

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

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

**INTRODUCTION**

1. Petitioner Amin Zehra is a Pakistani national in valid immigration status with an order for withholding of removal under 8 U.S.C. § 1231(b)(3). On information and belief, she was unlawfully detained by federal immigration agents on November 21, 2025.
2. Petitioner’s final order of removal and concurrent grant of withholding of removal were issued on July 25, 2006, and are administratively final. The 90-day removal period provided by 8 U.S.C. § 1231(a) has long passed. Petitioner has complied in all respects with her order of supervision and the revocation of that order as well as Petitioner’s detention were in violation of the law.
3. Accordingly, to vindicate Petitioner’s constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
4. Petitioner asks this Court to find that she was unlawfully detained and order her release.

### **JURISDICTION**

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

### **THE PARTIES**

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

### **RELEVANT LEGAL DOCTRINES**

#### **Withholding of Removal**

13. Federal law prohibits the government from removing a noncitizen to a country where they are more likely than not to face persecution on account of a statutorily protected ground. 8 U.S.C. § 1231(b)(3)(A). This protection is generally known as “withholding of removal.”
14. To receive a grant of withholding of removal, a noncitizen must prove that it is more likely than not to suffer persecution. “The burden of proof is on the applicant for withholding of

removal ... to establish that his or her life or freedom would be threatened in the proposed country of removal on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 C.F.R. § 1208.16(b).

15. Once granted withholding of removal, “DHS may not remove the alien to the country designated in the removal order unless the order of withholding is terminated.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 531 (2021).
16. Federal regulations provide a procedure by which a grant of withholding of removal issued by an immigration judge may be terminated: DHS must move to reopen the removal proceedings before the immigration judge, and then DHS will bear the burden of proof, by a preponderance of the evidence, that grounds for termination exist. 8 C.F.R. § 1208.24(e).

#### Third Country Removal

17. A noncitizen with an order of withholding of removal to a particular country may only be removed to another country upon receiving notice and associated due process, including having an opportunity to apply for protection from removal to that third country. *See* 8 U.S.C. § 1231(b)(3)(A); *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021).
18. An individual with an order of withholding of removal to a particular country may also not be removed to another country with the intent or prospect of “chain refoulement”—i.e. that they will be subsequently sent to the country for which they have an order of withholding of removal. *See* 8 C.F.R. § 1208.18(a)(1).
19. Federal law also places restrictions on removal of aliens to countries to which they have no connection, or a country to where their “life or freedom would be threatened.” 8 U.S.C. § 1231(b)(3)(A); *see also Jama v. Immigr. & Customs Enf’t*, 543 U.S. 335, 348 (2005).

20. Likewise, the Convention Against Torture (“CAT”), as implemented in U.S. law through the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), prohibits Respondents from removing an individual to any country where such individual is more likely than not to face torture by or at the acquiescence of the government. *See* Pub. L. No. 105-277, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note); 8 C.F.R. § 1208.16(c); 8 C.F.R. § 1208.18.
21. The CAT also prohibits refoulment, which includes chain refoulement—where an individual will be sent to a country which will, in turn, send her to another country where she is more likely than not to be tortured.

*Revocation of Supervised Release and Arrest*

22. Federal regulations governing enforcement actions by immigration officers require that “[a] warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained.” 8 C.F.R. § 287.8(c)(2)(ii).
23. Where an individual with a final removal order has been released on supervision, 8 C.F.R. § 241.4(l)(2) provides that only the Executive Associate Commissioner or a district director may revoke supervised release, and the district director may do so only “when, in the district director’s opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” That regulation also requires that an individual whose supervised release is revoked be informed as to the reasons why and be given a prompt post-deprivation opportunity to be heard as to why his supervised release should be restored.

*Detention Beyond Removal Period*

24. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen for removal only during the 90-day “removal period,” which begins when the removal order becomes administratively final. 8 U.S.C. § 1231(a)(1)(A)-(B)(i). This period may be extended only if the noncitizen “fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal.” 8 U.S.C. § 1231(a)(1)(C).
25. The Supreme Court has also recognized a constitutional limitation on post-removal- period detention: such detention is permissible only when there is a “significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

**FACTS**

26. Petitioner is a Pakistani national who was ordered removed from the United States on July 25, 2006, and simultaneously granted withholding of removal to Pakistan due to the dangers she would face in her native country. Exhibit 1—Removal and Withholding Order.
27. ICE did not appeal the order granting Petitioner withholding of removal.
28. Following the decision in her removal proceedings, and unable to secure a travel document or otherwise effectuate her removal, ICE placed her on an order of supervision. Exhibit 2—Order of Supervision.
29. Petitioner has at all times complied with her order of supervision and was never requested by ICE to take any specific actions to obtain a travel document from any third country. Further, she has not been arrested or charged with any criminal offense since her release from ICE custody.

30. ICE has never moved to reopen Petitioner's removal proceeding nor indicated an intention to do so.
31. On information and belief, her order of supervision was revoked, and she was detained without cause by U.S. Immigration and Customs Enforcement agents on November 21, 2025.
32. At no time was Petitioner informed as to the reasons for revoking her order of supervision nor was she given the required interview to demonstrate reasons why it should be restored.
33. Petitioner is currently in custody in the Southern District of Texas, and one or more of the Respondents is her immediate custodian.
34. The arresting ICE Officer, an employee or subordinate of Director Bret Bradford, informed Petitioner's counsel that ICE intends to remove Petitioner to a third country but that no third country has yet been identified.
35. On information and belief, Petitioner's removal is not likely in the reasonable, foreseeable future.

**CLAIMS FOR RELIEF**

**COUNT ONE**

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

36. Petitioner incorporates paragraphs 1-35 by reference.
37. On information and belief, Petitioner is currently being detained by federal agents without cause and in violation of her constitutional rights to due process of law.

**COUNT TWO**

**Unlawful Arrest in Violation of Federal Regulations**

38. Petitioner incorporates paragraphs 1-35 by reference.
39. When ICE arrested Petitioner on November 21, 2025, they flagrantly violated federal

regulations.

40. Petitioner was under a valid Order of Supervision following her 2006 grant of withholding of removal. She had fully complied with all requirements.
41. Respondents violated 8 C.F.R. § 241.4(I)(1), which requires that upon revocation of supervised release, “the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.”
42. Respondents provided Petitioner with no written notification of revocation, no explanation of the reasons for revocation, and no opportunity to contest the revocation.
43. Respondents further violated 8 C.F.R. § 241.4(I)(2), which provides that only the Executive Associate Commissioner or a district director may revoke supervised release, and the district director may do so only “when, in the district director’s opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” Upon information and belief, no such determination was made by the Executive Associate Commissioner or district director, and no exigent circumstances existed that would have prevented referral to the proper authority.
44. These regulations were promulgated to safeguard due process rights of noncitizens, and Respondents’ violations severely prejudiced Petitioner. Had these regulations been followed, Petitioner would have had a meaningful opportunity to contest the revocation of her supervised release, demonstrate her compliance with the Order of Supervision, and prevent her unlawful detention.
45. Under the well-established Accardi doctrine, when an agency fails to follow its own

procedures or regulations, that agency's actions are generally invalid. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)).

46. This Court must not permit Defendants to benefit from their flagrant regulatory violations.
47. As relief, Petitioner asks the Court to immediately order Respondents to release her from custody and restore her Order of Supervision on the same conditions as before her November 2025 arrest.

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

48. Petitioner incorporates paragraphs 1-35 by reference.
49. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen for removal only during the 90-day "removal period," which begins when the removal order becomes administratively final. 8 U.S.C. § 1231(a)(1)(A)-(B)(i). This period may be extended only if the noncitizen "fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal." 8 U.S.C. § 1231(a)(1)(C).
50. The Supreme Court has recognized a constitutional limitation on post-removal- period detention: such detention is permissible only when there is a "significant likelihood of removal in the reasonably foreseeable future." *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). After six months of detention—the "presumptively reasonable period"—the government bears the burden of proving this likelihood if the noncitizen provides "good reason to believe" that removal is not reasonably foreseeable. *Id.*
51. Petitioner was initially released from custody on August 8, 2006, because she could not be removed from the United States due to her order for withholding of removal.
52. Petitioner's removal order became final in 2006, and her 90-day removal period ended on

October 25, 2006. Her 180-day *Zadvydas* presumptively reasonable period expired January 25, 2007.

53. Over eighteen (18) years later, Petitioner remains unremovable to Pakistan due to her still-valid order for withholding of removal. As of the filing of this petition, Respondents have not designated any other country for her removal.
54. Even if Respondents were to designate a third country, Petitioner would be entitled to apply for withholding of removal or protection from refoulement under, among other things, the Convention Against Torture with respect to that country, and those proceedings would further delay any potential removal.
55. Petitioner has established far more than a “good reason to believe” that there is no significant likelihood of her removal in the reasonably foreseeable future as (1) she cannot legally be removed to Pakistan; (2) no other country has agreed to accept her; and (3) even if such a country were identified, Petitioner would be entitled to apply for protection from removal to that country, including on the basis that the country would send her to Pakistan, a process that would take many months if not years to complete.
56. Under *Zadvydas*, Respondents cannot detain Petitioner indefinitely while they search for a country that might accept her or while they pursue lengthy legal proceedings to try to overcome her withholding protection. Such detention violates both the statutory limitations of 8 U.S.C. § 1231(a)(6) and her constitutional due process rights.
57. As relief, Petitioner requests an order from this Court immediately releasing her from Respondents’ custody and placing her under an order of supervision pursuant to 8 U.S.C. § 1231(a)(3).

**COUNT FOUR**  
**Third Country Removal Without Opportunity to Seek Protection**

58. Petitioner incorporates paragraphs 1-35 by reference.
59. The Convention Against Torture, as implemented in U.S. law, prohibits Respondents from removing an individual to any country where such individual is more likely than not to face torture by or at the acquiescence of the government. *See* Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note); 8 C.F.R. §§ 1208.16(c), 1208.18. This prohibition extends to chain refoulement—the practice of deporting someone to a country which will in turn deport that person to be tortured elsewhere. *See* 8 C.F.R. § 1208.18(a)(1).
60. For an individual with an order of withholding of removal to a particular country, like Petitioner, Respondents can only remove her to another country if she first receives notice and an opportunity to apply for protection from removal to that third country. *See* 8 U.S.C. § 1231(b)(3)(A).
61. Petitioner has no claim to citizenship or permanent residence in any country other than Pakistan. Accordingly, any third country to which she might be deported would, in turn, likely deport her to Pakistan, where it has already been held that she faces a substantial risk of persecution.
62. Respondents have communicated to Petitioner’s counsel that they intend to remove her to a third country but have not yet determined which country.
63. Petitioner could face persecution or torture if removed directly to various other countries, including but not limited to countries with notorious human rights abuses like Libya, South Sudan, and Eritrea. Without knowing which country Respondents intend to try to remove her to, Petitioner cannot prepare or file an application for protection.

64. As relief, Petitioner request an order from this Court that Respondents may not remove Petitioner from the continental United States without first providing her and her counsel with written notice of the specific country they intend to remove her to, and a reasonable period of time—which Petitioner respectfully suggests is at least fifteen days—to file an application for relief under, among other things, the withholding of removal statute and the Convention Against Torture with respect to such country.
65. Additionally, as access to counsel is critical to preparing any potential application for relief, Petitioner asks that such order be further narrowed to prohibiting Respondents from removing her or relocating her to a detention facility outside the Southern District of Texas.

**PRAYER FOR RELIEF**

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

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the Southern District of Texas;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days and setting an immediate hearing.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Issue an order that Petitioner's Order of Supervision be restored and that she continues supervision under the same terms as in place prior to November 21, 2025.
- (7) Issue an order that Petitioner be provided notice and an opportunity to request protection from removal to any third country that the Respondents may identify.
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,



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Date: November 21, 2025



IMMIGRATION COURT  
55 EAST MONROE ST., SUITE 1900  
CHICAGO, IL 60603

In the Matter of:

Case No: 

ZEHRA, AMIN \*

Applicant

IN WITHHOLDING-ONLY PROCEEDINGS

On Behalf of the Applicant

On Behalf of the INS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jul 25, 2006 and is issued solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.


ORDER: It is hereby ordered that the applicant's request for:

1. Withholding of Removal under INA 241(b)(3) is:  
 Granted  
 Withdrawn  
 Denied

2. Withholding of Removal under the Convention Against Torture is:  
 Granted  
 Withdrawn  
 Denied

3. Deferral of Removal under the Convention Against Torture is granted.

Date: Jul 25, 2006

  
\_\_\_\_\_  
GEORGE P. KATSIVALIS  
Immigration Judge

APPEAL: WAIVED  
APPEAL DUE BY:

CERTIFICATE OF SERVICE  
THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)  
TO:  ALIEN  ALIEN c/o Custodial Officer  ALIEN's ATT/REP  INS  
DATE: 7/25/06 BY: COURT STAFF *cox*  
Attachments:  EOIR-33  EOIR-28  Legal Services List  Other

M2R

EXH. 1

U.S. Department of Homeland Security  
Immigration and Customs Enforcement

STUART

Order of Supervision

File No: [Redacted]  
Date: 08/08/06

Name: ZEHRA, Amin

on [Redacted], you were ordered:  
(Date of final order)

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

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

- That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- That you do not travel outside Indiana, Illinois, or Wisconsin (Continental) United States for more than 48 hours without first having notified this Service office of the dates and places of such proposed travel.
- That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- That you report in person on the first Thursday of each month beginning on September 7<sup>th</sup>, 2006 to this Service office at: (Deportation Section, 4<sup>th</sup> Floor) 536 S. Clark St. Chicago, IL unless you are granted written permission to report on another date.
- That you assist the Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: \_\_\_\_\_
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

Deborah Achim  
(Signature of ICE official)

Deborah Achim, FOD  
(Print name and title of ICE official)

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

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

Joseph A. Halase  
(Signature of INS official serving order)

[Signature]  
(Signature of alien)

8/8/06  
Date

EXH. 2



provide ICE a copy of all correspondence related to your travel document application(s) that you receive from, an Embassy or Consulate.

That you contact the Embassy or Consulate within 21 calendar days of making your application(s) to confirm that the information you provided is sufficient.

That you comply with any requests from an Embassy or Consulate for an interview and make good faith efforts to submit further documentation if required by the Embassy or Consulate.

Every time you report in person under this order of supervision, you must inform the local ICE office of all actions you have taken to obtain a travel document. You must provide any available written documentation to ICE regarding these actions and the status of your travel document application(s).

That you provide ICE, upon request, with any and all information relevant to application(s) for a travel document. This may include, but is not limited to, information regarding your family history, including dates of birth, nationalities, addresses, and phone numbers as requested for such persons, whether in your country of nationality and/or citizenship or elsewhere, and your past residences, schools attended, etc.

You will participate in a supervised release program, as described in the attached document. You will comply with the rules and requirements of this program, and cooperate with its administrators.

I agree to comply with the rules, requirements, and administrators in the supervised release program described in the attached document.

Alien's signature

Date

8/8/06

Other:

Any violation of any of the above conditions may result in a fine, more restrictive release conditions, return to detention, criminal prosecution, and/or revocation of your employment authorization document.

**Alien's Acknowledgement of Conditions of Release under an Order of Supervision**

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of the order and addendum, a copy of which has been given to me. I understand that failure to comply with the terms of this order and addendum may subject me to a fine, more restrictive release conditions, detention, criminal prosecution, and/or revocation of my employment authorization document.

Joseph A. Halase  
(Signature of ICE official serving order)

[Signature]  
(Signature of alien)

8/8/06  
(date)

Please note that all references in this order/addendum to "INS" or "Service" should now be considered to refer to U.S. Immigration and Customs Enforcement (ICE). Updated 4/25/2001