

INTRODUCTION

1. This is a petition for a writ of habeas corpus filed on behalf of Mustafa Iqbal seeking relief to remedy his unlawful detention. Respondents are detaining Mr. Iqbal pending the execution of his final removal order. Mr. Iqbal has fully cooperated with Respondents in their efforts to remove him. To date, Respondents have been unable or unwilling to remove Mr. Iqbal and thus, he was detained a few days ago. Mr. Iqbal is not a flight risk or a danger to the community. Prior to his detention, he was reporting with the U.S. Immigration and Customs Enforcement (USICE) and had committed no crimes since February 2009. His detention is not justified under the Constitution or the Immigration and Nationality Act (INA).

2. On or about October 28, 2025, Respondent Paul McBride arrested Mr. Iqbal and placed him in the custody of the Montgomery Processing Center. Mr. Iqbal's detention is for the purpose of executing his removal order. To date, Respondents have not been able or are unwilling to remove Mr. Iqbal since May 2009.

3. Mr. Iqbal has been independently and through Respondents tried to obtain travel documents. Mr. Iqbal has fully cooperated with Respondents' requests to complete the necessary paperwork to secure his travel documents. Respondents, however, have not secured the necessary paperwork to remove Mr. Iqbal. Mr. Iqbal submits that his detention is in violation of his constitutional rights. His detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued detention unlawful and ordering Respondents to release Mr. Iqbal from their custody until they have necessary documents to remove Mr. Iqbal from the United States .

CUSTODY

4. Mr. Iqbal is in the physical custody of Respondent Paul McBride, Acting Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent Randall Tate, Warden of the Montgomery Processing Center in Conroe, Texas. At the time of the filing of this petition, Petitioner is detained at the Montgomery Processing Center which contracts with the DHS to detain aliens such as Petitioner. Mr. Iqbal is under the direct control of Respondents and their agents.

JURISDICTION

5. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 29 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

6. Venue lies in the United States District Court of the Southern District of Texas, the judicial district in which Respondents, Paul McBride and Randall Tate reside and where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES

7. Petitioner Mustafa Iqbal is a national and citizen of Pakistan who was ordered removed on May 4, 2009. He is detained by Respondents pursuant to 8 U.S.C. § 1231,

which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien's removal order.

8. Respondent Paul McBride is the Acting Field Office Director for Detention and Removal, USICE, DHS of Houston. Respondent McBride is a custodial official acting within the boundaries of the judicial district of the United States Court for the Southern District of Texas, Houston, Division. Pursuant to Respondent McBride's orders, Petitioner remains detained. He is sued in his official capacity.

9. Respondent Randall Tate is the warden of the Montgomery Processing Center facility in Conroe, Texas. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Southern District of Texas, Houston Division. He is sued in his official capacity.

10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). 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. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

11. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice. She is sued in her official capacity.

EXHAUSION OF ADMINISTRATIVE REMEDIES

12. Mr. Iqbal has exhausted his administrative remedies to the extent required by law.

13. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

14. Mr. Iqbal's only remedy is by way of this judicial action.

STATEMENT OF FACTS

15. Petitioner Mustafa Iqbal was born in Qatar but he is a national and citizen of Pakistan and was ordered to be removed from the United States on May 31, 2009 due to a handgun conviction.

16. On or about April 2014, Mr. Iqbal was released on parole and was required to report to ICE when ordered.

17. Mr. Iqbal had been reporting to ICE as he was required.

18. On or about October 28, 2025, Respondent McBride and his agents arrested Mr. Iqbal when he went for his reporting to the ICE office in Houston Texas. The reason for his arrest was to execute his removal order.

19. However, Respondents have been unable or unwilling to remove Mr. Iqbal.

20. Mr. Iqbal has fully cooperated with Respondents' efforts to obtain his travel documents.

21. Respondents continue to detain Mr. Iqbal even though it is now clear that Respondents cannot remove him.

22. Mr. Iqbal is not a danger to the community or a flight risk. He has no pending criminal cases and he long ago completed his community supervision sentence relation to his handgun conviction of 2009.

23. Mr. Iqbal has deep roots in this community. His spouse is a U.S. citizen.

24. Prior to this arrest, Mr. Iqbal was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

25. Respondents' decision to detain Mr. Iqbal is not legally justifiable and is capricious and arbitrary. There have not been no changes in facts or law since Petitioner's

release on parole, yet Respondents have detained Petitioner. There is no better time for the Court to consider the merits of Mr. Iqbal's request for release.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

26. Petitioner alleges and incorporates by reference paragraphs 1 through 25 above.

27. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

28. Petitioner alleges and incorporates by reference paragraphs 1 through 25 above.

29. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

30. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

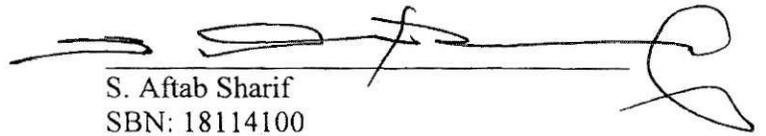
1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted within 3 days;
3. Issue a writ of habeas corpus ordering Respondent to release Mr. Iqbal on his own recognizance or under parole, a low bond, or reasonable conditions of supervision show;

4. Issue an order prohibiting the Respondent from transferring Petitioner from this district without the court's approval;
5. Award Petition reasonable costs and attorney's fees; and
6. Grant any other relief which this Court deems just and proper.

Dated: October 31, 2025

Respectfully submitted,

SHARIF & ASSOCIATES, P.C.



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