

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

MUKUND PATEL,
Petitioner,

v.
PAMELA BONDI, et al.,
Respondents.

Civil Action No. 2:25-cv-00182-SCM

PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Mukund Patel, by counsel, respectfully submits this Reply to Respondents' Response and states as follows:

I. RESPONDENTS MISCHARACTERIZE THE SCOPE OF HABEAS REVIEW

Respondents frame this case as a routine challenge to detention under 8 U.S.C. § 1231, asserting that detention is mandatory and presumptively reasonable. That framing ignores both the constitutional scope of habeas review and critical individualized facts that directly bear on the legality of Petitioner's continued detention.

Habeas corpus extends to challenges to the lawfulness, duration, and justification of executive detention, even where a removal order exists. See *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001); *Ly v. Hansen*, 351 F.3d 263, 268 (6th Cir. 2003).

II. PETITIONER'S PENDING T-VISA DERIVATIVE STATUS IS LEGALLY SIGNIFICANT

Respondents' Response fails to acknowledge a critical fact:

Petitioner is a listed derivative beneficiary on his wife's pending T-visa application, which remains under active adjudication by USCIS.

This fact is not collateral—it is central to the habeas analysis for at least four independent reasons.

III. A PENDING T-VISA DIRECTLY UNDERMINES THE GOVERNMENT'S CLAIM OF REMOVAL FORESEEABILITY

Under *Zadvydas*, detention is lawful only so long as removal is reasonably foreseeable. 533 U.S. at 699–701.

A pending T-visa application, particularly one involving a derivative spouse, materially affects removability because:

1. USCIS routinely requests ICE to defer removal while T-visa applications are adjudicated;
2. Approval would confer lawful status and work authorization under 8 U.S.C. § 1101(a)(15)(T);
3. Removal during adjudication risks irreparable harm and renders statutory protections meaningless.

The Sixth Circuit has made clear that detention becomes unconstitutional where collateral immigration processes materially interfere with removal.

Ly, 351 F.3d at 271; *Martinez v. Larose*, 968 F.3d 555, 565 (6th Cir. 2020).

“Where the government itself delays or complicates removal, prolonged detention becomes constitutionally suspect.”

— *Ly*, 351 F.3d at 271

IV. CONGRESS CREATED T-VISAS TO PROTECT TRAFFICKING VICTIMS AND THEIR FAMILIES

T-visas exist to protect victims of severe human trafficking and their immediate family members. See 8 U.S.C. § 1101(a)(15)(T); 8 U.S.C. § 1184(o).

Congress expressly intended that:

- victims and derivatives remain present in the United States;
- cooperation with law enforcement not be chilled by fear of detention or removal;
- families not be separated during adjudication.

Detaining and removing a derivative spouse while a T-visa is pending directly frustrates congressional intent.

Courts routinely consider statutory purpose in habeas review. *Zadvydas*, 533 U.S. at 690; *INS v. St. Cyr*, 533 U.S. 289, 299–300 (2001).

V. PETITIONER'S T-VISA STATUS IS A STRONG DUE PROCESS FACTOR

Even where detention is authorized by statute, due process requires individualized justification. *Ly*, 351 F.3d at 272; *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring).

Petitioner's pending T-visa derivative status weighs heavily in his favor because:

- he has a lawful pathway to remain in the United States;
- he has every incentive to comply with supervision;
- he presents no flight risk, as removal would destroy pending relief;
- continued detention imposes severe hardship on a family already victimized by trafficking.

The Sixth Circuit recognizes that availability of relief from removal is a critical factor in assessing detention reasonableness.

Ly, 351 F.3d at 272.

VI. DETENTION THAT INTERFERES WITH STATUTORY RELIEF VIOLATES DUE PROCESS

The Supreme Court has cautioned against detention practices that effectively nullify statutory rights.

St. Cyr, 533 U.S. at 314.

Detaining a T-visa derivative—especially under a reinstated order—risks doing precisely that. Habeas courts routinely intervene where detention forecloses meaningful access to congressionally created relief.

See *Rosales-Garcia v. Holland*, 322 F.3d 386, 413 (6th Cir. 2003) (en banc).

VII. RESPONDENTS' RELIANCE ON § 1231 IGNORES CONSTITUTIONAL LIMITS

Although Respondents rely on § 1231(a)(2) and (a)(6), those provisions are constrained by *Zadvydas* and *Clark v. Martinez*, 543 U.S. 371 (2005).

The Sixth Circuit has repeatedly held that inadmissibility and reinstatement do not authorize prolonged detention absent a realistic prospect of removal. *Martinez*, 968 F.3d at 565; *Ly*, 351 F.3d at 271.

The pending T-visa makes removal less foreseeable, not more.

VIII. RELIEF IS WARRANTED

Because:

- removal is not reasonably foreseeable,
- detention interferes with pending statutory relief,
- Petitioner presents no danger or flight risk, and
- due process requires individualized justification,

continued detention violates the Fifth Amendment.

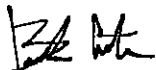
IX. CONCLUSION

Respondents' Response omits a dispositive fact: Petitioner is a derivative beneficiary on a pending T-visa application. That status fundamentally alters the constitutional calculus.

WHEREFORE, Petitioner respectfully requests that the Court:

1. Grant the Petition for Writ of Habeas Corpus and order immediate release under reasonable conditions; or
2. In the alternative, order a prompt individualized custody hearing at which the Government bears the burden of justifying continued detention in light of Petitioner's pending T-visa derivative status.


Respectfully submitted,



Brandon Carter

Certificate of Service

On January 6th 2026, I, Brandon Carter filed this reply to the defendant's response to the court via the electronic filing system of the Eastern District of Kentucky.

A handwritten signature in black ink, appearing to read "Brandon Carter", is written over a horizontal line.

Brandon Carter