United States District Court
Eastern District of Michigan

Mohan Karki,

Petitioner,

v.

Civil No. 25-13186

Honorable Stephen J. Murphy III
Mag. Judge Kimberly G. Altman

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, and U.S. Department of Homeland Security,

Respondents.

Response to Petition for a Writ of Habeas Corpus

Respondents submit this response to petitioner's request for a writ of habeas corpus, (ECF No. 1). As described in the attached brief, respondents respectfully request that the Court deny the petition because petitioner's detention does not violate the constitution or federal law.

Respectfully submitted,

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Dated: October 23, 2025

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Respondents' Brief in Support of Their Response to Petition for a Writ of Habeas Corpus

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Issues Presented

I. Should the Court dismiss petitioner's habeas claim against all respondents except the ICE Field Office Director when only the ICE Field Office Director is a proper respondent in this habeas case?

II. Is petitioner's detention proper under the due process clause when his detention is likely to end in the reasonably foreseeable future?

III. Should the Court reject Karki's argument that the agency improperly revoked his order of supervision when the agency's discretionary decision is not subject to judicial review,

petitioner's claim is barred by res judicata, and the agency's action was expressly permitted by the relevant statutes and regulations?

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Introduction

Petitioner is a noncitizen detained pursuant to a final order of removal. In this habeas suit, he challenges his detention under the Fifth Amendment because he alleges that he has been detained too long. However, under well-established, controlling precedent the duration of petitioner's detention does not violate the Fifth Amendment because he is likely to be removed in the near future and the only obstacles to his removal are his own attempts to thwart his removal. Similarly, petitioner cannot obtain habeas relief by challenging the agency's initial decision to revoke his order of supervision to prepare for his removal because the Court lacks jurisdiction to review the agency's discretionary decision to revoke supervision, petitioner is barred from pursuing that claim under the doctrine of res judicata because he filed a nearly identical habeas suit in the Southern District of Ohio and pursued that suit to a final decision, and because the agency's action was expressly authorized by the relevant statutes and regulations. Accordingly, the Court should deny Karki's petition for a writ of habeas corpus.

Background

Petitioner Mohan Karki is a citizen of Bhutan and a national of Nepal. (Exhibit 1 – Tiruchelvam Decl. ¶ 4). He entered the United States in 2011 as a refugee. (*Id.*).

In May 2014, Karki was convicted of burglary in Georgia and was sentenced to three years and imprisoned for one year. (*See* Exhibit 1 – Tiruchelvam Decl. ¶ 5;

Exhibit 2 – IJ Order at 1). After Karki's conviction, ICE charged him with removal under 8 U.S.C. § 1227(a)(2)(A)(iii), because he had been convicted of an aggravated felony after he was admitted to the United States. (Exhibit 1 – Tiruchelvam Decl. ¶ 6).

In August 2014, Karki attended a hearing in immigration court and was represented by counsel at that hearing. (*See* Exhibit 3 – Order of Removal at 1–2). At that hearing, an immigration judge ordered Karki's removal to Bhutan or Nepal. (Exhibit 1 – Tiruchelvam Decl. ¶¶ 7–8). Karki, through his attorney, waived appeal so the immigration judge's order became a final order of removal at that time. (Exhibit 1 – Tiruchelvam Decl. ¶¶ 7–8; Exhibit 3 – Order of Removal at 1–2).

In November 2014, ICE released Karki under an order of supervision. (Exhibit 4 – Order of Supervision).

In March 2025, Bhutan issued a travel document for Karki that would allow Karki's removal to Bhutan for 30 days. (Exhibit 1 – Tiruchelvam Decl. ¶ 9). Accordingly, ICE revoked Karki's order of supervision and arrested him to complete his removal on April 8, 2025. (*Id.* at ¶ 10). However, on the same date, Karki filed a motion to stay his removal and reopen his removal proceedings in immigration court. (*See id.* at ¶ 11). In his motion, Karki argued that his order of removal was invalid because the notice he received to appear at the hearing did not specify the date or time of the hearing, even though Karki and his attorney, in fact, appeared at the

proper place and time for the hearing. (*See* Exhibit 2 – IJ Order at 3–4). The immigration court ultimately denied Karki's motions because they were untimely and meritless, but by that time Karki could no longer be removed within the time specified in Bhutan's March 2025 travel document. (*See id.*; Exhibit 1 - Tiruchelvam Decl. ¶ 11).

On April 19, 2025, Bhutan issued a new travel document that would allow Karki's removal for 90 days. (Exhibit 1 – Tiruchelvam Decl. ¶ 12). In May 2025, ICE scheduled Karki's removal to Bhutan for June 10, 2025. (*Id.* at ¶ 14). However, on June 9, 2025, the day before Karki's scheduled removal, he filed an emergency motion to stay his removal and a motion to reopen his removal proceedings with the Board of Immigration Appeals. (*Id.* at ¶¶ 15–16). The Board granted Karki's motion to stay his removal while it considered his motion to reopen his removal proceedings. (*Id.*). Consequently, ICE was unable to remove Karki to Bhutan under Bhutan's April 2025 travel document (*See id.* at ¶ 17).

In May 2025, Karki filed a petition for a writ of habeas corpus challenging his detention and an emergency motion seeking to stay his removal in the U.S. District Court for the Southern District of Ohio. (*See Karki v. Jones*, Civil No. 25-281 (S.D. Ohio). The Southern District of Ohio denied Karki's motion to stay his removal for lack of jurisdiction and denied his habeas petition because his detention did not

violate the Fifth Amendment. *See Karki v. Jones*, No. 1:25-CV-281, 2025 WL 1638070, at *7–8 (S.D. Ohio June 9, 2025).

In July 2025, ICE conducted a periodic custody review for Karki and determined that he should remain detained pursuant to his final order of removal. (Exhibit 1 – Tiruchelvam Decl. ¶ 18).

Approximately a week later, Karki filed another motion with the Board of Immigration Appeals to remand his removal proceedings to an immigration judge. (Exhibit 1 – Tiruchelvam Decl. ¶¶ 19–22). Karki's motion to reopen and his motion to remand his removal proceedings remain pending at the Board of Immigration Appeals. (*Id.*). Karki is detained under 8 U.S.C. § 1231(a)(6) because he is removable based on his commission of an aggravated felony under 8 U.S.C. § 1227(a)(2)(A)(iii) and subject to a final order of removal. (*Id.* at ¶ 23; Exhibit 3 – Order of Removal at 1). If Karki succeeds in reopening his removal proceedings, he will be subject to mandatory detention under 8 U.S.C. § 1226(c) because he committed an offense described in § 1227(a)(2)(A)(iii). (*See* Exhibit 1 – Tiruchelvam Decl. ¶ 23); 8 U.S.C. § 1226(c)(1)(B).

On October 8, 2025, Karki filed a petition for a writ of habeas corpus challenging his detention. (*See* Pet., ECF No. 1). In his petition, he names several respondents, including his immediate custodian, Kevin Raycraft, the Acting ICE Field Office Director for ICE's Detroit Field Office. (*See id.* at PageID.5). He asserts

two counts which, respectively, allege that the length of his detention violates the Fifth Amendment and the agency's decision to revoke his order of supervision and detain him to prepare for his removal violated 8 U.S.C. § 1231(a), 8 C.F.R. § 241, the Administrative Procedure Act, and the Fifth Amendment. (*See id.* at PageID.18–21).

Standard of Review

A district court may grant a writ of habeas corpus if a petitioner is in federal custody in violation of the Constitution or a federal law. 28 U.S.C. § 2241.

Argument

The Court should deny petitioner's request for a writ of habeas corpus. First, the Court should dismiss all respondents except the ICE Field Office Director. Second, the Court should reject Karki's argument that his detention violates his due process rights because his removal is likely in the reasonably foreseeable future. Third, the Court should reject Karki's argument that the revocation of his order of supervision violated his constitutional rights because the Court lacks jurisdiction to review the agency's discretionary decision to release a noncitizen under an order of supervision or revoke such an order, Karki's argument is barred by the doctrine of claim preclusion because he could have raised it in his first habeas suit challenging his current detention, and the relevant statutes and regulations expressly permit the agency to revoke a noncitizen's order of supervision and detain him in order to

remove him.

I. The Court Should Dismiss All Respondents Except the ICE Field Office Director

A writ of habeas corpus may only be issued "to the person having custody of the person detained." 28 U.S.C. § 2243. Except in extraordinary circumstances, the only proper respondent in a habeas corpus case is the detainee's immediate custodian. *See Roman v. Ashcroft*, 340 F.3d 314, 320 (6th Cir. 2003). In the immigration context, that is the relevant ICE Field Office Director. *See id.*

Here, the Secretary of the Department of Homeland Security and the Department itself are not proper respondents. Karki alleges that Acting ICE Field Office Director Kevin Raycraft is his "immediate custodian." (Pet., ECF No. 1, PageID.5). Therefore, only the ICE Field Office Director is a proper respondent for Doe's habeas claim and his habeas claim against the remaining respondents should be dismissed. *See Roman*, 340 F.3d at 320.

II. Karki's Detention Complies with Due Process

Under 8 U.S.C. § 1231, a noncitizen must be detained for 90 days after an immigration judge issues a final order of removal and a noncitizen ordered removed under 8 U.S.C. § 1227(a)(2) may be released "[u]nder no circumstances" during that period. 8 U.S.C. §§ 1231(a)(1), (2). The removal period is extended if the noncitizen "fails or refuses to make timely application in good faith for travel" documents until the application is properly completed. 8 C.F.R. § 241.4(g)(1)(ii).

In addition, noncitizens ordered removed under 8 U.S.C. § 1227(a)(2) may be detained beyond the 90-day initial removal period if ICE concludes that the noncitizen is unlikely to comply with the order of removal or poses a danger to the community.[1] 8 U.S.C. § 1231(a)(6). ICE's detention of noncitizens under § 1231(a)(6) beyond the initial 90-day removal period is presumptively lawful under the Fifth Amendment for at least another 90 days. *See* 8 U.S.C. § 1231(a)(6); *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

Detention beyond 180 days after a final order of removal does not presumptively violate the Fifth Amendment. *Zadvydas*, 533 U.S. at 701. "To the contrary, an alien may be held in confinement [after 180 days] until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* A petitioner seeking release under this standard bears the initial burden of demonstrating "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id* at 701. If the petitioner meets that burden, the burden shifts to the government to "respond with evidence sufficient to rebut that showing." *Id.*

[1] While the statute refers to the Attorney General, Congress has delegated the power to enforce the Immigration and Nationality Act to the Department of Homeland Security 8 U.S.C. § 1103; *see also Nielsen v. Preap*, 586 U.S. 392, 397 n.2 (2019).

Using this standard, courts have found that detention after a final order of removal lasting more than two years did not violate the Fifth Amendment even when detention was likely to last an additional year or more, so long as there was no evidence that some identifiable barrier would ultimately block removal at the end of that time. *See, e.g.*, *Martinez v. Larose*, 968 F.3d 555 (6th Cir. 2020). For instance, in *Martinez*, a noncitizen entered the United States unlawfully and was removed, then unlawfully re-entered in December 2017 and was immediately detained pursuant to a final order of removal. *Id.* at 557–58. For the next two and a half years, he remained detained while he appealed his removal. *Id.* During that time, he sought release by seeking a writ of habeas corpus and arguing that his removal was not foreseeable because his appeal would likely take at least another year to resolve and could take much longer. *Id.* at 565–66. However, the Sixth Circuit rejected that argument because there was no evidence indicating that removal would not be possible after the appeal process concluded; therefore, even a detention of several years would not violate the Fifth Amendment because no identifiable barrier ultimately prevented removal. *Id.*

Other courts have similarly found that, in order to meet their burden under *Zadvydas*, petitioners must offer evidence of an identifiable barrier to removal like

impossible," or a delay in issuing a travel document that is "so extraordinarily long that the delay itself" indicates "that the documents will likely never issue." *See Ahmed v. Brott*, No. 14-5000, 2015 WL 1542131, at *4 (D. Minn. Mar. 17, 2015), *report and recommendation adopted*, 2015 WL 1542155 (D. Minn. Apr. 7, 2015) (collecting cases).

Here, Karki has not met his burden of demonstrating that his detention pursuant to a final order of removal is virtually impossible. Instead, the record demonstrates that Karki would have been removed on two separate occasions over the past few months if he had not filed motions to defeat his removal at the last moment. (*See* Exhibit 1 - Exhibit 1 – Tiruchelvam Decl. ¶¶ 9–22). While Karki is free to pursue his requests for relief in immigration court, he cannot use the delay caused by his own legal wrangling to claim that the agency is prolonging his detention. *See Mulla v. Adduci*, 178 F.Supp.3d 573, 577 (E.D. Mich. 2016) ("[M]uch of the delay has been attributable to the petitioner's own efforts at pursuing remedies to forestall or reverse the deportation order . . . his effort to employ that delay to establish that his detention is 'indefinite' is unconvincing."). Accordingly, Karki cannot demonstrate that the duration of his detention violates the Fifth Amendment under well-settled, controlling case law. *See Zadvydas*, 533 U.S. at 701; *Martinez*, 968 F.3d at 565–66.

III. The Court Should Reject Karki's Challenge to the Agency's Revocation of His Order of Supervision

In Count Two of Karki's petition, he alleges that the agency's revocation of his order of supervision violated the Constitution, 8 U.S.C. § 1231(a), 8 C.F.R. § 241.13, and the Administrative Procedure Act (APA). (*See* Pet., ECF No. 1, PageID.19). As described below, the Court should deny Karki's request for habeas relief on these grounds for three reasons. First, the agency's discretionary decision to revoke Karki's order of supervision is not subject to judicial review. Second, Karki is barred from pursuing this argument because, after the agency revoked his order of supervision, he filed a habeas petition challenging his detention in the Southern District of Ohio and pursued it to a final decision, so he is precluded from challenging the revocation of his order of supervision in this case under the doctrine of claim preclusion. Third, the relevant statutes and regulations expressly authorize the agency's revocation of orders of supervision to facilitate a noncitizen's removal, so the agency's revocation in this case did not violate the Constitution, the APA, or any applicable statutes or regulations.

A. The Agency's Discretionary Revocation of Karki's Order of Supervision is Not Subject to Judicial Review

With respect to many aspects of immigration enforcement, Congress has stripped federal courts "of jurisdiction to review claims that would otherwise fall within [their] purview." *Hatchet v. Andrade*, 106 F.4th 574, 578 (6th Cir. 2024). One

such jurisdiction-stripping statute is 8 U.S.C. § 1252(a)(2)(B)(ii). Under § 1252(a)(2)(B)(ii), "no court shall have jurisdiction to review" a "decision or action of the Attorney General or the Secretary of Homeland Security the authority for which is specified under this subchapter [8 U.S.C. § 1151 to § 1382] to be in the discretion of the Attorney General or the Secretary of Homeland Security." *Id.*

Under 8 U.S.C. § 1231, after ninety days of mandatory detention, the Attorney General has discretion to continue to detain noncitizens subject to a final order of removal if they have committed aggravated felonies and are inadmissible under §1227(a)(2) or release them under an order of supervision. *See* 8 U.S.C. § 1231(a)(6) (noting that the Attorney General "may" release a noncitizen within the scope of § 1231(a)(6) under an order of supervision); *Jama v. Immigr. & Customs Enf't*, 543 U.S. 335, 346 (2005) ("The word 'may' customarily connotes discretion."). The statute authorizing orders of supervision expressly delegates authority to describe the terms and conditions of orders of supervision, including the conditions for revoking such orders, to the agency. *See* 8 U.S.C. § 1231(a)(3). The regulation, in turn, states that "[r]elease may be revoked in the exercise of discretion when, in the opinion of the revoking official . . . [i]t is appropriate to enforce a removal order." 8 C.F.R. § 241.4(l)(2)(iii). Accordingly, because ICE has statutory discretion to release noncitizens like Karki under orders of supervision, which naturally includes the discretion to revoke such orders, as reflected in the regulations promulgated

under the statute, the agency's decision is not reviewable in federal court under 8 U.S.C. § 1252(a)(2)(B)(ii). *See, e.g.*, *Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010) (holding that Secretary's discretion to revoke parole granted under 8 U.S.C. § 1182(d)(5), a similar statute that applies to noncitizens prior to a final order of removal, was not reviewable in federal court); *Samirah v. O'Connell*, 335 F.3d 545, 549 (7th Cir. 2003) (same).

B. Karki's Challenge is Barred by Res Judicata

"The doctrine of res judicata, or claim preclusion, provides that a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in a prior action." *Kane v. Magna Mixer Co.*, 71 F.3d 555, 560 (6th Cir. 1995) (quotations omitted). For the doctrine to apply to bar a claim, "the following elements must be present:"

> (1) a final decision on the merits by a court of competent jurisdiction; (2) a subsequent action between the same parties or their "privies"; (3) an issue in the subsequent action which was litigated or which should have been litigated in the prior action; and (4) an identity of the causes of action.

Bragg v. Flint Bd. of Educ., 570 F.3d 775, 776 (6th Cir. 2009) (citation omitted).

Here, Karki's challenge to the agency's revocation of his order of supervision is barred by res judicata. The agency revoked Karki's order of supervision on April 8, 2025. (*See* Exhibit 1 – Tiruchelvam Decl. ¶ 10). Three weeks later, he filed a habeas petition in the Southern District of Ohio challenging his detention and named

the ICE Field Office Director for Detroit and the Secretary of Homeland Security as respondents. (*See Karki v. Jones, et al.*, Civil No. 25-281 (S.D. Ohio), ECF No. 1). After the Southern District of Ohio denied his petition and issued a final judgment in that case, Karki appealed, but abandoned his appeal to pursue the same claim he raised in the Southern District of Ohio in this Court. (*See id.*, ECF No. 30–34). Accordingly, the doctrine of claim preclusion bars Karki from challenging the revocation of his order of supervision in this suit against the same respondents because Karki possessed all the facts supporting his challenge before he filed suit in the Southern District of Ohio and he pursued that case to a final decision. *See Bragg*, 570 F.3d at 776.[2]

C. The Agency Properly Revoked Karki's Order of Supervision

If a noncitizen subject to a final order of removal cannot be removed within the removal period, ICE may temporarily release the noncitizen under an order of supervision. 8 U.S.C. § 1231(a)(6); 8 C.F.R. § 241.5. Under the regulation governing the revocation of orders of supervision, "[r]elease may be revoked in the exercise of discretion when, in the opinion of the revoking official . . . [i]t is appropriate to

[2] Respondents do not argue that Karki's claim challenging the duration of his detention is barred by claim preclusion because the duration of his detention has changed since he first filed suit in the Southern District of Ohio. *See Martinez*, 968 F.3d at 565 (acknowledging that a noncitizen challenging duration of detention can re-file a habeas petition if duration continues and conditions change); *Karki*, 2025 WL 1638070, at *7–8.

enforce a removal order." 8 C.F.R. § 241.4(l)(2)(iii). Once an agency revokes an order of supervision, it will review the custody decision "within approximately three months after release is revoked." *Id.* at § 241.4(l)(3). However, if, "in the judgment of the Service, travel documents can be obtained, or such document is forthcoming, the alien will not be released unless immediate removal is not practicable or in the public interest." 8 C.F.R. § 241.4(g)(3).

Here, Karki was properly detained to facilitate his removal. ICE obtained a travel document from Bhutan for Karki in March 2025 and detained him on April 8, 2025, to remove him. (*See* Exhibit 1 – Tiruchelvam Decl. ¶ 10). After Karki successfully stayed his removal, the agency conducted a review of Karki's custody and determined that he should remain detained because his removal was likely in the reasonably foreseeable future. (*See* Custody Dec., ECF No. 1-3, PageID.32). Therefore, the agency's revocation of Karki's order of supervision was proper under 8 U.S.C. § 1231(a) and 8 C.F.R. § 241.4(l)(2) because those provisions expressly authorize the agency's action and the agency complied with the requirements of those sections. *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.4(l)(2)(iii). It was proper under the Fifth Amendment because the statutory provisions describing the procedures for detention and removal in the immigration context define a

hearings under Fifth Amendment because statute did not provide for bond hearings); *see also Demore v. Kim*, 538 U.S. 510, 524 (2003); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("[d]etention is necessarily a part of this deportation procedure."). And it was proper under the APA because the record plainly demonstrates that the agency's action complied with the relevant regulation. *See* 5 U.S.C. § 706(2)(A); *Alaska Dep't of Env't Conservation v. E.P.A.*, 540 U.S. 461, 497 (2004) (Under the APA, "[e]ven when an agency explains its decision with 'less than ideal clarity,' a reviewing court will not upset the decision on that account 'if the agency's path may reasonably be discerned.'"); *Reg'l Airport Auth. of Louisville & Jefferson Cnty.*, 286 F.3d 382, 389 (6th Cir. 2002) ("The arbitrary or capricious standard is the least demanding review of an administrative action.").

Karki's arguments to the contrary are unpersuasive. First, Karki incorrectly argues that the agency failed to provide him the notice and opportunity to object described in 8 C.F.R. § 241.13(i). (*See* Pet., ECF No. 1, PageID.19). However, that regulation does not apply to Karki. Under the plain terms of 8 C.F.R. § 241.13(i), it only applies in narrow circumstances when the agency itself has determined that a

Further, even if § 241.13(i) applied, the agency provided Karki the notice and opportunity to object described in the regulation. The only notice Karki would have been entitled to under 8 C.F.R. § 241.13(i) is an informal interview after he was detained during which an ICE officer would explain the reasons for his detention and allow him to respond. *See* 8 C.F.R. § 241.13(i)(3). Karki does not dispute that ICE attempted this meeting, he only argues that he did not understand, despite the fact that he had been attending regular meetings with ICE since 2014. (*See* Karki Decl., ECF No. 1-1, PageID.25–26). And, despite his alleged lack of understanding, he was able to file an emergency motion to stay his removal on the same day he was arrested, which demonstrates that he clearly understood the reason for his detention on that date, despite what he argues now. (*See* Exhibit 1 - Tiruchelvam Decl. ¶ 11).

Similarly, even if 8 C.F.R. § 241.13(i) applied *and* the agency did not provide him the notice or opportunity to object described in the regulation, that failure would not entitle to Karki to habeas relief. In order to prevail on a procedural due process claim or an APA claim, a petitioner must demonstrate that the allegedly wrongful action prejudiced him in a meaningful way. *See* 5 U.S.C. § 706(2)(A) (requiring that a party challenging agency action under the APA show prejudice); *Graham v. Mukasey*, 519 F.3d 546, 549 (6th Cir. 2008) ("in order to prevail on a procedural due process challenge, [a noncitizen] must also show prejudice."); *Villegas de la Paz v. Holder*, 640 F.3d 650, 656 (6th Cir. 2010). Karki cannot argue that any lack of notice

prejudiced him because he challenged his removal on the same day he alleges he should have been notified that his removal was the reason for his detention. (*See* Exhibit 1 - Tiruchelvam Decl. ¶ 11). Similarly, given the agency's possession of a valid travel document at the time it arrested Karki and the regulation's express authorization to revoke his order of supervision when removal is possible in the foreseeable future, even if the agency somehow prevented Karki from submitting evidence to challenge those facts (which is implausible given that he and his lawyers have challenged his removal and his detention with the agency, in immigration court, in the Board of Immigration Appeals, and in two federal courts), he cannot show that he would have been released because another subsection of the regulation prohibits his release when removal is imminent, as it is in this case. (*See id.* at ¶¶ 10 –22; Exhibit 2 – IJ Order); 8 C.F.R. § 241.4(g)(3).

Second, Karki misguidedly argues that the agency could not revoke his order of supervision because he did not violate the terms of his release. (Pet., ECF No. 1, PageID.13). The agency did not claim that Karki violated the terms of his order of supervision or revoke his parole under 8 C.F.R. § 241.4(l)(1), which applies when a noncitizen violates an order of supervision. *See* Exhibit 1 - Tiruchelvam Decl. ¶¶ 9–10). Instead, the agency revoked his order of supervision to remove him, which is a proper and independent reason to detain him under § 1231 and the relevant regulations. (*See id.*); 8 U.S.C. § 1231(a)(3), (6); 8 C.F.R. § 241.4(l)(2)(iii).

Finally, Karki incorrectly argues that the agency should have provided him a copy of the travel document on April 8, 2025. (*See* Pet., ECF No. 1, PageID.11). The regulations do not require that ICE provide him the travel document because some countries do not require travel documents, *see, e.g.*, 8 C.F.R. § 1240.26(b)(3)(i), the term "travel document" is a general term describing any documentation necessary to permit entry of an individual into another country and is often nothing more than the individual's passport, which the agency would not have to provide, *see* 8 U.S.C. § 1101(a)(30), and, in any event, the regulations allow the agency to detain a noncitizen before they obtain a travel document, *see* 8 C.F.R. § 241.13(i)(2), (3). Therefore, Karki's argument on this point has no support in the law.

Conclusion

Respondents respectfully requests that the Court deny petitioner's request for a writ of habeas corpus.

Respectfully submitted,

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Dated: October 23, 2025

Certificate of Service

I hereby certify that on October 23, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Zak Toomey
Zak Toomey
Assistant U.S. Attorney