



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

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

**Order on Petition for Writ
of Habeas Corpus and
Related Relief**

I. PROCEDURAL POSTURE

This matter comes before the Court on Petitioner's expedited Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. The Court previously consolidated Petitioner's request for temporary restraining relief with the merits of the habeas petition and scheduled an expedited hearing to determine the unlawfulness of Petitioner's detention.



Following completion of briefing, and without leave of Court, Respondents submitted a supplemental declaration materially altering their prior factual representations regarding Petitioner's medical care while in custody.

II. JURISDICTION AND MOOTNESS

The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 2241 and Article III of the United States Constitution.

Any unilateral release of Petitioner by Respondents following the initiation of habeas proceedings does not moot this case. Where a respondent voluntarily ceases challenged conduct after litigation has commenced, and where the respondent retains authority to resume that conduct, the case remains justiciable under the voluntary cessation doctrine. The Court retains authority to adjudicate the lawfulness of Petitioner's detention, address completed constitutional injury, and issue appropriate declaratory or supervisory relief.

III. FINDINGS

Based on the pleadings, declarations, and record before the Court, the Court finds:

1. Petitioner was unlawfully detained pursuant to immigration authority while subject to active judicial review and a stay of removal.
2. Respondents relied, in whole or in part, on a 2008 order of removal as asserted authority for Petitioner's detention.
3. That 2008 removal order has no present legal effect for detention purposes while judicial review remains pending and where detention authority arises, if at all, under 8 U.S.C. § 1226(a) rather than § 1231.
4. Respondents represented to the Court, through sworn declarations, that Petitioner was receiving constitutionally adequate medical care while detained.
5. Respondents subsequently filed an unauthorized supplemental declaration conceding that critical medical care could not be timely provided and that Petitioner had fallen substantially outside prescribed treatment timelines.
6. Respondents' post-deadline submission materially altered their factual position and confirmed that continued detention posed a substantial risk of

irreparable harm to Petitioner.

7. Petitioner suffered completed constitutional injury as a result of his detention, including deprivation of liberty under circumstances not justified by statutory or constitutional standards.

IV. CONCLUSIONS OF LAW

1. The Court has authority under 28 U.S.C. § 2241 to determine the unlawfulness of Petitioner's detention and to grant all relief necessary to fully remedy unconstitutional custody.
2. Where judicial review of removal remains pending, and a stay of removal is in effect, detention authority does not arise under 8 U.S.C. § 1231, and any reliance on a prior removal order as a basis for custody is legally insufficient.
3. Habeas relief is not limited to release from physical custody where such relief would be incomplete or ineffective. Federal courts possess equitable authority to grant ancillary relief necessary to eliminate the legal basis for

unlawful detention and to prevent recurrence. See *In re Petition of 68 Filipino War Veterans*, 406 F. Supp. 931, 935–36 (N.D. Cal. 1975).

4. Where detention is predicated on immigration enforcement authority that would be extinguished by lawful naturalization, the Court may consider statutory eligibility for citizenship as part of a complete habeas remedy.
5. The Court retains authority to declare agency action unlawful where a petitioner is statutorily eligible for naturalization and that eligibility has been unlawfully withheld or delayed, particularly where agency inaction or obstruction has operated to perpetuate unlawful custody.
6. Detention that cannot be carried out in a manner consistent with constitutional and statutory requirements is unlawful.
7. Respondents' voluntary alteration of position or release of Petitioner after commencement of habeas proceedings does not divest this Court of jurisdiction under the voluntary cessation doctrine.
8. Declaratory, injunctive, and ancillary relief are appropriate to preserve the integrity of judicial review and to ensure that relief is not rendered illusory

by agency maneuvering.

V. NATURALIZATION – ANCILLARY AND COMPLETE RELIEF

The Court further finds that:

1. Petitioner honorably served in the United States Armed Forces during a designated period of hostilities and has satisfied all statutory prerequisites for expedited military naturalization under 8 U.S.C. § 1440.
2. Naturalization under 8 U.S.C. § 1440 is mandatory upon satisfaction of statutory criteria and does not rest within agency discretion.
3. Respondents have unlawfully delayed and withheld Petitioner's naturalization despite his statutory eligibility, thereby perpetuating false and damaging exposure to immigration detention authority.
4. Continued uncertainty regarding Petitioner's citizenship status constitutes ongoing irreparable harm and presents a substantial risk of repeated unlawful detention absent judicial intervention.

5. As in *In re Petition of 68 Filipino War Veterans*, 406 F. Supp. 931 (N.D. Cal. 1975), where agency obstruction and delay frustrated veterans' statutory entitlement to citizenship, judicial naturalization is an appropriate and necessary remedy to **effectuate congressional intent** and to provide complete relief.

Accordingly, as necessary to afford complete and effective relief and to extinguish any basis for future detention:

A. The Court **DECLARES** that Petitioner is statutorily eligible for naturalization pursuant to 8 U.S.C. § 1440, and has been eligible since November 15, 2003 (Exhibit 107, line 12.a), the start of his most recent period of honorable active-duty service during a presidentially declared period of hostilities beginning September 11, 2001.

B. The Court therefore **ORDERS** that Petitioner is hereby **NATURALIZED** as a citizen of the United States, effective as of November 15, 2003, and directs the Clerk of Court to administer the Oath of Allegiance.

VI. ORDER

Accordingly, IT IS HEREBY ORDERED:

A. The Petition for Writ of Habeas Corpus is **GRANTED**. The Court **DECLARES** that Petitioner's current detention in ICE custody is unlawful.

B. Respondents **SHALL RELEASE** Petitioner from ICE physical custody **forthwith**, and in any event **no later than eight (8) hours** from entry of this Order.

C. Respondents **MAY NOT** rely on the 2008 order of removal as a basis to continue Petitioner's custody or to reassert custody. To the extent any judicial review related to removal remains pending, this prohibition applies independently of Section V.

Because Petitioner is hereby **NATURALIZED** as a citizen of the United States pursuant to Section V of this Order, Respondents lack any authority under the INA to arrest, detain, or remove Petitioner on an immigration basis, or to enforce the 2008 order of removal against him, absent a final judicial order revoking Petitioner's citizenship.

D. Respondents are **ENJOINED** from re-arresting or re-detaining Petitioner based on the same facts and grounds presented to this Court, absent: (i) materially new

facts arising after entry of this Order that were not previously available, and

(ii) prior authorization from this Court upon a showing of lawful authority and necessity.

E. Petitioner's release shall be on his own recognizance, without bond, and without the imposition of restrictive conditions, including (without limitation) supervision, reporting requirements, electronic monitoring, curfew, or travel restrictions, absent further order of this Court.

F. Within four (4) hours of entry of this Order, Respondents shall file a Notice of Compliance confirming (i) that this Order has been transmitted for execution to the responsible ICE office(s) and the Northwest ICE Processing Center, and (ii) the anticipated date/time of Petitioner's release. Within two (2) hours after Petitioner's release, Respondents shall file a supplemental notice confirming the actual date/time of release.

If Respondents contend they cannot effectuate release within the time ordered, they must file within the same four-hour period a sworn declaration detailing (i) every step taken to comply, (ii) the specific reason for noncompliance, and (iii) the earliest time by which release will occur.

G. The Court **RETAINS JURISDICTION** for **forty-five (45) days** to ensure compliance with this Order and to address any attempt to reassert custody inconsistent with this ruling.

H. Alternative Declaratory Relief. In the event Petitioner is released before Respondents effectuate release pursuant to this Order, the Court nevertheless **ISSUES DECLARATORY RELIEF** that Respondents' detention of Petitioner under the circumstances presented was unlawful and constitutionally impermissible.

IT IS SO ORDERED.

Dated: _____

David G. Estudillo

United States District Judge

Proposed Order submitted by Petitioner without waiver of any rights or remedies.