

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

HEITHEM MOHAMMAD ABDUL)
KHALIQ,)
)
Petitioner,)
)
v.) Case No. CIV-25-1154-SLP
)
KRISTI NOEM, et al.,)
)
Respondents.)

**RESPONDENTS' SUPPLEMENTAL BRIEF IN SUPPORT OF THE
RESPONSE IN OPPOSITION TO PETITIONER'S
PETITION FOR WRIT OF HABEAS CORPUS**

In this case, Petitioner challenges his detention while he awaits removal from the United States. He claims that because his removal is not significantly likely in the reasonably foreseeable future, his immediate release is appropriate under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Following an in-person status conference on Monday, November 3, 2025, the Court entered an Order on November 4, 2025 (Doc. 15), directing the parties to file Supplemental Briefing on specific issues and ordering the Respondents to submit documents it believes are relevant to the *Zadvydas* analysis by November 10, 2025. Respondents respectfully submit the following in Response to the Court's Order.

I. There is no factual dispute with respect to Petitioner's country of birth.

As counsel for Respondents indicated at the status conference, an inadvertent error regarding Petitioner's country of birth was in the original declaration submitted in support of the Respondents' Response. That error has now been corrected. Based on the evidence,

Respondents believe that Petitioner was born in Saudi Arabia.¹

II. Petitioner has a temporary Jordanian passport.

The Jordanian-issued passport bears Petitioner's name and picture, and throughout the Respondents' attempts at removal there has been no evidence submitted by him that it is not his.² Pursuant to the Court's Order, the passport is attached to this Supplemental Brief.³ To the extent Petitioner now challenges the authenticity of his passport, it should have been raised at his removal proceedings. It appears the issue of him having a passport was addressed given the Immigration Judge's statement that Petitioner himself testified during proceedings that "[h]e has a Jordanian passport."⁴

III. Respondents hereby submit the documents that have been transmitted to Jordan in support of the recent request for Petitioner's travel documents.

The Court seeks clarification as to the Response's referrals to "inaccuracies" in Petitioner's submissions to Saudi Arabia.⁵ This reference was based upon Saudi Arabia's response to Enforcement and Removal Operations ("ERO") initial request for travel documents, where its Consulate noted that Khaliq is not his correct last name, and that the translation of his birth certificate, which was submitted by the Petitioner, was "not

¹ Ex. 1 ("Nation Decl.") ¶ 10.

² In his Reply, Petitioner states that "he was shown a document purported to be his Jordanian passport, but that to his knowledge he does not have a passport from Jordan." Ex. 1 ¶ 14, Reply (Doc. 12-1 at 3).

³ Attach. A, Ex. 1 (filed under seal pursuant to the Nov. 7, 2025 Order.)

⁴ Ex. 2 ("Removal Order) at 5.

⁵ Resp. to Petition for Writ of Habeas Corpus ("Resp.") at 13-14 (Doc. 10) ("On December 9, 2020, the Consulate of Saudi Arabia notified ERO of several inaccuracies in Petitioner's submissions.").

accurate.”⁶ Thus, Saudi Arabia asserted there were inaccuracies in Petitioner’s documents supporting his removal to that country. Given its assertion and belief, the United States suspended its efforts to remove Petitioner to that country.⁷ ERO then requested assistance from the Jordan Consulate as to Petitioner’s country of birth and citizenship. Based on the Declaration’s scrivener’s error stating that his country of birth was “Jordan,” along with Saudi Arabia’s assertion that Petitioner’s submissions were not accurate, the undersigned stated in the Response that corrections had been made. In other words, the “inaccuracies corrected,” referred to the sorting out of Petitioner’s place of birth. Although the Court specifically questions, “inaccuracies in the documents submitted to Jordan,”⁸ the Response intended only to refer to inaccuracies in the documents submitted to Saudi Arabia.

Pursuant to the Court’s Order, Respondents hereby file under seal the documents that were submitted to Jordan on April 13, 2025.⁹ The travel document request to the Embassy of Jordan includes Petitioner’s own identifying documents, as well as documents related to members of his family, which reflect his parent’s birth in Palestine.

The Court has also ordered the production of records that were sent to Jordan on January 8, 2021. However, there is no record in the relevant database or casefile as to what documents were sent in support of that travel document request.¹⁰

⁶ Nation Decl. ¶ 8.

⁷ *Id.*

⁸ Order at 3.

⁹ *See* Attach. A, Ex. 1 (filed under seal pursuant to the Nov. 7, 2025 Order). The date on the document appears to be a carryover from a previous submission.

¹⁰ Nation Decl. ¶ 9.

IV. Petitioner previously declined to complete a travel document request to Palestine.

By Petitioner's own admission he did not complete this request, which included a power of attorney form.¹¹ Attached to this filing are both the full travel document request that was sent to Petitioner, as well as the portions Petitioner ultimately filled out.¹² The only portion of the full travel document request form that Petitioner would *not* need to complete is the first page, which is a memo that would be drafted by ERO.¹³ These documents are transmitted by ERO to the facility, and thus ERO cannot speak as to the specific date the documents were given to the Petitioner.¹⁴ Respondents note that it appears Petitioner dated the papers September 30, 2025.¹⁵

V. Efforts to remove Petitioner are ongoing.

The Court asks: "If the July 26, 2021, request for 'an update on the travel document from the Embassy of Jordan,' Doc. 10-1 at ¶ 11, was not related to a travel request, Respondents shall clarify to what that request related."¹⁶ Respondents note that requesting an update on a travel document is akin to asking for an update on the travel request.¹⁷ A

¹¹ Ex. 1, ¶ 15, Reply (Doc. 12-1 at 3).

¹² Attach. B, Ex. 1 (the full travel document request); Attach. C, Ex. 1 (what Petitioner filled out).

¹³ See Attach. B at 1 (cover letter to the Consul General of Israel from the Deportation Officer).

¹⁴ Nation Decl. ¶ 22.

¹⁵ *Id.*

¹⁶ Order at 5.

¹⁷ Nation Decl. ¶ 11.

country must issue a travel document in order for an individual to be removed to that country.¹⁸

Regarding the Court's other inquiries in this regard, context informs ERO's determinations as to when release on an Order of Supervision is appropriate. By way of example, during Petitioner's previous detention, it was determined that he had a validated COVID risk factor and should accordingly be released pursuant to the *Fraihat* litigation.¹⁹ Respondents still maintain that his previous release in 2021 has no bearing on the Court's consideration as to whether his removal is foreseeable now.

Further, the Embassy in Jordan has responded to ERO's requests for updates regarding Petitioner's travel documents. On June 17, 2025, ERO HQ requested a status update from the Embassy of Jordan.²⁰ The embassy responded and stated that they are still waiting on approval from the Government of Jordan to issue a travel document.²¹ On July 23, 2025, ERO requested another status update from the Embassy of Jordan.²² On July 31, 2025, ERO HQ responded stating that the embassy is still waiting on approval from the Government of Jordan to issue a TD.²³

¹⁸ *Id.*

¹⁹ *Id.* ¶ 12.

²⁰ *Id.* ¶ 19.

²¹ *Id.*

²² *Id.* ¶ 20.

²³ *Id.* ¶ 21.

On November 4, 2025, ERO HQ requested a status update from the Embassy of Jordan.²⁴ The next day, an officer from the Jordanian Embassy responded and stated that they would not be able to issue emergency travel documents based on Petitioner's temporary passport.²⁵ However, the officer gave instructions for submitting an application for a new passport, though noting that the process could take some time since they have to get approval from the Jordanian authorities because Petitioner current is detained.²⁶ These forms have been sent off to be translated.²⁷ Petitioner's ERO Officer anticipates that the translated forms will be returned in a week or so, at which time he will work with Petitioner to complete the passport application forms sent by the Jordanian Embassy officer.²⁸

Because the Jordanian Embassy has responded to the requests for updates on the travel document, Petitioner's ERO Officer believes it is likely that Jordan will renew his passport and issue travel documents.²⁹ Although Respondents believe that removal to Jordan is likely to occur, it is always helpful to request travel documents from more than one country where possible.³⁰ Further, given the administration's prioritization of removing individuals with final removal orders, there has been an increase in overall

²⁴ *Id.* ¶ 23.

²⁵ *Id.* ¶ 24.

²⁶ *Id.*

²⁷ *Id.* ¶ 25.

²⁸ *Id.*

²⁹ *Id.* ¶ 27.

³⁰ *Id.* ¶ 30.

removals of individuals, to include removals to Jordan.³¹ This is evidenced by the fact that ERO is scheduling more charter flights to countries, including Jordan, rather than sending individuals on commercial flights, to accommodate the increase in removals.³²

Conclusion

Respondents respectfully submit that there are no meaningful factual disputes remaining, and that the Court can issue its Report and Recommendation without holding an evidentiary hearing.

For these and the reasons discussed in Respondents' Response, the Court should recommend that the Petition be denied.

Respectfully Submitted,

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³¹ *Id.* ¶ 29.

³² *Id.*