



**JURISDICTION**

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
6. Venue is proper because Petitioner resides and was detained in Houston, Texas, and on information and belief is detained in the Southern District of Texas.

**THE PARTIES**

7. The Petitioner, Salimbhai Mansiya, resides in Houston, Texas.
8. Respondent Bret Bradford is the Houston Field Office Director for U.S. Immigration and Customs Enforcement (“ICE”).
9. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”).
11. Respondent Randall Tate is the Warden of the Montgomery Processing Center and is petitioner’s immediate custodian.
12. All respondents are named in their official capacities.

**RELEVANT LEGAL DOCTRINES**

**Third Country Removal**

13. Federal law places restrictions on removal of aliens to countries to which they have no connection, or a country to where their “life or freedom would be threatened.” 8 U.S.C. § 1231(b)(3)(A); *see also Jama v. Immigr. & Customs Enf’t*, 543 U.S. 335, 348 (2005).
14. Likewise, the Convention Against Torture (“CAT”), as implemented in U.S. law through the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), prohibits

Respondents from removing an individual to any country where such individual is more likely than not to face torture by or at the acquiescence of the government. *See* Pub. L. No. 105-277, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note); 8 C.F.R. § 1208.16(c); 8 C.F.R. § 1208.18.

15. The CAT also prohibits refolement, which includes chain refolement—where an individual will be sent to a country which will, in turn, send him to another country where he is more likely than not to be tortured.

*Revocation of Supervised Release and Arrest*

16. Federal regulations governing enforcement actions by immigration officers require that “[a] warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained.” 8 C.F.R. § 287.8(c)(2)(ii).

17. Where an individual with a final removal order has been released on supervision, 8 C.F.R. § 241.4(l)(2) provides that only the Executive Associate Commissioner or a district director may revoke supervised release, and the district director may do so only “when, in the district director’s opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” That regulation also requires that an individual whose supervised release is revoked be informed as to the reasons why and be given a prompt post-deprivation opportunity to be heard as to why his supervised release should be restored.

*Detention Beyond Removal Period*

18. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen for removal only during the 90-day “removal period,” which begins when the removal order becomes

administratively final. 8 U.S.C. § 1231(a)(1)(A)-(B)(i). This period may be extended only if the noncitizen “fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal.” 8 U.S.C. § 1231(a)(1)(C).

19. The Supreme Court has also recognized a constitutional limitation on post-removal- period detention: such detention is permissible only when there is a “significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

### **FACTS**

- 20 Petitioner is an Indian national who was ordered removed from the United States on August 15, 2011.
- 21 Following the decision in his removal proceedings, and unable to secure a travel document or otherwise effectuate his removal, ICE placed him on an order of supervision. Exhibit 1—Order of Supervision.
- 22 Petitioner has at all times complied with his order of supervision and was never requested by ICE to take any specific actions to obtain a travel document from any third country. Further, he has not been arrested or charged with any criminal offense since his release from ICE custody.
- 23 ICE has never moved to reopen Petitioner’s removal proceeding nor indicated an intention to do so.
- 24 On information and belief, his order of supervision was revoked, and he was detained without cause by U.S. Immigration and Customs Enforcement agents on November 18, 2025.

- 25 At no time was Petitioner informed as to the reasons for revoking his order of supervision nor was he given the required interview to demonstrate reasons why it should be restored.
- 26 Petitioner is currently in custody in the Southern District of Texas, and one or more of the Respondents is his immediate custodian.
- 27 The arresting ICE Officer, an employee or subordinate of Director Bret Bradford, informed Petitioner's counsel that ICE is detaining him at the Montgomery County Detention Facility, that it does not have an Indian passport, they intend to "try" to remove Petitioner to a third country, but that no third country has yet been identified.
- 28 On information and belief, Petitioner's removal is not likely in the reasonable, foreseeable future.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**Violation of Fifth Amendment Right to Due Process**

- 29 Petitioner incorporates paragraphs 1-28 by reference.
- 30 On information and belief, Petitioner is currently being detained by federal agents without cause and in violation of his constitutional rights to due process of law.

**COUNT TWO**

**Unlawful Arrest in Violation of Federal Regulations**

- 31 Petitioner incorporates paragraphs 1-28 by reference.
- 32 When ICE arrested Petitioner on November 18, 2025, they flagrantly violated federal regulations.
- 33 Petitioner was under a valid Order of Supervision following his 2011 removal order and ICE's inability to secure an Indian passport. He had fully complied with all requirements.
- 34 Respondents violated 8 C.F.R. § 241.4(I)(1), which requires that upon revocation of

supervised release, “the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.”

35 Respondents provided Petitioner with no written notification of revocation, no explanation of the reasons for revocation, and no opportunity to contest the revocation.

36 Respondents further violated 8 C.F.R. § 241.4(1)(2), which provides that only the Executive Associate Commissioner or a district director may revoke supervised release, and the district director may do so only “when, in the district director’s opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” Upon information and belief, no such determination was made by the Executive Associate Commissioner or district director, and no exigent circumstances existed that would have prevented referral to the proper authority.

37 These regulations were promulgated to safeguard due process rights of noncitizens, and Respondents’ violations severely prejudiced Petitioner. Had these regulations been followed, Petitioner would have had a meaningful opportunity to contest the revocation of his supervised release, demonstrate his compliance with the Order of Supervision, and prevent his unlawful detention.

38 Under the well-established *Accardi* doctrine, when an agency fails to follow its own procedures or regulations, that agency’s actions are generally invalid. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

39 This Court must not permit Defendants to benefit from their flagrant regulatory violations.

40 As relief, Petitioner asks the Court to immediately order Respondents to release him from

custody and restore his Order of Supervision on the same conditions as before his November 2025 arrest.

**COUNT THREE**  
**Unlawful Detention Beyond Removal Period**

41 Petitioner incorporates paragraphs 1-28 by reference.

42 Under 8 U.S.C. § 1231(a), the government may detain a noncitizen for removal only during the 90-day “removal period,” which begins when the removal order becomes administratively final. 8 U.S.C. § 1231(a)(1)(A)-(B)(i). This period may be extended only if the noncitizen “fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal.” 8 U.S.C. § 1231(a)(1)(C).

43 The Supreme Court has recognized a constitutional limitation on post-removal- period detention: such detention is permissible only when there is a “significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). After six months of detention—the “presumptively reasonable period”—the government bears the burden of proving this likelihood if the noncitizen provides “good reason to believe” that removal is not reasonably foreseeable. *Id.*

44 Petitioner was initially released from custody on August 15, 2011, because ICE could not secure an Indian passport.

45 Petitioner’s removal order became final in 2011, and his 90-day removal period ended on November 15, 2011. His 180-day *Zadvydas* presumptively reasonable period expired February 15, 2012.

46 Over thirteen (13) years later, Petitioner remains unremovable to India due to the lack of an Indian passport. As of the filing of this petition, Respondents have not designated any

other country for his removal.

- 47 Even if Respondents were to designate a third country, Petitioner would be entitled to apply for withholding of removal or protection from refoulement under, among other things, the Convention Against Torture with respect to that country, and those proceedings would further delay any potential removal.
- 48 Petitioner has established far more than a “good reason to believe” that there is no significant likelihood of his removal in the reasonably foreseeable future as (1) ICE has been unable to procure an Indian passport for over thirteen (13) years; (2) no other country has agreed to accept him; and (3) even if such a country were identified, Petitioner would be entitled to apply for protection from removal to that country, a process that would take many months if not years to complete.
- 49 Under *Zadvydas*, Respondents cannot detain Petitioner indefinitely while they search for a country that might accept him or while they pursue lengthy legal proceedings to provide him the opportunity to apply for protection from removal to that country. Such detention violates both the statutory limitations of 8 U.S.C. § 1231(a)(6) and his constitutional due process rights.
- 50 As relief, Petitioner requests an order from this Court immediately releasing him from Respondents’ custody and placing him under an order of supervision pursuant to 8 U.S.C. § 1231(a)(3).

#### **COUNT FOUR**

##### **Third Country Removal Without Opportunity to Seek Protection**

- 51 Petitioner incorporates paragraphs 1-28 by reference.
- 52 The Convention Against Torture, as implemented in U.S. law, prohibits Respondents from removing an individual to any country where such individual is more likely than not to face

torture by or at the acquiescence of the government. *See* Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note); 8 C.F.R. §§ 1208.16(c), 1208.18. This prohibition extends to chain refoulement—the practice of deporting someone to a country which will in turn deport that person to be tortured elsewhere. *See* 8 C.F.R. § 1208.18(a)(1).

- 53 Petitioner has no claim to citizenship or permanent residence in any country other than India.
- 54 Respondents have communicated to Petitioner’s counsel that they intend to “try” to remove him to a third country but have not yet determined which country.
- 55 Petitioner could face persecution or torture if removed directly to various other countries, including but not limited to countries with notorious human rights abuses like Libya, South Sudan, and Eritrea. Without knowing which country Respondents intend to try to remove him to, Petitioner cannot prepare or file an application for protection.
- 56 As relief, Petitioner request an order from this Court that Respondents may not remove Petitioner from the continental United States without first providing him and his counsel with written notice of the specific country they intend to remove him to, and a reasonable period of time—which Petitioner respectfully suggests is at least fifteen days—to file an application for relief under, among other things, the withholding of removal statute and the Convention Against Torture with respect to such country.
- 57 Additionally, as access to counsel is critical to preparing any potential application for relief, Petitioner asks that such order be further narrowed to prohibiting Respondents from removing him or relocating him to a detention facility outside the Southern District of Texas.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the Southern District of Texas;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days and setting an immediate hearing.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Issue an order that Petitioner's Order of Supervision be restored and that he continues supervision under the same terms as in place prior to November 18, 2025.
- (7) Issue an order that Petitioner be provided notice and an opportunity to request protection from removal to any third country that the Respondents may identify.
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Date: November 20, 2025

  
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*Attorney for Petitioner*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

Salimbhai MANSIYA,	)	
	)	Case No. _____
Petitioner,	)	
	)	<b>PETITION FOR WRIT OF</b>
v.	)	<b>HABEAS CORPUS</b>
	)	
RANDALL TATE Warden, Montgomery	)	
Processing Center, BRET BRADFORD, Houston	)	
Field Office Director, TODD LYONS, Acting	)	
Director U.S. Immigrations and Customs	)	
Enforcement, and KRISTI NOEM, U.S. Secretary	)	
of Homeland Security,	)	
	)	
Respondents.	)	
_____	)	

**INDEX OF EXHIBITS**

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Exhibit 1—Order of Supervision

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION

File No: 

Date: 02/15/12

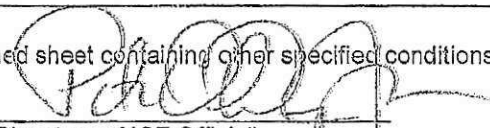
Name: MANSIYA, Salimbhai

On 08/15/2011, you were ordered:  
(Date of Final Order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the agency has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
- That upon request of the agency, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations and activities and such other information as the agency considers appropriate.
- That you do not travel outside Texas for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.  
(Specify geographic limits, if any)
- That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change.
- That you report in person on March 21, 2012 to this agency office at:  
(Day/Date/Time)  
DHS/ICE/Deportation Section, 8940 Fourwinds Drive, San Antonio, TX 78239 (210) 967-7056  
(Reporting Address)
- That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: \_\_\_\_\_
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

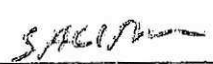
  
(Signature of ICE Official)

Michael A. Watkins, Assistant Field Office Director  
(Print Name and Title of ICE Official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision



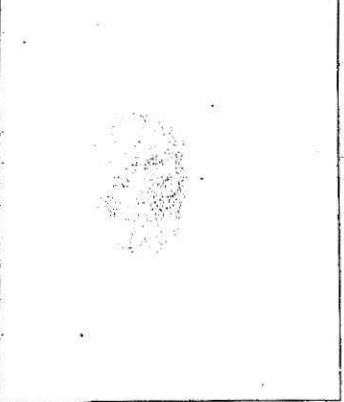
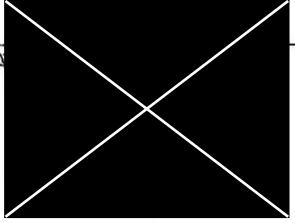
I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.




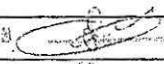
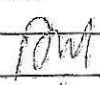

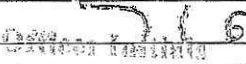





  
(Signature of ICE Official/Serving Order)

  
(Signature of Alien)

02/15/2012  
Date

DEPARTMENT OF HOMELAND SECURITY  
 U.S. Immigration and Customs Enforcement  
 ORDER OF SUPERVISION (Continuation Page)

Alien's Name <b>MANSIVA, Salimbhai</b>	Picture	Right Index Print
File Number 		
Date <b>February 15, 2012</b>		
Alien's Signature <b>SALIM</b>		
Alien's Telephone Number (if applicable) 		

PERSONAL REPORT RECORD		
Date	Officer	Comment/Changes
3/21/12	Compo	no w/lw, next report date June 20, 2012 (194)
6/20/2012	T. Evans #1352	Next Report Date as required, 2012.
Officer Initials 		Officer Initials 
October 18, 2012		February 21, 2013 Next report date June 21, 2013
Reported As Required	Reported As Required	Reported As Required
Officer Initials 	Officer Initials 	Officer Initials 
OCTOBER 18, 2013	June 10, 2014	Next report date 6/17/15
Reported As Required	Reported As Required	Reported As Required
Officer Initials 	Officer Initials 	Officer Initials 
Next report date June 20, 2016	Next report date	Next report date
Reported As Required	Reported As Required	Reported As Required
Officer Initials 	Officer Initials 	Officer Initials 
June 19, 2017	Next report date 6/19/19	September 19, 2012
Signature	Reported As Required	Title <b>WATH GADITE on Report</b>
Officer Initials 		
Next report date 11/11/2010		

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION (Addendum)

File No:



Date: 02/15/12

Name: MANSIYA, Sallimbhal

- That you do not associate with know gang members, criminal associates, or be associated with any such activity.
- That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- That you do not commit any crimes while on this Order of Supervision.
- That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- Any violation of the above conditions will result in revocation of your employment authorization document.
- Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.
- Other: You are not authorized employment under this status. You must re-apply for TPS in order to qualify of employment.