve a habeas petition which is independent of a challenge to removal. Rather, it falls squarely within the dictates of the statute:

Notwithstanding any other provisions of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and section 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this chapter, except as provided in subsection (e). For purposes of this chapter, in every

¹ A summons was issued as to the defendants, Mellissa Harper, Todd Lyons, Kristi Noem, and Eleazar Garcia (Doc. 6), but no appearance has been made in light of the recent filing of the motion.

provision that limits or eliminates judicial review or jurisdictional review, the terms “judicial review” and “jurisdiction to review” include habeas corpus review pursuant to section 2241 of Title 28, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory).

8 U.S.C. § 1252(a)(5).²

Imran is challenging his removal order via his petition for habeas corpus; thus, this court lacks jurisdiction. Accordingly, it is

ORDERED that the motion for temporary restraining order is DENIED for lack of jurisdiction; it is further

ORDERED that the Clerk of Court shall TRANSFER the matter to the United States Court of Appeals for the Fifth Circuit.

THUS DONE AND SIGNED at Alexandria, Louisiana this 17th day of June 2025.


DEE D. DRELL, SENIOR JUDGE
UNITED STATES DISTRICT COURT

² Imran cites numerous cases, none of which were issued by either a district court within the Western District of Louisiana or the Fifth Circuit of Appeals and, therefore, are not binding on this court.