

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

MOHAMMAD SHEKIB ESAHAQZADA,
Petitioner, Pro Se,

v.

25-3250-JWL

CRYSTAL CARTER, SYDNEY MILUM,
TODD LYONS, KRISTI NOEM,
and PAM BONDI,
Respondents,

FILED
NOV 14 2025

Clerk, U.S. District Court
By: *[Signature]* Deputy Clerk

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Petitioner, Mohammad Shekib Esahaqzada, is currently detained by U.S. Immigration and Customs Enforcement (ICE) at FCI Leavenworth, Kansas, respectfully petitions this Honorable Court for a writ of habeas pursuant to 28 U.S.C. § 2241. Petitioner has been continuously detained since September 10, 2024, and has received his Order of Removal on November 5th, 2024, for a period exceeding one hundred and eighty days (180) days. Because there is no significant likelihood of his removal in reasonably foreseeable future, his continued mandatory detention violates his Fifth Amendment right to Due process under the principles established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner respectfully requests this Court issue a Writ of Habeas Corpus ordering his immediate release from physical custody, as his continued detention violates the U.S. Constitution, federal law, and Supreme precedent, under an appropriate Order of Supervision.

I. JURISDICTION AND VENUE

This Court has jurisdiction over this petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, as the Petitioner is challenging the legality and duration of his detention. See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (affirming habeas jurisdiction over challenges to the length of post-removal order detention). Venue is proper in the United States District Court for the District of Kansas because the Petitioner is currently confined within the physical custody of the Respondents at Leavenworth Federal Bureau of Prisons Facility, which is located in this judicial district.

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a native and citizen of Afghanistan who entered the United States on September 10th, 2024, and ever since has remained in ICE custody for a prolonged period following a final order of removal on November 5th, 2024. Despite the government's efforts, Petitioner's removal has not been effectuated. Multiple attempts to obtain travel documents have failed (Afghanistan and the third countries: Canada, Australia and UK), and Afghanistan's (Petitioner's country of origin) conditions render removal not reasonably foreseeable. Nor there is any likelihood of the petitioner's removal to a "third country" in the reasonably foreseeable future. Petitioner has cooperated fully with ICE, yet remains indefinitely detained without a realistic prospect of removal.

III. PARTIES

1. The Petitioner, MOHAMMAD SHEKIB ESAHAQZADA (Pro Se), is a Native of Afghanistan, currently detained at FCI Leavenworth, Kansas
2. CRYSTAL CARTER, Warden, FCI Leavenworth
3. SYDNEY MILUM, Deportation Officer, ICE

4. KRISTI NOEM, Secretary, Department of Homeland Security
5. PAM BONDI, Attorney General of the United States
6. All government Respondents are sued in their official capacities.

IV. LEGAL BACKGROUND

Under the Immigration and Nationality Act (INA), specifically 8 U.S.C. § 1231 (a)(6), the government may detain a noncitizen beyond the removal period only for a period reasonably to bring about removal. The Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), held that post-removal detention is limited to a period reasonably necessary to secure removal, generally presumed not to exceed six months. After that period, once the detainee provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the government to rebut that showing.

V. CLAIMS FOR RELIEF

1. Prolonged Detention in Violation of the Fifth Amendment Due Process Clause.

Petitioner's continued detention without a significant likelihood of removal violates substantive and procedural due process. See *Zadvydas v. Davis*, 533 U.S. at 701 ("Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause.")

2. No Significant Likelihood of Removal in the Reasonably Foreseeable Future.

The Petitioner has been in detention for longer than 180 day (six months) and has complied with everything requested ever since, under *Zadvydas v. Davis*, 533 U.S. 678 (2001). The Supreme court held that detention under 8 U.S.C §1231(a)(6) must be limited to a "period reasonably necessary to accomplish removal," and does not permit indefinite detention. *Zadvydas* establishes a presumption of reasonableness for up to six months of detention after removal period becomes final; beyond that, once the alien furnishes "good reason to believe that there is no Significant Likelihood of Removal in the reasonably foreseeable future," the government must respond with evidence to rebut that showing. The Petitioner's detention has exceeded 180 days (six months) reasonable "removal period" under *Zadvydas* showing the first threshold of the statutory detention authority is no longer presumptively reasonable. The shifts burden to the Respondents to show a significant likelihood of removal in the reasonably foreseeable future. In Petitioner's case the Petitioner has complied with all removal-related request, yet no removal has occurred and the Respondents have not presented concrete evidence of an imminent removal destination. Despite prolonged detention, the government has failed to demonstrate that removal is significantly likely in the reasonably foreseeable future *Clark v. Martinez*, 543 U.S. 371 (2005). Given that the Respondents cannot point to a realistic removal destination or timeframe shows there is no significant likelihood of removal in the reasonably foreseeable future. Respondents have unsuccessfully attempted to remove Petitioner to Afghanistan, Canada, UK and Australia. Each of these countries has refused or failed to issue travel documents. There is no indication that any future attempt will succeed. Continued detention therefore serves no legitimate immigration purpose and violates *Zadvydas* and *Clark v. Martinez*, 543 U.S. 371 (2005).

3. Failure to Conduct Required Custody Reviews.

To date, during the entire duration of the Petitioner's detention, ICE has failed to provide any post-order custody reviews as required by 8 C.F.R §§ 241.4 and 241.13, constituting arbitrary detention in violation of due process.

4. Violation of the Immigration and Nationality Act.

Under the INA and implementing regulations, continued detention is lawful only if removal is reasonably foreseeable. Petitioner's prolonged detention violates both statutory and constitutional protections.

5. Unconstitutional Indefinite Detention.

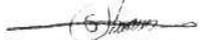
The Supreme Court has recognized that indefinite detention without foreseeable removal is constitutionally impermissible. See *Jennings V. Rodriguez*, 138 S. Ct. 830 (2018); *Demore V. Kim*, 538 U.S. 510 (2003).

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Honorable Court:

1. Issue an Order to Show Cause directing Respondents to explain why Petitioner should not be immediately released;
2. Grant a Writ of Habeas Corpus ordering Petitioner's release from custody under reasonable supervision.
3. Declare that Petitioner's continued detention violates the U.S. Constitution, federal law, and Supreme Court precedent; and
4. Grant such other and further relief as justice may require

Respectfully submitted,


Mohammad Shekib Esahaqzada
Petitioner, Pro Se
A# 
United States Penitentiary Leavenworth
Register# 
P.O. Box 1000
Leavenworth, KS 66048

Verification

I, Mohammad Shekib Esahaqzada, declare under penalty of perjury pursuant to 28 U.S.C § 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 7th day of November, 2025.



Mohammad Shekib Esahaqzada

