



U.S. Department of Justice

*United States Attorney
Western District of New York*

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November 18, 2025

The Honorable Elizabeth A. Wolford
Chief United States District Judge
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

**Re: Ahmed v. Lyons, et al.
25-CV-06662-EAW**

Dear Chief Judge Wolford:

Please allow this letter to serve as the government's response to the Court's Order to Show Cause (ECF No. 2).

Upon receipt of this Court's Order yesterday, I advised ICE of the pending litigation. ICE has advised me that Mr. Ahmed is not being detained pursuant to 8 U.S.C. § 1225(b)(2) under the *Hurtado* framework. Instead, he is an alien who was encountered within 100 miles of the border within 14 days of entry and is thus a "certain other alien" subject to expedited removal pursuant to 8 U.S.C. § 1225(b)(1)(a)(iii). He was previously issued an expedited order of removal, but that order was cancelled and he was referred to "full" or "regular" removal proceedings pursuant to 8 U.S.C. § 1229a after he was found to have a credible fear of return to Pakistan. His removal proceedings were interrupted by the COVID-19 pandemic and apparently never resumed. At present, the alien file pertaining to Mr. Ahmed is in transit from ICE to U.S. Citizenship and Immigration Services, and thus I cannot provide copies Mr. Ahmed's prior order of expedited removal or his referral to full removal proceedings. The alien file typically takes 14-21 days to be scanned and sent to our Office in order to respond to a habeas petition, and in some cases longer. Enclosed please find a copy of the Form I-213, Record of Deportable/Inadmissible Alien pertaining to Mr. Ahmed that was provided to me by ICE, which contains a short synopsis of Mr. Ahmed's prior immigration proceedings (pgs. 3-4).

Given these facts, the government would respectfully request an order setting the usual 45-day deadline to respond to an immigration habeas petition in this case. If I should move instead for an extension of time to respond to the Order to Show Cause, I will do so upon the Court's advisement.

Respectfully submitted,

MICHAEL DIGIACOMO
Acting United States Attorney
Western District of New York

BY: /s/ ADAM A. KHALIL
Assistant United States Attorney

Encl. – Form I-213 (6 pages)

U.S. Department of Homeland Security

Subject ID:

Record of Deportable/Inadmissible Alien

Family Name (CAPS) AHMED, NASEER		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship PAKISTAN	Passport Number and Country of Issue	File Number CASE No. 		Height 69	Weight 253	Occupation Laborer	
U.S. Address NEW YORK, 11580-4924				Scars and Marks None Indicated			
Date, Place, Time, and Manner of Last Entry 01/27/2016, 0500, 2 mile(s) E of SYS, PWA (AFOOT)		Passenger Boarded at		FBI Number 			
Number, Street, City, Province (State) and Country of Permanent Residence GOSIABAD ST #5 LAHORE, LAHORE, PAKISTAN				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth 1987	Age: 38	Date of Action 08/31/2025	Location Code BUN/WIB	Method of Location/Apprehension OA			
City, Province (State) and Country of Birth KARACHI, KARACHI, PAKISTAN		AR <input checked="" type="checkbox"/>	Form (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	At/Near WATERTOWN, NY		Date/Time 08/31/2025 1030	
NIV Issuing Post and NIV Number		Social Security Account Name NASEER AHMED		By ETHAN P. HATHAWAY			
Date Visa Issued		Social Security Number 		Status at Entry PWA Mexico		Status When Found TRAVEL/SEEKIN G	
Immigration Record POSITIVE - See Narrative				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) See Narrative				Number and Nationality of Minor Children 1 - UNITED STATES			
Father's Name, Nationality, and Address, if Known See Narrative		Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Word(s)			
Name and Address of (Last/Current) U.S. Employer		Type of Employment	Salary	Employed from/to			
				Hr			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS # I77 # 							
Left Index Print		Right Index Print					
CREDIBLE FEAR CLAIM							
ARREST COORDINATES: ----- Latitude: 44.05149 Longitude: -75.82657							
CONSEQUENCE DELIVERY SYSTEM: ----- Classification: SOTA							
Alien has been advised of communication privileges		08/31/2025		ETHAN P. HATHAWAY Date: 2025.08.31 12:21:37 -04:00 0467323400.CBP Border Patrol Agent (Signature and Title of Immigration Officer)			
Distribution		Received (Subject and Documents) (Report of Interview)					
		Officer: ETHAN P. HATHAWAY on: August 31, 2025 at 1149 (time) Disposition: Other Examining Officer: (A) Supervisory Border Patrol Agent					

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Continuation Page for Form

I213

Alien's Name AHMED, NASEER	File Number A [REDACTED] Event No: [REDACTED]	Date 08/31/2025
<p>SPOUSE NAME AND ADDRESS: ----- Nationality: UNITED STATES BEGUM, MITHUN [REDACTED] UNITED STATES</p> <p>FATHER NAME AND ADDRESS: ----- Nationality: PAKISTAN RASHID, ABDUL [REDACTED] LAHORE, LAHORE, PAKISTAN</p> <p>MOTHER NAME AND ADDRESS: ----- Nationality: PAKISTAN BIBI, RAMDAN [REDACTED] LAHORE, LAHORE, PAKISTAN</p> <p>FUNDS IN POSSESSION: ----- United States Dollar 2.00</p> <p>RECORDS CHECKED: ----- [REDACTED]</p> <p>Other Family/Associates Not in Event: ----- Spouse, BEGUM, MITHUN, [REDACTED] 1997, US Child, A [REDACTED] P [REDACTED] [REDACTED] 2022, US Father, RASHID, ABDUL, PAKIS Mother, BIBI, RAMDAN, PAKIS</p> <p>CONSULATE NOTIFICATION:</p>		
Signature	ETHAN P HATHAWAY Date: 2025.08.31 12:21:43 -04:00 0467323400.CBI	Title Border Patrol Agent

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U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name AHMED, NASEER	File Number A [REDACTED] Event No: [REDACTED]	Date 08/31/2025
<p>-----</p> <p>THE SUBJECT WAS NOTIFIED OF THEIR RIGHT TO COMMUNICATE WITH A CONSULAR OFFICER FROM THEIR COUNTRY AS PER ARTICLE 36(1) (b) OF THE VIENNA CONVENTION ON CONSULAR RELATIONS. THE SUBJECT INDICATED THAT THEY UNDERSTOOD THIS RIGHT BUT DECLINED TO SPEAK WITH SOMEONE AT THIS TIME.</p> <p>NARRATIVE: -----</p> <p>Encounter:</p> <p>On 08.31.2025, Border Patrol Agent(s) (BPA) from the Wellesley Island Station (WIB) assigned linewatch duties in ZONE 49 encountered an illegal alien subject at Fort Drum, NY. At approximately 10:00 a.m. (Standard Time), BPA Hathaway encountered NASEER, Ahmed at Fort Drum, NY following a request for immigration inspection from Ft Drum Dispatch.</p> <p>When questioned as to subjects' citizenship, NASEER, Ahmed stated they were a citizen of Pakistan and was unable to produce any immigration documentation that would allow them to be in or remain in the United States legally. After a cursory inspection by BPA Hathaway, it was determined that the subject had unlawfully entered the United States from Mexico and was not inspected or admitted by an Immigration Officer at a port of entry as designated by the Secretary of Homeland Security</p> <p>Arrest/Apprehension:</p> <p>After a brief immigration inspection, it was determined that the subject was a citizen of Pakistan and was illegally present in the United States. Subject further admitted to being a citizen and national of Pakistan with no documentation or legal right to be in or remain in the United States. The subject was placed under arrest at 10:20 and transported to WIB for processing in a marked service unit. Procedures were followed in compliance with the Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS) policy. Subject was compliant during the arrest and transport.</p> <p>Entry and Travel:</p> <p>Subject claims to have illegally entered the United States from Mexico near the Otay Mesa Port of Entry, California on or about 01.27.2016, around 7:20 a.m. Subject was not inspected or admitted by an Immigration Officer at a port of entry as designated by the Secretary of Homeland Security.</p> <p>Records Checks: Records checks were performed through electronic enrollment into e3 Biometrics which contains IDENT, IAFIS, an NGI. These systems returned the following for immigration and criminal history:</p> <p>ABIS: Cleared, returned with no hit found and was completed in the e3 System. Border Encounter Vetting Program (BEVP) - Cleared.</p> <p>TPS Countries: Subject is from Pakistan which does not qualify for temporary protected</p>		
Signature ETHAN P HATHAWAY Date: 2025.08.31 12:21:48 -04:00 0467323400.CBP	Title Border Patrol Agent	

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Continuation Page for Form

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Alien's Name AHMED, NASEER	File Number A [REDACTED] Event No: [REDACTED]	Date 08/31/2025
<p>status.</p> <p>Immigration History: Subject was apprehended by US Border Patrol Agents in 2016. Subject was given a disposition of Expedited Removal/Credible Fear. Subject was held pending expedited removal but later posted a \$10,000 bond on 06.20.2016 and was released by ICE/ERO. Subjects court date was adjourned due to the pandemic.</p> <p>Benefits: 09.16.2022: Subject filed for and was approved for an Employment Authorization Card. 12.11.2024: Subject filed a Provisional Unlawful Presence Waiver application. This application is pending.</p> <p>NASEER, Ahmed states that they do not have petitions pending before U.S. Citizenship and Immigration Services (USCIS).</p> <p>Criminal History: Subject does not a have a criminal history.</p> <p>Notice of Rights: At the Station, the subject was advised of their administrative rights in removal proceedings. The subject acknowledged understanding these rights. The subject claimed to be a citizen and national of Pakistan without the necessary legal documents to enter, pass through, or to remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an immigration officer at a designated Port of Entry.</p> <p>Violation: Subject is being charged with the previously charged immigration violations: INA 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA (Expedited Removals) 8 USC _ 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212</p> <p>Prosecutions Referral: Subject will not be presented for Criminal Prosecution for CHARGE(s) through the United States Attorneys Office, Northern District.</p> <p>Credible Fear: NASEER, Ahmed states that they do have fear of persecution and torture upon their return to Pakistan.</p> <p>Health: NASEER, Ahmed appears to be in good health. The CBP-2500 Medical form has been completed.</p> <p>Property: Property: Subject was in possession of personal effects. Property was inventoried and placed in property room and identified with I-77 [REDACTED]</p>		
Signature ETHAN P HATHAWAY Date: 2025.08.31 12:21:52 -04:00 0467323400.CBP	Title Border Patrol Agent	

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Continuation Page for Form I213

Alien's Name AHMED, NASEER	File Number A [REDACTED] Event No: [REDACTED]	Date 08/31/2025
<p>Any currency will be placed in the subjects A-File.</p> <p>Phone Call / Consular Notification: On 08.31.2025, NASEER, Ahmed was notified, in the English language, of their right to speak with a consular officer of Pakistan in accordance with Article 36 of the Vienna Convention on Consular Relations. NASEER, Ahmed acknowledged that they understood these rights and declined to have the Pakistan consulate notified of their detention. Electronic notification was made by WIB agents to consulate of Pakistan and a placed in his file.</p> <p>Disposition: The subject was processed for a Custody Redetermination from an Expedited Removal (T-Other) as per section 212(a) (7) (A) (i) (I) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.</p> <p>All necessary forms to initiate custody redetermination proceedings were served on the subject.</p> <p>NASEER, Ahmed was provided copies of forms I-200 (Warrant of Arrest), Cansino Castellar Settlement Agreement, and a list of free legal services.</p> <p>Custody Determination:</p> <p>Manifest #: [REDACTED]</p> <p>NASEER, Ahmed was approved for bedspace and will be transferred to the custody of Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) agents at the Batavia Federal Detention Facility, per agency guidelines.</p> <p>Miscellaneous: Subject has the following identification/documents: Driver's License, Employment Authorization Document. Both documents are placed in A-File.</p> <p>All supplemental questioning and Enhanced Collection Efforts will be documented on the I-213 Addendum Narrative.</p> <p>Intelligence: Buffalo Sector Intelligence Unit was notified of apprehension. An interview will be conducted by SIU BPAs at WIB at on 09.01.2025. Any notes will be entered into the Intelligence Reporting System-Next Generation's (IRS-NG) Seizure and Apprehension Workflow (SaaW).</p> <p>Operation Abracadabra / Enhanced Collection Efforts:</p> <p>Smuggler: No Claim.</p>		
Signature ETHAN P HATHAWAY Date: 2025.08.31 12:21:57 -04:00 0467323400.CBP	Title Border Patrol Agent	

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Alien's Name AHMED, NASEER	File Number A [REDACTED] Event No: [REDACTED]	Date 08/31/2025
<p>Fraudulent Documents: Does not claim to using Fraudulent Documents to enter the United States.</p> <p>Enhanced Collection Effort:</p> <p>Illegal Alien Contacts:</p> <p>Relatives in the US:</p> <p>o [REDACTED] A [REDACTED] (son) Mithun Begum (wife) [REDACTED] (347)-346-2414</p> <p>Known contacts or close friends in US:</p> <p>o Ratul Rakibul (brother-in-law)</p> <p>Business associates or prior employers in the US: Uber driver</p> <p>Crypto Banking:</p> <p>Possession/usage of crypto wallet(s): Doge coin</p> <p>Name/type of crypto wallet application or devices: Coinbase</p> <p>Crypto wallet ID(s): [REDACTED]</p> <p>Specific Biographic Information:</p> <p>City and State (traveled from): Valley Stream, NY</p> <p>Phone Number: [REDACTED]</p> <p>Email: [REDACTED]</p> <p>Social Media Profiles: TikTok- [REDACTED]</p> <p>US Destination: Fort Drum</p> <p>US POC and selector data: Mithun Begum [REDACTED] 11580 - (347)-346-2414</p> <p>US Employer: Uber</p> <p>Purpose of travel to the United States: To help brother-in-law move.</p> <p>Previous Military Service: None</p> <p>Gang/Cartel Affiliations: None</p>		
Signature ETHAN P HATHAWAY Date: 2025.08.31 12:22:02 -04:00 0467323400.CBP	Title Border Patrol Agent	

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