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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

FILED
DEC 10 2025
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY DEPUTY

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.



DETAINED

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

**EMERGENCY MOTION
FOR SANCTIONS; TO
COMPEL COMPLIANCE
WITH COURT'S ORDER;
FOR EXTENSION OF
TRAVERSE (OR, IN THE
ALTERNATIVE, JUDGMENT
ON THE RECORD)**

Petitioner Muhammad Zahid Chaudhry — a pro se, wheelchair-using, 100%
service-connected disabled U.S. military veteran presently detained at the



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Northwest ICE Processing Center ("NWIPC") — respectfully moves this Court for sanctions and remedial relief arising from Respondents' failure to comply with the Court's December 7, 2025 Order Setting Briefing Schedule on Petitioner's December 5, 2025 Motion for TRO (Dkt. 34) ("December 7 Order").

As set forth below and in the accompanying Declaration of Muhammad Zahid Chaudhry, despite clear, explicit instructions in Paragraph 4 of the December 7 Order that Respondents' counsel transmit copies of Dkt. Nos. 30–33 and all future Respondent filings to the Warden of NWIPC "so that the Warden can provide a copy of them to Petitioner in a timely fashion," Respondents have failed to ensure that Petitioner actually receives those materials.

As of the date of this Motion, Petitioner has been served with only one Respondent filing since he lodged his Second Amended Petition and Motion for Temporary Restraining Order on December 5, 2025: a three-page "Supplemental Declaration of Eddie Wang, M.D." filed on December 9, 2025 (Dkt. 36). Petitioner has never been served with Respondents' December 7, 2025 Response to his Motion for TRO (Dkt. 30) or the original declarations filed the same day (Dkt. 31–33),



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despite this Court's explicit directive and despite Respondents' subsequent certificates of service.

Because Petitioner is detained, pro se, in pain, without access to PACER, without internet access, and without legal staff, Respondents' noncompliance with the December 7 Order **deprives him of a meaningful opportunity to prepare his traverse** by the Court's December 17, 2025 deadline. In the context of an emergency habeas petition seeking immediate release to prevent imminent and potentially irreversible medical harm, this is not a harmless technical error; it is a **serious due-process violation** that frustrates the Court's administration of justice.

Petitioner therefore respectfully asks the Court to:

- (1) order Respondents to immediately and fully comply with Paragraph 4 of the December 7 Order;
- (2) extend Petitioner's traverse deadline to a reasonable date measured from actual service of all Respondent filings;



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- (3) make an express finding that Respondents have violated the December 7 Order and warn that further noncompliance will result in more severe sanctions, including striking Respondents' filings or granting the habeas petition; and
- (4) in light of Respondents' pattern of bad faith conduct documented in the Second Amended Petition and the Ninth Circuit record, coupled with their present noncompliance, **grant immediate habeas relief** by ordering Petitioner's release from ICE custody, or, in the alternative, **enter judgment on the existing record in Petitioner's favor.**

I. PROCEDURAL BACKGROUND

- A. On December 5, 2025, Petitioner filed his Second Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Dkt. 28) and his renewed Motion for Temporary Restraining Order seeking immediate release from ICE custody (Dkt. 27).
- B. On December 7, 2025, Respondents filed a Response to the Motion for TRO (Dkt. 30) along with three declarations: the Declaration of Brett Booth (Dkt. 31), the Declaration of Michelle Lambert (Dkt. 32), and the Declaration of Dr. Eddie Wang (Dkt. 33).



- C. That same day—Sunday, December 7, 2025—this Court issued its December 7 Order (Dkt. 34), which, among other things,
1. set an expedited schedule for full briefing on the Second Amended Petition and TRO; and
 2. directed Respondents' counsel to transmit to the Warden of NWIPC copies of Dkt. Nos. 30–33 and any future Respondent filings “so that the Warden can provide a copy of them to Petitioner in a timely fashion.”
- D. The December 7 Order sets December 10, 2025 as the deadline for Respondents to file any supplemental documents or arguments and states that the Court will treat Respondents' Response (Dkt. 30–33), together with any such supplemental filings, as Respondents' return to the habeas petition. The Order further provides that Petitioner must file his traverse no later than December 17, 2025.
- E. On December 8, 2025, Respondents filed a Certificate of Service (Dkt. 35) purporting to certify service of the Response (Dkt. 30) and Declarations (Dkt. 31–33). On December 9, 2025, Respondents filed a Supplemental Declaration of Dr. Wang (Dkt. 36) and another Certificate of Service (Dkt. 37).



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F. As set forth in Petitioner's accompanying Declaration, however, the only Respondent filing he actually received during this period was the Supplemental Declaration of Dr. Wang (Dkt. 36), which was delivered to his cell in the evening of December 9, 2025. He has never been provided with the Response (Dkt. 30) or the original declarations (Dkt. 31-33), and therefore has no knowledge of the factual assertions and legal arguments Respondents are making to justify his continued detention.

II. LEGAL STANDARD

District courts possess inherent authority to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases," including the power to enforce compliance with their orders and to sanction bad faith or abusive litigation practices.

In habeas proceedings brought under 28 U.S.C. § 2241, courts may apply the Rules Governing Section 2254 Cases by analogy and may also draw on the Federal Rules of Civil Procedure where appropriate. See Habeas Rule 1(b). Rules 16(f) and 37(b) of the Federal Rules of Civil Procedure authorize sanctions for failure to obey



pretrial and scheduling orders, including orders that a party take or refrain from particular actions.

Due process requires that a detained pro se litigant have timely notice of the opposing party's filings and a fair opportunity to respond. This requirement carries particular weight in emergency habeas matters where the petitioner seeks immediate release from custody to prevent imminent and irreparable harm.

III. ARGUMENT

A. Respondents Have Failed to Comply with the Court's Dec. 7, 2025 Order.

Paragraph 4 of the December 7 Order directs Respondents' counsel to transmit to the Warden of NWIPC: (a) a copy of the Order itself; (b) copies of Dkt. Nos. 30–33; and (c) copies of any future Respondent filings, "so that the Warden can provide a copy of them to Petitioner in a timely fashion." The Order further directs counsel to "file confirmation" that they have complied.

Petitioner's Declaration establishes that, as of the date of this Motion, he has received only one Respondent filing since December 5, 2025: the Supplemental Declaration of Dr. Wang filed December 9, 2025 (Dkt. 36). That document was



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delivered to his cell around 6:00 p.m. on December 9, 2025. **The envelope contained nothing else.**

Petitioner has never been provided with Respondents' Response to the Motion for TRO (Dkt. 30) or the original declarations (Dkt. 31–33). He therefore **cannot review or respond** to the factual assertions, medical characterizations, and legal arguments Respondents are making to justify his detention.

Respondents' noncompliance is particularly egregious in light of the procedural urgency the Court itself recognized when it issued its December 7 Order on a Sunday. While the Court has demonstrated exceptional diligence in managing this emergency matter, **Respondents have exhibited disregard for the Court's time, authority, and explicit instructions** designed to facilitate rapid, orderly briefing — as well as disregard for Petitioner's rights. Their failure to comply forces the Court to revisit issues that should have been resolved days ago, wastes judicial resources, and materially undermines the expedited process the Court established.

Whether the breakdown occurred at the level of counsel, ICE personnel, GEO



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staff, or the Warden, the fact remains that the core purpose of Paragraph 4—to ensure that this pro se, detained Petitioner actually *receives* Respondents' filings "in a timely fashion"—has not been fulfilled. Respondents should not be permitted to shield themselves behind internal logistical failures while Petitioner bears the resulting prejudice.

B. Respondents' Noncompliance Severely Prejudices Petitioner's Ability to Prepare His Traverse and Violates Due Process.

Petitioner is a 100% service-connected disabled U.S. veteran who uses a wheelchair and is in fragile health. He is detained in a secure facility under adverse conditions, has no internet access, no PACER access, no law library capable of retrieving Respondents' filings, and no legal staff.

The Court's December 7 Order contemplates that Respondents' Response (Dkt. 30–33), together with any supplemental filings, will constitute the government's "return" to the habeas petition and sets December 17, 2025 as the deadline for Petitioner's traverse.



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Without access to Respondents' Response and declarations, Petitioner cannot meaningfully prepare his traverse. He does not know what factual allegations Respondents are making about his immigration history, his medical condition, the conditions of his confinement, or any alleged risk of flight or danger. Nor does he know what legal standards Respondents are urging the Court to apply.

To require a detained, pro se habeas petitioner to file a traverse without ever seeing the government's return is **fundamentally inconsistent with due process.** It would convert the traverse into a shot in the dark, rather than the focused rebuttal the Court contemplated when it set the briefing schedule.

The prejudice is magnified by the emergency nature of this proceeding. Petitioner's Second Amended Petition and TRO motion explain that each additional day of detention exacerbates his risk of permanent vision loss and neurological deterioration. Delays and procedural obstruction are not neutral events in this context; they carry potentially irreversible consequences for Petitioner's health and for his U.S. citizen wife and toddlers who depend on him.



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C. In Light of Respondents' Pattern of Bad Faith and the Existing Record, the Court Should Impose Sanctions and Grant Immediate Relief.

This latest failure does not arise in a vacuum. As detailed in the Second Amended Petition and the extensive exhibits filed in this Court and in the Ninth Circuit, Petitioner's case reflects a 25-year pattern of discriminatory obstruction, misrepresentation, and retaliatory conduct by immigration authorities and the Department of Homeland Security.

Against that backdrop, Respondents' refusal or failure to ensure timely service of their own filings—contrary to an explicit emergency order issued on a Sunday—is properly understood as **part of a continuing pattern of bad faith** rather than a trivial oversight.

Petitioner respectfully submits that the Court **should respond firmly**, both to protect his individual rights and to safeguard the integrity of habeas proceedings in this District.



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1. **First**, the Court should order Respondents to **immediately and fully comply** with Paragraph 4 of the December 7 Order by transmitting complete copies of Dkt. 30–33 and any other Respondent filings to the Warden of NWIPC and ensuring that those materials are physically provided to Petitioner without further delay. The Court should require Respondents to file proof of such compliance within 24 hours.

2. **Second**, the Court should extend Petitioner’s traverse deadline to a reasonable period measured from the date on which he *actually receives* all Respondent filings—for example, seven (7) days after documented service—so that he has a fair opportunity to review and respond.

3. **Third**, the Court should make an express **finding that Respondents have failed to comply** with the December 7 Order and warn that any further noncompliance will result in more severe sanctions, including striking Respondents’ filings or granting the habeas petition as a sanction.



4. Finally, in light of:

- (a) Petitioner's substantial showing of entitlement to habeas relief on the existing record;
- (b) the Ninth Circuit's stay of removal and the serious legal questions presented;
- (c) the grave and escalating medical risks associated with continued detention; and
- (d) Respondents' ongoing pattern of bad faith culminating in the present violation, Petitioner respectfully asks the Court to **grant the ultimate relief sought in this case** by ordering his immediate release from ICE custody under appropriate conditions.

In the alternative, to the extent the Court views this request through the lens of Federal Rule of Civil Procedure 56, Petitioner submits that there is **no genuine dispute of material fact** regarding the unlawfulness of his continued detention under 8 U.S.C. § 1226(a) and his entitlement to release.

IV. REQUESTED RELIEF



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For the foregoing reasons, Petitioner respectfully requests that the Court enter an order:

1. Finding that Respondents have failed to comply with Paragraph 4 of the Court's December 7, 2025 Order (Dkt. 34);
2. Directing Respondents to immediately transmit complete copies of Dkt. 30–33 and all other Respondent filings in this matter to the Warden of NWIPC and to ensure that the Warden provides Petitioner with physical copies of those documents without further delay, and requiring Respondents to file proof of such compliance within 24 hours;
3. Extending Petitioner's deadline to file his traverse to a date no earlier than seven (7) days after documented service of all Respondent filings on Petitioner;
4. Warning that any further failure to comply with the Court's orders will result in more severe sanctions, including striking Respondents' filings or granting the habeas petition as a sanction; and/or
5. Granting Petitioner's habeas petition and ordering his immediate release from ICE custody under reasonable conditions, or, in the alternative, entering judgment in Petitioner's favor on the existing record; and



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6. Any other such relief, sanction, or remedy as the Court deems just and proper.

Dated: December 10, 2025

Respectfully submitted,

/s/ Muhammad Zahid Chaudhry



Petitioner, Pro Se

Northwest ICE Processing Center

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Tacoma, WA 98421