

**UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON**

Name :Faheem Tariq

Petitioner

vs.

Bruce Scott

Respondent

Case No.: 2:25-cv-02387-LK-SKV



JAN 12 2026

PETITIONER'S TRAVERSE

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

I. INTRODUCTION

In December 2025, Petitioner, Faheem Tariq, (hereinafter Petitioner) Petitioner petitioned this Honorable Court for a writ of habeas corpus asserting that the length of his detention without an individualized bond hearing was in violation of the Due Process Clause of the Fifth Amendment of the United States Constitution. On January 2, 2026, the Respondent filed a return memorandum. In their return memorandum, the respondent makes multiple mistaken assumptions. Below Petitioner addresses those legal shortcomings.

II. ARGUMENT

A. STATUTORY BASIS FOR DETENTION

As the Government correctly points out Petitioner has a pending petition for review before the Third Circuit *Faheem Tariq v. Attorney General of the United States of America*, No. 25-2068, Petitioner also filed to renew his motion for a stay of removal. See Exhibit # 1: Email Correspondence with the Third Circuit confirming receipt of the renewed stay motion. By operation of Third Circuit Standing Order, Petitioner has been protected from removal pending a decision by the Third Circuit on

his stay motion. The Third Circuit's Standing Order Regarding Immigration Cases reveals the position that petitioners in immigration matters should not be deported before the Third Circuit has an opportunity to review the petition. Because Petitioner's motion for a stay of removal was temporarily granted pursuant to the Third Circuit's standing order, Petitioner has received a stay of removal. As such Petitioner's detention has reverted to pre-final order status, and Petitioner is currently being detained pursuant to § 1226(c) rather than § 1231(a). See e.g., (Ninth Circuit General Order 6.4 (c)); *Leslie v. Attorney Gen. Of the United States*, 678 F.3d 265, 269-70 (3dCir. 2012); see also 8 U.S.C. § 1231(a)(1)(B). Only when the Third Circuit either vacates the temporarily granted stay or enters a final decision on Petitioner's appeal will Petitioner return to final order status and be subjected to custody under § 1231(a)(6).

In any event, the Court need not address this line of argument other than to acknowledge that a live controversy exists because Petitioner remains detained and to note that the Court's conclusion in this case is based on the length of Petitioner's detention without a hearing, not the statutory basis for his detention. In contrast to one of the cases cited by the Respondent, *Kholesouvan v. Morones*, 386 F.3d 1299, 1301 (9th Cir. 2004), the Court will find that the statutory basis for detention is not speculative. The Third Circuit lifting Petitioner's initial stay motion may have started a new clock for the Government to take a different type of action, but it did not reset the clock as to the time Petitioner has been detained without a bond hearing. Petitioner's continued detention of more than 21 months without a hearing to consider the risks of his potential release on bond supports his due process claim.

In sum, the Court will find that the shift in the statutory basis governing Petitioner's detention does not negate his constitutional rights nor substantively change the applicable due process analysis. While statutory justification for Petitioner's detention might have shifted, nothing has changed as a practical matter-his time behind bars continues to increase without any showing by Respondent that his civil

detention is necessary to achieve the Government's non-punitive ends. As the Ninth Circuit has explained, that is a constitutional problem regardless of which statute currently applies. See *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018) ("we have grave doubts that any process is constitutional or that those who founded our democracy precisely to protect against the government's arbitrary deprivation of liberty would have thought so."). Petitioner, therefore proceeds to address the merits of his due process claim.

B. Due Process and Petitioner's Continued Detention

Petitioner asserts that he is entitled to a bond hearing on two bases. First, immigration detention lasting longer than six months becomes unconstitutionally prolonged. Second, the balance of factors under *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976), requires a bond hearing in his case. Due process requires "the opportunity to be heard at a meaningful time and in a meaningful manner". Under *Mathews*, courts consider (1) the individual's private interest that will be impacted by the official action, (2) the risk of an erroneous deprivation of that interest and the probable value of additional procedural safeguards, and (3) the government's interest. *Id.* at 334-35. Petitioner addresses these considerations in turn.

1. Individual's Interest

The "main private interest at stake" here is Petitioner's interest in "freedom from imprisonment from government custody, detention, or other forms of physical restraint". *Zadvydass v. Davis*, 533 U.S. 678, 701 (2001); see also *De Paz Sales v. Barr*, No. 19-cv-04148-KAW, 2019 U.S. Dist. LEXIS 169552, 2019 WL 4751894, at *7 (N.D. Cal. Sept. 30, 2019). (finding a strong private interest where the petitioner risks continued detention absent a bond hearing"). Liberty is the norm, and detention prior to trial or without trial is the carefully limited exception". *Rodriguez v. Marin*, 909 F.3d 252, 256-57 (9th Cir. 2018) (quoting *United States v. Salerno*, 481 U.S. 739, 755, 107 S. Ct. 2095, 95 L. Ed. 2d 697 (1987)).

In this case, Petitioner has been detained for over twenty one (21) months without a bond hearing, and there is no reasonably certain end to his detention. In light of Petitioner's interest in being free from detention, the Court will find that the first *Mathews* factor weighs in Petitioner's favor.

2. Risk of Erroneous Deprivation of Private Interest

Petitioner next addresses the value of additional safeguards given the risk of erroneous deprivation of Petitioner's rights. See *Mathews*, 424 U.S. at 335. In the over twenty one months that Petitioner has been deprived of his liberty, he has never had a bond hearing to evaluate the necessity of his ongoing civil detention. In these circumstances, the value of additional procedural safeguards in the form of a bond hearing is substantial given the risk of erroneous deprivation of Petitioner's rights. See *Rajnish v. Jennings*, No. 3:20-cv-07819-WHO, 2020 U.S. Dist. LEXIS 241056, 2020 WL 7626414, at *1 (N.D. Cal. Dec. 22, 2020) (holding that "the value added by another hearing is great" where Petitioner had been held for nine months since an "unconstitutional "initial bond hearing that "assigned the risk of error to him, not the government" and there had been "important developments" in the proceedings); see also *Pham v. Becerra*, No. 23-cv-01288-CRB, 20223 U.S. Dist. LEXIS 56944, 2023 WL 2744397, at * 5 (N.D. Cal. March 31, 2023) (finding a risk of erroneous deprivation even though petitioner was subject to mandatory detention as "successful due process challenges to mandatory detention would require additional processes" such as a bond hearing). Given the lack of particularized fact-finding related to Petitioner's flight risk and/or danger to the community, this factor also weighs in Petitioner's favor.

3. Government Interest

The government has an interest in detaining non-citizens during the pendency of their removal proceedings. However, the government's interest at issue here is "the ability to detain Petitioner without providing him a bond hearing, not whether the government may continue to detain him".

Lopez Reyes v. Bonnar, 362 F. Supp. 3D 762, 772-73 (N.D. Cal. 2019); see also *Perera*, 2021 U.S. Dist. LEXIS 110194, 2021 WL 2400981 at * 5 (same); *Zerezghi v. United States Citizenship & Immigr. Servs.* 955F. 3D 802, 810 (9th Cir. 2020)(citing *Mathews*, 424 U.S. at 335) (noting that the third factor considers the “burden that the additional or substitute procedural requirements would entail”, not the government’s substantial interest in immigration enforcement” in general”).

Accordingly, the Government’s interest here is minimal compared to Petitioner’s interest in being free from detention. Having addressed the *Mathews* factors, Petitioner asserts that his continued detention without an individualized hearing violates his procedural due process rights under the Fifth Amendment.

Conclusion

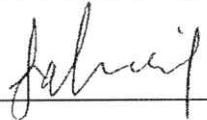
The inescapable conclusion is that Petitioner is now entitled to a constitutionally compliant bond hearing before an Immigration Judge and the government shall bear the burden of proving by clear and convincing evidence that Petitioner is a flight risk or a danger to the community.

VERIFICATION

I, Faheem Tariq , do hereby aver that the words above are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide this information based upon personal belief that they are the facts of this matter, except where stated on personal belief. Submitted under the penalty of perjury of the laws of the United States.

//

Dated this 8th of January, 2026.



PROOF OF SERVICE

&

DECLARATION

I, FAHEEM TARIQ, AVER THAT I AM A PARTY TO THIS ACTION DO HEREBY AVER THAT I
HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT:

PETITION FOR WRIT OF HABEAS CORPUS

**U.S. District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, Washington 98101**

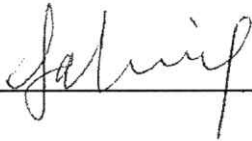
**U.S. Department of Justice
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101**

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

SUBMITTED ON 8th of JANUARY 2026.

Signed: _____



EXHIBITS

Exhibit # 1: Email Correspondence with the
Third Circuit confirming receipt of the renewed stay motion.



U.S. Department of Justice
Civil Division

SP:ARB:arb
39-62-5064.03

Telephone: (202) 353-8167

VIA U.S. Mail

December 11, 2025

Faheem Tariq ([REDACTED])
Northwest ICE Processing Center
1623 E J Street
Tacoma, WA 98421

Re: *Faheem Tariq v. Attorney General United States of America*, No. 25-2068

Dear Mr. Tariq:

Please find enclosed Respondent's email correspondence with the United States Court of Appeals for the Third Circuit confirming your detention status.

Respectfully submitted,

/s/ Anne R. Burley
ANNE R. BURLEY
Trial Attorney
Office of Immigration Litigation
Civil Division
United States Department of Justice

From: [Lanham, Carol \(CIV\)](#) on behalf of [OIL, Third Circuit \(CIV\)](#)
To: [Sarah Parisi](#); [CA03db Removal Status](#); "[CA03ml CL Attorneys@ca3.uscourts.gov](#)"; [Stephanie Becker](#); [OIL, Third Circuit \(CIV\)](#); [Burley, Anne R \(CIV\)](#); [Park, Song \(CIV\)](#); [Phillips, Rebecca Hoffberg \(CIV\)](#)
Cc: [Lanham, Carol \(CIV\)](#)
Subject: FW: New Petition for Review 25-2068 Faheem Tariq v. Attorney General 
Date: Wednesday, December 10, 2025 2:57:38 PM
Attachments: [doc_120125.pdf](#)

Good afternoon, subject is in ICE custody at Northwest ICE Processing Center, no travel plans. Thanks

From: Sarah Parisi <Sarah_Parisi@ca3.uscourts.gov>
Sent: Tuesday, December 9, 2025 5:18 PM
To: [OIL, Third Circuit \(CIV\)](#) <Third.Circuit.OIL@usdoj.gov>; [Lanham, Carol \(CIV\)](#) <Carol.Lanham@usdoj.gov>
Subject: [EXTERNAL] RE: New Petition for Review 25-2068 Faheem Tariq v. Attorney General 


Hi Carol-

We received a renewed stay motion in this case. Please let us know if there any change in travel status.

Thanks

Sarah

From: [Lanham, Carol \(CIV\)](#) <Carol.Lanham@usdoj.gov> **On Behalf Of** [OIL, Third Circuit \(CIV\)](#)
Sent: Wednesday, June 4, 2025 2:54 PM
To: [Sarah Parisi](#) <Sarah_Parisi@ca3.uscourts.gov>; [CA03db Removal Status](#) <removal_status@ca3.uscourts.gov>; [Stephanie Becker](#) <stephanie_becker@ca3.uscourts.gov>; [CA03ml CL Attorneys](#) <CA03ml_CL_Attorneys@CA3.USCOURTS.GOV>; [OIL, Third Circuit \(CIV\)](#) <Third.Circuit.OIL@usdoj.gov>; [Burley, Anne R \(CIV\)](#) <Anne.R.Burley@usdoj.gov>; [Park, Song \(CIV\)](#) <Song.Park@usdoj.gov>; [Phillips, Rebecca Hoffberg \(CIV\)](#) <Rebecca.H.Phillips@usdoj.gov>; [Kniffin, Margot P. \(CIV\)](#) <Margot.P.Kniffin@usdoj.gov>
Cc: [Lanham, Carol \(CIV\)](#) <Carol.Lanham@usdoj.gov>
Subject: FW: New Petition for Review 25-2068 Faheem Tariq v. Attorney General 

CAUTION - EXTERNAL:

Good afternoon, subject is in ICE custody at Northwest ICE Processing Center; no travel plans; case is being handled by Philadelphia, PA Thanks

From: CA03db_Removal Status <removal_status@ca3.uscourts.gov>
Sent: Wednesday, June 04, 2025 2:25 PM
To: OIL, Third Circuit (CIV) <Third.Circuit.OIL@usdoj.gov>; Sarah Parisi <Sarah_Parisi@ca3.uscourts.gov>
Cc: Lanham, Caroll (CIV) <Caroll.Lanham@usdoj.gov>
Subject: [EXTERNAL] RE: New Petition for Review 25-2068 Faheem Tariq v. Attorney General 


Hi Caroll-

We received a stay motion today and are entering a temporary stay. Please advise if anything has changed.

Thanks

Sarah

From: Lanham, Caroll (CIV) <Caroll.Lanham@usdoj.gov> **On Behalf Of** OIL, Third Circuit (CIV)
Sent: Wednesday, June 4, 2025 9:46 AM
To: Sarah Parisi <Sarah_Parisi@ca3.uscourts.gov>; CA03db_Removal Status <removal_status@ca3.uscourts.gov>; Stephanie Becker <stephanie_becker@ca3.uscourts.gov>; OIL, Third Circuit (CIV) <Third.Circuit.OIL@usdoj.gov>; CA03ml_CL Attorneys <CA03ml_CL_Attorneys@CA3.USCOURTS.GOV>; Burley, Anne R (CIV) <Anne.R.Burley@usdoj.gov>; Park, Song (CIV) <Song.Park@usdoj.gov>; Phillips, Rebecca Hoffberg (CIV) <Rebecca.H.Phillips@usdoj.gov>; Kniffin, Margot P. (CIV) <Margot.P.Kniffin@usdoj.gov>
Cc: Lanham, Caroll (CIV) <Caroll.Lanham@usdoj.gov>
Subject: FW: New Petition for Review 25-2068 Faheem Tariq v. Attorney General 

CAUTION - EXTERNAL:

Good morning, subject is in ICE custody at Northwest ICE Processing Center in Tacoma, WA; no travel plans. Case is being handled by Philadelphia, PA.

Thanks

From: CA03db_Removal Status <removal_status@ca3.uscourts.gov>
Sent: Tuesday, June 03, 2025 4:41 PM
To: OIL, Third Circuit (CIV) <Third.Circuit.OIL@usdoj.gov>; Lanham, Caroll (CIV) <Caroll.Lanham@usdoj.gov>
Cc: Stephanie Becker <stephanie_becker@ca3.uscourts.gov>
Subject: [EXTERNAL] New Petition for Review 25-2068

Dear Caroll,

We have received a petition for review.

Petitioner: Faheem Tariq

A# 

C.A. No. 25-2068

IJ Location:

Country of Removal:

Is petition timely filed? Yes (Mailed from immigration detention on 5/21/25)

Motion for stay filed? No

Temporary stay to be issued? No

Open/related 3rd Circuit Case(s): none

Closed prior 3rd Circuit Case(s): none

Please let us know if there is a scheduled removal date.

Thanks

Sarah H.R. Parisi
Court Attorney, Office of the Clerk
United States Court of Appeals for the Third Circuit

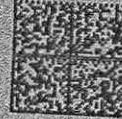
CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

Name: [REDACTED]

2:25-cv-02387-LK Document 8 Filed 01/12/26 Page 12 of 13

Northwest Ice Processing Center
1623 E J Street
Tacoma, WA 98421



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US POSTAGE



JAN 12 2026

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

LEGAL MAIL

United States Department of Justice
United States District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, WA 98101

