

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MOHAN KARKI,

Petitioner,

Case No. 25-13186

Hon.

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT TO
28 U.S.C. § 2241**


ORAL ARGUMENT REQUESTED


Kevin RAYCRAFT, Field Office
Director of Enforcement and Removal
Operations, Detroit Field Office,
IMMIGRATION AND CUSTOMS
ENFORCEMENT; Kristi NOEM,
Secretary, U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S.
DEPARTMENT OF HOMELAND
SECURITY,


Respondents.

INTRODUCTION

1. Petitioner Mohan Karki, by and through his undersigned counsel, respectfully petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention and revocation of his order of supervision by Respondents. Respondents have unlawfully held Petitioner Mohan Karki in immigration detention since April 8, 2025.

2. Mr. Karki is a Nepali-speaking Bhutanese refugee who 

 in the United States more than a decade ago.

3. Mr. Karki was born in a refugee camp in Nepal after his family was expelled from Bhutan due to  He is stateless and is not recognized as a citizen by any country.

4. Mr. Karki was admitted to the United States as a refugee in 2011 when he was a teenager through the Bhutanese Resettlement Program.

5. On August 6, 2014, an Immigration Judge ordered Mr. Karki removed due to a prior criminal conviction involving a single incident when he was a juvenile.

6. Mr. Karki was detained pending effectuation of his removal order but was soon released on order of supervision after Bhutan and Nepal refused to issue travel documents, rendering his removal unlikely.

7. Since 2014, Mr. Karki has had no further criminal history, and for the last eleven (11) years has lived in the United States, finishing school, maintaining steady employment, supporting his family economically, including his aging parents, being involved in his church, and getting married to a U.S. citizen and having a U.S. citizen child.

8. Since 2014, Mr. Karki has fully complied with the conditions of his supervision: he has attended annual U.S. Immigration and Customs Enforcement

(“ICE”) check-ins without incident, remained employed and avoided further arrests or violations.

9. This all changed in April 2025, when Mr. Karki attended his regular ICE check-in and was suddenly arrested and detained without prior or written notice.

10. Mr. Karki has now been detained for 6 months. ICE first detained Mr. Karki at the Butler County Jail in Hamilton, Ohio until June 9, 2025, and then transferred him to St. Clair County Jail in Port Huron, Michigan, where he remains today unable to see his family or community in Ohio, including his wife and their newborn daughter, whom he has yet to hold.

11. When ICE arrested and detained Mr. Karki, they did not make any allegation that he somehow became a flight risk or a danger to the community. Nor did ICE show that Mr. Karki had not complied with his order of supervision at the time of his arrest. In fact, Mr. Karki was arrested *while complying* with his order of supervision by attending an ICE check-in.

12. ICE revoked Mr. Karki’s supervised release in violation of their own regulations. ICE did not provide Mr. Karki with a revocation notice, nor has ICE conducted an initial informal interview in the six months since Mr. Karki has been re-detained as required under federal regulations. The notification and interview are mandatory requirements to afford individuals like Mr. Karki the opportunity to challenge the revocation of orders of supervision and receive due process.

Respondents' failure to provide the requisite notice and interview violates the Fifth Amendment of the United States Constitution, the Immigration and Nationality Act, 8 USC §1231(a), 8 C.F.R. 241, and the Administrative Procedure Act ("APA").

13. Nor has ICE met their burden to demonstrate changed circumstances that create a significant likelihood that Mr. Karki will be removed in the reasonably foreseeable future. ICE has not shown that they possess a valid travel document to effectuate Mr. Karki's removal to Bhutan, or Nepal, or any other country.

14. Because Mr. Karki's detention is not tied to any foreseeable removal or to ensure that Mr. Karki does not flee or pose a danger to the community prior to such removal, Mr. Karki's detention violates the Fifth Amendment of the United States Constitution, the Immigration and Nationality Act, 8 USC §1231(a), 8 C.F.R. 241, and the APA. Accordingly, Mr. Karki seeks a writ of habeas corpus for his immediate release under the conditions of his most recent order of supervision.

JURISDICTION AND VENUE

15. Petitioner is detained in the custody of Respondents at St. Clair County Jail in Port Huron, Michigan.

16. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 *et seq.*; 28 U.S.C. § 1331; and Article I, section 9, clause 2 of the United States Constitution; and 5 U.S.C. § 702.

17. Venue is proper in this District under 28 U.S.C. § 2241 and 28 U.S.C. § 1391 because Respondents, and their staff, are employees or officers of the United States or under contract with the United States, acting in their official capacity, and Respondent's field office is located in this District and his office's decision to hold Petitioner occurred in this District.

18. This Court is authorized to grant the requested relief under 28 U.S.C. § 2241, 5 U.S.C. § 706, 28 U.S.C. §§ 2201-2202, 28 U.S.C. § 1651, and the Court's equitable powers.

PARTIES

19. Petitioner Mohan Karki has lived in the United States since 2011, when he was granted permission to enter the country as a refugee. Mr. Karki is stateless and not a citizen of any country. Prior to Petitioner's detention in April of 2025, Mr. Karki was residing at Blacklick, Ohio, with his pregnant U.S. citizen wife. Petitioner is currently detained at St. Clair County Jail, in Port Huron, Michigan, over two hundred and fifty miles away from his wife and newborn child.

20. Respondent, Kevin Raycraft, is the Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, Field Office Director Raycraft is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

21. Respondent, Kristi Noem, is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (“INA”), and oversees ICE, which is responsible for Petitioner's detention. Secretary Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

22. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

STATEMENT OF FACTS

23. As of this filing, a period of six months (180 days) has passed since Respondents detained Mr. Karki without due process.

September 2011-April 2025 (Petitioner's Refugee Status and Release on Order of Supervision)

24. Mr. Karki was born in a refugee camp in Nepal after his family was expelled from Bhutan. He is stateless and is not recognized as a citizen by any country. See, Exhibit A, Declaration of Mohan Karki, ¶¶ 3-4 (hereinafter *Karki Decl.*)

25. Mr. Karki was admitted to the United States as a refugee in 2011 as a teenager. *Karki Decl.* ¶ 5.

26. As a juvenile, Mr. Karki pleaded guilty to criminal charges without knowing what the immigration consequences of such a plea would entail. *Karki Decl.* ¶ 8.

27. Based on Mr. Karki's guilty plea, the Immigration Judge ordered Mr. Karki removed. *Karki Decl.* ¶ 9.

28. After Bhutan and Nepal refused to issue travel documents, ICE released Mr. Karki under an order of supervision. *Karki Decl.* ¶¶ 10-11.

29. Over the next eleven years, Mr. Karki fully complied with all supervision conditions—reporting as required, remaining employed, and avoiding any further arrests or violations. *Karki Decl.* ¶¶ 11-12.

30. Mr. Karki then built his life in the United States. Mr. Karki's entire extended family currently lives in the United States. *Karki Decl.*, ¶ 6.

31. Mr. Karki completed high school, worked and supported his U.S. citizen wife, her siblings, and their aging parents. His continued presence in the country was enabled by longstanding U.S. policies that treated resettled Bhutanese refugees as effectively non-removable due to their statelessness¹. *Karki Decl.*, ¶¶ 3-6.

32. Since 2014, Mr. Karki attended every ICE check-in without any issue. *Karki Decl.*, ¶ 13.

¹ As of August 8, 2025, Bhutan is expelling refugees such as Mr. Karki to Nepal, where they are either detained or forced into refugee camps. *See*, Bhadra Sharma, Mujib Mashal, Trump Wasn't the First to Deport These Men, and He Won't Be the Last, N.Y. Times, (August 8, 2025), available at: <https://perma.cc/JA6D-3WG4>.

33. At every ICE check-in between 2014 and 2024, Mr. Karki would bring his Order of Supervision Form, give it to an ICE officer, who would sign it and provide him with a new check-in date. Mr. Karki was not asked any questions during these ICE check-ins. *Karki Decl.*, ¶¶ 14-16. *See also*, Attachment 2 to *Karki Decl.*

34. On March 14, 2024, Mr. Karki attended his annual ICE check-in, an ICE officer signed his Order of Supervision Form and he was given a new date to return, April 2, 2025. *Id.*

April 2, 2025 - June 9, 2025
(Petitioner's Immigration Filings, Arrest, and Detention)

35. On April 2, 2025, Petitioner attended his annual ICE check-in, with his pregnant wife, and was told by an ICE officer that he had to come back on April 8, 2025. *Karki Decl.*, ¶ 20.

36. On April 2, 2025, ICE did not provide Petitioner with any information indicating his order of supervision would be revoked. *Id.*

37. On April 7, 2025, Petitioner, through prior immigration counsel, filed a motion to reopen his removal proceedings based on new eligibility for relief, namely that his U.S. citizen spouse had filed a Form I-130 petition on his behalf.

38. On April 8, 2025, Mr. Karki attended his follow up ICE check-in and was told to turn in his personal belongings because he was being detained. Mr. Karki was

taken to a back room, fingerprinted, handcuffed, and transferred to Butler County Jail. *Karki Decl.*, ¶¶ 22-24.

39. On April 8, 2025, Respondents did not provide Mr. Karki with any notice revoking his order of supervision. *Karki Decl.*, ¶¶ 25-26.

40. After Mr. Karki was arrested and taken away, an ICE officer informed Mr. Karki's wife that Mr. Karki would be deported to Bhutan because they had a travel document. Declaration of Tika Basnet, ¶ 10 (hereinafter *Tika Decl.*).

41. Petitioner's wife told the ICE officer that her husband was not born in Bhutan, that he was stateless. *Id.*

42. The ICE officer did not provide Mr. Karki or his wife with any alleged travel document to Bhutan and to date Respondents have not provided a copy of the alleged travel document to Bhutan. *Karki Decl.*, ¶¶ 24-26; *Tika Decl.* ¶ 11.

43. The ICE officer told Mr. Karki's eight-month pregnant wife to go home and transferred Mr. Karki to the Butler County Jail in Hamilton, Ohio without an opportunity to formally contest Respondents' revocation of his order of supervision. *Karki Decl.*, ¶¶ 26-27; *Tika Decl.* ¶¶ 12-16.

44. On May 1, 2025, Petitioner, through separate counsel, filed a habeas petition, which included two other Bhutanese refugees, and which was amended on June 8,

2025. See *Karki v. Jones*, No. 1:25-cv-281, 2025 U.S. Dist. LEXIS 109168, at *8-9 (S.D. Ohio June 9, 2025) (hereinafter “First Habeas Petition”).

45. Petitioner’s First Habeas Petition sought declaratory and injunctive relief for the underlying basis of removal and a writ of habeas corpus based on impermissible indefinite detention under *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). See *Karki v. Jones*, No. 1:25-cv-281, 2025 U.S. Dist. LEXIS 109168, at *2 (S.D. Ohio June 9, 2025).

46. On June 9, 2025, Petitioner’s First Habeas Petition was denied partly on the basis that he had only been held in custody for two months making him ineligible for relief under *Zadvydas*. See *Karki v. Jones*, No. 1:25-cv-281, 2025 U.S. Dist. LEXIS 109168, at *24 (S.D. Ohio June 9, 2025).

47. New facts and case law have emerged since the filing of the instant habeas petition. See *Karki v. Jones*, No. 1:25-cv-281, 2025 U.S. Dist. LEXIS 109168, at *3d 386, 390 (6th Cir. 2003).

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~~(New Facts and Law Entitling Removal)~~

48. Mr. Karki was scheduled to be removed on June 10, 2025. See *Karki*, 2025 U.S. Dist. LEXIS 109168, at *8-9.

49. On June 10, 2025, the Board of Immigration Appeal (BIA) issued Petitioner a stay of removal while Petitioner’s motion to reopen was pending before the BIA.

50. On June 9, 2025, Respondents transferred Mr. Karki from Butler County Jail in Ohio to St. Clair County Jail in Port Huron, Michigan, over two hundred and fifty (250) miles away from where his wife lives with their newborn daughter. *Karki Decl.*, ¶ 29-0.

51. Since June 10, 2025, Respondents have not provided Mr. Karki with a valid unexpired travel document. *Id.*

52. Since June 10, 2025, Respondents have not provided Mr. Karki with an appropriate custody review or interview. *Karki Decl.*, ¶¶ 32-34.

53. On or about July 5, 2025, an ICE officer presented Mr. Karki with a document in English that he did not understand. Mr. Karki asked for an interpreter and to speak to his lawyer before signing. *Karki Decl.*, ¶ 33-34, Attachment 2.

54. To date, ICE has not conducted a 90-day custody review as required under its own regulations. *Karki Decl.*, ¶ 34.


55. Since June 10, 2025, Courts around the country have held that individuals such as Mr. Karki, whose orders of supervision were revoked without due process and evidence of changed circumstances are entitled to habeas relief from indefinite detention and must be released. *See K.E.O. v. Woosley*, Civil Action No. 4:25-cv-74-RGJ, 2025 U.S. Dist. LEXIS 172361, at *20 (W.D. Ky. Sep. 4, 2025) (granting habeas relief and ordering immediate release where ICE did not provided a notice of

revocation at the time of revocation and only provided notice 90 days after petitioner's order of supervision had been revoked); *Roble v. Bondi*, No. 25-cv-3196, 2025 U.S. Dist. LEXIS 164108, at *9 (D. Minn. Aug. 25, 2025) (granting habeas relief and ordering release by a date certain because Respondents provided Petitioner with deficient notice of revocation that only recited language of the regulation and did not provide individualized assessment required under 8 C.F.R. § 241.13(i)(3)); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025) (granting habeas relief and ordering release where respondents' intention to complete a travel document request for Petitioner did not "make it significantly likely he will be removed in the foreseeable future."); *Perez-Escobar v. Moniz*, Civil Action No. 25-cv-11781-PBS, 2025 U.S. Dist. LEXIS 141725, at *6 (D. Mass. July 24, 2025) (granting habeas relief and ordering release due to the conclusory explanation ICE provided for revoking petitioner's release, which did not comply with the notice provisions under 8 C.F.R. § 241.4(l)(1)); *Nguyen v. Hyde*, No. 25-CV-11470-MJJ, 2025 WL 1725791, at *4 (D. Mass. June 20, 2025) (granting habeas relief and ordering release where the government made bare bone assertions that they were processing a travel document but had "not identified what concrete steps ICE has taken to process" the document nor whether the request was submitted to the removal country).

56. Mr. Karki's continued detention has caused and will continue to cause irreparable harm, keeping him separated from his wife and newborn child who he has been unable to see or hold, away from his parents and in-laws who he cared for, and away from his extended community in Ohio. *Karki Decl.*, ¶¶ 35-38; *Tika Decl.* ¶¶ 17-19.

57. Prior to his detention, Mr. Karki was working a full-time job, saving up to buy a house and getting ready to welcome his first child. *Karki Decl.*, ¶ 17; *Tika Decl.* ¶ 8.

58. At the time of his arrest in April 2025, Petitioner's wife was eight months pregnant expecting their first child. *Karki Decl.*, ¶ 19; *Tika Decl.* ¶¶ 7-9.

59. Petitioner's daughter and first-born child was born on  Petitioner has been unable to see or hold his newborn U.S. citizen daughter who will grow up without her father if he remains in indefinite detention. *Karki Decl.*, ¶¶ 34-35; *Tika Decl.* ¶¶ 18-19.

60. There is no justification for Respondents' decision to continue Mr. Karki's indefinite detention as:

- a. Mr. Karki has not violated any conditions of his order of supervision;
- b. Mr. Karki poses no flight risk and is no danger to his community;
- c. Mr. Karki is married to a U.S. citizen and has a U.S. citizen daughter;

- d. Mr. Karki's entire family is in the United States and prior to his detention he was a breadwinner providing for his wife, in-laws, and parents;
- e. Mr. Karki has deep ties to the Ohio community where he lived prior to his arrest and detention;
- f. Mr. Karki is stateless and not a citizen of Bhutan, Nepal, or any country.

61. Respondents' re-detention of Mr. Karki without adequate notice or a custody review violates Mr. Karki's due process rights under the Constitution.

62. Respondents' continued detention of Petitioner beyond six-months violates Petitioner's due process rights as his removal is not reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).

63. As such, this Court should order Respondents to immediately release Mr. Karki.

LEGAL FRAMEWORK

The Right to Release if Removal is Not Reasonably Foreseeable

64. Immigration detention for purposes of effectuating removal is authorized only where there is a "significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. In *Zadvydas*, the Supreme Court held that 8 U.S.C. § 1231(a)(6), the post-final-order detention statute, authorizes detention only

insofar as removal is “reasonably foreseeable.” *Id.* at 699. *Zadvydas* construed Section 1231(a)(6) to “limit an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States” presumptively six months. *Id.* at 699-701.

65. After the six-month “presumptively reasonable” period of post-order detention, an individual may obtain review of his detention if the individual provides a court with “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701. The “government must respond with evidence sufficient to rebut that showing.” *Id.* If the government fails to do so, the individual must be released under conditions of supervision. *Id.* at 700.

66. Additionally, the longer post-final-order detention continues, what is considered “reasonably foreseeable” shrinks and the government must show a more immediate prospect of removal “for the detention to remain reasonable.” *Id.* at 701.

Due Process Applies to Revocations of an Order of Supervision

67. “The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Id.* at 690 (2001).

68. Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen's order of supervision is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. See *Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention).

69. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified).

Statutory and Regulatory Procedures for Revoking an Order of Supervision

70. A non-citizen with a final order of removal "who is not removed within the [90-day] removal period . . . shall be subject to [an order of] supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3) (titled "Supervision after 90-day period").

71. A non-citizen may only be detained past the 90-day removal period following a removal order if found to be "a risk to the community or unlikely to comply with

the order of removal” or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).

72. But even where initial detention past the 90-day removal period is authorized, if “removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien’s release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances” *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

73. Regulations limit the authority by which Respondents may revoke an order of supervision and re-detain an individual past the removal period: “(1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order . . . ; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.” 8 C.F.R. § 241.4(l)(2); see also 8 C.F.R. § 241.13(i) (permitting revocation of an order of supervision only if a non-citizen “violates any of the conditions of release”).

74. Upon revocation of an order of supervision, ICE must give a non-citizen notice of the reasons for revocation and a prompt interview to respond. *See* 8 C.F.R. § 241.4(l)(1); 8 C.F.R. § 241.4(l)(3).

The *Accardi* Doctrine Requires Agencies to Follow Internal Rules

75. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); see also *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.”).

76. *Accardi* is not “limited to rules attaining the status of formal regulations.” *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials. See *Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

CLAIMS FOR RELIEF

Count One

Prolonged Detention

Violation of the Fifth Amendment of the U.S. Constitution

77. Petitioner realleges all paragraphs above as if fully set forth here.

78. Mr. Karki has been in the custody of the Respondents under or by color of the authority of the United States, for 180 days (six months), first at the Butler County Jail and then at the St. Clair County Jail, Port Huron, Michigan.

79. Mr. Karki's prolonged detention violates his due process rights under the U.S. Constitution. *Zadvydas*, 533 U.S. 690-92.

80. Mr. Karki is being detained for immigration purposes when ICE knows that it cannot effect his prompt removal from the United States as he is stateless and his removal is not foreseeable. Thus, ICE has no permissible basis for depriving Mr. Karki of his liberty, in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

81. A judicial order requiring Mr. Karki's release from custody would remedy Respondents' constitutional violations.

Count Two
Unlawful Re-Detention
Violation of the Fifth Amendment Due Process Clause, INA, 8 U.S.C. 1231(a),
8 C.F.R. 241, and Administrative Procedures Act

82. Petitioner realleges all paragraphs above as if fully set forth here.

83. Respondents' re-detention of Petitioner violates his rights guaranteed by the Due Process Clause of the Fifth Amendment of the U.S. Constitution; the INA, 8 U.S.C. § 1231(a); implementing regulations, 8 C.F.R. § 241.13 and 241.4; and the APA. Respondents are required to follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

84. When ICE issued Mr. Karki an order of supervision in 2014, it found that he was neither a danger to the community nor a flight risk, rendering his detention pending removal unnecessary.

85. Before revoking Mr. Karki's order of supervision in 2025, Respondents did not make any individualized findings as required by statute and regulation.

86. Nor did the Respondents give Mr. Karki written notice of the reasons for revocation and or an opportunity to be heard, contrary to regulations governing the revocation of orders of supervision.

87. Mr. Karki's removal to Bhutan is not significantly likely to occur in the reasonably foreseeable future. At the time of Mr. Karki's arrest and re-detention, Respondents only claimed they had travel documents from Bhutan but have yet to provide Mr. Karki or the Court with a copy of said document or re-issue one. Even if a travel document had been issued at one time, it has since expired.

88. Respondents arbitrarily revoked Mr. Karki's order of supervision despite the fact that Mr. Karki had consistently complied with every condition of the order for over a decade – working to provide for himself, parents, in-laws, and pregnant U.S. citizen wife, and not having any further criminal acts or record.

89. Requiring Respondents to give notice and an opportunity to respond prior to revoking an order of supervision is of great value because it reduces the probability of needless detention of a person, like Mr. Karki, who is neither dangerous nor a

flight risk and who has and will suffer irreparable harm if he continues to be detained indefinitely.

90. Respondents had no legitimate, non-punitive objective in revoking Petitioner's order of supervision in April 2025 and have no legitimate non-punitive objective for continuing his detention six months later in violation of his due process rights under the Fifth Amendment to the U.S. Constitution.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

- a. Exercise jurisdiction over this matter;
- b. Enter judgement in favor of Petitioner and against Respondents;
- c. Declare that Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment;
- d. Declare that the revocation of Petitioner's order of supervision violates the Due Process Clause, the INA and implementing regulations, the APA, and the *Accardi* doctrine;
- e. Order Petitioner's immediate release;
- f. Award Petitioner costs and reasonable attorneys' fees pursuant to any applicable law; and
- g. Order such other relief as this Court may deem just and proper.

Dated: October 8, 2025

Respectfully submitted,

/s/ Diana E. Marin

Diana E. Marin (P81514)
BLANCHARD & WALKER PLLC
Attorney for Petitioner
221 N. Main Street, Suite 300
Ann Arbor, MI 48104
(734) 929-4313
marin@bwlawonline.com

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Dated: October 8, 2025,

/s/ Diana E. Marin

Diana E. Marin (P81514)
BLANCHARD & WALKER PLLC
Attorney for Petitioner