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11  
 12 UNITED STATES DISTRICT COURT  
 13 DISTRICT OF NEVADA

14 Harshdeep Multani,  
 15 Petitioner,  
 16 v.  
 17 Pamela Bondi, *et al.*,  
 18 Respondents.

Case No. 2:25-cv-02284-CDS-EJY  
**Reply in Support of § 2241 Petition**

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## INTRODUCTION

Petitioner Harshdeep Multani, who is an Indian citizen and a Sikh, has been detained for nearly nine months in ICE custody since April 14, 2025, following a pretextual traffic stop by state police in Idaho.<sup>1</sup> Multani is a truck driver and was carrying a load through Idaho when he was stopped for an “inspection.” Rather than an inspection, he was held on the side of the road for nearly two hours. Eventually, ICE officers arrived and told him that he looked like someone who they were looking for.<sup>2</sup> He was arrested and eventually brought to the Nevada Southern Detention Center on April 16, 2025. He has remained there ever since.

Multani’s order of removal became final on September 8, 2023, when his appeal from the order of removal was dismissed. He has now been in ICE custody well beyond the six months of presumptively reasonable detention after a removal order has become final. Multani’s continuing indefinite detention is unreasonable and violates due process under *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001). Respondents have not met their burden to establish that Multani’s deportation is reasonably foreseeable. Their main argument is that the failure to obtain travel documents is due to Multani’s refusal to cooperate. However, contrary to the assertions in the Response, Multani has not refused to cooperate with ICE throughout the duration of his detention. He has been detained for almost three months beyond the presumptively permissible six months, yet Respondents have provided no evidence that a process is underway to try to remove Multani.

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<sup>1</sup> According to a recent article in The New York Times, the current administration has conducted a crackdown on Sikh truck drivers. Kurtis Lee, “Long-Haul Trucking Was a Refuge for Sikh Immigrants. Until Now,” N.Y. Times, Dec. 21, 2025 (available at <https://www.nytimes.com/2025/12/21/business/sikhs-truckers-trump-crackdown.html>).

<sup>2</sup> Respondents did not submit the I-213 from the 2025 arrest, only the one from an arrest in 2018. *See* ECF No. 14-2.

1 Additionally, while Multani was granted a temporary stay of removal by the Ninth  
2 Circuit (which was not in place into after the presumptively reasonable six-month  
3 time period had expired), he has requested that his petition for review and the stay  
4 order be dismissed.

5 Accordingly, the petition should be granted, and this Court should order  
6 Multani's immediate release.

7 **ARGUMENT**

8 **I. Multani's continuing detention violates due process.**

9 The Due Process Clause of the Fifth Amendment forbids the government  
10 from depriving any "person" of liberty "without due process of law." U.S. Const.  
11 amend. V. Petitioner has a liberty interest in remaining free from physical  
12 confinement where removal is not reasonably foreseeable. Respondents have  
13 violated the Due Process Clause of the Fifth Amendment because Petitioner's  
14 removal is not reasonably foreseeable. *Zadvydas* requires that Petitioner be  
15 immediately released. *See* 533 U.S. at 700-01 (describing release as an appropriate  
16 remedy); 8 U.S.C. § 1231(a)(6) (authorizing release "subject to . . . terms of  
17 supervision").

18 Here, Multani has shown good cause to show that his deportation is not  
19 reasonable foreseeable. He has now been in ICE custody for nine months and he has  
20 not been given any indication that his deportation will be occurring. No travel  
21 documents have yet to be produced. Respondents have provided no evidence to show  
22 what steps they have taken to facilitate Multani's deportation to India. For the  
23 reasons discussed below, Respondents' arguments that Multani is to blame for their  
24 lack of progress have no merit.

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1           **A. Respondents’ allegations of Multani’s non-compliance with**  
2           **removal procedures are belied by the record, and the evidence**  
3           **does not justify his continued detention.**

4           In the Response, Respondents’ point to Multani’s refusals to sign the I-299  
5 forms (“Warning for Failure to Depart”) in support of their argument that he has  
6 been so thoroughly non-compliant with the removal process that his continued  
7 detention is justified. (Doc. 14 at 4-7 and Resp. Exs. H-L). These allegations—  
8 Respondents’ only evidence of alleged non-compliance—do not suffice to extend  
9 Multani’s detention beyond the presumptive period.

10            “[A]n alien engages in [non-compliance] when he *willfully refuses to cooperate*  
11 *with the government in processing his deportation papers.*” *Lema v. INS*, 341 F.3d  
12 853, 856 (9th Cir.2003) (alien refused to “cooperate fully and honestly with officials  
13 to secure travel documents”) (emphasis added); *see also Pelich v. INS*, 329 F.3d  
14 1057, 1059 (9th Cir.2003) (alien refused to fill out passport application). The failure  
15 to sign these warning forms does not meet that standard. Moreover, Respondents do  
16 not explain, or provide evidence to show, that anything Multani did between April  
17 and November 21, 2025 (when he signed the proffered I-299 forms) prevented ICE  
18 from getting travel documents. Indeed, records of Multani’s communications with  
19 ICE staff contradict Respondents’ claims.

20           As Multani explained in a communication request dated November 18, 2025,  
21 he had been specifically instructed by his immigration attorney<sup>3</sup> “to not sign any  
22 documents without his approval.”<sup>4</sup> Multani abided by this instruction and refused to  
23 sign the I-299 forms. However, he repeatedly inquired about the status of his case  
24 and impending removal.

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26           <sup>3</sup> Multani repeatedly tried to contact his immigration attorney during his  
27 detention with no response.

<sup>4</sup> *See* Petitioner’s Exhibit (“P. Ex.”) 5

1 On June 25, 2025, Multani submitted a communication request to his  
2 deportation officer asking for any update on his case and “[w]hen I will get  
3 deported.”<sup>5</sup> The ICE staff response informed Multani that his status was “pending  
4 travel document for removal.”<sup>6</sup> Based on this response, it was reasonable for  
5 Multani to believe that ICE was in the process of getting his travel documents and  
6 his removal was pending.

7 Based on the date that he was taken into ICE custody, the 90-day statutory  
8 removal period ended on July 13, 2025. About two weeks after the removal period  
9 ended, ICE began accusing him of non-compliance. On July 28, 2025, Multani  
10 reached out to ICE staff, stating: “I would like to request an update on the status of  
11 my case and upcoming hearings/court reviews.”<sup>7</sup> ICE staff responded, “[N]o updates,  
12 you are a failure to comply, case will no [sic] be reviewed until you comply. Reach  
13 out to consulate for travel documents.”<sup>8</sup> On information and belief, at some point  
14 between July and September 2025, Multani spoke directly with an ICE official. The  
15 official accused him of non-compliance. Nevertheless, this official said to Multani  
16 that, even if he does not cooperate, they were still going to put him on a plane and  
17 deport him.

18 On September 28, 2025, Multani submitted another status request and was  
19 told “no updates.”<sup>9</sup> After nearly two months with no information from ICE, Multani  
20 sent a request on November 15, 2025, which stated: “In the previous kite 585907301  
21 I am told that I am not complying. I would like to know how I can comply. I have  
22 reached out to the consulate and have not received any word. Please let me know  
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24 <sup>5</sup> P. Ex. 1.

25 <sup>6</sup> P. Ex. 1.

26 <sup>7</sup> P. Ex. 2.

27 <sup>8</sup> P. Ex. 2.

<sup>9</sup> P. Ex. 3.

1 what would be the requirements needed for this compliance? Thank you.”<sup>10</sup> The  
2 Staff Response, dated November 18, 2025, informed him that on the last visit from  
3 an officer you failed to fill out travel document information, and “[t]his is why you  
4 are considered failure to comply.” *Id.* However, the only “travel document  
5 information” ICE ever presented to Multani was the I-299 form. And as Multani  
6 explained in this communication, he had attempted to contact the consulate, to no  
7 avail.

8 That same day, November 18, 2025, Multani followed up with his ICE officer  
9 to attempt to rectify the situation:

10 Follow up to my lack of compliance with the ICE officer.  
11 The circumstance [sic] is, I was not informed adequately by  
12 him on the purpose of his and the agency’s requests.  
13 Furthermore, I was also advised by my previous counsel  
14 not to sign any documents without his approval. This  
15 counsel is no longer assisting me with my case. If possible  
16 I would like to request another visit from an officer who is  
17 willing [sic] to explain the process of the requirements so  
18 I am able to comply. I appreciate the help on this matter.  
19 Thank you.<sup>11</sup>

20 When the ICE officer next came with the I-299 form, on November 21, 2025,  
21 Multani signed it.<sup>12</sup> On information and belief, Multani has now provided ICE  
22 officials with copies of his passport and birth certificate.

23 Multani’s failure to sign the I-299 forms was not a deliberate attempt to  
24 sabotage his removal; rather, it was simply in accordance with his former  
25 immigration attorney’s instructions not to sign any documents without his  
26 approval. Multani is a survivor of domestic and sexual abuse and suffers from  
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28 <sup>10</sup> P. Ex. 4.

29 <sup>11</sup> P. Ex. 5.

30 <sup>12</sup> ECF No. 14-14.

1 mental health disorders which can affect his reasoning and critical thinking.<sup>13</sup> Once  
2 Multani had the process and his obligations explained to him in a manner he could  
3 understand, he immediately signed the I-299 form.

4 Moreover, Multani has made reasonable efforts to abide by ICE's mandates.  
5 During the removal period, he was led to believe that ICE officials were in the  
6 process of obtaining travel documents. It was only after the removal period ended  
7 that he was accused of non-compliance. But even then, ICE officials told him that  
8 they were going to deport him. Once Multani understood what exactly ICE officials  
9 wanted from him, he complied. When asked to contact the consulate, he did that.  
10 When he finally understood the significance of signing the warning document, he  
11 signed it and provided ICE officials with his citizenship documents. Thus,  
12 Respondents' allegations do not meet the heightened standard of willful or  
13 dishonest refusal set forth in *Lema*.

14 **B. Multani's pending immigration litigation, including his request**  
15 **to stay deportation in the Ninth Circuit, do not justify his**  
16 **continued detention.**

17 Respondents urge this Court to find that Multani's pro se immigration  
18 litigation is the reason why an extension of his detention is permissible.<sup>14</sup>  
19 Regarding Multani's reconsideration motion and VAWA self-petition, those efforts  
20 are not relevant, as they do not have any impact on the finality of the order of  
21 removal. The Government could deport Multani despite these filings, and there is  
22 no indication the Government would (or has) delayed just based on those actions.

23 To be sure, Multani was granted a temporary administrative stay of removal  
24 by the Ninth Circuit on December 10, 2025—after the presumptively reasonable six  
25 months expired. *See* Exh. F. To the extent this stay affects the removability

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26 <sup>13</sup> P. Ex. 8.

27 <sup>14</sup> ECF No. 14 at 3.

1 calculus, such concerns will soon be moot as Multani sent a letter to the Ninth  
2 Circuit that he would like to withdraw his petition for review.<sup>15</sup> The Ninth Circuit  
3 docketed the letter as “Correspondence.”<sup>16</sup> As of the date of this filing, there has  
4 been no action taken by the Ninth Circuit regarding this request.<sup>17</sup> On January 5,  
5 2026, Multani informed counsel that, due to the court’s inactivity on his letter, he  
6 has sent to the court a motion for voluntary dismissal under Federal Rule of  
7 Appellate Procedure 42.

8 Thus, the temporary stay in the Ninth Circuit should not be a factor in  
9 considering whether Respondents have met their burden here.

10 **II. Multani must be released immediately because his removal is not**  
11 **reasonably foreseeable.**

12 In their Response, Respondents provide woefully insufficient information to  
13 establish that deportation is reasonably foreseeable. Multani has now been in  
14 immigration detention for the original 90 days after the removal order and, at the  
15 time of this pleading, an additional six months. Upon information and belief,  
16 throughout his prolonged detention, he has not been given any indication that  
17 preparations have been made to deport him beyond being told in June 2025 that  
18 travel documents were pending. And as explained above, Multani has not engaged  
19 in the kind of obstructive behavior which could justify an extension of his detention  
20 and removal process. Thus, Multani has shown that his current custody is  
21 unreasonable as there is no reasonable foreseeability of deportation.

22 At bottom, the question for this Court is whether Multani’s removal is  
23 reasonably foreseeable and whether detention is necessary to effectuate removal.  
24 The history of his case, and the dearth of relevant evidence provided by

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25 <sup>15</sup> P. Ex. 6.

26 <sup>16</sup> P. Ex. 7.

27 <sup>17</sup> P. Ex. 7

1 Respondents, compels the conclusion that it is not. “Both during the six-month  
2 period and after, a district court has an ongoing **obligation to determine**  
3 **whether detention remains authorized.**” *Douglas v. Baker*, No. 25-CV-2243-  
4 ABA, 2025 WL 2997585, at \*2 (D. Md. Oct. 24, 2025) (internal quotations omitted;  
5 emphasis in original). “Within the six-month window,” the noncitizen bears the  
6 burden of “prov[ing] the unreasonableness of detention.” *Cesar v. Achim*, 542 F.  
7 Supp. 2d 897, 903 (E.D. Wis. 2008). After six months, there is “good reason to  
8 believe that there is no significant likelihood of removal in the reasonably  
9 foreseeable future,” and the burden shifts to the government to justify continued  
10 detention. *Zadvydas*, 533 U.S. at 701. “Whether detention is ‘reasonably necessary  
11 to secure removal is determinative of whether the detention is, or is not, pursuant  
12 to statutory authority...The basic federal habeas corpus statute grants the federal  
13 courts authority to answer that question.” *Medina v. Noem, et al., Respondents*, No.  
14 25-CV-1768-ABA, 2025 WL 2306274, at \*6 (D. Md. Aug. 11, 2025) (citing *Zadvydas*,  
15 533 U.S. at 699).

16 Here, as argued above, Multani has met his burden to show good reason why  
17 his removal is not reasonably foreseeable. Respondents provide essentially no  
18 evidence to support the idea that Multani’s removal is reasonably foreseeable.  
19 Respondents do not provide an affidavit from an ICE official concerning what steps  
20 have been taken in furtherance of removal. Other courts have granted habeas relief  
21 in similar cases where ICE cannot provide documentation of their efforts to  
22 facilitate removal. *See Douglas*, 2025 WL 2997585, at \*4.

### 23 CONCLUSION

24 Multani’s continuing detention violates due process. He is entitled to relief on  
25 the grounds raised in his petition. Multani’s respectfully requests that this Court  
26 order his immediate release. In the alternative, should this Court find that  
27 Respondents should be given additional time to make an attempt to effectuate his

1 deportation once the temporary stay is lifted by the Ninth Circuit, Multani asks  
2 that this Court provide Respondents no more than 30 days to effectuate that  
3 removal or show that it is reasonably foreseeable.  
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5 Dated January 6, 2026.  
6

7 Respectfully submitted,

8 Rene L. Valladares  
9 Federal Public Defender

10 */s/ Celeste Bacchi*

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13 */s/ Jonathan M. Kirshbaum*

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