

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

Heithem Mohammad ABDUL KHALIQ

Petitioner,

v.

KRISTI NOEM, et al.

Respondents.

Case No. CIV-25-1154-PRW

Immigration File No.



**PETITIONER'S REPLY TO RESPONDENT'S RESPONSE IN OPPOSITION
TO WRIT OF HABEAS CORPUS**

Petitioner, by and through his undersigned counsel, hereby submits this Reply to Respondent's Response in Opposition to Writ of Habeas Corpus. Petitioner has now been in custody on his most recent detention for 232 days and Respondents still have not procured travel documents. He was previously detained by ICE for 837 days – 390 of which were after the final order of removal, meaning that they detained him for 300 days beyond the ninety-day period afforded to ICE under 8 U.S.C. § 1231(a)(1). Total detention time beyond the ninety-day period now totals 532 days.¹

Respondents' Response presents new evidentiary issues that raise material issues regarding Petitioner's removal proceedings. Specifically, Respondents allege that

¹ The Appeal dismissal was February 20, 2020. The Motion to Reopen Denial was July 16, 2020. Arguably the 90 days start on February 20, 2020. The 300 days from the first detention added to the current 232 days equals 532 days.

Petitioner is not who he says he is and that he was born in Jordan, not Saudi Arabia. (*See* Res. at 2, Resp. Ex. 1 ¶ 8.). Respondents state they learned of this information on December 9, 2020, when the removal order was being challenged in the Fifth Circuit Court of Appeals, but Petitioner states that he was never made aware of this fact until recently, and a view of the Pacer docket raises questions whether Respondents submitted that information to the court or moved to reopen the underlying removal proceedings based on a material fact – alienage.

Respondents admit that they have been attempting to effectuate removal to Jordan since 2021 and have not been successful. They state that they *intend* to request travel documents to the West Bank via Israel, but they have not provided any evidence establishing that Petitioner is a citizen of Jordan, born to Palestinian parents, or their ability to procure the permission. Petitioner maintains that he was born in Saudi Arabia and this current detention is the first time he has learned that Respondents believe he was born in Jordan.² He states that he was presented a birth certificate of his brother who was born in Jordan, but he believes he was born in Saudi Arabi based on what he has been told his entire life and based on his birth certificate.

Petitioner has always complied with alternatives to detention by checking in once per year as ordered by Respondents, and he has complied with all requests. Respondents submitted Exhibit 1, an affidavit from Aaron Nation which indicates that Petitioner refused to comply with a request for a travel document to Palestine. This statement is false. Counsel for Petitioner reached out to opposing counsel to request a

² Petitioner Exhibit 1, Affidavit from Cassidy Walsh

copy of documents submitted to support Officer Nation's statements that Petitioner is a citizen of Jordan and that he has requested travel documents to Jordan. On October 21, 2025, opposing counsel provided his Saudi Arabia birth certificate along with a Palestinian passport request form completed by Petitioner on September 30, 2025.³

Because Petitioner's removal is not reasonably foreseeable, his detention does not effectuate the purpose of the statute and is accordingly not authorized by 8 U.S.C. § 1231(a). Consequently, he respectfully asks this court to order his release from detention.

Respectfully submitted,

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Dated: October 24, 2025

³ Petitioner Exhibit 2, Palestinian Passport Request

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2025, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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