

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IMRAN KHAN,

Petitioner,

-v-

U.S. Department of Homeland Security, U.S.  
Immigration and Customs Enforcement, United  
States Department of Justice Attorney General  
PAMELA BONDI, Delaney Hall Detention  
Facility,

Respondents.

Civil Action No:

**FIRST AMENDED VERIFIED PETITION  
FOR A WRIT OF HABEAS CORPUS  
AND COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

ORAL ARGUMENT REQUESTED

IMRAN KHAN (“Petitioner”), bring forth this Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief (“Petition”) pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1651; the Immigration and Nationality Act (“INA”) and regulations thereunder; the Administrative Procedure Act (“APA”), 5 U.S.C § 701, Article I, Section 9, Clause 2 of the United States Constitution (“Suspension Clause”) and the Fifth Amendment right to substantive and procedural due process. Petitioner hereby requests that, *inter alia*, an immediate hearing be set on this urgent matter and further requests that he be released during the pendency of this Petition. In support of this Petition, Petitioner states as follows:

**PRELIMINARY STATEMENT**

1. This habeas petition challenges the process employed by the above captioned Respondents in the recent rushed efforts to remove Petitioner from the United States and cut short his effort to pursue the lawful processes available to him to overturn the denial on his I-589, Application for Asylum and for Withholding of Removal (“Application for Asylum”) previously filed in immigration court.

2. Petitioner is a father, husband, and the primary caretaker of his family, which consists of his wife, severely autistic, non-verbal son, and minor daughter. Petitioner has resided in the United States since sometime around 1999 and has been the utmost outstanding individual for not only his family, but also his employers and community as a whole.
3. Petitioner has no criminal history and has abided by United States law since his entry, excluding any immigration status related violations, that being overstay of his visa.
4. On July 3, 2025, the Petitioner was apprehended and arrested by the Respondents, and was then transferred to the Delaney Hall Facility, located in New Jersey.
5. On or around July 18, 2025, Petitioner's immigration court case attorney Elihu S. Massel ("Mr. Massel") filed the Petitioner's Emergency Motion to Reopen and Emergency Stay of Removal ("Motion") with the Board of Immigration Appeals ("BIA").
6. Petitioner respectfully requests that this Court assume jurisdiction over this matter and order a stay of his removal and compel DHS to immediately release Petitioner on his own recognizance, pending the completion of the exhaustion of the lawful processes Petitioner is pursuing at this time with the BIA.
7. Pending the adjudication of this Petition, Petitioner also respectfully requests that Respondents be ordered to provide seventy-two (72) hour notice to undersigned counsel of any movement of Petitioner to any other detention facility and/or his removal from the United States. *See Mei Ying Fong v. Ashcroft*, 317 F. Supp. 2d 398, 402-403 (S.D.N.Y. Apr. 30, 2004) (Court found that in order to comport with due an individual must be given 72 hours following arrest before being physically removed from the United States). The *Mei Ying Fong* court rejected the government's argument that the 72 hour rule was no longer applicable after the passage of

the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”). “The government’s argument that there should be no time limit whatever before the government can physically remove an alien from the United States, would raise serious due process implications.

8. Furthermore, and presumably, under the government’s argument, the agency could make a determination of removal and then deport the Petitioner shortly thereafter, leaving him no opportunity to further pursue his pending appeal. There is no question that the policy embodied in the 72-hour requirement of 8 C.F.R. §§241.22 and 241.33(b) gives expression to the Fifth Amendment’s due process mandates. Indeed, immigration authorities explained that it was intended “to ensure that due process is accorded the detainee.” “Just as the constitution requires the government to afford notice of any against an immigrant, so too it requires an opportunity for the alien to be heard.” (quoting 51 Fed.Reg. 23,041 (June 25, 1986))(citing *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950); *Fuentes–Argueta v. INS*, 101 F.3d 867, 872 (2d Cir.1996); *United States v. Perez–Valdera*, 899 F.Supp. 181, 184 (S.D.N.Y.1995)). Petitioner requests the same opportunity to be heard in a meaningful manner, at a meaningful time, and thus requests 72-hour-notice prior to any steps to remove him from the United States or movement of him from any detention center in which he is currently being detained in.

#### **JURISDICTION AND VENUE**

9. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 et seq.

10. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C § 701; and for injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201.
11. Petitioner’s final order of removal constitutes a “severe restraint” on his individual liberty such that he is “in custody” for purposes of 28 U.S.C. § 2241. *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).
12. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS’s conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
13. The jurisdiction-channeling provisions of the REAL ID Act under 8 U.S.C. § 1252 do not foreclose this Court’s jurisdiction over Petitioner’s claims. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (holding that § 1252(g), reaches only “three discrete actions that the Attorney General may take: her decision or action to ‘commence proceedings, adjudicate cases, or execute removal orders.’”)
14. If 8 U.S.C. § 1252 did strip jurisdiction from this case, that statute would be unconstitutional as applied to Petitioner. The Suspension Clause of the U.S. Constitution states, “The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const. art. I, § 9, cl. 2. This protects the right to the writ of habeas corpus where no adequate or effective alternative remedy exists. *See Boumediene v. Bush*, 553 U.S. 723 (2008).
15. Therefore, this court may properly exercise jurisdiction over all of Petitioner’s claims.

16. Under 28 U.S.C § 1391, venue is proper in the District Court of New Jersey because a substantial part of the events giving rise to these claims occurred in this district, that being the the detention of the Petitioner at Delaney Hall Detention Facility located in New Jersey at the time in which this action was commenced on August 7, 2025.

### **PARTIES**

17. Petitioner is in the custody, and under the direct control, of Respondents and their agents; Petitioner is currently under threat of imminent harm while in the custody of the Respondents by way of the final order of removal constraining his liberty.

18. Respondent U.S. Department of Homeland Security (“Respondent DHS”) is being sued in their official capacity as the agency responsible for the implementation and enforcement of the INA, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention/custody. Respondent DHS is a legal custodian of the Petitioner.

19. Respondent U.S. Immigration and Customs and Enforcement (“Respondent ICE”) is being sued in their official capacity as the agency responsible for the implementation and enforcement of the INA. Respondent ICE is a legal custodian of the Petitioner.

20. Respondent Pamela Bondi (“Respondent Bondi”) is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of the Petitioner.

21. Respondent Delaney Hall Detention Facility is being sued in their official capacity as the facility in which the Petitioner was initially detained in upon commencement of this action.

### REQUIREMENTS UNDER 28 U.S.C. § 2243

22. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
23. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

### EXHAUSTION OF REMEDIES

24. Petitioner’s claims of receiving a constitutionally inadequate process to justify the intrusions into his liberty interests are not subject to any statutory requirement of administrative exhaustion. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); *Howell v. INS*, 72 F.3d 288, 291 (2d Cir. 1995); *Araujo-Cortes v. Shanahan*, 35 F.Supp. 3d 533, 538 (S.D.N.Y. 2014).
25. To the extent that prudential concerns lead the Court to require exhaustion as a discretionary matter, both Petitioner, his family and Mr. Massel have exhausted the administrative remedies available to them.
26. Moreover, neither the Immigration Judge nor the BIA, as administrative agencies, can rule on the constitutional nature of Petitioner’s due process and procedural claims. Nor would the claims Petitioner has brought forth in the herein Petition be properly decided

before either administrative body.

27. Finally, Petitioner is threatened with irreparable harm in his ability to pursue his constitutional claims, such that exhaustion of administrative remedies should not be required.

### **REQUEST FOR ORAL ARGUMENT**

28. Petitioner respectfully requests oral argument on this Petition.

### **STATEMENT OF FACTS**

29. The Petitioner first entered the United States sometime in or around 1993 on a B2 status, and later converted his status to that of F1. Petitioner's last entry into the United States was in or around 1999.
30. Petitioner and his wife were married in 1997, and later had two children born in the United States, a son who is severely autistic, and a minor daughter.
31. On or around September 21, 2004, Petitioner was ordered removable by the Newark Immigration Court, and the BIA affirmed the aforementioned removal order on December 12, 2005.
32. Since said date, the Petitioner has been required to appear for check-ins with ICE for approximately 10 years, which he has adhered to as scheduled.
33. During his ICE check-ins, the Petitioner was informed that he would be granted the ability to remain in the United States so that he may care for his autistic son adequately, as well as his minor daughter and wife. Over the years, the Petitioner has had the liberty to care for his family.
34. More recently, on July 3, 2025, Petitioner appeared with Mr. Massel at his ICE check-in at 26 Federal Plaza in New York.

35. During his July 3, 2025 ICE check-in, Respondents DHS and ICE arrested the Respondent, and transferred him to be detained at the Delaney Hall Facility Detention Center; said arrest is a part of a widespread U.S. Department of Homeland Security effort to target family members who have final orders of removal, no matter whether they may have an active criminal history or other sufficient basis for apprehension.
36. The Petitioner is the primary caretaker for his wife and children, specifically his son, who is not only severely autistic, but also suffers from a seizure disorder. The combination of these factors alone makes it extremely difficult for the Petitioner's wife to care for their minor daughter and their autistic son alone with ease.
37. Additionally, the Petitioner's wife is not employed, and as a result, requires the monetary support her husband to be able to sustain their family.
38. The Petitioner's prolonged separation from his wife and children has put him in a particularly vulnerable position.
39. The Petitioner is experiencing not only the trauma that has arose out of his forced separation from his family, but also the trauma that has come with being incarcerated in a detention center with abhorrent and inhumane conditions, all of which have caused the Petitioner's mental and physical health to significantly deteriorate.
40. The Petitioner suffers from frequent chest pains, asthma, heart palpitations, and a sleep disorder that makes it difficult for him to breathe at night, especially in such an extremely cold environment.

42. On September 5, 2025, the Petitioner was abruptly transferred from the Delaney Hall Detention Facility located in New Jersey, and between September 5, 2025 and September 8, 2025, the Petitioner was then transferred to Camp East Montana located in El Paso, Texas.
43. The varying detention centers where the Petitioner has been held evidently fail to meet basic sanitary standards, placing the Petitioner at risk of physical harm and exposure to airborne or waterborne illnesses. The lavatories in said detention centers are more often than not dirty and are not frequently cleaned and sanitized. Additionally, the food which Petitioner has been served fails to meet the basic nutritional standard, which further puts his health and well-being at risk. Notably, the food which the Petitioner was provided at the Louisiana detention center does not take into consideration his religion, Islam, which prohibits him from eating pork.
44. This grievous harm caused by the Petitioner's prolonged detention at the hands of the Respondents is ongoing, as are the violations of the Petitioner's constitutional, statutory, and other legal rights.
45. The Respondent's ongoing and prolonged detention of the Petitioner bears no reasonable relation to any government purpose. The Petitioner currently has a Motion pending adjudication with the BIA. Furthermore, the Petitioner has committed no real crime, is not a danger to anyone, nor does he pose a flight risk. As a result, this Court should find that the prolonged detention of the Petitioner is unlawful, inhumane and unnecessary, and not only causes damage to the Petitioner himself, but also his family and community.

#### **LEGAL FRAMEWORK**

46. Under 8 U.S.C. § 1231, noncitizens with a final order of removal shall be removed from the United States within a period of 90 days. 8 U.S.C. § 1231(a)(1)(A).
47. The beginning of the 90-day removal period is determined by the latest of the following:
- (i) The date the order of removal becomes administratively final.

- (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order.
- (iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

*Id.* at § 1231(a)(1)(B).

48. If the noncitizen is not removed during the 90-day period, he or she “shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien”

- (A) to appear before an immigration officer periodically for identification;
- (B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;
- (C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and
- (D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien.

§ 1231(a)(3).

49. The removal period may be extended beyond 90 days and the noncitizen may remain detained if the noncitizen frustrates his or her removal. § 1231(a)(1)(C).

50. Alternatively, the noncitizen may be detained beyond the 90 days if he or she is inadmissible under § 1182 or removable under various sections of § 1227 or determined to be a risk to the community or unlikely to comply with the order of removal.

§ 1231(a)(6); 8 C.F.R. § 241.4(a).

51. The Due Process Clause of the Fifth Amendment requires that “[n]o person shall . . . be deprived of liberty . . . without due process of law.” “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). In the context of immigration detention, at a minimum, detention

must “bear[] a reasonable relation to the purpose for which the individual [was] committed.” *Id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). If “detention’s goal is no longer practically attainable,” detention becomes unreasonable and therefore violates the Fifth Amendment right to due process. *Id.*

52. The Fifth Amendment Due Process Clause also requires that Respondents follow procedures that are adequate to establish that detention is both statutorily and constitutionally valid. *See Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996) (“due process places a heightened burden of proof on the State in civil proceedings in which the individual interests at stake . . . are both particularly important and more substantial than mere loss of money.”).
53. Under the canon of constitutional avoidance, no immigration detention statute should be construed in a way that would violate the Constitution where it is “fairly possible” to avoid doing so. *Zadvydas*, 533 U.S. at 689.
54. In *Zadvydas*, the Supreme Court held that § 1231 “limits an alien’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States. It does not permit indefinite detention.” *Id.* At 689–90. “Whether a set of particular circumstances amounts to detention within, or beyond, a period reasonably necessary to secure removal is determinative of whether the detention is, or is not, pursuant to statutory authority.” *Id.* at 699. “In answering that basic question, the habeas court must ask whether the detention in question exceeds a period reasonably necessary to secure removal.” *Id.* “[I]f removal is not reasonably foreseeable; the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699–700. If continued detention is unreasonable, “the alien’s release may and should be conditioned

on any of the various forms of supervised release that are appropriate in the circumstances.” *Id.* at 700.

55. Courts have generally found no significant likelihood of removal in five types of cases:

- (1) where the detainee is stateless and no country will accept [him or her];
- (2) where the detainee’s country of origin refuses to issue a travel document;
- (3) where there is no repatriation agreement between the detainee’s native country and the United States;
- (4) where political conditions in the country of origin render removal virtually impossible; and
- (5) where a foreign country’s delay in issuing travel documents is so extraordinarily long that the delay itself warrants an inference that the documents will likely never issue.

*Ahmed v. Brott*, No. 14-cv-5000 (DSD/BRT), 2015 WL 1542131, at \*4 (D. Minn. Mar. 17, 2015) (collecting cases), *report and recommendation adopted*, 2015 WL 1542155 (Apr. 7, 2015). “In other words, for there to be no significant likelihood of removal in the foreseeable future, there must be some indication that the government is either unwilling or, due to seemingly insurmountable barriers, incapable executing an alien’s removal.” *Id.*

56. Where the government’s only evidence of the likelihood of removal “consists almost entirely of generalities and hypothetical statements,” such as where the country of removal “has *not* told ICE that it would *not* issue a travel document” or simply that the country’s “issuance of travel documents is historically slow,” the government has not met its burden of demonstrating that removal is significantly likely in the reasonably foreseeable future. *Bah v. Cangemi*, 489 F.Supp.2d 905, 923 (D. Minn. 2007). “Where a foreign country delays issuance of travel documents for an extraordinarily long period, it is possible to infer . . . that the documents will not issue at all, and thus that there is no significant likelihood of removal.” *Jaiteh*, 2008 WL 2097592, at \*3.

**CLAIMS FOR RELIEF**

**AS AND FOR A FIRST CAUSE OF ACTION**  
**HABEAS CORPUS**

57. Petitioner repeats and realleges the foregoing paragraphs as if fully set forth herein and incorporates them by reference.
58. As set forth above, Respondents are holding Petitioner in federal custody, in violation of multiple federal statutes, the U.S. Constitution and Petitioner's basic human rights.
59. Accordingly, the Petitioner seeks a writ of habeas corpus compelling Respondents to immediately release him.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**VIOLATION OF FIFTH AMENDMENT RIGHT**  
**TO PROCEDURAL AND SUBSTANTIVE DUE PROCESS**

60. Petitioner repeats and realleges the foregoing paragraphs as if fully set forth herein and incorporates them by reference.
61. The Due Process clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment. *See Matthews v. Eldridge*, 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally-protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived. *See Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569–70 (1972).
62. Due process requires "adequate procedural protections" to ensure that the government's

asserted justification for its conduct infringing on protected interests “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*. 533 U.S. at 690 (internal quotation marks omitted).

63. Instances in which a deprivation of due process had been found include failure to advise meaningfully of the right to appeal, failure to explain the possibility of discretionary relief, inadequate explanation of other methods of avoiding deportation, and ineffective counsel. *United States v. Moncrieffe*, 167 F. Supp. 3d 383. *Quotations omitted*.

64. The substantive component of the Due Process Clause of the Fifth Amendment to the United States Constitution protects Petitioner’s liberty interests. Petitioner has a substantive liberty interest in family unification and integrity, and as the primary caretaker of his wife and children, Petitioner is suffering grave harm due to his prolonged, unjustified and unlawful detention.

65. Petitioner also has a protected due process interest in his ability to pursue motion practice before the BIA; pursuit of this process would be unlawfully terminated by removal.

66. Respondents’ policies and actions, as set forth above, have infringed upon Petitioner’s substantive liberty interest in being free from confinement, and in family unification and integrity. Furthermore, Respondents’ policies and actions have caused the Petitioner to be subjected to a period of prolonged confinement in a detention facility, resulting in grave harm not only to him, but also to his U.S. citizen children.

67. Respondents detention and removal of Petitioner from the United States without allowing him to exhaust his options with the BIA – whether successful or not – will violate the INA and the applicable regulations. Any efforts by Respondents to remove Petitioner, without allowing him to avail himself of the procedures created by the INA and its

regulations, would violate due process.

68. As a result of the violation of his right to procedural and substantive due process, the Petitioner has suffered harm, and continues to suffer harm to date, that being emotional, physical and psychological damages, all of which warrant the issuance of a writ and the immediate release of the Petitioner to his family.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT (“APA”)**

69. Petitioner repeats and realleges the foregoing paragraphs as if fully set forth herein and incorporates them by reference.

70. Under the APA, “final agency action for which there is no other adequate remedy in a court [is] subject to judicial review.” 5 U.S.C. § 704. The reviewing court “shall...hold unlawful and set aside agency action, findings, and conclusions found to be—(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. §§ 706(2)(A).

71. The Respondents’ detention of the Petitioner, any attempts to execute his removal order and/or attempts to prevent him from pursuing further motion practice before the BIA, is, and would be, classified as arbitrary and capricious agency action under the APA.

72. Respondents’ decision to attempt to prohibit noncitizens with final orders of removal from pursuing the process created under the INA—a prohibition accomplished in this case by detaining and attempting to remove Petitioner in the midst of his efforts to legalize his status—improperly alters these substantive rules without notice-and-comment rulemaking, in violation of the APA.

73. Evidently, the Respondents’ actions are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;” 5 U.S.C. §706(2)(C) and “in excess of statutory

jurisdiction, authority or limitations, or short of statutory right” and violates the APA 5 U.S.C. §706(2)(C).

74. Absent this Court’s intervention, the Petitioner does not have any “remedy” to challenge the decision of the Respondents, and as a result, has no recourse to judicial review other than by this action.

### **PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter and all attendant proceedings;
2. Order the Respondents to transfer the Petitioner from his current detention center, Camp East Montana in El Paso, Texas, and/or any subsequent detention facilities which the Petitioner may be or is transferred to, back to his previous detention center, Delaney Hall Detention Facility, located in New Jersey;
3. Upon being transferred back to Delaney Hall Detention Facility, located in New Jersey, order that the Respondents be prohibited from transferring the Petitioner outside of the New Jersey region, and further enjoin and prohibit the Respondents from transferring the Petitioner from Delaney Hall Detention Facility located in New Jersey, to any other detention facility, pending the resolution of this matter;
4. Enjoin and prohibit the Respondents from taking any action regarding the transfer of the Petitioner into custody for the purposes of deportation, and further enjoining and prohibiting the Respondents from transferring the Petitioner to any other detention facility and/or taking any action to deport the Petitioner without providing 72-hour notice to undersigned counsel;
5. Order the removal of electronic monitoring device attached to his ankle as Petitioner has shown good faith compliance with all previous visits and check-ins required by DHS-ICE;

7. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
8. Declare that the process as applied to Petitioner by Respondents violates the Due Process Clause of the Fifth Amendment, the INA, the APA, and federal regulations;
9. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from any detention facility which he is currently being detained at or is transferred to, or schedule a bond hearing before an immigration judge;
10. Stay Petitioner's removal from the United States until he exhausts all options available to him with the BIA and/or any other relevant agency;
11. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
12. Any other further relief this Court deems just and proper.

Dated: September 8, 2025

Respectfully submitted,

/s/ Mohammad Akif Saleem  
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*Counsel for Petitioner*

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

I represent Petitioner, Imran Khan, 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: September 8, 2025

Respectfully submitted,

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