

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AHMAD SHAKOOR,

Petitioner,

v.

TODD M. LYONS, Acting Director, U.S.
Immigration and Customs Enforcement, U.S.
Department of Homeland Security, in his official
capacity;
Daren K. MARGOLIN, the Director of Executive
Office for Immigration Review, in his official
capacity;
KRISTI NOEM, Secretary of U.S. Department of
Homeland Security, in her official capacity;
and
PAMELA BONDI, Attorney General of the
United States, in her official capacity,
WARDEN of South Texas ICE Processing Center
in Pearsall, Texas, in his or her official capacity,

Respondents.

Case No.: 5:25-cv-1628

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

Challenge to Unlawful Incarceration Under
Color of Immigration Detention Statutes:
Request for Declaratory and Injunctive Relief

PETITION FOR HABEAS CORPUS

Petitioner Ahmad Shakoor (“Petitioner” or “Mr. Shakoor”) petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2242 to remedy Respondents’ detaining him unlawfully, and states as follows:

INTRODUCTION

1. Petitioner Ahmad Shakoor (“Petitioner” or “Mr. Shakoor”) is a 31-year-old citizen and national of Pakistan, who is detained at South Texas ICE Processing Center in Pearsall, Texas. He submits this habeas petition under 28 U.S.C. § 2241 for a judicial check on Respondents’ unlawful revocation of his release on an Order of Supervision and Unsupervised Parole

(“OSUP”) and detaining him without belief that his removal from the United States is reasonably foreseeable.

2. On March 16, 2023, an Immigration Judge (“IJ”) at the non-detained Immigration Court in Santa Ana, California, granted Mr. Shakoor withholding of removal from Pakistan, determining that it was more likely than not that he would be persecuted if he were deported to Pakistan. *Exhibit A*.

3. In 2019, Immigration and Customs Enforcement (“ICE”) placed Mr. Shakoor on an order of Release on his Own Recognizance while his proceedings were pending, and he was required to check-in with ICE. *Exhibit B*. Upon information and belief, Mr. Shakoor complied with all conditions of his release. His check-in sheet shows that he reported as ICE required. In April 2020, Mr. Shakoor was not required to do an in-person check-in, presumably due to COVID. However, in December 2024, ICE notified Mr. Shakoor that his check-ins would return to in-person and ordered him to appear in person on December 19, 2025.

4. Mr. Shakoor works as a truck driver, and on or about October 2, 2025, he was detained at the internal CBP checkpoint somewhere near Laredo, Texas. At the checkpoint, Mr. Shakoor explained that he was not a U.S. citizen, but he did have withholding of removal. But CBP responded that he had a final order of removal and immediately detained Mr. Shakoor. CBP said that withholding of removal was not a status. Because CBP arbitrarily cancelled his OSUP, he seeks relief through this Petition for Habeas Corpus.

5. ICE’s withdrawal of Mr. Shakoor’s OSUP and subsequent detention was permissible only if ICE could demonstrate that removal could occur “in the reasonably foreseeable future” or if he had violated release conditions—neither of which occurred here. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); 8 C.F.R. § 241.13(h)(4).

6. Under the Supreme Court’s holding in *Zadvydas*, ICE may only detain individuals after the removal period if there is a “reasonable foreseeability” of removal within a predictable timeframe. Here, ICE’s demonstrate the absence of any such reasonable foreseeability.

7. Moreover, even assuming that ICE possessed the theoretical authority to revoke release, the agency failed to meet mandatory procedural requirements, including the obligation to establish “a significant likelihood that the [non-citizen] may be removed in the reasonably foreseeable future” under 8 C.F.R. § 241.13(i)(2) and to provide him with notice of the specific reasons for revocation as 8 C.F.R. § 241.13(1)

8. ICE’s arbitrary cancellation of Mr. Shakoor’s OSUP and subsequent detention constitute flagrant violations of due process and regulatory law. *See Ceesay v. Brophy et al*, No. 1:2025cv00267 (W.D.N.Y. 05/02/2025); *ABUELHAWA v Noem*, 4:25-cv-04128 (S.D. Tex. 10/16/2025).

9. Absent review in this Court, no other neutral adjudicator will examine Mr. Shakoor’s plight: Respondents will continue—unchecked—to detain him—potentially indefinitely—unless or until they remove him to an as-yet-to-be-determined country, despite *Zadvydas*’s and the regulatory requirements. He thus urges this Court to review the lawfulness of his detention; declare that his detention is unlawful; and order either his immediate release or that Respondents provide him with a bond hearing complying with the procedural requirements in *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

CUSTODY

10. Mr. Shakoor is currently in the Respondents’ physical and legal custody. They are detaining him at the South Texas ICE Processing Center in Pearsall, Texas. He is under Respondents’ and their agents’ direct control.

PARTIES

11. Petitioner Mr. Shakoor is a citizen of Pakistan. He fled that country in order to seek asylum in the United States. He entered the United States without inspection in 2016, and he timely filed for asylum. He was not detained during his immigration court proceedings, and the Immigration Judge granted withholding of removal on March 16, 2023. Asylum was denied because the Immigration Judge found Mr. Shakoor was firmly resettled because he has been granted asylum in Brazil prior to arriving in the United States. *Exhibit A*. Mr. Shakoor was at liberty—and complying with all check-in obligations—until Respondents detained him on or about October 2, 2025.

12. Mr. Shakoor is currently in Respondents' legal and physical custody at the South Texas ICE Processing Center in Pearsall, Texas.

13. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is responsible for the administration and enforcement of the immigration laws, including the removal of noncitizens. In his official capacity as head of ICE, he is the legal custodian of Mr. Shakoor.

14. Respondent Daren K. MARGOLIN is the Director of EOIR and has ultimate responsibility for overseeing the operation of the immigration courts and the Board of Immigration Appeals, including bond hearings. EOIR is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings. He is sued in his official capacity.

15. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official capacity. DHS is the federal agency encompassing ICE, which is responsible for the administration and enforcement of the INA and all other laws relating to the immigration of

noncitizens. In her capacity as Secretary, Respondent NOEM has responsibility for the administration and enforcement of the immigration and naturalization laws under section 402 of the Homeland Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a). Respondent NOEM is the ultimate legal custodian of Mr. Shakoor.

16. Respondent Pamela BONDI is the Attorney General of the United States and the most senior official in the U.S. Department of Justice (“DOJ”) and is named in her official capacity. She has the authority to interpret immigration laws and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA

17. The Warden of South Texas ICE Processing Center in Pearsall, Texas is named in his or her official capacity. Petitioner is in the direct custody of the Warden.

JURISDICTION AND VENUE

18. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IRRIRA”), Pub. L. No. 104-208, 110 Stat. 1570, to challenge Mr. Shakoor’s detention under the INA and any inherent or plenary powers the government may claim to continue holding him.

19. This Court has jurisdiction under 28 U.S.C. § 1331, § 2241; 5 U.S.C. §§ 701-706 (Administrative Procedures Act, “APA”); and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, and the Fifth and Eighth Amendments of the United States Constitution. Jurisdiction is not limited by a petitioner’s nationality, immigration status, or any other classification. *See Boumediene v. Bush*, 55s U.S. 723, 747 (2008). The Court may grant relief under the Suspension Clause; the Fifth and Eighth Amendments; 5 U.S.C. § 706 (APA); and 28 U.S.C. §§ 1361

(Mandamus Act), 1651 (All Writs Act), 2001 (Declaratory Judgment Act), and 2241 (habeas corpus).

20. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Mr. Shakoor's detention and his challenge to the government's arbitrary cancellation of his OSUP. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held "in custody in violation of the Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act's jurisdictional restrictions. Because Mr. Shakoor seeks the traditional habeas remedy of release from allegedly unlawful detention, his petition presents precisely the type of threshold legality-of-detention question that § 2241 was designed to address. *See INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211-12)). And federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). No court has ruled on the legality of Mr. Shakoor's detention.

21. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this claim have happened here, Mr. Shakoor is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243 because Mr. Shakoor's immediate custodian resides in this District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004) (Kennedy, J., concurring).

REQUIREMENTS OF 28 U.S.C. § 2243

22. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the respondents "forthwith," unless the petitioner is not entitled to relief. *See* 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return

“within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.”

Id. (emphasis added).

23. Courts have long recognized the significance of the habeas statute in protecting persons from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

FACTUAL BACKGROUND

24. Mr. Shakoor reserves the right to amend and supplement his factual statement.

25. Mr. Shakoor is a native and citizen of Pakistan and no other country.

26. Mr. Shakoor entered the United States in 2016, and he timely filed for asylum. *Exhibit A*. On March 16, 2023, an IJ at the non-detained Immigration Court in Santa Ana, California, entered a removal order against Mr. Shakoor and granted him withholding of removal as to Pakistan. *Id.* The Immigration Judge denied asylum because Mr. Shakoor has obtained asylum status in Brazil in 2015 prior to entering the United States. *Id.*

27. In 2019, ICE detained Mr. Shakoor, released him on his own recognizance, and placed him on an order of supervision. *Exhibit B*. He attended his supervision appointments in-person as required, but his April 2020 in-person check-in was presumably cancelled due to COVID. In December 2024, ICE notified Mr. Shakoor that he would need to return to in-person check-ins in December 2025. *Ex. C*.

28. On or about October 2, 2025, CBP officers arbitrarily detained Mr. Shakoor at the internal checkpoint while he attempted to pass through as a truck driver. Despite Mr. Shakoor

notifying CBP that he has withholding of removal, CBP detained him anyways, stating that was not a status.

29. It does not appear that ICE followed the procedure to revoke Mr. Shakoor's OSUP. In fact, it does not appear that ICE was at all aware that Mr. Shakoor was on OSUP because ICE issued a new Notice to Appear to him. At an Immigration Court hearing on November 5, 2025, the Immigration Judge at Pearsall, Texas terminated Mr. Shakoor's removal proceedings because he had already been granted withholding of removal, and therefore, a new removal proceeding could not be initiated. Ex. D.

30. On information and belief, Mr. Shakoor has not received any informal interview to determine if his detention warranted upon cancelling his Order of Supervision. ICE appears to have also not followed the proper procedures for cancelling his OSUP, including providing an information interview. *Ceesay v. Brophy et al*, No. 1:2025cv00267 (W.D.N.Y. 05/02/2025); *ABUELHAWA v Noem*, 4:25-cv-04128 (S.D. Tex. 10/16/2025). Also, only certain officials are permitted to cancel an OSUP. *Ceesay v. Brophy et al*, No. 1:2025cv00267 (W.D.N.Y. 05/02/2025).

31. Despite the Immigration Judge information Respondents that Mr. Shakoor has withholding of removal, Respondents have not released Mr. Shakoor. He remains in ICE custody.

EXHAUSTION OF REMEDIES

32. Mr. Shakoor has exhausted all administrative remedies, and further ones are not available to him.

LEGAL FRAMEWORK

33. Section 1231(a) of Title 8 governs the detention of individuals whom immigration courts have ordered removed. The statute commands ICE to detain these individuals for ninety days

while it executes the removal order. See 8 U.S.C. § 1231(a)(2). The ninety-day removal period starts the moment the removal order becomes final. Absent an applicable exception, ICE must release the person under supervision if it cannot complete removal within ninety days. See 8 U.S.C. § 1231(a)(3).

34. Subsection 1231(a)(6) authorizes ICE to extend detention beyond the ninety-day period, yet it bars indefinite custody. *See Zadvydas*, 533 U.S. at 689 (limiting ICE’s authority to a period “reasonably necessary” to carry out removal and prohibiting detention when removal is not “reasonably foreseeable”).

35. Regulations allow ICE to release a non-citizen after the ninety-day removal period if the agency determines that the non-citizen “would not pose a danger to the public or a risk of flight, without regard to the likelihood of the [non-citizen’s] removal in the reasonably foreseeable future.” 8 C.F.R. § 241.13(b)(1). ICE typically places these individuals on an OSUP, as it has done with Mr. Shakoor for the last two years since his removal order. *See* 8 C.F.R. § 241.4(j); 8 C.F.R. § 241.13(h).

36. ICE may withdraw release approval if it can effectuate removal “in the reasonably foreseeable future” or if the non-citizen violates the release conditions. 8 C.F.R. § 241.13(h)(4). ICE may revoke release only when “there is significant likelihood that the [non-citizen] may be removed in the reasonably foreseeable future.” *Id.* § 241.13(i)(1). Upon revocation, ICE must notify the non-citizen of the reasons for the revocation. *Id.* § 241.13(i)(3).

CAUSES OF ACTION

FIRST CAUSE OF ACTION Unlawful Revocation of Release

37. Mr. Shakoor repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

38. Mr. Shakoor was on an order of supervision at the time of his detention. As long as he complied with the conditions of his OSUP, Respondents have authority to revoke release only if there is a significant likelihood that they can remove him in the reasonably foreseeable future. *See* 8 C.F.R. § 241.13(i)(2).

39. Respondents revoked Mr. Shakoor's order of supervision without evidence that he can be removed to a third country. Indeed, CBP detained him at an internal checkpoint because, according to them, withholding of removal was not a status. ICE then failed to do even the most basic review of Mr. Shakoor's immigration file, and instead, issued a Notice to Appear and initiated new removal proceedings. Ex. D. Respondents arbitrarily detained Mr. Shakoor at the internal checkpoint, and their conduct, including initiating removal proceedings, indicate that they did not detain him with the purpose of deporting him to a third country. ICE had no understanding of his immigration history. Ex. D.

40. Respondents' actions are arbitrary, capricious, an abuse of discretion, and contrary to law. 5 U.S.C. § 706(a)(2)(A). Mr. Shakoor is entitled to immediate release on an OSUP.

SECOND CAUSE OF ACTION
Violation of Procedures for Revocation of Release

41. Mr. Shakoor repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

42. The governing regulations require Respondents to notify Mr. Shakoor of the reason for his re-detention. 8 C.F.R. § 241.13(i)(3). Respondents have not complied with this obligation, nor have they provided him with an initial interview at which he can respond to the purported reasons for revocation. *Cf. id.* As such, Mr. Shakoor is entitled to immediate release on OSUP until ICE can provide the minimal process required by the regulation.

43. It also does not appear that an ICE officer with the proper authority cancelled his OSUP, which is a violation of his due process rights. *Ceesay v. Brophy et al*, No. 1:2025cv00267 (W.D.N.Y. 05/02/2025).

THIRD CAUSE OF ACTION

Unlawful Detention Where Removal is Not Reasonable Foreseeable

44. Mr. Shakoor repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

45. Post-removal order detention violates 8 U.S.C. § 1231(a)(6) where removal is not significantly likely to occur in the reasonably foreseeable future. *See also Zadvydas v. Davis*, 533 U.S. 678 (2001).

46. Detention where removal is not reasonably foreseeable also violates due process.

47. The ninety-day removal period ended June 14, 2023, which was 90 days after the Immigration Judge granted withholding of removal from Pakistan. ICE then determined that it could not effectuate Mr. Shakoor's removal and issued him an OSUP. Given that the United States did not then find—and in the intervening two years—a third country for removal, Mr. Shakoor has made an initial showing under *Zadvydas* that his removal is not significantly likely. *Zadvydas*, 533 U.S. at 701. Respondents cannot rebut this showing, as they do not have any individualized evidence to believe that Mr. Shakoor's removal is reasonably foreseeable.

48. Mr. Shakoor's re-detention under these circumstances violates 8 U.S.C. § 1231 and the Due Process Clause under the United States Constitution.

49. Mr. Shakoor is entitled to immediate release on an OSUP.

FOURTH CAUSE OF ACTION

Unlawful Detention Without Individualized Determination of Danger or Flight Risk

50. Mr. Shakoor repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

51. Detention violates 8 U.S.C. § 1231 and the Due Process Clause of the United States Constitution unless it is reasonably related to the government's purpose of preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690-91.

52. Before being detained, Mr. Shakoor lived in California, and he was in compliance with the terms of his OSUP. And he has received no process to determine whether his detention at the checkpoint was warranted.

53. Mr. Shakoor is entitled to an individualized determination by impartial adjudicators as to whether detention is justified based on danger or flight. *See also Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011). He was also entitled to an informal interview prior to the cancellation of his OSUP.

PRAYER FOR RELIEF

Mr. Shakoor respectfully requests this Court grant the following relief:

- A. Assume jurisdiction over this matter.
- B. Order Mr. Shakoor not be removed from the United States or transferred to another jurisdiction during the pendency of these proceedings;
- C. Issue the writ of habeas corpus and order Respondents to show cause, within three days of Mr. Shakoor's filing this petition, why the relief he seeks should not be granted; and set a hearing on this matter within five days of Respondents' return on the order to show cause (*see* 28 U.S.C. § 2243);
- D. Declare that Respondents have violated Mr. Shakoor's rights;
- E. Order Respondents to notify Mr. Shakoor of the reasons for the revocation of his release, and provide Mr. Shakoor with a prompt interview as required by regulation;
- F. Order Respondents to release Mr. Shakoor from detention because they lack any individualized evidence that removal of Mr. Shakoor will occur in the reasonably foreseeable future;

- G. Order Respondents to release Mr. Shakoor from detention absent an individualized determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release or supervision;
- H. Enjoin Respondents from revoking Mr. Shakoor's release unless they have individualized evidence that his removal is reasonably foreseeable;
- I. Enjoin Respondents from revoking Mr. Shakoor's OSUP without following the proper procedures in the regulations; and
- J. Grant any and all other relief this Court deems proper and just.

Respectfully submitted on this 3rd day of December 2025,

/s/ Jennifer Scarborough
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Verification Pursuant to 28 U.S.C. § 2242

The undersigned counsel submits this verification on behalf of the Petitioner. Undersigned counsel has discussed with Petitioner the events described in this Petition and, on the basis of those discussions, verify that the statements in the Petition are true and correct to the best of her knowledge and belief.

Date: 03 December 2025

/s/ Jennifer Scarborough
Attorney for Petitioner