25CV02339

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT TACOMA

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY DEPUTY

MUHAMMAD ZAHID CHAUDHRY,

Petitioner,

v.

PAMELA BONDI, Attorney General of the United States; et al.

Respondents.

DETAINED

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

PETITIONER'S TRAVERSE TO RESPONDENTS' OPPOSITION TO TRO

PRO SE STATEMENT

Petitioner Muhammad Zahid Chaudhry proceeds **pro se.** He is a decorated, honorable United States Army veteran (Ex. 107) with service-connected disabilities that render him permanently wheelchair-dependent and place him at imminent risk of permanent vision loss. (Ex. 109; Ex. 110; Ex. 114; Ex. 116; Ex.

147; Ex. 149) He is not a lawyer. His pleadings must therefore be construed liberally and evaluated for substance rather than technical perfection. *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Boag v. MacDougall*, 454 U.S. 364 (1982).

Petitioner has made every good-faith effort to comply with Court orders and procedural requirements despite extreme constraints: detention, disability, lack of internet access, limited law-library time, and repeated violations of Court orders by Respondents. (Ex. 102 ¶ 2; Dkt. 23; Dkt. 35; Dkt. 38; Dkt. 40) Any ambiguity or imperfection in formatting should not be permitted to obscure the merits of his claims or excuse ongoing violations of constitutional and statutory law. Court errs if it dismisses pleadings without instructions on how pleadings may be repaired. *Platsky v. CIA*, 953 F.2d 26, 28 (2d Cir. 1991).

I. INTRODUCTION AND CORE FRAMING

This case challenges the **lawfulness of Petitioner's detention itself**. It is not merely a conditions-of-confinement case, and Respondents' repeated attempts to reframe it as such are a categorical mischaracterization designed to evade habeas review.

Petitioner seeks release because his continued custody is unlawful under the Immigration and Nationality Act as applied and violates the Fifth Amendment's Due Process Clause. As set forth below, detention fails at every stage: **(I)** it began with a warrantless and noticeless seizure lacking any lawful predicate; **(II)** it is premised on a stayed removal order that cannot support mandatory custody; **(III)** it persists without individualized justification, legitimate regulatory purpose, or flight-risk rationale; **(IV)** it is imposed on a law-abiding service-connected disabled veteran whose medical conditions are foreseeably and irreparably exacerbated in detention; **(V)** it is sustained through the withholding of necessary and appropriate medical care and exclusive control over evidence; **(VI)** it is defended through material misrepresentations and omissions in sworn filings; **(VII)** it rests on decades-long suspension of statutory entitlements to which Petitioner has long been legally entitled; and **(VIII)** it has been compounded by Respondents' repeated violations of this Court's orders and misuse of judicial process.

This Court has both the authority and the obligation to address that unlawfulness **now**, not after irreparable harm is complete.

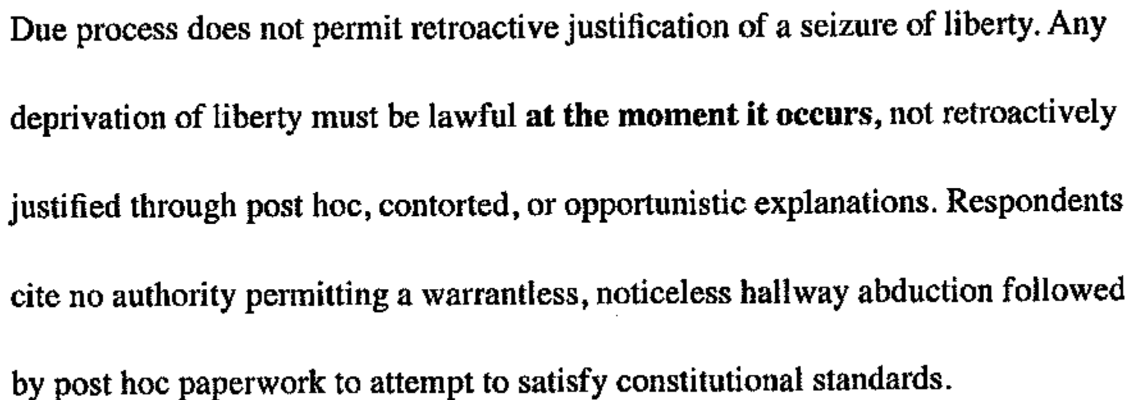
II. RESPONDENTS FAIL TO REBUT PETITIONER'S SHOWING THAT HIS DETENTION IS UNLAWFUL

A. Detention Cannot "Comport With Due Process" Where the Seizure Was Warrantless, Noticeless, and Arbitrary

Respondents assert—without citation or analysis—that Petitioner's sudden abduction "comports with due process." That assertion collapses under the undisputed facts.

Petitioner was seized **in a hallway**, seconds after a USCIS interview. (Ex. 120; Ex. 121; Ex. 102 ¶ 2) He was taken into custody with:

- no denial decision issued,
- no warrant,
- no notice,
- no explanation of authority, and
- no opportunity to contest detention.



Due process does not permit retroactive justification of a seizure of liberty. Any deprivation of liberty must be lawful **at the moment it occurs,** not retroactively justified through post hoc, contorted, or opportunistic explanations. Respondents cite no authority permitting a warrantless, noticeless hallway abduction followed by post hoc paperwork to attempt to satisfy constitutional standards.

B. The Ninth Circuit Stay of Removal Undermines Any Claim of Mandatory Detention

Respondents argue that the Ninth Circuit's stay of removal—which remains operative and jurisdictionally binding on all components of the executive branch, and has been in force for close to two years— "does not address detention." This is perverted logic rising to deliberate obfuscation.

Detention authority is derivative of removal posture. Where removal is legally stayed, detention "in preparation for removal" cannot be mandatory under § 1231. At *most*, custody reverts to § 1226(a), which requires individualized justification, consideration of flight risk and danger, and bond eligibility. *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008); *Prieto-Romero v. Clark*, 534 F.3d 1053 (9th Cir. 2008).

Respondents' own exhibits confirm the internal contradiction at the heart of their detention theory. In the materials submitted with the Declaration of Michelle Lambert, the Immigration Judge expressly stated that she lacked jurisdiction to conduct an individualized bond determination because Petitioner allegedly "has a final order of removal." (Dkt. 32, Exs. A–B) That premise is legally incorrect. Where a petition for review is pending and a stay of removal has been entered by the Ninth Circuit, the removal order is not final for detention purposes. See *Casas-Castrillon v. DHS*, 535 F.3d 942, 948–49 (9th Cir. 2008) (holding that a removal order under judicial review with a stay is not administratively final so as to trigger mandatory detention).

This is not merely Petitioner's view. Federal public defenders in the Western District of Washington independently declined to represent Petitioner in custody proceedings on the express ground that they could only represent him "if he had a final order." (Ex. 153, newly included with this submission) Thus, even as the Immigration Judge disclaimed jurisdiction based on an asserted final order, federal defenders applying governing Ninth Circuit law reached the opposite—and correct—conclusion.

This Court should view the Immigration Judge's assertion of "no jurisdiction" in proper context. In *Rodriguez-Vazquez v. Bostock* (W.D. Wash. 2025), this very Court recently addressed and rejected the **systemic overuse by Tacoma Immigration Judges of the claim that they lack jurisdiction to conduct individualized bond determinations**, even where governing Ninth Circuit law plainly requires such review. The practice was found to result in prolonged, unlawful detention through categorical misclassification and refusal to exercise statutorily granted authority.

Against that backdrop, the Immigration Judge's jurisdictional disclaimer here is not a neutral legal determination entitled to deference; it is part of a **recently litigated and judicially criticized pattern**. Respondents' effort to belatedly derive detention authority from that erroneous assertion—despite a Ninth Circuit stay and contrary controlling law—renders their position not merely incorrect, but professionally suspect and inconsistent with governing law. An Immigration Judge's erroneous assertion of lack of jurisdiction cannot manufacture mandatory detention where the law does not permit it. Respondents' attempt to decouple detention from removability—and to bootstrap detention authority from a stayed order that is not final for custody purposes—is legally unsound.

III. RESPONDENTS' "CONDITIONS OF CONFINEMENT" REFRAME MISCONSTRUES THE CLAIM

Petitioner does not seek improved conditions. He seeks release because his detention itself is unlawful.

IV. NO LEGITIMATE REGULATORY PURPOSE JUSTIFIES PETITIONER'S CONTINUED DETENTION

Before turning to medical consequences, it bears emphasis that Respondents have never articulated—because they cannot articulate—any *reasonable governmental purpose* served by Petitioner's continued custody. Petitioner has lived in the United States for more than twenty-five years. He has appeared at every hearing for that entire time, complied with every reporting requirement, and has never missed a single immigration appointment. His whole life, family, medical care, and community are here. He is a decorated American veteran, permanently disabled, and poses no conceivable flight risk.

Respondents' implicit rationale—that Petitioner must be kept "at hand" in the event they someday obtain permission to remove him—is not a lawful basis for detention. Civil immigration custody must bear a reasonable relation to a legitimate regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention for supposed administrative convenience, speculative future enforcement, or bureaucratic inertia is not such a purpose. Where removal is stayed, judicial review is ongoing, and the government can point to no individualized risk of flight or danger, continued detention loses any rational connection to its stated aims and becomes punitive in fact. *Bell v. Wolfish*, 441 U.S. 520, 535–37 (1979).

Even before considering medical harm, Respondents have failed to show that Petitioner's custody serves *any* legitimate governmental objective. Underlying unlawfulness independently warrants habeas relief.

V. PETITIONER'S LONGSTANDING LAWFUL ENTRY, VISA COMPLIANCE, AND GOOD-FAITH ADHERENCE TO IMMIGRATION LAW

Petitioner's longstanding record of lawful entry, strict visa compliance, and good-faith adherence to immigration requirements further underscores the absence of any rational basis for detention. Long before his adjustment of status in 2000, Petitioner lawfully visited the United States multiple times in the 1990s, spending extended summer periods in eastern Washington with close family. During those visits, he meticulously complied with the terms and limitations of his visas, departing when required and respecting all conditions of entry. He built personal, familial, and community ties during these lawful stays—enjoying the outdoors of the Pacific Northwest and participating in ordinary family life—without ever overstaying, violating status, or drawing adverse attention.

These early visits included time spent with his uncle, a world-recognized mathematics researcher and professor who also owned and operated a medical practice serving farmworkers in the Yakima Valley regardless of ability to pay, and with his young cousin, who likewise resided in Washington State. This history matters not merely for its longevity, but because it demonstrates a consistent pattern: Petitioner did not arrive suddenly or opportunistically, nor did he disregard immigration rules. To the contrary, his conduct reflects years of careful compliance

and respect for U.S. law, culminating in his lawful entry in 2000, marriage to Ann Chaudhry, and subsequent adjustment of status to lawful permanent resident.

Respondents' persistent omission of this history—much like their omission of Petitioner's honorable military service and service-connected disability—creates a misleading impression that Petitioner simply "appeared" in the United States, married quickly, and immediately sought immigration benefits. The record shows the opposite. Petitioner's relationship with this country was built gradually, lawfully, and transparently, reinforcing that his continued detention serves no regulatory purpose and rests instead on mischaracterization and omission.

VI. MEDICAL HARM DEMONSTRATES THAT CONTINUED DETENTION EXCEEDS LAWFUL AUTHORITY

Evidence regarding conditions—including severe medical harm—demonstrates both irreparable injury and that detention under these circumstances, even if it were credibly arrived at, exceeds lawful authority. Courts have long recognized that where conditions of confinement themselves render detention unconstitutional, excessive, or statutorily impermissible, habeas jurisdiction squarely lies. See, e.g.,

Bell v. Wolfish, 441 U.S. 520, 535–37 (1979); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

Here, Petitioner's medical conditions are not incidental complaints about jail management; they go to whether continued detention is constitutionally and statutorily permissible at all. Where detention foreseeably inflicts serious and irreversible harm—particularly on a disabled detainee and an honorable American veteran—and where the government withholds or cannot provide necessary care, custody ceases to serve any lawful regulatory purpose and becomes punitive in fact. See *Farmer v. Brennan*, 511 U.S. 825, 834 (1994); *Brown v. Plata*, 563 U.S. 493, 511–12 (2011).

Respondents' attempt to recast these arguments as mere "conditions of confinement" claims is therefore legally defective. It is a tactical dodge designed to evade habeas review of the core question presented: whether the government may lawfully continue to detain Petitioner at all.

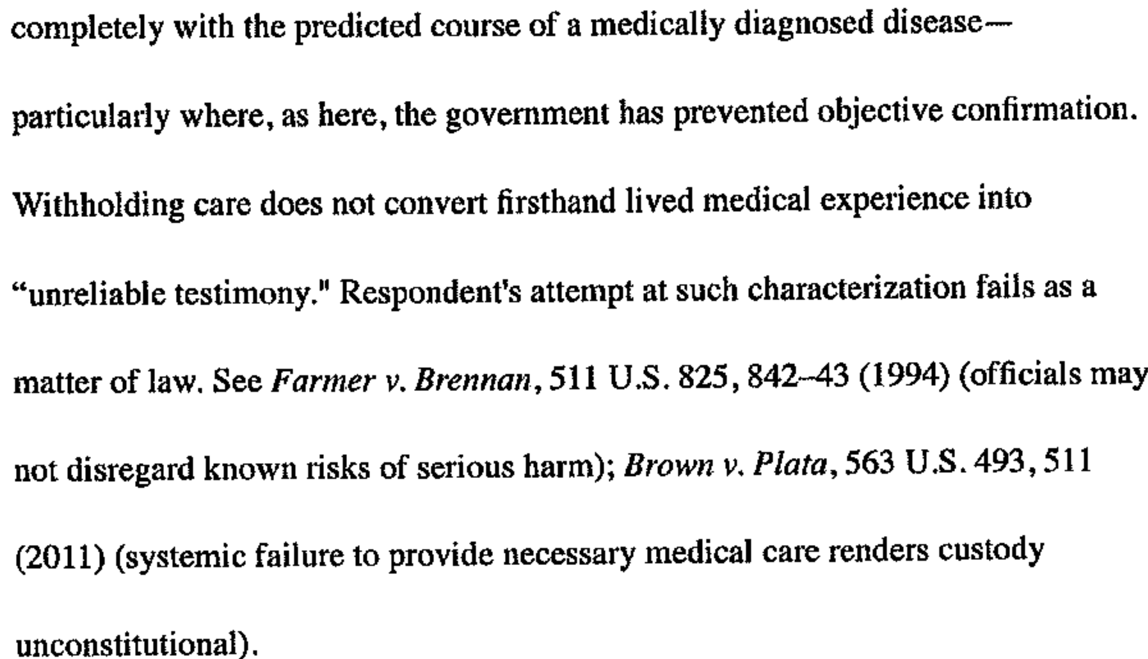
VII. MEDICAL MISREPRESENTATIONS, WITHHOLDING OF CARE, AND ADVERSE INFERENCES

A. Respondents Do Not—and Cannot—Say Petitioner Is Not Going Blind

Notably absent from Respondents' filings is any assertion that Petitioner is **not** going blind. Respondents never affirmatively state that his vision is stable, improving, or clinically secure. They do not dispute the risk of permanent loss. They simply avoid the question.

That omission is not accidental. Respondents exercise **exclusive control** over access to diagnostic equipment, specialty ophthalmologic evaluation, and continuity of care. (Ex. 114; Ex. 116; Ex. 147; Ex. 152) Petitioner cannot obtain retinal imaging, visual-field testing, or specialist assessment without Respondents' authorization. **Where one party alone controls the means of verification, that party cannot profit from the resulting silence**. See *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (government may not rely on lack of evidence where it controls access to proof).

Respondents' failure to provide ophthalmologic care cannot be weaponized to discredit Petitioner's sworn testimony regarding worsening vision, pain, light sensitivity, and functional loss. Courts routinely credit detainee declarations concerning subjective and progressive symptoms—especially those which comport



completely with the predicted course of a medically diagnosed disease—particularly where, as here, the government has prevented objective confirmation. Withholding care does not convert firsthand lived medical experience into "unreliable testimony." Respondent's attempt at such characterization fails as a matter of law. See *Farmer v. Brennan*, 511 U.S. 825, 842–43 (1994) (officials may not disregard known risks of serious harm); *Brown v. Plata*, 563 U.S. 493, 511 (2011) (systemic failure to provide necessary medical care renders custody unconstitutional).

B. Exclusive Control Over Evidence Requires Adverse Inference

Respondents possess exclusive control over evidence central to this Court's analysis, including:

- their communication with external ophthalmologists furthering their claimed efforts to "coordinate" Petitioner's care, including any requests made for diagnostics and imaging;
- Petitioner's body of formal grievances and written referral requests submitted to ICE;

- ICE's body of denials, if issued;
- ICE's medication administration records;
- detention medical logs, records, and internal communications regarding Petitioner's care.

Yet Respondents produce none of these materials. Instead, they rely on conclusory administrative summaries offered through a declarant with no firsthand knowledge. Where a party controls critical evidence, fails to preserve or disclose it, and then argues that the opposing party has not "proven" harm, **courts may draw an adverse inference** that the withheld evidence would not support that party's position. See *Nationwide Life Ins. Co. v. Richards*, 541 F.3d 903, 911 (9th Cir. 2008); *Leon v. IDX Sys. Corp.*, 464 F.3d 951, 958–59 (9th Cir. 2006).

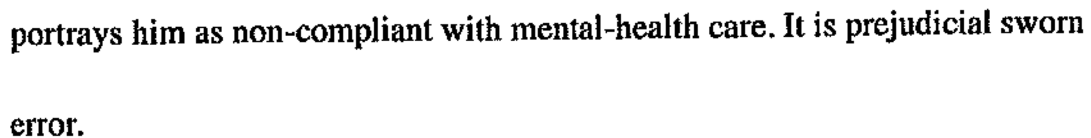
That inference is particularly appropriate in civil detention cases, where the government bears heightened responsibility for the safety and constitutional treatment of those in its custody. Respondents' failure to produce objective ophthalmologic evidence—while insisting that Petitioner's testimony is insufficient—underscores the arbitrary and capricious nature of continued detention and independently supports habeas relief.

C. Dr. Wang's Declarations Are Unreliable, Prejudicial, and Should Be Stricken or Disregarded

Dr. Eddie Wang has **zero** firsthand knowledge. (Dkt. 33; Dkt. 36) He does not claim to have examined, interviewed, or treated Petitioner. He does not even claim *consultation* with treating physicians. His declarations are derivatives of hearsay - administrative summaries at *best*, certainly not medical opinions, in a case of wrongful detention engendering profound and potentially lifelong medical impact.

More troublingly, Dr. Wang materially misrepresents the record. In his December 9 supplemental declaration, he asserts that Petitioner refused PTSD medication. (Dkt. 36 ¶ 10) This is false. Amitriptyline was prescribed for **migraines**, appropriately taken at onset. Petitioner's request to keep it on his person was medically reasonable. Petitioner, at the time, had further explained to ICE medical staff that if PTSD were being treated, a different medication should be selected, as amitriptyline had not been effective for him for that purpose in the past.

Mischaracterizing migraine medication as mental-health medication, and then impugning Petitioner for "not taking it," attacks Petitioner's credibility and falsely



portrays him as non-compliant with mental-health care. It is prejudicial sworn error.

In his earlier declaration, Dr. Wang also falsely states that Petitioner's endocrine referral was cancelled, when treatment in fact proceeded properly, off of the military base, with Providence Endocrinology in Lacey, WA throughout the spring and summer. (Dkt. 33 ¶ 10; Ex. 147) He omits any reference to ophthalmology entirely despite repeated requests and documented need. He even mis-captions the case in sworn filings (Supplemental Declaration of December 9, 2025, "Chaudhry v. Camilla Wamsley"). (Dkt. 36 at 1)

Such testimony is worse than useless. It is misleading. Dr. Wang's declarations should be stricken or, at minimum, afforded no weight.

VIII. EXHAUSTION ARGUMENTS FAIL WHERE DELAY MAKES RELIEF MEANINGLESS

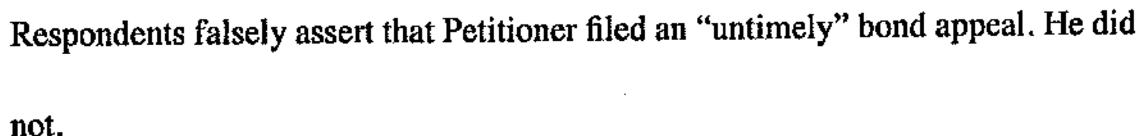
Respondents argue that this Court should wait for exhaustion of administrative remedies, including a pending BIA bond appeal. That argument ignores reality.

The BIA is systemically incapable of providing timely bond relief. In *Rodriguez-Vazquez v. Bostock* (W.D. Wash. 2025), this very Court recognized that bond appeals routinely take many months—at times taking 2-3 years—and are frequently mooted before adjudication by deportation, coerced departure, or, inevitably, prolonged detention with no effective appeal.

Forcing Petitioner—**who is an honorable American veteran, husband, and father** (Exs. 107-112); **going blind, disabled, detained, and accused of no wrongdoing**—to wait for futile administrative delay is cruel and constitutionally intolerable. The Supreme Court has held that "relief must be speedy if it is to be effective." *Stack v. Boyle*, 342 U.S. 1, 4 (1951). (Ex. 134)

Moreover, Petitioner is not arguing flight risk or danger, the core tenets of bond appeal. He challenges the lawfulness of detention itself. Exhaustion is not required where it would be futile or where irreparable harm is ongoing.

IX. RESPONDENTS MISCHARACTERIZE THE BOND APPEAL RECORD



Respondents falsely assert that Petitioner filed an "untimely" bond appeal. He did not.

Petitioner timely filed his bond appeal within the applicable deadline—on or about day 23 following his August 29, 2025 bond hearing. The ensuing delay beyond thirty days was not the result of any inaction by Petitioner, but flowed directly from agency error compounded by detention-related mail lag. Specifically, the BIA improperly rejected the appeal on the mistaken premise that a filing fee was required, even though bond appeals require no fee. By the time that erroneous rejection reached Petitioner in custody through the mail, additional days had elapsed through no fault of his own.

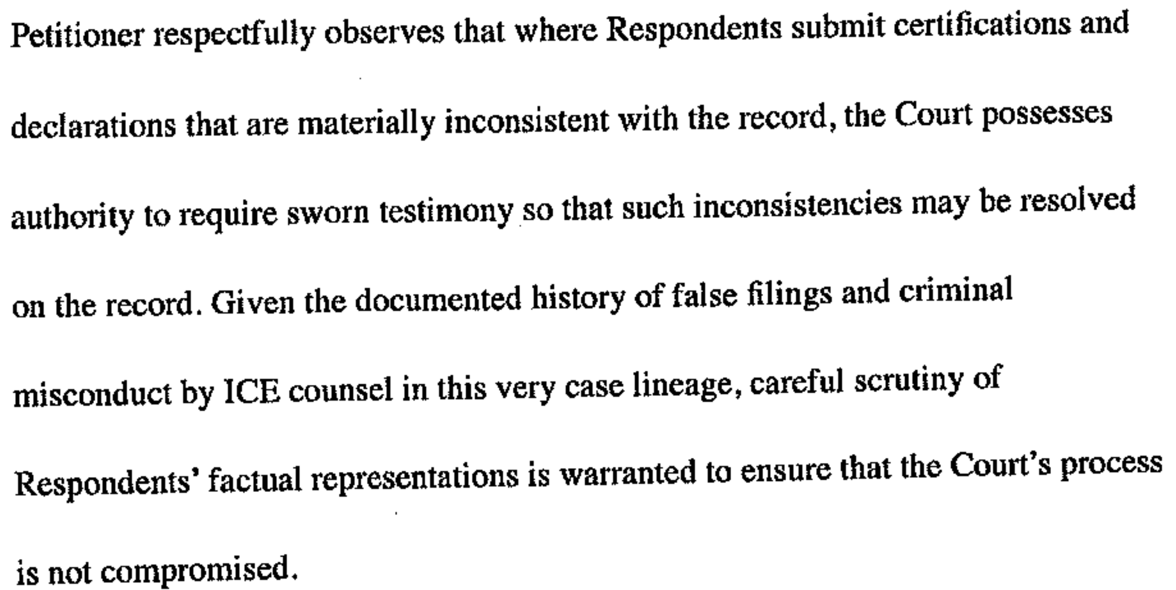
Faced with that improper rejection, and without counsel, internet access, or ordinary research tools, Petitioner undertook extraordinary corrective action. He used scarce "law-library" time to research the governing rules and handwrote a multi-page response citing the BIA's own regulations and instructions demonstrating that the fee demand was unlawful and that his appeal had to be accepted. Only after this pro se submission—prepared under conditions of confinement that Respondents do not face—did the BIA issue an interim order

acknowledging Petitioner's diligence, confirming that the appeal had in fact been timely filed, and accepting it for adjudication.

Respondents now attempt to weaponize an erroneous delay by proactively labeling Petitioner's appeal "untimely" before this Court—another misleading attack on his credibility—while omitting the improper rejection of the appeal, the **unavoidable** detention-related mail lag entirely outside Petitioner's control, and the extraordinary pro se efforts Petitioner was forced to undertake to secure basic administrative compliance. That narrative is contrary to the record and should not be credited.

X. PROCEDURAL BAD FAITH AND DISRESPECT FOR THIS COURT

Respondents were ordered by this Court to confer with Petitioner regarding the briefing schedule. (Dkt. 6) **No effort ever reached him.** Respondents' purported "confirmation" of compliance filed with this Court is vague, conclusory, and unverifiable, and contains no dates, methods, or proof of actual communication with a detained, pro se litigant.



Petitioner respectfully observes that where Respondents submit certifications and declarations that are materially inconsistent with the record, the Court possesses authority to require sworn testimony so that such inconsistencies may be resolved on the record. Given the documented history of false filings and criminal misconduct by ICE counsel in this very case lineage, careful scrutiny of Respondents' factual representations is warranted to ensure that the Court's process is not compromised.

Similarly, on December 2, the Court expressly ordered that Respondents transmit filings through the Warden at NWIPC to ensure Petitioner's timely access. (Dkt. 23; Dkt. 40) Respondents certified compliance on December 8. (Dkt. 35) However, Petitioner did not receive any of Respondents' substantive filings (Dkts. 30–33) for more than 48 hours after their certificate was filed, in an emergency matter operating on 48- and 72-hour deadlines.

Respondents' certification was false or, at minimum, recklessly inaccurate, resulting in an unreliable certification entered into the Court's record. (Dkt. 35) This procedural sabotage deprived Petitioner of the opportunity to review, research, or respond within the period contemplated by the Court's order.

Faced with that deprivation, and while detained, disabled, and without reliable access to legal resources, Petitioner was compelled to file an emergency motion alerting the Court that service had not occurred. Only *after* that filing did Petitioner receive the papers later that evening, delivered by an individual stating they acted on behalf of the Warden. (Dkt. 38; Dkt. 40; Dkt. 41) The procedural failure lay with Respondents, and compliance with the Court's service order was effectively achieved only after extraordinary effort was expended seeking - and providing - judicial intervention.

This delay was not harmless. It materially shortened Petitioner's response time in an emergency matter involving physical liberty and imminent medical harm, and it required the Court to issue a corrective order that should not have been necessary. Respondents' conduct wasted judicial resources, compounded the obstacles inherent in detention, and disregarded the letter and spirit of this Court's directive —further undermining the credibility of their representations and warranting this Court's close scrutiny and equitable intervention.

XI. MORAL TURPITUDE, EQUITY, AND COMPARATIVE INJUSTICE

Each time Respondents invoke or rely upon the existence of the 2008 removal order—whether directly or by quoting the Immigration Judge's assertion that Petitioner has a "final order of removal"—they necessarily invoke the purported substantive grounds embedded in that order. The legal effect of that invocation cannot be severed from its content. A claim that Petitioner is subject to a "final order" implicitly revives the underlying allegations that supposedly rendered him removable in the first instance.

Those core allegations—items (4), (5), and (6) in the '08 "Final Order of Removal" —have been thoroughly dismantled in Petitioner's filings before this Court and the Ninth Circuit, including Petitioner's Second Amended Habeas (Dkt. 28). (Ex. 122; Exs. 123–126) **Respondents have conspicuously declined to defend those arguments on the merits** in the present proceedings. That omission is telling. Having no defensible factual or legal footing on those points, Respondents instead gesture at the existence of the order itself, or distance themselves further by quoting the Immigration Judge's jurisdictional assertion, as if the label "final order" could substitute for substantive justification.

In this sense, Respondents are still resurrecting long-discredited matters: not by arguing them openly, but by repeatedly invoking the order that once contained them, hoping the Court will accept the conclusion without revisiting the premise. This sleight of hand warrants rejection.

Even leaving aside Lt. Gary Belles documented and disproven racist lies (Exs. 124-126), the trivial, decades-old Australia matters themselves were waived in 2018 by the trial court after eleven years of close attention and with full awareness of Respondents' pattern of falsifications and mischaracterizations. They were also non-violent in nature and involved, in the origin, no victim other than Petitioner himself. Yet Respondents consistently cite them while ignoring the far more probative record of Petitioner's conduct over the ensuing quarter century.

During his time in the United States, Petitioner has lived openly and lawfully, complied with every legal requirement imposed upon him, served his community in countless ways—as a volunteer firefighter and first responder, paramedic, youth mentor, Director and board member with countless nonprofit organizations, respected community organizer, and Officer of Washington State (Ex. 113)—and

honorably served this country in uniform, sustaining permanent service-connected injuries while on active duty. (Exs. 107-110)

By contrast, the very ICE attorneys who targeted Petitioner for deportation, and both persecuted and prosecuted Petitioner's case in its early stages—Chief Counsel Raphael Sanchez and Deputy Chief Counsel Jonathan Love—were later convicted of serious crimes against immigrants committed **in their official capacities,** including fraud, forgery, identity theft, and abuse of authority. (Exs. 127–129) Those convictions underscore a disturbing asymmetry: government actors who committed grave misconduct using the power of the state for personal benefit at the expense of innocent people are treated as aberrations whose actions are compartmentalized and forgiven, while Petitioner is subjected to perpetual punishment based on stale, immaterial allegations that were long ago addressed, waived, or rendered legally irrelevant, and in the origin, were not his fault.

The disparity is not subtle. Petitioner's life is defined by integrity, service, and consistent law-abiding conduct; the government's own record reflects acknowledged convicted, unredeemed, criminal misconduct by its agents. Yet Respondents gloss over malicious and relevant institutional wrongdoing, while

twisting and weaponizing Petitioner's distant past to justify present-day detention. Such selective moral accounting is incompatible with basic principles of equity, proportionality, and due process, and it further illustrates why continued detention here cannot be squared with any legitimate governmental purpose.

XII. PETITIONER'S CONSTITUTIONAL INTEGRITY AND AMERICAN SERVICE

This case is about protecting innocent Americans and upholding the Constitution when it matters most. Petitioner was repeatedly pressured by federal intelligence agencies—including the FBI and other OGAs—to become complicit in the surveillance, targeting, and "terrorist" framing of innocent Americans in the chaotic post-9/11 period. As sworn under penalty of perjury by the only other contemporary witness, Ann Chaudhry, in her affidavit (Ex. 101), that pressure was not limited to a single inquiry or good-faith request. It began within weeks of 9/11, unfolded over years, and took the form of persistent approaches, coercive "carrot-and-stick" maneuvering, and aggressive retaliatory harassment after Petitioner refused to comply.

Critically, **this was not a situation in which the government sought legitimate information about an actual threat to life, limb, or property**. Had Petitioner possessed such information, he would have considered it his constitutional, civic, and moral duty to convey it. He has always done the right thing, and the record reflects a lifetime of lawful conduct, public service, and integrity—including in his astonishing perseverance in pursuing remedy for his mistreatment, invoking no grounds of eligibility other than his military service, and seeking only what he has duly earned. The extraordinary pressure to comply that was applied to him arose precisely because there was **no legitimate basis for the demands** being made—demands that sought not the honest prevention of genuine danger, but compliance with practices that treated the Constitution as optional and suspicion as a career-advancing tool.

Petitioner's refusal arose not out of defiance, but out of principle. He understood that the Constitution he had sworn to protect as an American soldier forbids unlawful search and seizure, collective suspicion, and the targeting of communities without cause. He understood that loyalty to country does not mean obedience to unlawful or corrupt demands, but fidelity to the rule of law. In declining to participate, Petitioner protected and upheld the Fourth Amendment rights of

innocent Americans and the foundational premise that government power must be constrained by law.

That choice has carried an extraordinary and prolonged price. Petitioner's path to citizenship has been cruelly and continuously held in abeyance—used as leverage to compel his cooperation. As the record reflects, his refusal was followed by his unlawful designation under CARRP (Ex. 130; Ex. 151), resulting in the institutional obstruction and bureaucratic persecution now before this court—as well as years of surveillance, intimidation, and harassment of himself as well as family, friends, and former neighbors that persisted into at least 2019 (Ex. 101).

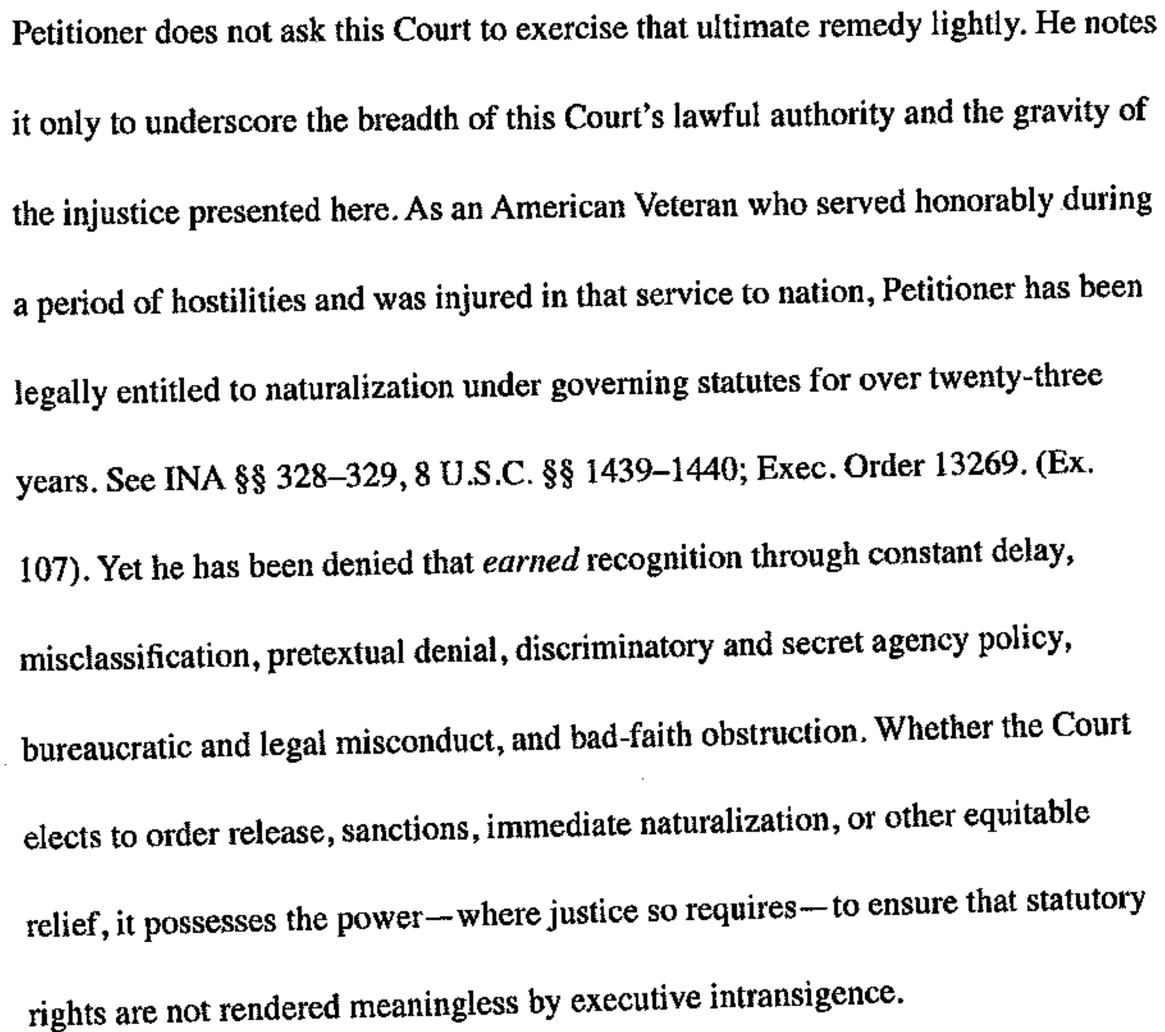
The prime years of his life have been stolen: consumed by suspicion rather than recognition; delay rather than due process; exclusion rather than full membership in the civic community he served. He lost years of security, status, and opportunity. He was denied the right to vote, to run for office, and to fully participate in the democratic life of his country—not because of his misconduct, but because of his integrity.

This is not a tale of special pleading. It is a story as old as the Republic: whether the law will protect those who stand on principle when power presses hardest and

expedience tempts corruption. The Constitution is not self-enforcing. It depends on courts to give it life. When an honorable American veteran is punished for protecting innocent Americans, refusing coercion, and adhering to constitutional limits, **judicial intervention is not only permitted—it is required** to remedy precisely this kind of manifest injustice.

XIII. THE COURT'S SUA SPONTE AND EQUITABLE AUTHORITY

This Court is not constrained in its power to ratify structural injustice. It retains inherent and equitable authority to order release *and* to fashion meaningful relief where detention is unlawful and harm is irreparable. In extraordinary circumstances—for instance, where a petitioner has been unlawfully deprived of liberty and justice for decades by repeated agency obstruction despite clear statutory eligibility, honorable military service, and perfect compliance with law—courts have recognized that equitable relief may extend beyond release alone. See, e.g., *In re Petition of 68 Filipino War Veterans*, 406 F. Supp. 931, 935–36 (N.D. Cal. 1975) (ordering direct naturalization where the government's affirmative misconduct and delay frustrated statutory rights).



Petitioner does not ask this Court to exercise that ultimate remedy lightly. He notes it only to underscore the breadth of this Court's lawful authority and the gravity of the injustice presented here. As an American Veteran who served honorably during a period of hostilities and was injured in that service to nation, Petitioner has been legally entitled to naturalization under governing statutes for over twenty-three years. See INA §§ 328–329, 8 U.S.C. §§ 1439–1440; Exec. Order 13269. (Ex. 107). Yet he has been denied that *earned* recognition through constant delay, misclassification, pretextual denial, discriminatory and secret agency policy, bureaucratic and legal misconduct, and bad-faith obstruction. Whether the Court elects to order release, sanctions, immediate naturalization, or other equitable relief, it possesses the power—where justice so requires—to ensure that statutory rights are not rendered meaningless by executive intransigence.

XIV. CONCLUSION

Respondents have not rebutted Petitioner's showing that his detention is unlawful. Their filings rely on mischaracterization, procedural delay, and unreliable declarations rather than lawful authority or credible evidence. What remains is a

record of prolonged confinement untethered from any legitimate governmental purpose, imposed upon an honorable, disabled American veteran who has complied with the law at every turn.

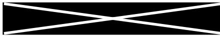
The Constitution does not permit liberty to be taken by inertia, nor justice to be postponed until it is meaningless. This Court stands as the present and indispensable guardian against that result. Where the executive has exceeded its lawful bounds, where irreparable harm is ongoing, and where decades of delay have already hollowed out statutory rights, the duty to act falls squarely to the judiciary.

Petitioner therefore respectfully requests that this Court grant the requested relief, restore him to liberty, and bring this long-running injustice to an end.

/s/ Muhammad Zahid Chaudhry

1623 E. J St

Tacoma, WA 98421



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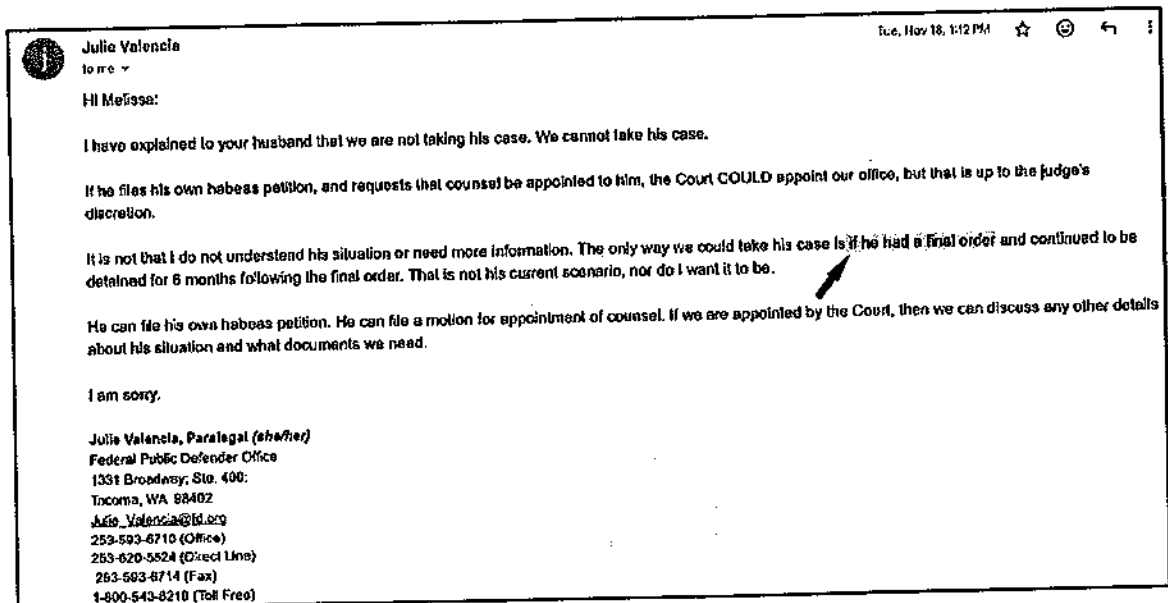
Supplemental Traverse Exhibits

Exhibit 153:

Email from Federal Public Defenders citing no final order of removal

Julie Valencia also spoke directly with Petitioner on the phone on or around November 12, 2025 and clearly confirmed their legal understanding that Petitioner does not have a final order of removal.



Julie Valencia
to me

Tue, Nov 18, 1:12 PM

Hi Melissa:

I have explained to your husband that we are not taking his case. We cannot take his case.

If he files his own habeas petition, and requests that counsel be appointed to him, the Court COULD appoint our office, but that is up to the judge's discretion.

It is not that I do not understand his situation or need more information. The only way we could take his case is if he had a final order and continued to be detained for 6 months following the final order. That is not his current scenario, nor do I want it to be.

He can file his own habeas petition. He can file a motion for appointment of counsel. If we are appointed by the Court, then we can discuss any other details about his situation and what documents we need.

I am sorry.

Julie Valencia, Paralegal *(she/her)*
Federal Public Defender Office
1331 Broadway, Ste. 400:
Tacoma, WA 98402
Julie_Valencia@fd.org
253-593-6710 (Office)
253-620-5524 (Direct Line)
253-593-6714 (Fax)
1-800-543-6210 (Toll Free)

25cv02339

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT TACOMA

CERTIFICATE OF SERVICE

I certify that on December 5, 2025, I caused to be served true and correct copies of the PETITIONER'S TRAVERSE TO RESPONDENTS' OPPOSITION TO TRO by U.S. Postal Service First Class Mail upon the following parties pursuant to Fed. R. Civ. P. 4(i) and Local Civil Rule 4.1:

1. Warden Bruce Scott
Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

2. Laura Hermosillo
Field Office Director, ICE Enforcement & Removal Operations – Seattle
ICE ERO Seattle Field Office
815 Airport Way S
Seattle, WA 98134

3. Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528–0615

4. U.S. Department of Homeland Security

Office of the General Counsel

U.S. Department of Homeland Security

2707 Martin Luther King Jr Ave SE

Washington, DC 20528

5. Pamela Bondi

Attorney General of the United States

U.S. Department of Justice

950 Pennsylvania Ave NW

Washington, DC 20530

6. United States of America (Local Service)

Civil Process Clerk

United States Attorney's Office

Western District of Washington

700 Stewart Street, Suite 5220

Seattle, WA 98101

Service was completed by depositing each mailing with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this **17th day of December, 2025**, at Tacoma, Washington.

/s/ Muhammad Zahid Chaudhry ☒# 0[redacted]

1623 E. J St

Tacoma, WA 98421