[redacted] 25cv02339

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT TACOMA

MUHAMMAD ZAHID CHAUDHRY,

Petitioner,

v.

BRUCE SCOTT, Warden, Northwest ICE Processing Center (NWIPC);
LAURA HERMOSILLO, Seattle ICE–ERO Field Office Director;
KRISTI NOEM, Secretary, U.S. Department of Homeland Security;
PAMELA BONDI, Attorney General of the United States;
U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

[redacted]

DETAINED

Case No. 2:25-cv-02339-DGE-MLP

SECOND AMENDED PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND SUPPORTING MEMORANDUM

Petitioner Muhammad Zahid Chaudhry is a decorated and honorably discharged U.S. Army veteran who is 100% service-connected disabled as a result of the

injuries he sustained during active-duty military service. He has been a lawful permanent resident of the United States for more than twenty-five years, is the husband of a U.S. citizen, the father of two U.S.-born infants, and currently serves as a Boundary Review Board Commissioner for the State of Washington. He has no U.S. criminal history, an unbroken record of compliance with all immigration proceedings, and deep, longstanding civic and community roots.

Nature of the Action: This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging Petitioner's ongoing ICE detention as unlawful. Petitioner asserts violations of the Fifth Amendment's guarantees of procedural and substantive due process, the equal-protection component of the Fifth Amendment, the Administrative Procedure Act (APA), the Americans with Disabilities Act (ADA) and Rehabilitation Act, and the Suspension Clause. Petitioner seeks immediate release because his detention was initiated through an unconstitutional warrantless hallway arrest in violation of an active Ninth Circuit stay, is predicated on a legally and factually defective removal order still under appellate review, and continues to inflict catastrophic and irreparable harm. Pursuant to this Court's directive to include all legal argument, this Second Amended Petition also

addresses and responds to the arguments raised in Respondent's Motion to Dismiss (Dkt 9).

I. INTRODUCTION

Petitioner Muhammad Zahid Chaudhry is an Honorable, decorated, 100% service-connected disabled U.S. Army veteran and long-time lawful permanent resident with zero US criminal history, who appeared in good faith for a long-delayed naturalization interview on August 21, 2025. As he exited the interview room, ICE agents—masked, unannounced, and acting without a warrant—seized him in the hallway, in direct violation of an active Ninth Circuit stay of removal that protected his long-pending appeals. This warrantless abduction occurred despite two decades of perfect compliance with all immigration requirements and while Petitioner was under coordinated, critical medical treatment for rapidly progressive Thyroid Eye Disease and service-connected traumatic brain injury.

Petitioner's detention rests on a 17-year-old, CARRP-tainted removal order that has been actively litigated for nearly two decades and is still under appellate

review, meaning it is functionally neither final nor enforceable. Because of prolonged governmental misconduct—including coerced plea-deal mischaracterizations, falsified evidence by discredited officials, CARRP discriminatory targeting, and the Tacoma Immigration Court's now-repudiated "no-jurisdiction" doctrine—Petitioner's case reflects every hallmark of unconstitutional error identified in *Rodriguez-Vazquez v. Bostock* and *Sira-Hurtado v. Hermosillo*. Under binding precedent, Petitioner's detention is governed by **8 U.S.C. § 1226(a)**, not mandatory detention under § 1225(b)(2), and he is entitled to meaningful bond consideration and due-process safeguards he never received.

Since his unlawful arrest, the medical consequences have been catastrophic. ICE placed Petitioner—a blind-at-risk veteran with TBI—in 24/7 bright-light solitary confinement for six days, a level of sensory assault **akin to cruel and unusual punishment and wholly incompatible with accepted medical standards for patients with traumatic brain injury**, and a regime that would have continued indefinitely but for public outcry outside NWIPC by hundreds of supporters and at least eight state legislators. ICE detention also cut off the specialized, four-clinic care required to prevent Petitioner's imminent and irreversible loss of sight. In their Motion to Dismiss, Respondent issued false and misleading statements about

Petitioner's care and NWIPC treatment capacity. These conditions are not merely unconstitutional—they are sight-threatening. Left untreated, the optic-nerve compression caused by Thyroid Eye Disease becomes irreversible.

In its Motion to Dismiss, Respondent now attempts to reframe this case as a simple "conditions of confinement" dispute sounding in § 1983, ignoring the unlawful arrest, the statutory misclassification, the medical sabotage, the stay violation, and the decades-long pattern of discriminatory targeting. That effort is legally incorrect and factually untenable. Petitioner challenges the **legality of his detention itself**, not merely the environment in which he is held. Each of the government's arguments—jurisdictional, statutory, and medical—is contradicted by binding Supreme Court and Ninth Circuit law.

This Second Amended Petition therefore seeks immediate habeas relief because Petitioner's ongoing detention is unlawful, unconstitutional, medically dangerous, and irreparably harmful. The record before this Court shows a veteran, father, and public servant who has been targeted for retaliation due to his integrity, whose liberty was taken through ambush, whose medical care has been obstructed, and whose life and eyesight now depend on this Court's intervention.

II. PRO SE STATEMENT

Petitioner proceeds pro se under exceptionally constrained circumstances. Petitioner is detained at the Northwest ICE Processing Center and has **no access to PACER, electronic filing systems, legal research databases, or online resources of any kind**. He must rely solely on paper mail and limited internal distribution within the detention facility. As a result, all filings, Court orders, and Respondent's submissions reach him only after **significant delay**—including, for example, an **eight-day delay** in receiving Respondent's Motion to Dismiss due to Respondent serving only the detention address despite knowing Petitioner also maintains a home residence.

Petitioner's ability to litigate is further restricted by **service-connected disabilities**, including traumatic brain injury, chronic migraines, impaired vision due to rapidly progressive Thyroid Eye Disease, and confined mobility as a wheelchair user. These medical impairments substantially limit his capacity to read, write, concentrate, process complex material, or sustain extended work, and they worsen under the harsh sensory and environmental conditions of detention.

Given these physical and logistical barriers, Petitioner requests, and is entitled to, **liberal construction** of all pleadings under *Haines v. Kerner, Boag v. MacDougall,* and *Platsky v. CIA*. Courts err when they penalize a detained pro se litigant for technical imperfections, especially where— as here—Petitioner's filings reflect substantial legal effort under extraordinary constraints. Petitioner respectfully asks this Court to evaluate his pleadings on their substance rather than technical form and to recognize the severe limitations under which he is forced to litigate while detained and medically deteriorating.

III. PROCEDURAL HISTORY

This matter arises from intertwined proceedings before the Ninth Circuit Court of Appeals and the Western District of Washington concerning the legality of Petitioner's ongoing civil detention. On **August 5, 2025**, the **Ninth Circuit issued an order confirming that briefing in Petitioner's consolidated appeals was complete**, and referring Petitioner's Motion for Summary Disposition to the merits panel for decision. Later that same day, USCIS issued multiple military

naturalization interview notices—after years of inaction—setting Petitioner's interviews for August 21.

On **August 21, 2025**, immediately following the conclusion of his naturalization interview, **Petitioner was seized in a warrantless hallway arrest** by ICE officers and transported to the Northwest ICE Processing Center (NWIPC), despite his active Ninth Circuit stay of removal and without any opportunity to contest the basis for detention before a neutral decisionmaker. Petitioner has remained in ICE custody since that date.

On **November 12, 2025**, Petitioner filed an **Emergency Motion for Release Pending Decision** in the Ninth Circuit, supported by declarations and medical evidence documenting imminent and irreversible harm. Respondent—through the Attorney General's counsel—appeared in the Ninth Circuit and argued that the matter belonged in district court. The Ninth Circuit therefore **construed the filing as a habeas petition under 28 U.S.C. § 2241 and transferred the matter to the Western District of Washington.** (Dkt. 1-1).

On **November 21, 2025**, the District Court issued its **first order**, acknowledging receipt of the transferred petition and emergency TRO request, directing

Respondent to confer regarding a briefing schedule, and—given Petitioner's detained and pro se status—**permitting Petitioner to file a reply notwithstanding Local Civil Rule 65(b)(5)**. This order established the initial procedural posture following transfer from the Ninth Circuit.

On **November 23, 2025**, Respondent filed a **Motion to Dismiss**. Although Respondent has repeatedly certified service to both Petitioner's detention address and his home address in other filings, **the certificate of service for this Motion to Dismiss indicated service only to the NWIPC address**. As a result, **Petitioner did not receive the Motion to Dismiss until December 1, 2025—eight days later**. The delayed receipt explains why the Motion to Dismiss is addressed in the present filing for the first time, and could not have been incorporated into Petitioner's earlier submissions. The eight-day delay also bears on the fairness of the briefing schedule, given Petitioner's detained and pro se status.

On **November 24, 2025**, Petitioner filed a **comprehensive evidentiary submission**, including sworn declarations from Petitioner, his spouse Melissa Chaudhry, and neuroscientist M. E. Romero, as well as additional documentary evidence supporting the emergency need for release. This submission became an

essential component of the record governing the Court's evaluation of both the emergency relief sought and the underlying merits of the habeas petition.

On **November 25, 2025**, the Court issued an **Order to Show Cause Regarding the Proper Respondent**, explaining that the original petition named only the Attorney General and directing Petitioner to amend to avoid dismissal. The Court also held that no ruling could be made on the pending TRO until a proper respondent was named.

Petitioner promptly complied. On **November 26, 2025**, he filed an **Amended Habeas Petition naming the Warden of NWIPC as Respondent**, along with a renewed Motion for Temporary Restraining Order. (Dkt. 13, 14). Later that day, the Court granted Respondent's request for additional time to respond and **confirmed that the amended petition superseded the initial filing**.

Shortly thereafter, Petitioner determined that **broader amendment was necessary** to to provide a complete and comprehensive factual and legal record for the Court's review. Accordingly, on **December 1, 2025,** Petitioner sought leave to file a more comprehensive petition (Dkt. 22) and filed a Second Amended Habeas,

Amended TRO, and supplemental exhibit packet (Dkt. 20) with the Court. Petitioner also received his copy of Respondent's Motion to Dismiss (Dkt. 9).

On **December 2, 2025**, the Court issued an **Order Granting Leave to File a Second Amended Petition**, directing that the Second Amended Petition would be the **sole operative petition** and must contain all facts and arguments within its four corners. The Court further **struck Petitioner's prior proposed filings**, denied the then-pending TRO as moot, and instructed Petitioner to file a revised TRO concurrently with the Second Amended Petition.

Petitioner now submits this **Second Amended Habeas Petition**, together with a revised **Motion for Temporary Restraining Order**, in full compliance with the Court's instructions and incorporating, for the first time, Petitioner's timely response to Respondent's Motion to Dismiss. This Petition is now ripe for the Court's review.

IV. JURISDICTION & VENUE

A. Habeas Jurisdiction. This Court has jurisdiction under 28 U.S.C. §2241(c)(3) because Petitioner is "in custody in violation of the Constitution or laws or treaties of the United States." *Habeas corpus* under §2241 is not limited to petitions challenging final orders of removal. It extends fully to challenges to unlawful civil detention, including unconstitutional arrest; statutory misclassification; detention imposed without notice or hearing; deprivation of medically necessary care; and custody that foreseeably inflicts catastrophic and irreversible harm. See *Jennings v. Rodriguez*, 583 U.S. 281, 298–301 (2018); *Hernandez v. Sessions*, 872 F.3d 976, 988–92 (9th Cir. 2017).

B. Proper Respondents. Consistent with *Sira-Hurtado v. Hermosillo*, No. C25-2173-KKE (W.D. Wash. Nov. 26, 2025), and with the longstanding rule that habeas petitioners may name all federal officers responsible for authorizing, executing, or maintaining unlawful custody, Petitioner properly names not only his immediate custodian, **Warden Bruce Scott**, but also the supervisory and policy-level officials whose actions directly produced and continue to sustain his unlawful detention:

- **Laura Hermosillo**, Seattle Field Office Director, ICE Enforcement and Removal Operations;
- **Kristi Noem**, Secretary of the U.S. Department of Homeland Security;
- **Pamela Bondi**, Attorney General of the United States;
- **The U.S. Department of Homeland Security**, the agency responsible for ICE detention operations.

This structure is appropriate because Petitioner challenges not merely the fact of confinement, but the **legality of the governmental decisions**—including the warrantless hallway seizure, the violation of an active appellate stay, reliance on a tainted and nonfinal removal order, and deliberate medical disruption—that collectively resulted in and perpetuate his custody. See *Rumsfeld v. Padilla*, 542 U.S. 426, 436 n.9 (2004) (recognizing propriety of additional respondents where broader relief is sought beyond physical release).

C. Scope of Habeas Review. Constitutional and statutory challenges to the **manner in which detention is imposed**—including warrantless seizure, absence of procedural safeguards, denial of statutory bond jurisdiction, reliance on

discriminatory programs such as CARRP, and detention that foreseeably causes permanent physical injury—are paradigmatic §2241 claims. Both the Ninth Circuit and this District repeatedly confirm that such claims fall squarely within habeas jurisdiction. See *Jennings*, 583 U.S. at 298–301; *Hernandez*, 872 F.3d at 988–92; *Rodriguez-Vazquez v. Bostock*, No. 2:25-cv-01548 (W.D. Wash. Sept. 30, 2025); *Sira-Hurtado*, No. C25-2173-KKE.

D. Statutory Bars and Why They Do Not Apply.

8 U.S.C. §1252(g): Section 1252(g) is a narrow, "discretion-protecting" provision that applies only to three actions: (1) commencing proceedings, (2) adjudicating cases, or (3) executing removal orders. Petitioner challenges none of these. He challenges the manner of his detention, including the unlawful arrest and denial of due process. The Supreme Court and Ninth Circuit have consistently emphasized the narrowness of this provision. See *Reno v. American-Arab Anti-Discrimination Comm. (AADC)*, 525 U.S. 471, 482–87 (1999); *Jennings*, 583 U.S. at 298–99. WDWA has likewise rejected overexpansive §1252(g) arguments in both *Sira-Hurtado* and *Rodriguez-Vazquez*.

8 U.S.C. §1252(b)(9). The "zipper clause" applies only where an individual seeks judicial review **of a removal order.** Habeas challenges to detention, unlawful arrest, due-process violations, Miranda-type procedural failures, medical endangerment, and statutory misclassification are **collateral** to removal and fully reviewable. See *Jennings*, 583 U.S. at 298–301; *Nielsen v. Preap*, 586 U.S. ___ (2019); *Rodriguez-Vazquez*, No. 2:25-cv-01548.

8 U.S.C. §1252(f)(1). This subsection restricts class-wide injunctions but does **not** bar individual habeas relief or temporary restraining orders. It does not prevent federal courts from enjoining unconstitutional detention in an individual case, especially where, as here, catastrophic medical harm is imminent and the petition is properly brought under §2241.

Respondent's invocation of these statutory bars reflects a pattern of **overextension and misrepresentation**, consistent with their broader litigation strategy of avoiding judicial review of misconduct—including the unlawful arrest, violation of a federal appellate stay, and deprivation of life-preserving medical care.

E. Venue. Venue lies properly in the Western District of Washington because Petitioner is detained at NWIPC in Tacoma; the unlawful arrest occurred within

this District; and each Respondent exercises authority here. See 28 U.S.C. §1391(e).

F. Suspension Clause. The Suspension Clause preserves the availability of habeas corpus where no alternative mechanism exists to review unlawful executive detention. U.S. Const. art. I, §9, cl. 2. Because Petitioner's detention violates the INA, the Constitution, and the terms of the Ninth Circuit's own stay—and because Respondent seeks to divert these claims into legal dead ends such as §1983 or APA channels that cannot address unlawful custody—the Suspension Clause independently requires habeas review.

Denying habeas protection to a decorated, disabled U.S. Army veteran seized in violation of an appellate stay, whose eyesight and neurological function deteriorate daily due to government-engineered medical interruption, would raise grave constitutional concerns. The current procedural structure—where the Ninth Circuit maintains jurisdiction over the removal appeal while this Court reviews the legality of detention—is precisely what the Suspension Clause envisions: **two courts performing complementary roles to safeguard liberty from unlawful executive action.**

V. FACTUAL BACKGROUND

The following factual background is necessarily detailed. These facts are not presented for narrative breadth but because **each component is essential to the constitutional, statutory, and APA claims at issue**, including the *Mathews* procedural-due-process analysis, the substantive-due-process inquiry, the §1226(a) statutory-authority question, the equal-protection and CARRP-discrimination claims, and the medical-necessity findings relevant to habeas and TRO relief.

A. Petitioner's Military Service, LPR Status, and Community Ties

1. Petitioner's Military Service. Petitioner honorably served in the U.S. Army and the Washington National Guard during the post-9/11 period of armed hostilities. He completed basic and advanced training, served as a Mental Health Specialist (a role that positioned him within the military's behavioral-health and early counterintelligence interface), and was twice honorably discharged—first from active duty after sustaining severe service-connected injuries, and later from the National Guard. His record reflects medals, commendations, and formal recognition associated with the Global War on Terror. His treating physicians at

Madigan Army Medical Center ("MAMC") later confirmed that the physical trauma he sustained during service—including injuries resulting in traumatic brain injury, chronic neurological impairment, and loss of mobility—would permanently alter the course of his life. See Exhibits 107–110.

2. Service-Connected Disability and Medical Need. As a result of these injuries, Petitioner is 100% service-connected disabled, wheelchair-dependent, and requires long-term, coordinated medical care at MAMC and the VA. His disabilities include traumatic brain injury, severe migraines, hearing loss, balance impairment, chronic pain syndrome, and Thyroid Eye Disease—a rare and potentially blinding autoimmune condition requiring strict medical sequencing across multiple specialties. Prior to his detention, Petitioner received comprehensive, established treatment through MAMC (ophthamology, audiology, emergency medicine), the VA (emergency medicine and disability care), OptionCare Infusion Medicine, and Providence Endocrinology. His medical team - led by Dr. Jason Lewis, Chief Ophthamologic Surgeon at Madigan Army Medical Center - had successfully reduced the severity of his disease through a carefully timed infusion and monitoring regimen now dangerously disrupted by ICE detention. See Exhibits 114–116, 147.

3. Longstanding Lawful Permanent Residence and Family Ties. Petitioner has been a lawful permanent resident of the United States since 2001. He is married to a U.S. citizen and is the father of two U.S. citizen infants—children who depend on him for daily caregiving, emotional bonding, and developmental stability. See Exhibits 111–112. For twenty-five years, Petitioner has lived continuously and peacefully in Washington State, demonstrating exemplary civic commitment, community leadership, and unwavering adherence to all immigration laws and court requirements. ICE's own exhibits - Petitioner's I-213 - acknowledge that he has **zero criminal history in the United States.**

4. Civic Leadership and Public Service. Petitioner's civilian life reflects extensive service to the State of Washington and to vulnerable communities. He has served on state-level boards and commissions—including the Governor's Committee on Disability Issues and Employment, where he was personally selected by Jay Inslee—and currently as a Boundary Review Board Commissioner. His record includes decades of substantial volunteer work with the Red Cross, American Veterans organizations, Habitat for Humanity, local faith communities, youth mentorship programs, and nonprofit boards focused on community development, affordable housing, suicide prevention, and democratic participation.

His history of public service is widely recognized by elected officials, civic leaders, faith organizations, and thousands of Washington residents who have publicly affirmed his character, reliability, and contributions. See Exhibits 113, 137–144.

5. Australian Taxi-Driver Background (Context Only). Prior to immigrating to the United States, Petitioner worked as a taxi driver in Australia, where he experienced repeated racially motivated assaults and systemic failures of protection by local authorities. These events provide context for the coerced plea agreement later misused in immigration proceedings. A full account of those incidents—and their legal significance—is set forth in Section V.D.1, where the coerced plea and its relevance to the 2008 removal order are addressed in detail.

6. Yakima Volunteer Application Incident (Cross-Reference). Petitioner's attempt to volunteer with the Yakima Police Department was later mischaracterized by DHS as a "false claim to citizenship." The complete factual and forensic record —including the expert handwriting analysis disproving the allegation and evidence of racial bias by Lt. Gary Belles—is presented in Section V.D.2. That section contains the full evidentiary analysis; here it suffices to note that Petitioner

consistently demonstrated candor, integrity, and proactive truth-telling, including voluntarily bringing the Australian plea to USCIS's attention.

Together, these facts establish Petitioner as a decorated disabled veteran, public servant, and peaceful long-time resident whose character and history overwhelmingly demonstrate that he poses no danger or flight risk. His ongoing detention is therefore not only unnecessary but unlawful.

B. FBI Recruitment Attempt, Refusal, and Subsequent Retaliation

When Petitioner was activated within the U.S. Army and fully trained as a mental health specialist, [redacted] t. As documented in the **Declaration of Ann Chaudhry (Ex. 101)** and corroborated by Petitioner's own sworn statements (Ex. 149), [redacted]

[redacted]

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[redacted]

[redacted] **"your citizenship will not be approved"** and they would **"make your life hell."** These statements are not rhetorical embellishment; they appear verbatim in sworn testimony.

Following Petitioner's refusal, his family experienced a **sustained pattern of retaliatory behavior**, including:

- Repeated late-night anonymous calls;
- Canvassing of Petitioner's neighborhood by federal agents questioning friends and acquaintances;
- Surveillance of Petitioner in public settings, including stores and parking lots;
- Observed monitoring of Petitioner's home and vehicles;

- Years of unexplained, unjustified stagnation of his military naturalization applications.

Viewed together, these actions reflect **retaliatory intent** and align closely with known **CARRP targeting indicators**: unexplained delays, shifting justifications, and adverse inferences drawn from lawful First Amendment-protected religious association. The retaliation Petitioner faced after refusing informant recruitment is not historical background—it is foundational to understanding the **animus, selective treatment, and bad faith** underlying subsequent agency actions.

Indeed, the same agencies whose officers threatened to obstruct Petitioner's citizenship later:

- Designated him under the unlawful CARRP program;
- Relied on tainted or falsified evidence to justify removal proceedings;
- Opposed his military naturalization despite uncontested statutory eligibility;
- Orchestrated the August 21, 2025 hallway seizure in coordination with USCIS;

- Omitted all references to his veteran status, disabilities, and decades of civic service in their filings before the Ninth Circuit and also before this Court in their Motion to Dismiss (Dkt 9).

Petitioner's refusal to become an [redacted]—an act grounded in civic integrity and constitutional principle—directly preceded the following **two decades of irregular, discriminatory, and punitive treatment** he has endured across federal agencies. This history bears directly on the *Mathews* procedural-due-process analysis, strengthens the substantive-due-process claim by evidencing improper governmental motive, and supports the equal-protection challenge based on discriminatory targeting amplified through CARRP and condemned in *Wagafe v. Biden* (W.D. Wash. 2025).

C. CARRP Designation and 20+ Years of Pretextual Obstruction

For more than two decades, Petitioner's military naturalization applications have been subjected to the **Controlled Application Review and Resolution Program (CARRP)**—a secretive and unauthorized USCIS vetting system that disproportionately targets Muslim applicants and individuals from

Muslim-majority regions. CARRP was implemented without congressional authorization (despite eleven requests by USCIS) or notice-and-comment rulemaking, and was expressly condemned as unlawful, arbitrary, capricious, and discriminatory in *Wagafe v. Biden*, No. 2:17-cv-00094-LK (W.D. Wash. Jan. 17, 2025). Following *Wagafe*, USCIS may not rely upon or apply CARRP—or any analogous "national security" designation not authorized by statute—to delay, derail, or pretextually deny statutorily eligible naturalization applications.

1. Petitioner's Record Shows Classic CARRP Targeting. Petitioner's file contains multiple, independently corroborated indicators of CARRP designation, including:

- The **"T-Other" classification** in Respondent's own exhibit (Petitioner's I-213), a known code used to flag non-evidenced "terrorism-related concerns."
- Years-long, unexplained delays in adjudicating multiple military N-400 applications, despite statutory requirements for expedited naturalization for wartime veterans (8 U.S.C. §1440).

- Shifting and contradictory rationales for non-adjudication, including reliance on decades-old coerced foreign plea agreements and allegations later disproven by forensic analysis.

- **Fifteen of the nineteen ACLU-identified "CARRP red-flag symptoms,"** including unexplained interview cancellations, screening loops, reliance on debunked derogatory information, pretextual denials, and opaque "security review" notations. (See Exhibit 151.)

- Documentation obtained through FOIA confirming a **"CARRP Officer Denial" dated August 25, 2008**, placing Petitioner squarely within CARRP processing at the critical moment his immigration history took its most damaging turn. (See Exhibit 130-B.)

2. Bad-Faith Effects of CARRP in Petitioner's Case. CARRP amplified and institutionalized the consequences of [redacted]. See Section V.B. Once flagged, Petitioner's applications became ensnared in opaque review channels, perpetual "security checks," and unexplained adjudicatory stagnation. Consistent with the patterns uncovered in *Wagafe*, USCIS did not notify Petitioner of his CARRP designation or provide any opportunity to

rebut the supposed "concerns." Instead, the flag functioned as a **shadow adjudication regime**, allowing the agency to rely on discredited allegations—rather than the statutory criteria—to block Petitioner's congressionally mandated path to military naturalization.

3. CARRP's Influence on the 2008 Removal Proceedings. Evidence suggests that reliance on tainted, mischaracterized, or fabricated information—including the Yakima volunteer application "checkmark" incident (Exhibits 124–126 - notably including excerpts from the Deposition of Lt. Gary Belles, Exhibit 124, where he admits Petitioner never claimed citizenship)—coincided with the period in which Petitioner's file was routed into CARRP workflows. The resulting **17-year-old "final order of removal,"** still under active Ninth Circuit review, bears multiple hallmarks of CARRP-distorted adjudication: disproportionate reliance on trivial or coerced foreign offenses, elevation of a fabricated "false claim to citizenship," and disregard for exculpatory evidence, military service, and positive equities.

4. Legal Consequences Under *Wagafe*. *Wagafe* holds that USCIS's use of CARRP violates the APA, constitutes unlawful withholding and unreasonable delay, and contravenes congressional mandates governing naturalization

processing. **All immigration decisions infected by CARRP—including pretextual delays, denials, and reliance on unsubstantiated derogatory factors—are legally unsound.** Because Petitioner's removal proceedings, naturalization adjudications, and detention posture were all shaped by CARRP-driven distortion, they lack the neutrality and procedural regularity the Constitution and INA require.

In sum, the record establishes that CARRP-based discrimination and obstruction were not incidental. They formed a **central, determining force** behind the two-decade derailment of Petitioner's statutory right to expedited military naturalization, the tainted adjudications that followed, and the government's present effort to justify his unlawful detention.

D. The 2008 Removal Order — Pretext, Coercion, and Later Judicial Waiver

The "Final Order of Removal" entered against Petitioner in 2008 (included as an exhibit in Respondent's Motion to Dismiss, Dkt 9) is neither final, nor reliable, nor legally sufficient to support detention. It reflects foundational factual defects, reliance on fabricated or tainted evidence, and adjudicatory irregularities later corrected by the Immigration Judge—only to be improperly revived by the BIA in

a procedurally defective appeal now before the Ninth Circuit with an active federal stay of removal in place.

1. Australian Taxi-Driver Incidents and Coerced Plea Agreement. As documented in the **Declaration of Muhammad Zahid Chaudhry (Ex. 149)** and the **Declaration of Ann Chaudhry (Ex. 101)**, Petitioner was subject to frequent fare evasion and racialized physical attacks while working as a taxi driver in Australia. The local authorities repeatedly failed to protect him, and the justice system regularly dismissed charges against the perpetrators despite visible injuries and police incident reports.

In this context, an incident occured in which a passenger left his passport as surety for an unpaid fare of hundreds of dollars, and never returned. When Petitioner attempted—after hours of waiting, ultimately resulting in losing his employment—to return the passport at the police station, he was accused of theft and pressured to accept a plea. Petitioner signed the plea only after being assured it would **not constitute a criminal conviction**. This coerced, non-criminal "Rising of the Court" disposition (functionally equivalent to a traffic citation), which Petitioner proactively disclosed to USCIS, is what Respondent continues to hold against him

as evidence of his "lack of good moral character" warranting permanent exclusion from statutorily earned citizenship.

A second incident also took place in Australia (Exhibit 123), in which Petitioner, after driving executive taxi all day (averaging 12-16 hour shifts, 7 days/week), found a credit card that had been left on the back seat of the vehicle. Petitioner's shifts required him to be logged in on a navigation/job coordination computer that was affixed to the dash of the vehicle and documented his exact whereabouts at all times. The following morning, Petitioner attempted to return the American Express card for the $100 reward that was offered at the time. The person he brought it to instead accused him of stealing it and returned it himself to pocket the reward. The card *had* been stolen, and there were dozens of fraudulent charges on it, including many **taxi fares** - which Petitioner would have never had time or reason to incur. Petitioner's whereabouts were provable, but that did not matter, and the charge of "fraudulently using a stolen credit card" in Australia in or around 1994 is *still* invoked by Respondents as grounds against Petitioner, including during Petitioner's August 21, 2025 naturalization interview by an unidentified agent.

Respondent's own exhibit—the 2008 "Final Order of Removal"—lists the Australian offenses as minor fines (Item 4) and states only that such offenses **"may"** carry up to one year of jail time (Item 5). Petitioner served **no jail time whatsoever**. DHS's attempt to treat these trivial, decades-old, racially-tainted foreign plea dispositions as ongoing evidence of danger or bad moral character is inconsistent with both fact and law.

2. Fabricated Allegation of a "False Claim to Citizenship." Item 6 of the 2008 order asserts that Petitioner "falsely represented himself to be a U.S. citizen **to obtain employment**" with the Yakima Police Department. The factual record demonstrates the opposite.

First, the so-called "employment" in question was **not employment at all**, but a *volunteer* position. Petitioner routinely and generously gave his time and service to his community—long before, during, and after his military service. He volunteered with the National Guard, served as a **volunteer firefighter and paramedic**, and, following his injuries, served on **countless nonprofit boards and civic organizations** dedicated to improving the lives of vulnerable Washingtonians. His extensive history of selfless service is reflected in the overwhelming public support

from U.S. Senators, state legislators, faith leaders, veterans' organizations, nonprofit directors, neighbors, and community members (Exhibits 137–144). It is entirely consistent with Petitioner's documented record of altruistic character that, upon hearing a radio announcement asking civilians to assist the Yakima Police Department, he sought to **volunteer his time without pay**. To reframe this generous act as "seeking employment" for personal gain is to willfully and egregiously twist the truth—transforming a volunteer responding to a call for community assistance into a villain through mischaracterization alone.

Second, the assertion that Petitioner "claimed citizenship" at all is legally unsound and thoroughly disproven in the record. Petitioner left the ambiguous citizenship-status question on the volunteer application form **blank**, marking all other fields with his consistent, neat "X." When the form was later returned to him, that single field bore a **checkmark**—not Petitioner's handwriting, but a mark consistent with the sweeping checkmarks placed beside numerous other questions, including his references. A **forensic handwriting expert (Ex. 126)** confirmed unequivocally that Petitioner did **not** make the mark.

The officer responsible for processing the form, **Lt. Gary Belles,** refused to testify in immigration court and was later exposed—through deposition testimony and extensive local reporting (Exs. 124–125)—as having repeatedly used racist epithets in public, while in uniform, to refer to minority groups. Most notably, **Lt. Belles testified under oath (Ex. 124) that Petitioner never verbally claimed U.S. citizenship at any point**. Despite this sworn admission, Respondent continues to rely on Belles's discredited allegation in every reference to the 2008 order, in clear disregard of fabrication, racial animus, and the Government's ongoing obligation to correct false derogatory information.

Taken together, the evidence establishes that Item 6 of the removal order rests on **fabricated, biased, and thoroughly debunked allegations**, and cannot lawfully form part of the basis for detention or any good-moral-character assessment.

2B. Procedural Irregularities in *Chaudhry v. Napolitano* (Contextual Placement). Respondent may cite the prior federal case, *Chaudhry v. Napolitano*, to argue the matter was adjudicated. However, as Petitioner describes in his sworn declaration (Ex. 149), that case was resolved at summary judgment despite significant factual disputes and without a full opportunity for Petitioner to present

crucial witness testimony—including testimony from a local militia leader who was prepared to testify that Lt. Belles had privately stated he intended to "get promotions" by portraying Petitioner as a "terrorist." Its legal relevance here is limited to two points: (1) DHS was aware at least by 2009 that the Belles allegations lacked credibility; and (2) procedural shortcuts prevented the factual record from ever being fully examined.

3. Good Moral Character (GMC) Standards. DHS's reliance on decades-old, foreign, coerced, and factually tainted incidents violates the governing GMC framework. Under **8 C.F.R. § 316.10(a)(2)** and the **USCIS Policy Manual, Vol. 12, Part F**, GMC is ordinarily assessed over **1–5 years**, and conduct outside that period may be considered only if it is relevant, probative, and reliable. A coerced non-criminal plea from another country and a fabricated "false claim to citizenship" allegation—affirmatively disproven by expert testimony and sworn deposition—cannot lawfully taint Petitioner's good moral character indefinitely. Respondent's Motion to Dismiss ignores these standards and criminally omits all exculpatory evidence, including Petitioner's honorable military service, disability, civic contributions, and the full forensic record - in violation of their duty of

candor and duty to correct the record so as to not deliberately and criminally provide false and/or misleading information to the court.

4. 2018 Immigration Judge Decision Vacating the 2008 Order. After over a decade of litigation, the Immigration Judge issued a detailed written decision in 2018 **granting waivers for all pre-2008 issues, reaffirming Petitioner's LPR status back to 2001, and finding Petitioner fully statutorily eligible for naturalization**. The IJ carefully evaluated credibility, weighed the evidence, observed the matter closely for ten years, and explicitly rejected DHS's reliance on tainted and unreliable allegations. This decision constituted a full repudiation of the factual premises underlying the 2008 order.

5. Government Misconduct on Appeal and the BIA's Irregular Reversal. DHS promised Petitioner by phone that it would not appeal the IJ's decision, which was issued on March 12, 2018—then filed an appeal on April 11, 2018, arguably beyond the 30-day appeal window, without proper service and on grounds flatly contradicting the IJ's findings. Rather than remanding, the BIA - by a 2-1 decision - reversed the IJ outright, in a legally questionable decision that ignored credibility determinations and the extensive evidence of government misconduct. Petitioner's

motion to reopen was denied, and the matter is now before the Ninth Circuit in consolidated appeals (Nos. 21-1160 & 20-70877). On **August 5, 2025**, the Ninth Circuit confirmed briefing was complete and referred Petitioner's Motion for Summary Judgment to the merits panel. A **federal stay of removal** remains in effect. See Exhibits 117–122.

6. Legal Consequences. The defects in the 2008 order—coercion, fabrication, unreliable witnesses, GMC misapplication, and adjudicatory misconduct—render it legally infirm. Under *Rodriguez-Vazquez v. Bostock* (W.D. Wash. Sept. 30, 2025), individuals with long-standing ties to the United States must be treated as detained under **8 U.S.C. § 1226(a)**, not as arriving aliens subject to mandatory detention under §1225(b)(2). Respondent's reliance on the 2008 order to justify mandatory detention **rings hollow** in light of the record—and reflects a continuation of the same pattern of distortion, discrimination, and arbitrary agency conduct that has defined Petitioner's case for more than two decades.

Taken together, the record demonstrates that the 2008 removal order was not a legitimate adjudication of wrongdoing but a **pretextual, constitutionally infirm product of coercion, fabrication, discriminatory targeting, and administrative**

misconduct, later corrected by the IJ and now pending before the Ninth Circuit. Respondent's continued reliance on this order—while criminally and consistently omitting all exculpatory evidence—is further proof of the bad-faith, arbitrary, and unlawful nature of Petitioner's detention.

E. Events Leading to the August 21, 2025 Naturalization Interview

The events culminating in Petitioner's August 21, 2025 naturalization interview—and his immediate, warrantless hallway seizure by ICE—did not arise through ordinary adjudicatory processes. The record demonstrates **pre-coordination between USCIS and ICE**, inconsistent agency narratives, and procedural irregularities that mirror the unconstitutional conduct condemned in *Sira-Hurtado v. Hermosillo*, No. C25-2173-KKE (W.D. Wash. Nov. 26, 2025). These events occurred against the backdrop of Petitioner's two-decade history of **CARRP targeting**, FBI retaliation, and systemic adjudicatory irregularities.

1. Sudden Scheduling of Multiple Long-Ignored Military N-400s. Petitioner had multiple pending military naturalization applications dating back many years—some for more than a decade. USCIS repeatedly failed to adjudicate them,

despite statutory mandates for expedited processing under 8 U.S.C. §1440. Yet on **August 5, 2025**, the very day the Ninth Circuit confirmed briefing was complete in Petitioner's consolidated appeals and referred his Motion for Summary Disposition to the merits panel (Ex. 117), USCIS abruptly issued **multiple interview notices** scheduling Petitioner's long-delayed interviews for August 21 (Exhibit 118). After years stretching to decades of inaction, this sudden shift strongly suggests **purposeful coordination**, not routine adjudication.

This timing is consistent with patterns documented in *Wagafe*—namely, the use of administrative timing and pretext to orchestrate adverse enforcement action once an agency determines - without transparency, cause, or appeal - that a case should be blocked or diverted.

2. Entrapment Indicators in Respondent's Own Exhibit: The I-213.

The I-213 prepared upon Petitioner's detention—submitted by Respondent as its own exhibit (Dkt 9)—contains multiple irregularities that indicate **advance planning between USCIS and ICE** and reveal material inconsistencies with Respondent's litigation narrative.

- It states that **USCIS notified ICE one week in advance** of Petitioner's interview. The I-213 reads: *"On August 18, 2025, USCIS notified ERO Seattle that Chaudhry was scheduled for an interview on August 21, 2025."* Such advance notice is atypical for naturalization adjudications—especially military N-400 adjudications—and strongly suggests deliberate coordination.

- It claims that, *"On August 21, 2025, following an interview with Chaudhry, USCIS informed ERO Seattle that they denied the N-400."* This assertion is **demonstrably false.** Petitioner's N-652 (Ex. 121) explicitly states: **"A decision cannot be made at this time."** No written or verbal denial was issued to Petitioner, and no Notice of Intent to Deny was prepared. Moreover, Petitioner was seized **within seconds** of exiting the interview room—before any communication could plausibly have been made between the unidentified interviewing officer and ICE agents lying in wait.

- The I-213 includes the section titled **"Case Disposition: T-Other."** This classification, revealed in Respondent's own exhibit, is a known CARRP-associated "terrorism-related" coding used to justify heightened

scrutiny despite the absence of evidence. This internal classification is profoundly inconsistent with Petitioner's decades of peaceful residence, documented public service, and statutorily earned eligibility for military naturalization.

- The I-213 also lists: **"Criminal History: Chaudhry has no known criminal history in the United States."** This direct quotation from ICE's own paperwork contradicts Respondent's insinuations in the Motion to Dismiss and underscores that none of the allegations in the 2008 removal order - or any other supposedly adverse material - bear on public safety or flight risk.

These direct quotations from Respondent's exhibit demonstrate that the justification for Petitioner's detention was **factually untrue**, predetermined, and inconsistent with the contemporaneous documentation Petitioner himself received. The decision to arrest Petitioner was therefore made **before** the interview took place and not in response to anything Petitioner said or did on August 21. This is evidence of entrapment, pretext, and coordinated enforcement activity inconsistent with procedural due process and lawful adjudication.

3. The Hallway Seizure Executed Without Notice, Warrant, or Identification.

Petitioner appeared for his naturalization interview in good faith, accompanied by his wife, father-in-law, and a Personal Care Attendant (PCA) authorized by MAMC physicians. An unidentified man in a neat suit, who was closely coordinating with USCIS personnel (including Director Jonathan Weeks)—whose hands were observed shaking and who refused to provide his name despite multiple requests—**refused to honor the PCA authorization**, forcing Petitioner, a disabled veteran with TBI and visual impairment, to proceed alone.

After the interview concluded, Petitioner exited the interview office. Within seconds, **masked ICE agents appeared without warning**, confirmed his name, flashed a document he could not read, and seized control of his wheelchair. No warrant was presented. No explanation was given. Petitioner was not allowed to speak with his wife or PCA. His wife was told more than an hour later that he had been taken.

These circumstances parallel those in *Sira-Hurtado*, where this district court held that a warrantless courthouse-hallway seizure without notice or hearing violated

due process. The violations here—concealed enforcement planning, denial of accommodations, and immediate capture—are even more striking.

4. Material Inconsistencies Between USCIS's Actions and Respondent's Narrative. Respondent claims Petitioner's detention serves a "federal interest" in prompt removal. That assertion is **irreconcilable** with:

- The **17-year age** of the removal order;
- The **active Ninth Circuit stay of removal** in place on August 21;
- Petitioner's **perfect 25-year attendance record** at all immigration proceedings;
- The Government's decades-long CARRP-driven obstruction of Petitioner's statutorily eligible military N-400s;
- The N-652's clear indication that **no decision** had been made.

USCIS's issuance of "decision pending" and ICE's contemporaneous claim of "denial" cannot both be true. Together with evidence of pre-coordination, the record shows that Respondent's narrative is not only implausible, not only incomplete, but **contradicted by its own exhibits.**

5. Legal Significance. These events collectively show that Petitioner's detention did not result from neutral adjudication or lawful application of statutory authority. Instead, it arose from **pre-planned interagency coordination**, reliance on **factually incorrect assertions**, and disregard for procedural safeguards. These facts directly support Petitioner's procedural-due-process claim under *Mathews*, his substantive-due-process claim, his statutory claim under §1226(a), and his APA and equal-protection claims.

F. The Mysterious Interviewing Officer & N-652 Irregularities

The irregularities surrounding Petitioner's August 21, 2025 USCIS naturalization interview—including the interviewing officer's refusal to identify himself, USCIS's concealment of his identity, and the defects on the N-652 form—constitute **serious procedural violations** that undermine the reliability of the Government's narrative and strongly support Petitioner's due-process claims under *Mathews v. Eldridge*, 424 U.S. 319 (1976).

1. The Interviewing Officer Refused to Identify Himself—Repeatedly and in Violation of Standard USCIS Practice. USCIS policy and basic

administrative-law norms require adjudicating officers to identify themselves. Petitioner, his wife (Melissa Chaudhry), his father-in-law (Dr. Eric Rasmussen), and his Personal Care Attendant—all of whom were present—each asked the interviewing officer for his name. He **refused every time**, and again in the interview room when directly asked by Petitioner.

USCIS Director Jonathan Weeks also refused to disclose the officer's name when Mrs. Chaudhry was taken to a back office after her husband's abduction and given the news - along with zero justification for the cause of his detention (Exhibit 120). This concealment is **highly atypical** and raises serious concerns regarding the officer's authority, his adherence to adjudicatory norms, and his potential coordination with ICE.

2. The N-652 Form Is Missing the Interviewing Officer's Name—A Structural Red Flag. USCIS is required to issue Form N-652 at the conclusion of every naturalization interview. The form must:

- Identify the interviewing officer;
- Document the outcome of the interview;

- Provide written notice of next steps.

Petitioner's N-652 (Ex. 121) contains a **blank line** after "You were interviewed today by officer: _____." This omission is not a clerical error—it is a **procedural void**. Without the officer's identity, neither Petitioner nor the Court can:

- Confirm the interviewer's training or authority;
- Assess whether he had a history of misconduct or enforcement-alignment;
- Determine who purportedly communicated the "denial" ICE claimed in the I-213.

Nor can Respondent affirmatively prove procedural regularity. The blank N-652, combined with the unidentified individual's verbal refusals, is consistent with a **deliberate withholding of identity**, not an oversight.

3. The N-652's "Decision Cannot Be Made" Box Directly Contradicts ICE's Claim of a Same-Day Denial. The N-652 (Exhibit 121) issued to Petitioner at the conclusion of his interview states: **"A decision cannot be made at this time."** USCIS did not issue a denial during the interview, did not provide a Notice of Intent to Deny, and did not verbally communicate adverse action.

This directly contradicts ICE's I-213 claim that USCIS "denied" the application and immediately alerted ERO Seattle. ICE seized Petitioner **within seconds** of the conclusion of the interview—before his interviewer could have consulted a supervisor, drafted a denial, or communicated with ICE. This contradiction reinforces that the seizure was **pre-planned**, not based on adjudication.

4. Role-Contamination: The Interviewing Officer Facilitated Enforcement Rather Than Neutral Adjudication.

The same individual who refused to identify himself:

- Denied Petitioner's medically necessary PCA accommodation;
- Directed him into the secluded north-wing interview room;
- Prevented his wife from reentering the secured hallway until over an hour after the seizure;
- Conducted the interview while plainly **performing functions aligned with ICE enforcement**; and
- Positioned Petitioner so that masked ICE agents could intercept him immediately upon exit.

These actions show that the unidentified individual was functioning not as a neutral USCIS adjudicator, but as an **operative participant in an ICE enforcement operation**. This conduct violates DHS's mandatory **separation-of-functions principles** (2007 & 2013 memoranda), which require USCIS adjudication to remain independent from enforcement.

This is a **per se conflict of interest**. Neutral adjudication is impossible where the adjudicator acts simultaneously as an enforcement facilitator. Due process forbids such merger of roles.

5. Legal Consequences Under Procedural Due Process and Administrative Law. These irregularities undermine due process in several ways:

- **Mathews Factor 2 — High Risk of Erroneous Deprivation:** Anonymity of the decision-maker and inconsistent agency narratives present an intolerably high risk of error.
- **Mathews Factor 1 — Weight of Private Interests:** Petitioner faced detention, medical danger, and family separation—all requiring heightened procedural protection.

- **APA Arbitrary-and-Capricious Review:** USCIS's concealment of the adjudicator's identity, combined with inconsistent interagency statements, constitutes arbitrary decision-making.

- **Equal-Protection / CARRP Context:** Anonymous, enforcement-aligned interviewing behavior is characteristic of CARRP-flagged cases, where ordinary procedural norms are subordinated to opaque "security review" processes.

6. Structural Impairment of Judicial Review. Without an officer identity:

- The Court cannot ascertain whether the officer possessed lawful authority;

- The Court cannot determine whether the officer fabricated a denial communicated to ICE;

- Petitioner cannot challenge unlawful conduct through administrative channels;

- Respondent cannot demonstrate that the seizure complied with lawful procedures.

In sum, the combination of a **blank N-652**, the interviewing officer's **refusal to identify himself**, the contradictions between USCIS and ICE records, and the officer's **role-contaminated conduct** demonstrate a textbook procedural-due-process violation. These irregularities undermine due process in several distinct ways:

- **Mathews Factor 2—Risk of Erroneous Deprivation:** When the identity of the decisionmaker is concealed, the risk of procedural error or abuse is intolerably high.
- **Mathews Factor 1—Private Interest:** Petitioner faced the potential consequences of wrongful detention, loss of eyesight, and family separation—all of which heighten the need for reliable procedures.
- **APA Arbitrary and Capricious Review:** USCIS's failure to record the adjudicator, combined with inconsistent interagency narratives, constitutes arbitrary decision-making.
- **Equal Protection / CARRP Context:** Anonymous adjudication is a known feature of CARRP-driven cases, where "security vetting" functions obscure ordinary procedural safeguards.

Petitioner was not arrested as a result of neutral adjudication—but was **targeted, entrapped, and ambushed** in a manner incompatible with constitutional norms and administrative law.

G. Conditions of Detention & ADA/Medical Violations

Petitioner's confinement is not merely uncomfortable or inadequate—it is **affirmatively dangerous**, medically contraindicated, incompatible with federal disability law, and foreseeably causing catastrophic and irreversible harm. These facts are central to Petitioner's substantive-due-process claim, his ADA and Rehabilitation Act claims, and the habeas determination under *Zadvydas*, *Youngberg*, and *Nken*.

1. Solitary "Medical Isolation" with 24/7 Bright Light — Medically Contraindicated for TBI. Upon admission to NWIPC, Petitioner—a 100% service-connected disabled veteran with traumatic brain injury—was placed in **solitary "medical isolation" under continuous bright lighting for six consecutive days**. Such conditions are **medically contraindicated** for individuals with TBI and are known to produce severe migraines, destabilize neurological

function, trigger neuro-inflammatory responses, impair cognition, and exacerbate visual disturbances. See Romero Declaration (Ex. 148). These conditions also prevented Petitioner from:

- perceiving the passage of time due to absence of clocks or natural light;
- accessing communication tablets due to signal obstruction in the isolation cell;
- safely accessing toilet or bedding facilities.

Petitioner was likewise placed in an environment where he had **no visual or auditory witnesses** and no ability to summon help—conditions that exacerbate trauma and pose serious risk for individuals with neurological disability. Melissa Chaudhry's declaration (Ex. 150) describes the acute psychological and physical impacts of this confinement based on contemporaneous interactions with Petitioner.

This confinement was lifted only after a **large public protest**, including **eight Washington State legislators**, demanded his release from solitary. That public pressure—not medical judgment—ended his isolation, evidencing that it was

neither medically justified nor operationally required, and instead **excessive and punitive**.

2. Transfer to Chaotic Pod Conditions That Aggravate TBI and TED. After isolation, Petitioner was transferred to a crowded, noisy pod where:

- lights remain bright or active for all but **five hours each day** (and even then, are only dimmed by half);
- sleep is chronically disrupted by noise, movement, and environmental stress;
- auditory overstimulation worsens TBI-related symptoms.

For an individual with active Thyroid Eye Disease (TED), this environment is medically destabilizing. TED is worsened by sleep disruption, systemic inflammation, and stress—all pervasive in detention. As documented in Exhibits 114–116 and emphasized by treating specialists at Madigan Army Hospital, these triggers accelerate optic-nerve compression and increase the risk of **permanent, irreversible vision loss**. Neuroscientist Romero's Declaration (Ex. 148) confirms that NWIPC's environment is incompatible with preventing progression of TED.

3. ICE's Systemic Medical Failures and Misrepresentations. ICE has repeatedly failed to provide continuity of care—as required by the **Performance-Based National Detention Standards (PBNDS 2011, rev. 2016), §§ 4.3, 4.4,** which mandate timely access to outside specialists when clinically necessary.

- **Failure to transport to urgently needed ophthalmology care.** ICE refused to transport Petitioner to his pre-scheduled follow-up appointment with Dr. Jason Lewis, Chief Ophthalmologic Surgeon at Madigan Army Medical Center, twenty minutes down I5. This refusal occurred despite Dr. Lewis's written warning that evaluation was necessary **no later than the first week of October 2025** to avoid irreversible damage (Ex. 48). Petitioner had repeatedly notified ICE of this appointment. ICE's constructive denial - based loosely on "security reasons" despite Petitioner's wheelchair use and ICE's capable officers - directly contradicts Respondent's assertion that it is "coordinating" care.

- **Misrepresentation regarding endocrinology referral.** Respondent's medical declaration (Wang Decl. ¶10) falsely states that Petitioner's endocrinology referral was "canceled" because he "did not meet clinical

criteria." In truth, Madigan AMC referred Petitioner to **Providence Endocrinology in Lacey, WA** due to staffing shortages requiring them to limit endocrine care to active-duty patients—his referral was not "canceled," it was properly transferred, and Respondent's implication of a lack of medical necessity is flat wrong. Endocrinology is central to managing the hyperthyroidism that drives TED. Respondent's misrepresentation undermines the credibility of its broader claims.

- **Destruction of a carefully sequenced infusion regimen.** Petitioner had been receiving Tepezza infusions through a coordinated multidisciplinary plan spanning Madigan AMC, Providence, and OptionCare Infusion. The regimen had successfully reduced his Clinical Activity Score from 4 (urgent surgical threshold) to 1 (baseline stability). Despite Petitioner's severe side effects from treatment, in his own personal and informed judgment (and in the absence of specialized medical evaluation ICE promises is "pending"), the severe deterioration of his condition in detention warrants resuming infusions. ICE's failure to ensure continuity has allowed **over 90 days** to lapse without treatment, increasing the likelihood of irreversible optic-nerve injury and necessitating restarting an expensive, immunologically intensive

course of therapy - at taxpayer expense of over a million dollars, if Petitioner is kept in ICE detention. Were Petitioner free to pursue treatment from home, his insurance would cover his care in full - and indeed, was already doing so for several months earlier this year.

4. NWIPC Cannot Replicate Petitioner's Required Four-Clinic Coordination.

Petitioner's TED and TBI require coordinated care across four specialties—ophthalmology, endocrinology, audiology, and infusion medicine. NWIPC lacks:

- specialty ophthalmology services;
- infusion capability for TED medications;
- integrated neuro-ophthalmic monitoring;
- specialized audiology care required to track hearing loss associated with Tepezza administration;
- endocrinology management for thyroid-related disease progression.

Neuroscientist Romero Declaration (Ex. 148) states unequivocally that Petitioner is **"at imminent risk of irreversible visual and neurological deterioration"** and

that NWIPC cannot provide the medically necessary care required to prevent such harm. No contrary medical evidence has been submitted by Respondent.

5. Violations of the ADA and Rehabilitation Act. As a disabled veteran with TBI, visual impairment, endocrine disorder, and mobility limitations, Petitioner is entitled to reasonable accommodations under **ADA Title II** and the **Rehabilitation Act (29 U.S.C. § 794)**. These protections apply to ICE detention facilities. See *Pa. Dep't of Corr. v. Yeskey*, 524 U.S. 206 (1998); *Pierce v. County of Orange*, 526 F.3d 1190 (9th Cir. 2008).

ICE violated these statutes by:

- denying his PCA accommodation during and after the naturalization interview;
- placing him in bright-light isolation despite known contraindications;
- refusing transport to required specialist appointments;
- interrupting treatment contrary to PBNDS and disability-rights laws.

These failures constitute discrimination on the basis of disability and reinforce Petitioner's substantive-due-process claims.

6. Legal Significance. Collectively, these facts establish:

- ongoing, severe, **irreparable harm** under *Nken* and *Leiva-Perez*;
- arbitrary and punitive detention in violation of *Zadvydas*;
- ADA and Rehabilitation Act violations requiring corrective relief;
- deliberate indifference to medical necessity under *Youngberg*;
- a level of medical endangerment incompatible with constitutional detention.

These conditions independently warrant habeas relief and immediate release to restore access to medically necessary care and prevent permanent vision loss, neurological decline, and continued family trauma.

H. Family Harm and Loss of Care for U.S. Citizen Infants

Petitioner's ongoing detention inflicts **severe, immediate, and irreparable harm** on his U.S. citizen children, his spouse, his household, his community, and the State of Washington itself. These harms are independently sufficient to warrant emergency release under *Nken v. Holder*, 556 U.S. 418 (2009), *Leiva-Perez v.*

Holder, 640 F.3d 962 (9th Cir. 2011), and the substantive-due-process doctrine protecting family integrity. The evidence in the record confirms that the daily continuation of detention causes harms that are **non-compensable, uncorrectable, and worsening**, and which no later final decision can remedy.

1. Irreparable Harm to Petitioner's Young Children. As detailed in the **Declaration of Melissa Chaudhry (Ex. 150)**, Petitioner's two-and-a-half-year-old daughter, [redacted]a, fully understands that her father was taken from them. She asks daily whether "the judge has decided yet," exhibits clinginess, nighttime distress, and early attachment disruption.

Petitioner's infant son, [redacted]—who just turned one—begins each morning by reaching toward a framed photograph of his father, expecting him to appear. When he does not, he cries and turns visibly distressed. At this developmental stage, the disruption of parent-child bonding constitutes **irreparable injury** recognized by federal courts. See *Nken*, 556 U.S. at 435; *Leiva-Perez*, 640 F.3d at 969. These early attachment harms cannot be remedied through post-hoc relief.

2. Harm to Petitioner's Wife and Household Stability. Before his detention, Petitioner was an active daily co-parent and household partner. He repaired and

maintained household vehicles as much as his disabilities allowed, tended the family's home and land, shared childcare responsibilities equally, supported his wife through postpartum recovery, and provided essential physical and emotional caregiving. His detention leaves Mrs. Chaudhry to shoulder round-the-clock caregiving, financial and medical decision-making, and the legal fight for her husband's life and eyesight—all while caring for two infants alone. These burdens create **substantial emotional and logistical harm** that cannot be repaired with money damages or resolved by delayed judicial relief.

Although monetary compensation may ultimately be available in a separate civil action—which Petitioner expressly preserves—no financial remedy can repair the immediate and ongoing injury to his young children, his spouse, or the stability of his household. The constitutional harms at issue here, including disruption of family integrity and interference with early-childhood attachment, are precisely the kind of injuries federal courts treat as irreparable under *Nken v. Holder*, 556 U.S. 418 (2009), and *Leiva-Perez v. Holder*, 640 F.3d 962 (9th Cir. 2011). Likewise, substantive due-process doctrine protects the parent-child relationship because the loss of familial companionship is not correctable after the fact. Thus, while

Petitioner reserves his right to pursue monetary damages later, such relief cannot remedy the constitutional, relational, and developmental harms underway now.

3. Harm to the Community and the State of Washington. Petitioner's absence harms not only his household but the larger Washington community that depends on him. Exhibits 137–144 demonstrate that Petitioner is:

- A mentor to disabled and at-risk veterans navigating PTSD, suicide risk, homelessness, and reintegration;
- A leader and speaker in multiple faith communities, providing spiritual support and interfaith mediation;
- A youth mentor to immigrant and refugee teenagers facing trauma and identity challenges;
- A protector of vulnerable individuals, including women and children whom he and his wife have housed during crises;
- A volunteer and board member for nonprofits addressing public health, affordable housing, suicide prevention, and community empowerment;

- **A sitting Boundary Review Board Commissioner** for the State of Washington, whose official duties cannot be performed while detained.

His detention removes from the community a stabilizing, experienced, service-oriented leader at a time when his contributions are actively needed. These harms—to vulnerable individuals, to civic systems, and to state governance—are irreparable and ongoing.

4. Legal Significance Under TRO and Due-Process Standards. These harms satisfy the **irreparable injury**requirement because they:

- Disrupt **constitutional family-integrity interests** protected by substantive due process;
- Affect children at developmental stages where separation causes lasting injury;
- Impose immediate, non-compensable harms on Petitioner's wife and household;
- Harm the public interest by removing a civic officer and mentor from the community.

Under *Nken* and *Leiva-Perez*, such harms overwhelmingly favor release. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention that inflicts arbitrary and punitive burdens without serving a legitimate regulatory purpose violates substantive due process. Under *Youngberg v. Romeo*, 457 U.S. 307 (1982), the Government has an affirmative duty not to impose conditions that foreseeably cause emotional and relational injury to civil detainees.

5. Conclusion. Petitioner's continued detention is causing daily, compounding harm to his children, his wife, his community, and the State of Washington. These harms are severe, ongoing, and irreversible. No plausible governmental interest outweighs the damage inflicted on a disabled veteran's family and community by an unlawful detention predicated on tainted and nonfinal adjudications. the damage inflicted on a disabled veteran's family and community by an unlawful detention predicated on tainted and nonfinal adjudications.

I. Evidence of Government Bad Faith & Structural Misconduct

The record reveals a sustained and troubling pattern of governmental misconduct, factual distortion, and discriminatory or retaliatory action that together demonstrate

bad faith in both the initiation and continuation of Petitioner's detention. These patterns, spanning nearly two decades, are not independent anecdotes—they form the structural backdrop against which every constitutional and statutory violation in this case must be understood. Individually, each instance raises serious concern. Taken together, they reflect a **cohesive, systemic breakdown** of lawful process that materially increases the *Mathews* risk of erroneous deprivation and directly undermines Respondent's credibility.

1. Criminal Misconduct by ICE Chief Counsel Sanchez and Deputy Chief Counsel Love. Two senior ICE attorneys—**Chief Counsel Jonathan Sanchez and Deputy Chief Counsel Raphael Love**—were criminally convicted of **forgery, identity theft, and falsification of official immigration documents**. See Exhibits 127–129. Their crimes included fabricating signatures on "voluntary departure" orders, altering immigration records for personal gain, and targeting high-credit-score immigrants to steal identities. Both attorneys played roles in matters directly affecting Petitioner's earlier adjudications (Ex. 129). Respondent offers no acknowledgment that Petitioner's detention arose from—and continues to be defended by—an office with a proven record of document falsification and criminal abuse of authority. Under *Mathews*, this history is squarely relevant:

where the accuracy of records is critical to liberty, the involvement of officials previously convicted of falsifying those very records heightens the risk of erroneous deprivation to an intolerable degree.

2. Lt. Gary Belles: Racism, Fabrication, and Continued Reliance on Tainted Evidence. Exhibits 124–125 document that Yakima Police Lt. **Gary Belles**—a central witness whose statements formed the foundation of Item 6 in the 2008 removal order—openly used racial slurs toward minority communities in public while in uniform. He refused to testify in immigration court, was linked to the **fabricated checkmark** on Petitioner's volunteer application, and was contradicted by a **forensic handwriting expert (Ex. 126)**. Most importantly, **Lt. Belles admitted under oath (Ex. 124) that Petitioner never claimed U.S. citizenship at any point.** Yet Respondent continues to cite Belles's discredited allegation **every time** it invokes the 2008 removal order. This is not a misunderstanding—it is **knowing reliance on false, racially tainted evidence**, a hallmark of administrative bad faith and an equal-protection concern.

3. Systematic Omission of Exculpatory Information. Respondent's filings—including the Motion to Dismiss—consistently omit Petitioner's:

- Honorable military service and 100% disability rating;
- History as a volunteer firefighter, EMT, and first responder;
- Decades of civic leadership on nonprofit boards and state advisory bodies;
- Overwhelming community support from U.S. Senators, state legislators, faith leaders, and veterans' advocates (Exs. 137–144);
- Status as a **sitting Boundary Review Board Commissioner** for the State of Washington.

This selective omission of exculpatory evidence contradicts Respondent's duty of candor and reflects an effort to manufacture an appearance of risk where none exists. Courts have long recognized that deliberate exclusion of mitigating evidence is a classic indicator of governmental bad faith.

4. Excessive Solitary Confinement Reinforcing Improper Motive. As detailed in Section G, ICE confined Petitioner—blind-at-risk, TBI-impaired, and wheelchair-bound—to 24/7 bright-light solitary confinement for six days, lifting the confinement only after statewide public protest, including eight state legislators. This is referenced here not to repeat medical arguments, but because

responding only to public scrutiny—not medical judgment or policy—demonstrates the arbitrary and retaliatory nature of enforcement decisions, reinforcing that Petitioner's detention is not motivated by statutory interests but by improper considerations.

5. Tacoma IJ Misconduct and the Repudiated "No-Jurisdiction" Doctrine. On August 29, 2025, Petitioner was denied bond under the now-repudiated "no-jurisdiction" doctrine—an unlawful practice thoroughly rejected in **Rodriguez-Vazquez v. Bostock** (W.D. Wash. 2025). See Exhibits 131–135. Petitioner's bond denial followed this exact, unlawful framework of denying jurisdiction even for long-term residents, resulting in a suspension of due process and deprivation of a fair analysis based on reasons of danger and flight risk alone. This is not a minor procedural flaw: it shows that Petitioner's continued detention rests on **an adjudicatory error so fundamental that WDWA has since held the underlying doctrine unlawful.** A detention premised on an invalid legal standard is arbitrary and unconstitutional.

6. Coercive Conduct by the Congressional Liaison Office (CLO). CLO staff informed Petitioner in 2014 that USCIS would approve **either his military**

naturalization or his parents' long-pending green-card applications—"one or the other." This coercive ultimatum was issued after his parents had waited **17 years** and after his grandmother died waiting during Petitioner's deployment in Operation Iraqi Freedom. Petitioner, honoring family obligations, sacrificed his own citizenship path so his parents could finally receive lawful status. This episode is relevant because it reflects a broader pattern of **leveraging Petitioner's vulnerability to force compliance**, consistent with earlier FBI recruitment pressure (Section B) and subsequent CARRP obstruction (Section C).

7. Unlawful Interference With State Governance: Detaining a Public Officer Without Cause. Petitioner serves as a **Boundary Review Board Commissioner**, a quasi-judicial officer whose duties include resolving municipal boundary and land-use matters. Detaining a state official with no U.S. criminal history, no flight risk, and a perfect 25-year appearance record is not only unnecessary—it is **disruptive to state governance**. This interference with state functions underscores the arbitrariness of Respondent's enforcement posture.

8. Petitioner's 2009 Declaration: Evidence of Misconduct Long Known to the Government. Petitioner's sworn 2009 declaration documents:

- The coercive and racially-biased circumstances of the Australian plea;
- Police violence he endured as an immigrant worker;
- His **proactive disclosure** of that plea to USCIS;
- His consistent integrity in the face of repeated government pressure.

Respondent ignores this declaration entirely, even though it has been in the Government's possession for over a decade. This omission is further evidence of selective, outcome-driven decision-making rather than neutral adjudication.

9. Summary of Bad Faith. Taken together, the misconduct of ICE counsel, reliance on fabricated and racially tainted evidence, omission of exculpatory facts, retaliatory solitary confinement, invalid IJ decision-making, coercive CLO conduct, and arbitrary detention of a state officer establish a **multi-layered pattern of governmental bad faith** incompatible with constitutional detention. This pattern directly informs the *Mathews* analysis, heightens the risk of erroneous deprivation, and reinforces Petitioner's substantive-due-process, equal-protection, APA, and statutory claims.

VI. Embedded Opposition to Respondent's Motion to Dismiss

Respondent's Motion to Dismiss is premised on a series of legally incorrect characterizations of both the record and the governing law. At its core, the Motion misdescribes this case as a mere "conditions of confinement" dispute, attempts to shift responsibility for ongoing medical harm onto outside providers, and relies on statutory provisions and precedents that do not apply to Petitioner's posture. Each of these assertions is contradicted by the factual record, Respondent's own exhibits, and binding Supreme Court and Ninth Circuit precedent.

First, Respondent's attempt to recast this Petition as a "garden-variety" § 1983-style medical-care complaint—citing **Pinson v. Carvajal**, 69 F.4th 1267 (9th Cir. 2023)—is unsustainable. Petitioner does not challenge only the "conditions" within NWIPC. He challenges the **lawfulness of his detention itself**, including: the **warrantless hallway seizure** executed in violation of an active Ninth Circuit stay of removal; the **statutory misclassification** that placed him under § 1225(b)(2) rather than the correct framework of § 1226(a); the **denial of bond jurisdiction** under the now-repudiated Tacoma IJ doctrine struck down in *Rodriguez-Vazquez v. Bostock* (W.D. Wash. Sept. 30, 2025); the Government's **continued reliance on**

fabricated and tainted allegations, including discredited statements by Lt. Belles; the **medical endangerment** that renders detention unconstitutional; the **equal-protection violations** arising from CARRP discrimination; and the **violations of a federal appellate stay**. These are quintessential habeas claims, and courts in this District—including in *Sira-Hurtado v. Hermosillo*—have repeatedly adjudicated analogous challenges via habeas. *Pinson* merely holds that ordinary medical grievances belong in civil-rights actions; it does not bar habeas review where detention itself is unlawful.

Second, Respondent's attempt to shift responsibility for Petitioner's medical deterioration onto outside providers is both legally irrelevant and factually inaccurate. Under **Nken v. Holder**, 556 U.S. 418 (2009), and **Leiva-Perez v. Holder**, 640 F.3d 962 (9th Cir. 2011), the irreparable-harm analysis is **forward-looking**: the question is whether continued detention places Petitioner at imminent risk of death, blindness, or neurological collapse—not who paused Tepezza months ago. Even accepting Respondent's premise that the infusion clinic altered Petitioner's infusion schedule pre-detention, none of that absolves ICE of responsibility for the **ongoing, catastrophic harm ICE is causing now**. Respondent has cut off access to the neuro-ophthalmologic specialists familiar with

Petitioner's case; refused transport to a critical appointment ordered by Dr. Jason Lewis; misrepresented an active endocrinology referral as "canceled"; housed Petitioner in medically destabilizing environments that aggravate both TED and TBI; and allowed **more than ninety days** to elapse without TED-appropriate evaluation or therapy.

Respondent's Motion points to NWIPC sick-call logs reflecting that Petitioner has received headache pills, bandaging for minor injuries, and periodic checks. Regardless: **dispensing headache pills for migraines is not Tepezza, treating an injured toe is not preventing optic-nerve compression**, and **antidepressants are not endocrine management**. None of these encounters even approaches the four-clinic coordination necessary to prevent Petitioner's imminent and irreversible vision loss. Yet Respondent now asserts, with no factual or evidentiary basis, that it is "coordinating" care. The record shows the opposite: ICE's conduct constitutes **medical sabotage, not coordination**, and its assertion to the contrary **rings hollow** in light of the countless written complaints by Petitioner and the warning letter (Exhibit 114) provided by Petitioner's treating physician, Dr. Jason Lewis, the best eye surgeon Madigan has to offer.

Third, Respondent asks the Court to rely on the **2008 removal order** as though it were final, reliable, and dispositive. It is none of these. The 2018 Immigration Judge's decision rejected the factual predicates of that order, granted waivers of all pre-2018 conduct, reinstated Petitioner's LPR status to 2001, and affirmed his statutory eligibility for military naturalization. The BIA's subsequent reversal—rendered on an irregular, improperly served appeal—is currently before the Ninth Circuit, where briefing has been complete since August 5, 2025, and where a **stay of removal remains active**. Moreover, the original removal order was distorted by **CARRP bias**, reliance on fabricated evidence, and racially tainted assertions later disproven by forensic handwriting analysis and by **Lt. Belles's own sworn admission that Petitioner never claimed U.S. citizenship**. Respondent's reliance on this tainted and functionally nonfinal removal order is legally unsupportable.

Fourth, Respondent's own exhibit—the **I-213**—fatally undermines its narrative. It expressly states that **"Chaudhry has no known criminal history in the United States"**; that USCIS notified ICE **before** the interview occurred; that USCIS allegedly "denied" an application that, in fact, was explicitly recorded as **"A decision cannot be made at this time"** on Petitioner's N-652; and that Petitioner was coded as **"T-Other,"** a CARRP-associated terrorism classification wholly

unsupported by evidence. These defects - and the resulting hallway arrest seconds after an interview conducted by an unidentified individual - mirror the unlawful conduct condemned in *Sira-Hurtado* and corroborate the pre-planned, non-adjudicative nature of the seizure.

Fifth, Respondent invokes **§§ 1252(g) and 1252(b)(9)** in an attempt to bar review, but those provisions do not apply to challenges to detention, bond processes, or constitutional violations. Under **Jennings v. Rodriguez**, 583 U.S. 281 (2018), **Nielsen v. Preap**, 586 U.S. ___ (2019), *Rodriguez-Vazquez*, and *Sira-Hurtado*, these jurisdictional bars apply only to challenges to the Attorney General's discretion to commence or adjudicate removal—not to habeas corpus actions challenging unlawful detention. Petitioner is not asking this Court to review his removal order; he is seeking release from **unlawful custody**.

Sixth, Respondent relies on **Winter v. NRDC**, 555 U.S. 7 (2008), to suggest a heightened TRO standard. But Winter governs environmental injunctions, not immigration detention. In this context, the Ninth Circuit applies *Nken* and *Leiva-Perez*, which focus on irreparable harm and likelihood of success—not Winter's

"clear showing" standard. WDWA has consistently applied the *Nken/Leiva-Perez* framework in TROs seeking release from ICE custody.

Finally, Respondent cites **Demore v. Kim**, 538 U.S. 510 (2003), **Jennings**, and **Zadvydas v. Davis**, 533 U.S. 678 (2001), to argue that detention is permissible. These cases do not support its position. *Demore* concerns brief mandatory detention of criminal aliens under § 1226(c); Petitioner is **not** a § 1226(c) detainee. *Jennings* expressly preserved constitutional challenges. And *Zadvydas* establishes that detention becomes unconstitutional when it ceases to serve a removal-related purpose and becomes punitive or medically dangerous.

For all these reasons, and those developed throughout this Petition, Respondent's Motion to Dismiss is legally and factually meritless. Respondent's arguments are contradicted by its own exhibits, by binding precedent, and by the extensive record of constitutional, statutory, and medical violations described above. The Motion to Dismiss should be **denied**, and the Court should reach the merits of Petitioner's habeas claims.

VII. Claims

Here follow Petitioner's seven claims as to the underlying, structural unlawfulness of his detention, on which his prayers for relief are based.

Claim 1 – Unlawful Detention Under 8 U.S.C. §1226(a)

Petitioner's detention is unlawful because it is governed not by §1225(b)(2), as Respondent asserts, but by **8 U.S.C. §1226(a)**. Petitioner is a long-time lawful permanent resident who has lived peacefully in the United States for over twenty-five years, has **perfect attendance at every immigration proceeding**, and is currently under an **active stay of removal issued by the Ninth Circuit**. His removal order, though labeled

final,' is functionally non-final and legally non-operative, is **17 years old**, and is presently under appellate review due to coercion, fabrication of evidence, CARRP-driven discrimination, procedural irregularities, and BIA error. Because Petitioner was arrested **inside the United States** while residing here lawfully—not at a port of entry—he is not an "arriving alien" subject to §1225(b)(2).

Under **Jennings v. Rodriguez**, 583 U.S. 281 (2018), and **Rodriguez–Vazquez v. Bostock** (W.D. Wash. Sept. 30, 2025), detention of individuals in Petitioner's posture is governed by §1226(a). In *Rodriguez–Vazquez*, this District rejected the

Tacoma IJ's longstanding "no-jurisdiction" doctrine as unlawful, holding that long-term residents **must be afforded individualized bond consideration** and cannot be subjected to mandatory detention without hearing. Because Petitioner has never received a meaningful bond hearing evaluating flight risk and danger, his detention exceeds statutory authority and violates the INA and the **APA**, 5 U.S.C. §706(2).

Respondent's claim that detention serves the "federal interest" in prompt removal is untenable. The Government has delayed adjudicating Petitioner's military N-400s for **decades**; his nominal removal order carries no operative legal effect for detention purposes; and he has appeared without fail for every proceeding for twenty-five years. Any asserted urgency "rings hollow," given that the Government's own conduct—CARRP obstruction, FBI retaliation, reliance on fabricated evidence, and adjudicatory misconduct—caused the delay. The INA does not permit Respondent to transform its own delays and errors into justification for indefinite detention.

Claim 2 – Procedural Due Process Violations (Mathews v. Eldridge)

Petitioner's detention violates procedural due process under **Mathews v. Eldridge**, 424 U.S. 319 (1976). He possesses substantial liberty interests, including: freedom

from physical restraint, preservation of eyesight and neurological function, the integrity of his family relationships, and his ability to maintain civic service, essential family responsibilities, and medical care. These interests demand heightened procedural protections.

The **risk of erroneous deprivation** is extraordinarily high, as demonstrated by: Petitioner's **warrantless hallway seizure** without notice or opportunity to be heard; the **concealment of the interviewing officer's identity** and a **blank N-652** in violation of USCIS norms; the **contradictory narratives** between the I-213 and N-652; the **tainted 2008 order** influenced by CARRP discrimination and fabricated evidence; the **Tacoma IJ's unlawful "no-jurisdiction" doctrine;** Respondent's misrepresentations regarding medical care; and the **pre-planned interagency operation** mirroring the unconstitutional conduct identified in *Sira-Hurtado v. Hermosillo*.

Meanwhile, the Government's burden to provide meaningful process—such as an individualized bond hearing, neutral adjudicator, or transport to critical medical care—is minimal. Under *Mathews*, Respondent's failure to provide such safeguards renders Petitioner's detention unconstitutional.

Claim 3 – Substantive Due Process (Bodily Integrity & Arbitrary, Punitive Detention)

Substantive due process forbids detention that is arbitrary, punitive, or that *shocks the conscience*. See **Zadvydas v. Davis**, 533 U.S. 678 (2001); **Youngberg v. Romeo**, 457 U.S. 307 (1982). Petitioner's detention foreseeably and imminently threatens to cause **permanent blindness**, neurological decline, and collapse of family structure—harms of the highest constitutional magnitude.

Respondent has **cut off sight-saving specialty care**; refused transport to Petitioner's treating ophthalmologist despite urgent need fully communicated; misrepresented the status of endocrinology referrals; and housed Petitioner in sensory-overloading environments medically contraindicated for TBI and TED. As neuroscientist Romero points out, detention itself is causing irreversible harm. These choices demonstrate deliberate indifference and punitive intent. Detention no longer bears any rational relation to immigration purposes: **removal is stayed**, the underlying order is under judicial review, and Petitioner has a flawless compliance history. Continued detention under such conditions violates substantive due process.

Claim 4 – Equal Protection / CARRP Discrimination

The Fifth Amendment's equal-protection guarantee prohibits discriminatory enforcement and adjudication. Petitioner's record shows **15 of 19 known CARRP indicators** (Ex. 151), a **T-Other terrorism coding** in his I-213 without evidentiary basis, and decades of unexplained delays, shifting rationales, and pretextual denials targeting him as a Muslim and a veteran with ties to Muslim communities.

In **Wagafe v. Biden**, No. 2:17-cv-00094-LK (W.D. Wash. 2025), this District held that CARRP is **unlawful, discriminatory, arbitrary, and capricious**, and that USCIS may not use it to obstruct naturalization. Petitioner's CARRP-distorted removal proceedings, tainted N-400 adjudications, and ICE's reliance on "T-Other" coding violate equal-protection principles by imposing burdens based on religion, perceived national-security profiling, and protected First-Amendment religious association.

Claim 5 – ADA & Rehabilitation Act Violations

Petitioner's disabilities—including wheelchair reliance, traumatic brain injury, limited vision, endocrine disorder, and reduced mobility—trigger protections under **ADA Title II** and the **Rehabilitation Act**, 29 U.S.C. §794. These statutes apply to

ICE detention facilities operated directly or through contractors. See **Pa. Dep't of Corr. v. Yeskey**, 524 U.S. 206 (1998); **Pierce v. County of Orange**, 526 F.3d 1190 (9th Cir. 2008).

ICE violated these laws by denying Petitioner reasonable accommodations, including: refusal to permit his PCA assistance; placement in 24/7 bright-light solitary despite known contraindications; refusal to transport him to specialist appointments; and interruption of his multi-clinic coordinated treatment plan. These failures constitute disability-based discrimination and an independent basis for relief.

Claim 6 – Administrative Procedure Act Violations (5 U.S.C. §§555, 706)

Respondent's actions violate the APA. CARRP-based delays and naturalization denials (Ex. 130-B) constitute **unlawful withholding** and **unreasonable delay** under §706(1), as confirmed by *Wagafe v. Biden*, No. 2:17-cv-00094-LK (W.D. Wash. Jan. 17, 2025), in which this District struck down CARRP as unlawful, arbitrary, and discriminatory. Respondent's misrepresentations regarding endocrinology referrals, claims of "coordination," shifting detention postures, and

contradictory statements between Ninth Circuit and District Court positions are **arbitrary, capricious, and an abuse of discretion** under §706(2).

USCIS's reliance on fabricated evidence (Lt. Belles), failure to record the adjudicator's identity in Petitioner's August 21 citizenship interview, and interagency coordination designed to facilitate an unlawful arrest independently violate basic administrative-law requirements for fair process, including the principles articulated in *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (agency action is arbitrary and capricious where it runs counter to the evidence, relies on impermissible factors, or fails to consider important aspects of the problem), and *SEC v. Chenery Corp.*, 318 U.S. 80, 94 (1943) (agency action must stand or fall on the grounds invoked by the agency).

Claim 7 – Suspension Clause / Preservation of the Habeas Remedy

Denying habeas protection where detention is plainly unlawful would effectively **suspend the writ** for a disabled veteran whose removal order is legally tainted, functionally nonfinal, under a federal stay of removal, and under active appellate review. See U.S. Const. art. I, §9, cl. 2. Habeas corpus under §2241 is the only vehicle capable of addressing the constitutional and statutory violations presented

here. No alternative remedy can prevent the ongoing, irreparable harm to Petitioner's health, liberty, and family integrity.

Petitioner therefore seeks habeas relief to remedy his unlawful detention and restore the protections guaranteed by the Suspension Clause.

VIII. Emergency Relief (TRO/Posture Statement)

Petitioner has simultaneously moved for emergency relief in a separately filed motion for Temporary Restraining Order and Preliminary Injunction. In recognition of the Court's directive that all relevant facts and arguments appear within the four corners of this pleading, Petitioner notes that the same factual record establishing unlawful detention also satisfies the equitable standards governing emergency relief. The imminent risk of **irreversible blindness**, the ongoing and severe neurological deterioration, the documented **family-integrity harms**, and the statutory and constitutional violations detailed above all demonstrate irreparable harm and a substantial likelihood of success on the merits.

The **balance of equities** and the **public interest** likewise favor immediate release, particularly given Petitioner's documented medical fragility, perfect compliance history, honorable disabled veteran status, zero criminal history, and decades of peaceful residence and civic service. This section is not intended to substitute for, or incorporate, the separate TRO filing, but rather to confirm for the Court that the same set of facts supporting habeas relief also independently justifies emergency injunctive relief under *Nken* and *Leiva-Perez*.

IX. Prayers for Relief

WHEREFORE, Petitioner respectfully requests that this Court enter judgment in his favor and grant the following relief:

1. Immediate Release from Custody

An order directing Respondent to **immediately release Petitioner from ICE custody**, pursuant to this Court's authority under 28 U.S.C. § 2241, the Suspension Clause, and the Court's equitable power to remedy unconstitutional and unlawful detention. Petitioner's continued confinement serves no lawful immigration

purpose, is predicated on a **functionally non-final and legally non-operative removal order**, and poses imminent, irreversible harm to his vision, neurological function, and family integrity.

2. Declaration that Petitioner's Detention Is Unlawful

A judicial declaration that Petitioner's detention is **unlawful** because:

- he is properly classified under **8 U.S.C. § 1226(a)**, not § 1225(b)(2);
- the 2008 removal order cannot be treated as final for detention purposes, as it is under active Ninth Circuit review, subject to a federal stay of removal, and fatally compromised by coercion, fabrication, CARRP distortion, and adjudicatory misconduct;
- Respondent's actions violate the **Constitution**, the **Immigration and Nationality Act**, the **Administrative Procedure Act**, the **Rehabilitation Act**, and the **Americans with Disabilities Act**; and
- continued detention is **arbitrary, punitive, medically dangerous**, and **fundamentally incompatible** with due process.

3. Prohibition on Mandatory Detention Classification

An order holding that Respondent may **not** classify Petitioner as an "arriving alien" under § 1225(b)(2), and directing that any future custody determination be made under **§ 1226(a)**, the statutory provision governing long-term residents in Petitioner's posture.

4. In the Alternative: Order a Prompt, Lawful Bond Hearing

Should the Court decline to order immediate release, with or without court supervision, Petitioner requests an order requiring Respondent to provide a **prompt, constitutionally compliant bond hearing** before a neutral adjudicator, at which the Government bears the burden to prove **by clear and convincing evidence** that Petitioner presents a flight risk or danger to the community.

Given Petitioner's **25-year perfect compliance record**, zero U.S. criminal history, deep community ties, and catastrophic medical vulnerability, Respondent cannot meet that burden.

5. Medical and Disability Findings Supporting Relief

Petitioner seeks a finding that ICE cannot lawfully detain him in conditions that:

- cut off access to sight-preserving specialty care;
- interrupt necessary endocrinological and ophthalmological treatment;
- place him in sensory environments medically contraindicated for traumatic brain injury and Thyroid Eye Disease;
- violate federally mandated disability accommodations; or
- create imminent, irreversible harm.

Such findings further support immediate release under *Nken*, *Leiva-Perez*, *Youngberg*, and *Zadvydas*.

6. Costs

Petitioner, appearing pro se, does not seek attorneys' fees, but respectfully requests that the Court award **taxable costs** to the extent permitted by law.

7. Reservation of All Other Remedies

Nothing in this Petition waives or limits Petitioner's right to pursue **monetary damages** or any other remedies in a separate civil action for the injuries described herein, including but not limited to claims arising under:

- the **United States Constitution**,
- the **Federal Tort Claims Act**,
- the **Rehabilitation Act**,
- the **Americans with Disabilities Act**,
- and any other applicable federal or state law.

Petitioner expressly reserves all such claims.

8. Further Relief as This Court Deems Just and Proper

Petitioner requests such additional relief as law, equity, justice, and the Constitution require — including any remedy necessary to bring an end to the **extraordinary, unjustified, and medically dangerous detention** inflicted upon a

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decorated disabled veteran, husband, father, civil servant, and long-standing lawful permanent resident of the United States - and bring Salma's Baba home.

Respectfully submitted December 5th, 2025.

/s/ Muhammad Zahid Chaudhry

Pro Se, Detained

[redacted]

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