

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

RIAZ SUKHYANI,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Case No. CIV-25-1243-J
PAMELA BONDI, ATTORNEY	)	
GENERAL, <i>et al.</i> ,	)	
	)	
Respondent.	)	

**RESPONDENTS' OBJECTION TO THE REPORT AND RECOMMENDATION**

In this immigration habeas case, Petitioner primarily seeks immediate release from custody under the United States Supreme Court’s decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which held that once removal is no longer reasonably foreseeable, continued detention is no longer authorized by law.<sup>1</sup> In addition to that claim, he demands injunctive and declaratory relief, relief under the Administrative Procedure Act, and that the Court enjoin *future* action on behalf of the Respondents.

On November 18, 2025, the Honorable United States Magistrate Judge Chris M. Stephens issued a Report and Recommendation (“R&R”) regarding Petitioner’s Petition for a Writ of Habeas Corpus.<sup>2</sup> Judge Stephens found that “there is no significant likelihood of [Petitioner’s] removal in the reasonably foreseeable future and that [Petitioner] is being

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<sup>1</sup> *Zadvydas*, 533 U.S. at 699.

<sup>2</sup> R&R (Doc. 20), *Sukhyani v. Bondi et al.*, No. 25-1243-J, (W.D. Okla. Nov. 18, 2025) (“R&R”).

detained indefinitely in violation of his Fifth Amendment Due Process rights.”<sup>3</sup> Accordingly, Judge Stephens recommended that the Court “grant the Petition to the extent it requests habeas relief under 28 U.S.C. § 2241 for release from ICE custody,” and “order Respondents to release Petitioner from custody immediately, subject to an appropriate Order of Supervision.”<sup>4</sup> The R&R further recommended that Respondents “certify compliance by filing a status report within five business days of the Court’s order.”<sup>5</sup> The R&R did not address Petitioner’s regulatory violation claim, instead recommending that “the Court should decline to address” it, given the recommendation for immediate release under *Zadvydas*.<sup>6</sup> The R&R also specifically “decline[d] to address Petitioner’s other requests for injunctive and declaratory relief.”<sup>7</sup>

Respondents respectfully object to the R&R entered on November 18, 2025, as to its finding that Petitioner is being unlawfully detained. Specifically, Respondents assert that Petitioner has not met his burden to establish a claim for relief under *Zadvydas*. Respondents further re-assert, adopt by reference, and do not waive the arguments presented in their Response in Opposition to Petitioner’s Petition for Writ of Habeas Corpus for purposes of appellate review.<sup>8</sup>

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<sup>3</sup> *Id.* at 18.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 19.

<sup>6</sup> *Id.* at 18.

<sup>7</sup> *Id.*

<sup>8</sup> See Resp. in Opp’n to Pet.r’s Pet. for Writ of Habeas Corpus (“Resp.”) (Doc. 18).

**Conclusion**

The Court should decline to adopt the R&R's recommendation to grant Petitioner's immediate release.

Dated: November 21, 2025

Respectfully Submitted,

ROBERT J. TROESTER  
United States Attorney

s/ Sarah A. McMurray  
SARAH A. MCMURRAY, #31566  
Assistant U.S. Attorney  
210 Park Avenue, Suite 400  
Oklahoma City, OK 73102  
(405) 553-8700  
Sarah.McMurray@usdoj.gov  
Counsel for Respondents