


UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

_____)	
Heithem Mohammad ABDUL KHALIQ)	
)	Case No. CIV-25-1154-SLP
<i>Petitioner,</i>)	
)	Immigration File No.
v.)	A 
)	
KRISTI NOEM, et al.)	
)	
<i>Respondents.</i>)	
_____)	

**PETITIONER’S RESPONSE TO RESPONDENTS’ SUPPLEMENTAL
BREIFING IN OPPOSITION TO WRIT OF HABEAS CORPUS**

Petitioner, by and through his undersigned counsel, hereby submits this Response to Respondents’ Supplemental Brief pursuant to the Court’s November 4, 2025, Order. Doc. 15. Petitioner argues that brief and evidence submitted by Respondents demonstrate there is not a “*significant* likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001)(emphasis added).

Petitioner was on an ICE Order of Supervision from August 10, 2021 until March 6, 2025 when Respondent’s revoked the order of supervision and are arguing that removal is significantly likely in the reasonably foreseeable future. Merely stating that the removal is likely is not enough to demonstrate that it is actually foreseeable.

Petitioner has now been in custody on his redetention for 253 days – or eight months and eight days. This is two months more than the six-month period outlined in *Zadvydas*. While detention beyond six months is permissible if removal is likely in the reasonably foreseeable future, “for detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.*

Respondents, through their own admission, do not have travel documents for Petitioner. They did not receive a substantive response from the Jordan Embassy from their April 13, 2025¹ request until November 5, 2025 when the officer at the Jordanian Embassy denied emergency travel documents for Petitioner and stated that he would have to apply for a new passport.² In other words, Petitioner sat for more than one month in custody before the travel document request was submitted, over six months passed before Respondents received a response denying the emergency documents, and now Petitioner, at some point, will be provided a passport application to file for a new passport.

Further, Respondents state that the officer at the Jordanian Embassy also noted that “the process *could take some time* as they would need to get approval from the Jordanian authorities since [Petitioner] is detained.”³ The facts of the current detention clearly demonstrate that Petitioners’ removal is not significantly likely in the reasonably foreseeable future. Over eight months have passed since Petitioner’s redetention and the

¹ Resp Ex. 1 (Doc. 18-1) ¶ 15

² *Id.* at ¶ 24.

³ *Id.*(emphasis added).

evidence submitted demonstrates that Petitioner must submit a new application and obtain approval from the Jordanian authorities, which will require more time, but does not require Petitioner's detention to file the application and make requests for travel documents.

Finally, Respondents state that "if the Jordanian Embassy does not issue a travel document, ERO, through Headquarters Removal International Operations ("HQRIO") intends to submit a travel document request to the Israeli Embassy for permission to travel to the West Bank."⁴ This is a statement of a potential future act and likewise does not demonstrate that Petitioner's removal to the West Bank via Israel will occur in the reasonably foreseeable future.

CONCLUSION

Because Petitioner's removal is not reasonably foreseeable, his detention is unconstitutional. He has always complied with alternatives to detention on his release on an order of supervision and will continue to do so when not incarcerated. Respondents state that there are no meaningful factual disputes remaining. Petitioner argues that reasonableness of his detention remains disputed but does not require an evidentiary hearing because the facts and evidence submitted demonstrate that there is no significant likelihood of removal in the reasonably foreseeable future. For these reasons, the Court should recommend the Petition be granted and order Petitioner's release from custody.

Respectfully submitted,

⁴ *Id.* at ¶ 30.

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Dated: November 14, 2025

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 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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