

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**Indra Bahadur Bhujel** )  
 )  
 ) **Petitioners,** )  
 )  
 )  
 ) **v.** )  
 )  
 )  
 ) **The GEO Group, Inc.** )  
 ) **Kristi Noem, in her official capacity** )  
 ) **Secretary of the United States Department** )  
 ) **Of Homeland Security;** )  
 ) **Pamela Bondi, in her official capacity as** )  
 ) **Attorney General of the United States;** )  
 )  
 )  
 ) **Respondents.** )  
 )  
 )  
 )

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NO.

Admin Record # 

**PETITION FOR WRIT OF HABEAS CORPUS**  
**AND FOR ORDER TO SHOW CAUSE WITHIN**  
**THREE DAYS PRURSUANT TO**  
**28 U.S.C. § 2243**

## Introduction

Petitioner, Mr. Indra Bahadur Bhujel, petitions this court for a writ of habeas corpus to order respondents to release petitioner from detention because there is not a significant likelihood that he will be removed in the next ninety days to any country where he is a citizen, as he is stateless. *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). Additionally, if he is to be removed to any other country, he would be entitled to know the country and be entitled to present, if he thought it appropriate, an objection and seek the fear based reliefs of asylum, withholding and withholding under the Convention Against Torture. See, *D.V.D. v. United States Department of Homeland Security*, et al. \_\_\_ F.3d \_\_\_ (25-10676), District of Massachusetts ( March 28, 2025) ( Court temporarily restrains DHS against removal of alien to third countries without an opportunity to raise fear based relief).

## JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (Administrative Procedures Act); U.S. Constitution, amend. V (Due Process Clause); and U.S. Constitution, art. I, § 9, cl. 2 (Suspension Clause).

2. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to these claims occurred in this District. In the alternative, venue is proper in this district pursuant to 28 U.S.C. § 2241(d) because petitioner is imprisoned within this district.

#### PARTIES

3. Petitioner, Indra Bahadur Bhujel, was born in a refugee camp under the jurisdiction of United Nations High Commissioner for Refugees in Nepal, and no country recognized him as a citizen at his birth. Mr. Bhujel never naturalized in any country and has no citizenship in any country.

4. Respondent GEO GROUP, Inc. is a private for profit corporation that is under contract with the Department of Homeland Security and other government entities and is currently holding Mr. Bhujel as part of its business activities in a for-profit prison facility in Moshannon Valley, Pennsylvania. GEO GROUP, Inc. is Mr. Bhujel's immediate custodian.

5. Respondent Kristi Noem, is Secretary of the United States Department of Homeland Security(DHS) and in this capacity, she has jurisdiction over the detention

facility in which Mr. Bhujel is held, is authorized to release Mr. Bhujel and is the ultimate legal custodian of Mr. Bhujel. She is sued in her official capacity.

6. Respondent Pamela Bondi is the Attorney General of the United States and the head of the US Department of Justice, which encompasses the Board of Immigration Appeals and immigration courts, known collectively as the Executive Office of Immigration Review. Ms. Bondi shares responsibility for the implementation and enforcement of immigration laws along with Respondent Noem. She is sued in her official capacity.

#### FACTS

7. Mr. Bhujel, was born in a United Nations High Commissioner for Refugees (UNHCR) refugee camp in Nepal on January 1, 1992. At the time of his birth no country identified him as its citizen. Mr. Bhujel never naturalized or otherwise acquired a nationality in any country.

8. Mr. Bhudjel entered the United States as a refugee on October 19, 2015. Exhibit A. I-94. He entered the United States without a passport on a travel document issued by the United States. Exhibit B. Travel Document. Mr. Bhujel subsequently adjusted his status to a lawful permanent resident of the United States.

9. Mr. Bhujel was convicted under the vehicle code, [REDACTED] of  
“Fleeing or Attempting to elude police officer” [REDACTED]  
[REDACTED]

10. On July 30, 2019, Mr. Bhujel was ordered removed under INA 237(a)(2)(I) because this conviction was found to be a crime involving moral turpitude. Exhibit D. BIA decision.

11. This case was appealed by an attorney but no brief was filed in his case. The BIA affirmed the order of removal on January 17, 2020. Exhibit D.

12. Mr. Bhujel’s conviction for fleeing and eluding was reopened and subsequently those charges were dismissed. Hence, he is now facing deportation for a conviction that no longer exists. See, Exhibit E. Docket sheet and judgment sheet showing conviction under 75 Pa. C.S. § 3733 has been dismissed.

13. The Third Circuit has held in later cases that this offense is **not** a crime involving moral turpitude. See, *Ndungu v. Att’y Gen. United States*, 126 F.4th 150 (3d Cir. 2025)(en banc) (Pennsylvania offense of fleeing or attempting to elude a police officer criminalized conduct that was not “reprehensible,” and thus noncitizen’s conviction could not serve as a predicate offense under INA provision subjecting noncitizens to

deportation as a CIMT); *Rosario-Ovando v. Att'y Gen. of United States*, No. 21-1810, 2022 WL 2205257, at \*10 (3d Cir. June 21, 2022) (concluding that the least culpable conduct constituting a felony conviction under Pennsylvania's fleeing or eluding statute, 75 Pa. Cons. Stat. § 3733(a.2)(2)(ii), is not a crime involving moral turpitude). See also, *Ramirez-Contreras v. Sessions*, 858 F.3d 1298 (9th Cir. 2017) (held that alien's conviction for fleeing from police officer under California law was not crime of moral turpitude under the INA). Hence, respondent is being removed for a crime that is not now considered a crime involving moral turpitude.


14. Mr. Bhujel has been under an order of supervision for five years. ICE officials previously acknowledged that they were unable to remove him because he is not a citizen of any country. He was, for this reason, released from ICE detention. Exhibit F. Order of Supervision.

15. Hence, petitioner is now being detained and would be deported based on an offense he is not now convicted of committing; that has subsequently been ruled by the Third Circuit not to be a crime involving moral turpitude; and potentially to a country in which he is not a citizen and never had the opportunity to present any asylum, statutory withholding of removal and Convention Against Torture reliefs (collectively “fear based reliefs”) against removal to those countries.

16. Petitioner has cooperated fully with ICE and has not interfered with the Department of Homeland Security's efforts to remove him.

17. Petitioner was arrested by ICE on March 24, 2025 at his home around 6:30 AM. When arrested, in the presence of his elderly parents, ICE advised them not to worry that petitioner would be returned to them in a few hours. Yet petitioner was never returned and remains imprisoned at respondent GEO GROUP, Inc.'s facility in Moshannon Valley, Pennsylvania.

18. Prior to this ICE arrest, petitioner was never advised that he should report for removal nor was he - - and indeed has still not - been informed to which country he is to be removed or whether this removal order is to a country that would accept him as their citizen.

19. Petitioner's has seven siblings. Four are United States citizens; one is a Lawful Permanent Resident of the United States and two are citizens of Canada. Petitioner has no known relatives in either Bhutan or Nepal. Petitioner's parents are both citizens of the United States. Petitioner's older brother,  is in the United States Army Reserves and served in Kuwait in the United States Army. Exhibit G DD-214.

20. Petitioner was gainfully employed for over five years working as both a caregiver and later a warehouse worker in or near Carlisle, Pennsylvania.

## CLAIMS FOR RELIEF

### COUNT ONE

#### **CONTINUED DETENTION OF PETITIONER IS UNAUTHORIZED BY STATUTE BECAUSE PETITIONER'S REMOVAL TO BHUTAN IS NOT REASONABLY OR FORSEEABLE**

21. Petitioner re-alleges and incorporates by reference all paragraphs above.
22. Petitioner was previously in the physical custody of ICE for more than 90 days. He was released from ICE custody precisely because they could not remove him to Bhutan as petitioner was not born in Bhutan, was never issued a passport to Bhutan, and has no recognized status in Bhutan.
23. Petitioner was re-arrested and detained by ICE, even though he continues not to have status in Bhutan and ICE may not remove him to Bhutan.
24. Detention in this case is governed by "INA"§ 241, 8 U.S.C. § 1231, as well as 8 C.F.R. § 241.

25. Petitioner is unlikely to be deported to Bhutan in the reasonably foreseeable future for the same reason he was not removed there in the past. Petitioner's deportation order to Bhutan could not be effectuated by ICE within the "removal period." See INA § 241(a)(1)(A). He is now again being detained without any notice of a change that would make his removal possible. Although INA § 241(a)(1)(A)-(B) provides for a 90-day removal period during which non-citizens may be held in detention, the Supreme Court did not foreclose the possibility that the presumptively constitutional removal period would be less.

26. The indefinite detention of an alien in petitioner's circumstances is not authorized by the Immigration and Nationality Act § 241(a)(6). See *Zadvydas v. Davis*, 533 U.S. at 699. The Supreme Court of the United States held that the "presumptively reasonable" period of detention is limited to three months after the removal period; thereafter, the Government must provide evidence sufficient to rebut a showing that removal is not reasonably foreseeable. *Id.* at 701. See also *Clark v. Martinez*, 543 U.S. 371, 386-87 (2005) (holding that six-month period in *Zadvydas* applies equally to individuals declared inadmissible). Although the Court recognized the six-month period as presumptively reasonable, this does not mean that detention for a short a period of time is always reasonable. See *County of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991) (noting, in probable-cause hearing context, that even if a hearing is provided within 48 hours, the Government "may

nonetheless violate [constitutional promptness requirement] if the arrested individual can prove that his or her probable cause determination was delayed unreasonably").

27. Respondents must release post-removal order detainees awaiting deportation when removal is no longer reasonably foreseeable. DHS no longer possesses the authority and justification to continue a non-citizen's detention when removal is not reasonably foreseeable. *See, e.g., Abdel-Muhti v. Ashcroft*, 314 F. Supp. 2d 418, 424-26 (M.D. Pa. 2004) (ordering Palestinian detainee who could not be deported released given no significant likelihood of removal in the reasonably foreseeable future). Re-arresting an alien who was released from detention, without any no change in the circumstances that led to his prior release is unreasonable.

28. Section 241(a) of the INA, 8 U.S.C. § 1231(a), which governs Petitioner's detention, cannot authorize "indefinite, perhaps permanent, detention." *Zadvydas*, 533 U.S. at 699. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* Nor can DHS circumvent this ruling by re-arresting individuals they do not have an actual travel document that would permit their removal.

29. Because petitioner cannot be removed to Bhutan in the reasonably foreseeable future, respondents do not have the statutory authority to continue detaining him.

**COUNT TWO**

**PETITIONER MAY NOT BE DEPORTED TO A THIRD  
COUNTRY AND HIS CONTINUED DETENTION IN  
THAT EFFORT IS A VIOLATION OF  
DUE PROCESS**

30. Petitioner re-alleges and incorporates by reference all paragraphs above.

31. An alien is entitled to select or decline to designate a country of removal when in removal proceedings. 8 U.S.C. § 1231(b)(2)(A); see also 8 C.F.R. § 1240.10(f) (“[T]he immigration judge shall notify the respondent that if he or she is finally ordered removed, the country of removal will in the first instance be the country designated by the respondent”). If the alien refuses to designate a country, the IJ may designate the country where the person “is a subject, national, or citizen.” 8 U.S.C. § 1231(b)(2)(D).

32. The IJ also may designate alternative countries, as specifically set out by 8 U.S.C. § 1231(b)(2)(E). These would be any of the following:

- (i) The country from which the alien was admitted to the United States.

(ii) The country in which is located the foreign port from which the alien left for the United States or for a foreign territory contiguous to the United States.

(iii) A country in which the alien resided before the alien entered the country from which the alien entered the United States.

(iv) The country in which the alien was born.

(v) The country that had sovereignty over the alien's birthplace when the alien was born.

(vi) The country in which the alien's birthplace is located when the alien is ordered removed.

(vii) If impracticable, inadvisable, or impossible to remove the alien to each country described above, another country whose government will accept the alien into that country.

8 U.S.C. § 1231(b)(2)(E)

33. The federal district court sitting in Massachusetts issued a temporary restraining order prohibiting ICE from removing an alien to any country in which they had not had an opportunity to seek fear based relief. *D.V.D. v. United States Department of*

Homeland Security, et al. \_\_\_F.3d\_\_\_ (25-10676), District of Massachusetts ( March 28, 2025) ( Court temporarily restrain DHS against removal of alien to third countries).

This would prevent Mr. Bhujel from being deported to any country but Bhutan.

34. Mr. Bhujel was born in Nepal, resided there before coming to the United States and it was the place where he left before coming to the United States. However, he was there in a UNHCR refugee camp, never acquired Nepal citizenship and has no civil connection to this country. See,

<https://www.refworld.org/legal/legislation/natlegbod/1964/en/13773>

35. More importantly, petitioner has never had an opportunity to challenge his removal to Nepal or any other country based on any of the fear-based reliefs.

36. An IJ must provide sufficient notice and opportunity to apply for protection from a designated country of removal. 8 C.F.R. § 1240.10(f) (providing that the “immigration judge shall notify the respondent” of designated countries of removal) (emphasis added); 8 C.F.R. § 1240.11(c)(1)(i) (providing that the IJ shall “[a]dvice the [noncitizen] that he or she may apply for asylum in the United States or withholding of removal to [the designated countries of removal]”). See also, *D.V.D. v. United States Department of Homeland Security*, et al. \_\_\_F.3d\_\_\_ (25-10676), District of

Massachusetts ( March 28, 2025) ( Court temporarily restrain DHS against removal of alien to third countries).

37. Mr. Bhujel arrived in the United States as a refugee. A refugee is someone who was found by the United States to require protection either because they suffered past persecution or have well- founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion in their country of origin. 8 U.S.C. §§ 1101(a)(42). Here, Mr. Bhujel were found to have suffered persecution in Bhutan on account of their perceived nationality - - of not being Bhutanese. See, Department of State Human Rights Report 2015---

38. Pursuant to the United Nations Convention Concerning Refugees and the 1967 Protocol, member states, including the United States is one, may not refoul or return a refugee to their country of origin or any other country absent subsequent unlawful conduct fraud in the application, or a fundamental change in country conditions. U.N, Handbook See generally 8 U.S.C. § 1158(c)(2); 8 C.F.R §§ 208.24, 1208.24.

39. The Third Circuit has ruled that a refugee who entered United States and adjusted his status to become lawful permanent resident and then was convicted of crime rendering him deportable may be placed into removal proceedings, even though his refugee status was never terminated, *Romanishyn v. Att'y Gen. of U.S.*, 455 F.3d 175

(3d Cir. 2006). However, here, petitioner no longer stands convicted of any crime that would render him removable from the United States.

40. Nevertheless, even when a refugee is ordered deported for a criminal conviction, the Attorney General - - the immigration judge - - may not remove an alien to a country if the immigration judge decides that the alien's life or freedom would be threatened in that country because of the alien's "race, religion, nationality, membership in a particular social group, or political opinion." 8 U.S.C. § 1231(b)(3)(A); see also 8 C.F.R. §§ 208.16, 1208.16. This form of protection, known as statutory withholding of removal, is mandatory, and does not require the exercise of discretion by the immigration court.

41. A preliminary look at the Country Condition Reports for Nepal reveal the country engages in serious human rights violations and specifically does not protect nationals fleeing persecution from inter-societal persecution. For instance, United States Department of States 2022 Country Reports for Human Rights Practices provides in its Executive Summary:

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by the government; torture and cases of cruel, inhuman, or degrading treatment by the government; arbitrary detention; serious restrictions on freedom of expression and media, including violence or threats of violence against journalists and unjustified arrests of journalists; substantial interference with the freedom of peaceful

assembly and freedom of association, including overly restrictive laws on the organization, funding, and operation of nongovernmental organizations and civil society organizations; restrictions on freedom of movement for refugees, notably resident Tibetans; serious government corruption; lack of investigation of and accountability for human rights abuses and gender-based violence, including domestic and intimate partner violence, sexual violence, child, early and forced marriage and other harmful practices; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons.

The report is available online at: <https://2021-2025.state.gov/reports/2022-country-reports-on-human-rights-practices/nepal/>

42. Even if an alien does not qualify for statutory Withholding of Removal, he may still be entitled to receive protection under the Convention Against Torture (CAT), in the form of withholding or deferral of removal. This requires that there is a likelihood that the alien will be tortured if removed to the designated country of removal. See FARRA (codified as Note to 8 U.S.C. § 1231); 8 C.F.R. §§ 208.16(c), 208.17(a), 1208.16(c), 1208.17(a); 28 C.F.R. § 200.1. Like withholding of removal under 8 U.S.C. § 1231(b)(3), CAT protection is mandatory. *Id.* With respect to any individual granted deferral of removal under CAT, the IJ “shall also inform the [noncitizen] that removal has been deferred only to the country in which it has been determined that the [noncitizen] is likely to be tortured, and that the [noncitizen] may be removed at any time to another country where he or she is not likely to be tortured.” 8 C.F.R. §§ 208.17(b)(2), 1208.17(b)(2).

43. Petitioner never had the opportunity to question his removal to any country except Bhutan.

44. Petitioner's continued indefinite detention violates his right to substantive due process by depriving him of his fundamental liberty interest, and raises a serious constitutional issue. *Zadvydas v. Davis*, 533 U.S. at 690 ("Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty that Clause protects.").

45. The U.S. Supreme Court recognized in *Zadvydas* that individuals in Petitioner's circumstances, who are subject to a final order of removal, yet languishing in detention pending their illusory removal to their countries of origin, are protected by the Due Process Clause. *Id.* at 690-95. They may only be detained for a period of time "reasonably necessary" to secure their removal. *Id.* at 689.

46. *Zadvydas* established that although the Government ordinarily secures an alien's removal during a 90-day removal period, the Government has six months during which it is presumptively "reasonable" to detain an alien after the issuance of a final order of removal. *Zadvydas*, 533 U.S. at 701. However, where the detention's goal "is no longer practically attainable, detention no longer 'bear[s][a] reasonable relation to the purpose for which the individual [was] committed.'"

*Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

47. Petitioner should not be detained for removal to any third country without first having the opportunity to challenge his removal to that country.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner requests that this Court:

1. Assume jurisdiction over this matter.
2. Grant a writ of habeas corpus directing respondents to immediately release petitioner from custody under reasonable conditions of supervision; or in the alternative, order a constitutionally adequate custody hearing--or if applicable, a bond hearing--where respondents must demonstrate that Petitioner's continued detention is justified;
3. Order respondents not to remove petitioner to any country that he has not had the opportunity to seek fear based relief. Pursuant to *D.V.D. v. United States*

*Department of Homeland Security, et al.* \_\_\_F.3d\_\_\_ (25-10676), District of Massachusetts ( March 28, 2025)

4. Order Respondents to show cause, returnable within three days pursuant to 28 U.S.C. § 2243, as to why the relief requested in this petition should not be granted;

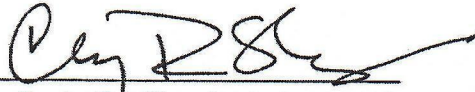
5. Declare that respondents' continued detention of petitioner violates the Immigration and Nationality Act because it exceeds the period authorized by statute, or in the alternative, because respondents have failed to provide him with a hearing where the Government bears the burden of showing that his reinstated detention after a previous prolonged detention is justified;

6. Declare that respondents' detention violates the Due Process Clause of the Fifth Amendment because it bears no reasonable relationship to a legitimate governmental purpose, and/or because respondents have failed to provide him/her with a hearing where the government bears the burden of showing that such prolonged detention is justified;

7. Award Petitioner reasonable fees and costs; and

8. Grant such further relief as the Court deems just and proper.

Respectfully Submitted,  
Indra Bhujel by his attorneys:



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DATED: March 31, 2025

**EXHIBITS**

Exhibit A: I-94

Exhibit B: Refugee Travel Document

Exhibit C: Docket Sheet and Judgment of Conviction

Exhibit D: BIA Decision dated January 17, 2020

Exhibit E: Docket Sheet and Judgment sheet showing conviction under 75 Pa.

C.S. 3733 has been dismissed

Exhibit F: Order of Supervision

Exhibit G: Form DD-214