UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Arish Rustami, Petitioner, v. Kristi Noem, Todd M. Lyons, Sam Olson, and Pamela Bondi, Respondents.	)	Case No. 25-3160-JWL

PETITIONER'S TRAVERSE

Petitioner has lived under a grant of Convention Against Torture withholding since 2011. In June 2025, ICE revoked his Order of Supervision (OSUP) without prior notice, arrested him, and—days later—served a *post hoc* "Notice of Revocation." (Saenz Decl., Doc. 4-1 ¶¶17–18; Notice, Doc. 4-2.) The Government now says it is "exploring" removal to Pakistan or Afghanistan, but it neither followed the mandatory revocation procedures (notice and an initial informal interview) nor offered the reasonable-fear process due before any third-country removal. (Gov't Resp., Doc. 4 at 8; Saenz Decl., Doc. 4-1 ¶19.) On this record, detention is unlawful for two independent reasons: (1) ICE violated its own regulations and due process; and (2) there is no significant likelihood of removal in the reasonably foreseeable future under *Zadvydas*. Petitioner is entitled to release.

Thankfully, the Court need not write on a blank slate. Other courts across the country are facing the same issue – the most recent of which is the Western District of Missouri's order in *Cifuentes v. Noem*, No. 4:25-cv-00570-RK (W.D. Mo. Oct. 7, 2025), a copy of which is attached as **Exhibit A**. While that decision is an unpublished order, its reasoning offers the most recent and coherent roadmap for applying the governing procedural framework for post-revocation habeas claims. In *Cifuentes*, the court granted habeas relief and ordered immediate release where ICE

revoked an Order of Supervision without giving the noncitizen advance notice or the "initial informal interview" required by 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3). The court held that such a challenge is collateral to removal, not barred by 8 U.S.C. §§ 1252(b)(9) or (g), and that failure to follow those mandatory regulations constitutes a procedural due-process violation warranting habeas relief. Petitioner respectfully urges this Court to adopt the same analytical structure—first determining that jurisdiction exists over this collateral procedural challenge, then assessing whether ICE complied with its own regulatory notice and interview obligations. Applying that framework here leads to the same conclusion as in Cifuentes: ICE's revocation procedure was unlawful, and release is required.

I. Introduction and Relief Requested

This is a habeas action under 28 U.S.C. § 2241 challenging **(a)** the legality of Petitioner's present custody following ICE's revocation of his OSUP without the procedures mandated by 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3), and **(b)** DHS's refusal to provide the reasonable-fear screening (with IJ review of any negative finding) required before attempting removal to a new third country. See Saenz Decl., Doc. 4-1 ¶¶17–19; Notice, Doc. 4-2; Gov't Resp., Doc. 4 at 8. These claims are collateral to removal and fall squarely within § 2241. Petitioner does **not** seek review of his underlying removal order; he seeks release (or, at minimum, an order compelling compliance with the Government's own procedures) because ICE detained him without the process its regulations and due process guarantee, and because DHS cannot show a significant likelihood of removal to Pakistan or Afghanistan in the reasonably foreseeable future. See *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

Requested Relief. Petitioner respectfully asks the Court to:

1. **Order immediate release** under § 2241; or, in the alternative, **reinstate supervision** on the prior (or reasonable) OSUP conditions while DHS complies with required procedures.

2. **Compel compliance with the revocation regulations:** within 7 days, provide the "initial informal interview" required by 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3), give written notice of the asserted grounds for revocation, and produce the associated custody-review record.
3. **Enjoin third-country removal steps** absent written notice identifying the proposed country, a **reasonable-fear interview**, and **immigration-judge review** of any negative determination before DHS may proceed.
4. **Order production** within 7 days of: (a) all post-revocation custody-review materials (POCR/§ 241.13 files); (b) any requests to or responses from Pakistan or Afghanistan concerning travel documents; and (c) any notices provided to Petitioner regarding removal to those countries.
5. **Grant any further equitable relief** the Court deems just, including a deadline for DHS to file status reports demonstrating concrete removal progress (if release is not ordered) consistent with *Zadvydas*.

Jurisdiction and venue are proper because Petitioner challenges the fact and duration of present custody in this District, and these due-process/regulatory-compliance claims are not channelled by 8 U.S.C. § 1252(b)(9) or (g). The Government's own filings confirm it revoked first, notified later, conducted no "initial informal interview," and is merely "exploring" removal to non-national third countries without offering the reasonable-fear pathway. (Saenz Decl., Doc. 4-1 ¶¶17–19; Notice, Doc. 4-2; Gov't Resp., Doc. 4 at 8.) On this record, habeas relief is warranted.

II. Statement of Facts

Petitioner is a recipient of protection from torture from Iran granted by an immigration judge in 2011. For more than a decade thereafter, he complied with the conditions of his Order of Supervision, reporting regularly to ICE and maintaining a stable residence. On June 23, 2025, ICE revoked his release and took him into custody without

prior notice. Four days later, on or about June 27, 2025, ICE served him with a Notice of Revocation stating that the Order of Supervision "has been revoked" and that an "informal interview" would be provided. No such interview has ever been conducted. The government does not assert that Mr. Rustami received advance notice or an initial informal interview as required by 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3).

The government does not contend that it can remove Mr. Rustami to Iran without first terminating his CAT protection. Instead, it claims to be "exploring" possible removal to Pakistan or Afghanistan—countries where he has no citizenship, lawful status, or ties. It has not identified an accepting country, requested travel documents, or taken any concrete steps toward effectuating removal. Meanwhile, ICE's decision to detain Mr. Rustami and its characterization of his case were publicized in international media, including by name. This reporting has drawn attention to his protected status and the reasons for his original grant of CAT relief, further endangering him if returned to any country in the region. In these circumstances, DHS's failure to follow its own procedures and its speculative removal plans have left Mr. Rustami in prolonged detention without lawful justification and at heightened personal risk should removal be attempted.

III. Jurisdiction and Justiciability

A. § 2241 jurisdiction; "in custody" and venue.

This is a core habeas challenge to present physical custody and the process (or lack of it) used to effect that custody. 28 U.S.C. § 2241(c)(3). Petitioner is detained at an ICE facility within this District; venue and personal jurisdiction are proper over the immediate custodian. See *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004).

B. Section 1252 of 8 U.S.C. does not strip jurisdiction over these collateral claims.

The Court retains jurisdiction to review petitioner's custody. 8 U.S.C. § 1252(b)(9), or the "zipper

clause," does not apply because Petitioner is *not* seeking review of the removal order or its merits. He challenges detention procedures: ICE's failure to provide the mandatory notice and "initial informal interview" after revoking supervision, and DHS's refusal to afford reasonable-fear procedures before attempting third-country removal. Such claims are "independent" and "collateral" to removal and thus outside § 1252(b)(9). See, e.g., the W.D. Mo. order in *Cifuentes* (post-revocation interview claim cognizable under § 2241) and D. Md.'s *Cruz-Medina* (due-process right to reasonable-fear process and IJ review recognized pre-removal).

In the same way, **§ 1252(g)** is no bar. Petitioner does not ask the Court to "hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders." He seeks habeas relief from unlawful detention caused by the Government's failure to follow its own regulations and constitutionally required procedures. Courts routinely hold such claims fall outside § 1252(g). See *Cifuentes* (collecting cases).

Finally, **§ 1252(a)(2)(A)**, which places limits on review of expedited-removal, is inapposite; Petitioner is not in expedited removal, and, in any event, he raises process claims antecedent to any attempt to effect removal to a new country.

C. Accardi/Mathews claims are squarely cognizable in habeas.

Under *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954), agencies must follow their own regulations where those rules safeguard liberty interests. The post-revocation notice and initial informal interview requirements in 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3) constrain ICE's detention authority; ignoring them yields unlawful custody. The Court evaluates the constitutional floor under *Mathews v. Eldridge*, 424 U.S. 319 (1976). Both *Cifuentes* (revocation-interview) and *Cruz-Medina* (reasonable-fear and IJ review before third-country removal) apply those principles to grant relief.

D. Ripeness and standing.

The injuries are concrete and ongoing: Petitioner remains detained; the Government admits it revoked first, notified later, and is "exploring" removal to Pakistan or Afghanistan without offering the requisite reasonable-fear process (with IJ review). That is more than enough for Article III injury-in-fact, traceability, and redressability. The claims are fit for review now.

E. No statutory exhaustion bars; prudential exhaustion excused.

Section 2241 has no statutory exhaustion requirement applicable here, and any prudential exhaustion would be futile where the agency refuses to provide the very procedures at issue (post-revocation interview; reasonable-fear screening and IJ review). See *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992) (describing futility exception). The procedure for custody review outlined in *Zadvydas* is the filing of the instant petition, and all remedies permitted have been exhausted.

F. Standard of review and remedy posture.

The Court reviews legal questions de novo and may order release or, at minimum, compel immediate compliance with the mandatory procedures and bar third-country removal steps absent the reasonable-fear process with IJ review. See *Zadvydas v. Davis*, 533 U.S. 678, 699–701 (2001) (detention authority limited to period reasonably necessary to effect removal; courts must order release where the Government cannot show a significant likelihood of removal in the reasonably foreseeable future).

IV. Count I – Due Process and *Accardi* (Revocation and Redetention)

A. ICE's regulations require notice and an initial interview before continued detention.

Federal regulations governing post-order detention strictly limit the government's authority to revoke an Order of Supervision and redetain a noncitizen, and the government does not contend otherwise. Under 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3), when ICE revokes release, it must (1) provide written notice of the reasons for revocation, and (2) promptly conduct an "initial informal

interview" so that the individual has an opportunity to respond. These procedural protections are not discretionary. They are designed to ensure that ICE's custody determinations comply with due process and with the agency's own binding rules.

B. The government confirms that ICE failed to comply with these mandatory procedures.

The government's evidence confirms that ICE revoked Mr. Rustami's supervision before providing notice or an opportunity to be heard. According to the Saenz Declaration, ICE "revoked [Petitioner's] release on June 23, 2025" and "served [him] with a copy of the Notice of Revocation on or about June 27, 2025." (Saenz Decl. ¶¶ 17–18.) The Notice of Revocation itself, attached as Government Exhibit 4-2, states that the Order of Supervision "has been revoked" and advises that an informal interview "will" occur, underscoring that none had yet been held. The government's response does not contend otherwise. It merely recites the text of 8 C.F.R. § 241.4(l)(1) and asserts that the regulation does not entitle the petitioner to a "formal hearing." (Gov't Resp. at 8.) It never claims that any interview occurred, formal or otherwise.

Those facts mirror the procedural defects addressed in *Cifuentes v. Noem*, No. 4:25-cv-00570-RK (W.D. Mo. Oct. 7, 2025). There, the court granted habeas relief because ICE revoked an order of supervision and detained the petitioner without the required notice or interview. The court held that failure to follow §§ 241.4(l)(1) and 241.13(i)(3) constituted a due process violation and ordered the petitioner's immediate release. The same procedural omissions are present here.

C. Under *Accardi* and *Mathews*, ICE's failure to follow its own regulations violated due process.

An agency acts unlawfully when it fails to observe its own procedural regulations designed to protect individual rights. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–67 (1954). The "initial informal interview" and notice provisions in §§ 241.4(l)(1) and 241.13(i)(3) are mandatory procedural safeguards. They serve the basic due process purpose identified in *Mathews v.*

Eldridge, 424 U.S. 319 (1976): to ensure that the government provides notice and an opportunity to be heard before depriving a person of liberty.

ICE's disregard of those requirements deprived Mr. Rustami of any meaningful opportunity to contest his redetention. He was taken into custody without prior notice, provided no statement of reasons before detention, and given no post-revocation interview. These omissions prevented him from challenging the government's claim of "changed circumstances" and from presenting evidence of his long-term compliance with supervision. Such a process fails even the minimal protections required by the agency's own regulations and by the Fifth Amendment.

D. The government's harmless-error theory is unavailing.

The government's reliance on decisions such as *Nguyen v. Noem* and *Ahmad v. Whitaker* is misplaced. In those cases, the courts found any procedural irregularity harmless because the record showed *active removal efforts* - travel documents obtained and flights scheduled - such that detention was independently authorized under 8 C.F.R. § 241.13(i)(2). Here, by contrast, the government admits only that it is "exploring" the possibility of removal to Pakistan or Afghanistan. (Saenz Decl. ¶ 19.) It has not identified a country willing to accept Mr. Rustami, requested travel documents, or shown any progress toward removal. Absent such proof, the omission of the required notice and interview cannot be dismissed as harmless.

E. Relief

Because ICE revoked Petitioner's supervision and detained him without providing the required notice or initial informal interview, his current detention violates both agency regulations and the Due Process Clause. Under *Accardi* and *Cifuentes*, the appropriate remedy is release from custody and reinstatement of the prior Order of Supervision pending compliance with the procedures set forth in 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3). The Court should so order.

V. Count II – Due Process for Proposed Third-Country Removal (Reasonable-Fear Screening and IJ Review)

A. Due process requires a meaningful fear-screening process with immigration-judge review before DHS may remove a noncitizen to a newly proposed country.

When DHS proposes removal to a country as to which a noncitizen asserts fear of persecution or torture, a single interview by an asylum officer is insufficient to minimize the risk of erroneous deprivation. DHS's own regulatory scheme reflects that insufficiency: across contexts where fear screenings are authorized, a negative asylum-officer determination is subject to de novo review by an immigration judge. See, e.g., 8 C.F.R. § 1208.30(g) (credible-fear) and § 1208.31(g) (reasonable-fear). As Judge Abelson recently explained in *Cruz-Medina v. Noem*, 25-cv-01768-ABA (Oct. 7, 2025), attached as **Exhibit B**, the pertinent question is whether "a single decision by an asylum officer, rather than the opportunity for review by an immigration judge, is sufficient to adequately minimize the risk of an erroneous rejection of a fear-of-persecution claim." *Id.* p. 15. The answer, derived from DHS's own regulations, is no: "there are no regulations that provide for circumstances under which USCIS is given the authority to conduct fear-screening interviews without providing for independent review of that screening by an IJ," and DHS has long determined that IJ review is necessary to lessen the risk of erroneous deprivation. *Id.* p. 16.

B. The government has proposed Pakistan or Afghanistan without offering the constitutionally required process.

Here, DHS states that it is "exploring the possibility of removing Petitioner to either Afghanistan or Pakistan." It identifies no accepting country, no travel-document request, and, critically, no plan to provide reasonable-fear procedures with IJ review before pursuing removal to either location. ECF No. 4-1. The only written notice DHS served after revocation says Petitioner "will promptly be afforded an informal interview" regarding revocation; it says nothing about fear screening by an asylum officer or IJ review related to removal to a new country. ECF No. 4-2. On

this record, DHS has not provided the process due before advancing third-country removal.

Nor is such lack of process justified – especially here. To be clear, Mr. Rustami remains afraid of persecution and torture in both countries and requests such review. Petitioner was granted CAT because he is a Christian who had fled a Muslim-majority country, Iran, where he would be tortured. No doubt he will face a similar fate in Taliban-controlled Afghanistan or in Pakistan. At the very least, he deserves a chance to assert such a claim as the immigration statute, the binding regulations, and the Convention Against Torture explicitly require.

C. Application of *Mathews v. Eldridge* confirms the need for IJ review here.

The private interest, freedom from removal to a country where the individual fears persecution or torture, is weighty; the risk of error from a single-officer process is substantial; and DHS's own regulations elsewhere supply the obvious safeguard: IJ review of a negative fear finding. Judge Abelson's analysis in *Cruz-Medina* recognizes that, in materially similar circumstances, due process requires the same IJ review even when the posture is not expedited removal or reinstatement. The government offers no valid rationale for a different rule here.

D. Requested relief on Count II.

The Court should enjoin DHS from taking steps to remove Petitioner to Pakistan or Afghanistan absent: (1) written notice identifying the proposed country of removal; (2) a reasonable-fear interview; and (3) de novo immigration-judge review of any negative fear determination, with notice and an opportunity to be heard. This relief accords with DHS's own regulatory framework and recent district-court authority applying due process in this setting.

VI. Count III – Unlawful Prolonged Detention Under Zadvydas

A. Legal standard.

Post-order detention under 8 U.S.C. § 1231(a)(6) is limited by the constitutional avoidance construction in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Detention is permitted only for the period

"reasonably necessary to secure removal," and "once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699. To "limit the occasions when courts will need to make" difficult foreseeability judgments, *Zadvydas* recognizes a presumptively reasonable six-month period; after six months, the noncitizen must provide "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," at which point the burden shifts to the government to rebut with evidence. *Id.* at 700–01.

B. Application to this record.

The government does not claim that it can remove petitioner to Iran, where removal is barred absent termination of CAT protection. Instead, ICE states only that it is "exploring the possibility of removing Petitioner to either Afghanistan or Pakistan." (Saenz Decl. ¶ 19.) But that alone isn't enough to meet the standard. There is no evidence of any accepting country, a travel-document request, consular engagement, or logistical arrangements. ECF No. 4-1.

The Notice of Revocation likewise contains no third-country particulars; it recites revocation and promises a someday-interview but identifies no concrete removal path. ECF No. 4-2. Those facts satisfy petitioner's post-six-month burden: there is "good reason to believe" removal is not significantly likely in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701. The burden therefore shifts to the government to produce evidence that removal to Pakistan or Afghanistan is actually attainable, e.g., proof of an accepting country, ongoing document processing, or other concrete steps. After an opportunity to show cause, this record contains none. ECF No. 4-3.

C. The government's "clock restarts" contention does not cure the defect.

Respondents argue that the removal-period and *Zadvydas* clock "restart" any time it chooses to re-detain a noncitizen, citing district decisions such as *Liu v. Carter*. But that view is both legally erroneous and creates an incentive to simply release and promptly redetain an individual perhaps indefinitely, without honoring the goal of *Zadvydas* – to avoid unwarranted longterm civil detention.

Even accepting the government's framing, it does not relieve it of its *Zadvydas* burden after the presumptive period. The operative question is foreseeability of removal to a real destination, not formal clock mechanics. See *Zadvydas*, 533 U.S. at 699–701 (foreseeability controls). Where, as here, DHS identifies only speculative third-country options, it has not shown a significant likelihood of removal in the reasonably foreseeable future. The government's authorities finding "harmless" procedural lapses are distinguishable: each of those cases involved concrete, imminent removals, with travel documents secured and flights scheduled. The government does not allege that any country has accepted Mr. Rashimi, let alone that any logistical or legal steps have been taken to effectuate such a removal.

D. Independent interaction with the due-process violations.

Finally, detention cannot be extended to bypass the process due for revocation and third-country removal. The regulations governing revocation and post-order custody presuppose meaningful notice, an initial interview, and staged custody reviews keyed to foreseeability. *See* 8 C.F.R. §§ 241.4(l), 241.13(i)–(j).

E. Relief.

Because the government has not shown a significant likelihood of removal to Pakistan or Afghanistan in the reasonably foreseeable future, because Mr. Rustami would certainly have a fear of torture in both places, and because the current detention serves no removal-related purpose consistent with *Zadvydas*, the Court should order petitioner's release under appropriate conditions of supervision. *Zadvydas*, 533 U.S. at 700–01.

VI. Responses to Respondents' Principal Arguments

A. Jurisdictional bars under 8 U.S.C. § 1252(b)(9) and (g) do not apply to these collateral detention-process claims.

Respondents argue that § 1252 strips this Court of jurisdiction. But petitioner does not seek

review of the removal order or the decision to execute it; he challenges unlawful detention and the failure to provide procedures that the regulations and Due Process Clause require. Courts have repeatedly held that such claims are collateral to removal and cognizable in habeas. *See, e.g.*, Gov't Resp., Doc. 4 at 3–5 (collecting authorities but acknowledging district courts entertain detention challenges under § 2241). The recent decisions attached at Exhibits A and B apply that distinction in materially similar circumstances: post-revocation detention without the required interview, and proposed third-country removal without fear procedures and IJ review.

B. The government's "harmless error" theory fails on this record.

Respondents suggest that any lapse in providing the initial informal interview would be harmless and, in any event, not remediable in habeas. *See, e.g.*, Nguyen order, Doc. 4-3 at 12–14, 29–30. But those cases are distinguishable because they turned on concrete evidence that removal was already imminent (e.g., travel documents secured, flights scheduled). Here, the government offers only that it is "exploring" removal to Pakistan or Afghanistan, identifies no accepting country, and does not claim to have requested or received any travel documents. Saenz Decl., Doc. 4-1 ¶ 19. On this record, denying the required notice and interview cannot be called harmless, because those procedures exist precisely to test the government's assertions of "changed circumstances" and removability before continued detention is cemented.

B. The government's reading of 8 C.F.R. § 241.13(i)(2) would erase the individualized check that *Zadvydas* and the regulation require.

Respondents contend that broad, policy-level developments can suffice as "changed circumstances" to justify revocation and redetention, even without any particularized showing bearing on this petitioner. See Doc. 4-3 at 16–17. Yet 8 C.F.R. § 241.13(i)(2) authorizes revocation only "if, on account of changed circumstances, [ICE] determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." (emphasis added). The question

remains whether removal of this petitioner is significantly likely. Respondents offer no claim that removal is likely, much less "significantly" so. Generalized statements about "exploring" the idea of removal to various countries - without an accepting country, a document request, or evidence of consular engagement - do not meet that standard.

C. The six-month "presumptively reasonable" period under *Zadvydas* does not save the detention.

Respondents argue that the *Zadvydas* "clock" restarts upon redetention and that petitioner has not yet exceeded a presumptively reasonable period. ECF No. 4 at 6–9. Even assuming the clock restarted, *Zadvydas* makes foreseeability the touchstone. 533 U.S. at 699–701. Where the government can only say it is "exploring" third-country options and identifies no concrete path to removal, detention is not "reasonably necessary" to effect removal. *Id.* Nor may detention be used to bypass the very procedures the regulations require—notice and the initial informal interview after revocation, and reasonable-fear procedures with IJ review before third-country removal proceeds.

D. Foreign-affairs deference does not eliminate the need for procedural compliance.

Respondents invoke deference to foreign-affairs judgments. See Doc. 4-3 at 5–7. Deference does not authorize detention contrary to *Zadvydas* or permit ICE to disregard mandatory procedures in 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3). Foreign affairs would presumptively be relevant to *any* deportation. Yet Congress has not authorized the administration to completely strip noncitizens of their right to due process on a whim, merely by invoking foreign affairs. The Court may credit diplomatic complexities while still requiring the government to (1) follow its own rules for revocation and custody review and (2) refrain from advancing a third-country removal without the reasonable-fear process and IJ review that due process requires.

E. Habeas is an appropriate vehicle for relief.

Respondents suggest that even if procedures were violated, release would be an improper

habeas remedy. See Doc. 4-3 at 29–30. But where detention is unlawful—because the agency failed to provide the process that conditions its detention authority, and because removal is not reasonably foreseeable—§ 2241 authorizes release subject to appropriate conditions of supervision. *Zadvydas*, 533 U.S. at 700–01. Respondents do not claim that Mr. Rushami is dangerous or that he ever failed to comply with his post-order process in the last decade. At a minimum, the Court may order immediate compliance with the required procedures and reinstate supervision while those procedures occur.

VII. Conclusion and Requested Relief

For the reasons above, the petition should be granted. ICE revoked petitioner's Order of Supervision and redetained him without providing the procedures required by 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3), and DHS proposes third-country removal without affording the reasonable-fear process and immigration-judge review that due process requires. In addition, on the current record the government has not shown a significant likelihood of removal in the reasonably foreseeable future as required by *Zadvydas* in any event. Therefore, the Petitioner respectfully requests that the Court enter an order:

1. Releasing petitioner from custody forthwith, or in the alternative reinstating supervision on reasonable conditions pending compliance with required procedures;
2. Directing ICE, within seven days, to comply with the revocation regulations by providing written notice of the asserted grounds for revocation, conducting the initial informal interview, and producing the associated custody-review record;
3. Enjoining DHS from taking steps to remove petitioner to Pakistan or Afghanistan unless and until DHS provides written notice of the proposed country, affords a reasonable-fear interview, and provides de novo immigration-judge review of any negative determination;
4. Requiring DHS to produce within seven days (a) all post-revocation custody-review

materials, including any § 241.4 or § 241.13 analyses; (b) any requests to or responses from Pakistan or Afghanistan regarding travel documents; and (c) any notices to petitioner concerning third-country removal; and

5. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

//s// Matthew Lorn Hoppock Date: 10/14/2025

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 14, 2025, I served this Petitioner's Traverse via electronic filing through CM ECF on the following individuals:

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