



INTRODUCTION

1. This case challenges the unlawful re-detention of Sadiqali S. Marediya, who entered the United States on July 01, 2022, to seek asylum. Shortly after his entry, he was released on parole. He is a derivative (rider) beneficiary on his wife Ajminabahen S. Marediya   asylum application, which has been pending since January 25, 2023.

2. Since his release, Mr. Marediya has faithfully complied with all reporting and check-in requirements imposed by Immigration and Customs Enforcement (ICE).

3. Nevertheless, on December 12, 2025, ICE re-detained Mr. Marediya during a check-in appointment. Mr. Marediya was transferred to the Montgomery Processing Center in Conroe, Texas, where he remains detained today.

4. Before detaining him, Respondents did not provide Mr. Marediya with any written notice explaining the basis for the revocation of his release. Nor did they provide a hearing before a neutral decisionmaker where ICE was required to justify the basis for detention or explain why Mr. Marediya is a flight risk or danger to the community.

5. Many courts have recently held; due process demands such a hearing prior to the government's decision to terminate a persona's liberty. *E.A.T.B. v. Wamsley*, ---F. Supp. 3s--- No. C25-1192-KKE, 2025 WL 2402130 (W.D. wash. Aug. 19, 2025).

6. By failing to provide such a hearing, Respondents have violated Mr. Marediya's constitutional right to due process. Accordingly, the Court should grant the instant petition for a writ of habeas corpus and order his immediate release. *See id.* At *6 (ordering immediate release because "a post-deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty").

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. §1101 et. Seq.

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, §9, cl. 2 of the United States Constitution (Suspension Clause).

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. Seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. Seq., and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

10. Venue is proper because Mr. Marediya is in Respondents' custody at the Montgomery Processing Center in Conroe, Texas. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the judicial district in which Mr. Marediya currently is in custody.

REQUIREMENTS OF 28 U.S.C. §2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC 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.*

12. Habeas corpus is "perhaps the most important writ known to the constitutional law...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). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receive prompt

action from him within the four corners of the application. “*Yong v. I.N.C.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); see also *Van Buskirk v. Wilkinson*, 216 F.2d 735, 737-38 (9th Cir. 1954) (Habeas Corpus is “a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination.”).

13. Mr. Marediya is “in custody” for the purpose of 28 U.S.C. § 2241 because he is in Respondents’ custody at Montgomery Processing Center.

PARTIES

14. Sadiqali Marediya is an adult citizen of India. He is detained at the Montgomery Processing Center in Conroe, Texas.

15. Respondent Bret Bradford is the Field Office Director of ICE’s Houston Field Office. The Houston Field Office is responsible for local custody decision relating to noncitizens charged with being removable from the United States. The Houston Field Office’s area of responsibility includes Texas. Respondent Bradford is a legal custodian of Mr. Marediya and is sued in his official capacity.

16. Respondent Randall Tate is employed as Warden of Montgomery Processing Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

17. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

18. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice. She is sued in her official capacity.

19. Respondent U.S. Department of Homeland Security is the federal agency that has the authority over the actions of ICE.

FACTUAL BACKGROUND

20. Mr. Marediya is a 45-year-old citizen and national of India.

21. Mr. Marediya fled India with his family to seek asylum and related protection from persecution and torture in the United States.

22. On or about July 01, 2022, Mr. Marediya came to or near the port of entry at Arizona, to seek asylum. That same day, Respondents arrested and detained Mr. Marediya and initiated expedited removal proceedings under 8 U.S.C. § 1225(b)(1).

23. Subsequently, Respondents determined that Mr. Marediya had a credible fear of persecution or torture in India. Accordingly, Respondents rescinded his expedited removal order and commenced removal proceedings under 8 U.S.C. § 1229a.

24. On July 01, 2022, Respondent DHS paroled Mr. Marediya from its custody into the United States under 8 U.S.C. § 1182(d)(5). As a condition of Mr. Marediya's release, he was required to enroll in the Intensive Supervision Appearance Program (ISAP), a program operated by a private contractor that ICE uses to monitor released noncitizens.

25. Following his release, on January 25, 2023, Ms. Marediya timely filed her application for asylum, withholding of removal, and protection under the Convention Against Torture with the Houston Immigration Court, in which Mr. Marediya is included as a derivative beneficiary (rider).

26. Mr. Marediya appeared at ICE-ERO in Houston before 9:00 a.m. on Friday December 12, 2025. Prior to Mr. Marediya's re-detention, he did not receive written notice of the reason for his re-detention.

27. Prior to Mr. Marediya’s re-detention, ICE did not provide notice of the revocation of his parole, as required by 8 C.F.R. § 212.5(e)(2).

28. Prior to Mr. Marediya’s re-detention, he never received a hearing before a neutral decisionmaker to determine if his re-detention is justified.

LEGAL FRAMEWORK

29. Under current caselaw that governs the immigration court system, the mandatory detention scheme under 8 U.S.C. § 1225(b)(1) applies to individuals who are placed in expedited removal proceedings, pass a CFI, and are subsequently placed in removal proceedings. *See Matter of M-S*, 27 I. &N. Dec 509 (A.G. 2019). Such individuals are subject to detention without any bond hearing until the conclusion of their proceedings unless DHS release them on parole. *See it.* at 510, 518-19.

30. However, once released, due process requires that a person like Mr. Marediya receive a hearing before a neutral decisionmaker to determine whether any re-detention is justified, and whether the person is a flight risk or danger to the community.

31. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the most elemental of liberty interests.” E.A.T., 2025 WL 2402130, at *3 (citation modified).

32. Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in this “continued liberty.” *Morrissey V. Brewer*, 408 U.S. 471, 482 (1972). Such liberty is protected by the Fifth Amendment because, “although indetermination, [it] includes many of the core values of unqualified liberty,” such as the ability to

be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released individual] and often on others.” *Id.*

33. To guarantee against arbitrary re-detention and to guarantee the right to liberty, due process requires “adequate procedural protections” that ensure the government’s asserted justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

34. Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker to assess danger or flight risk before the revocation of an individual’s release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is the opportunity to be heard . . . at a meaningful time in a meaningful manner.: (citation modified)); *see also, e.g. Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole conditions” and that such determination be made “by someone not directly involved in the case” (citation modified)).

35. Several courts, including this one, have recognized that these principles apply with respect to the re-detention of the many noncitizens that DHS has recently begun taking back into custody, often after such persons have been released for months and years.

36. For example, in *E.A.T.-B*, the Court applied the *Mathews v. Elridge*, 424 U.S. 319 (1976), framework to hold that even in the case where the government argues mandatory detention applied, a person’s re-detention required a hearing.

In applying the three *Mathew* factors, this Court held that the petitioner had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty, “*E.A.T.-B.*, 2025 WL 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The Court

further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing as high because a hearing serves to ensure that the purpose of detention ---- the prevention of danger and flight risk – are properly served. *Id.* at *4-5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detention him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the petitioner’s immediate release. *Id.* at *6.

37. The Court’s decision in E.A.T.-B. is consistent with many other district court decisions addressing similar situations. *See, e.g. Valdez v. Joyce*, No. 25 CIV. 4627(GBD), 2025 WL 1707737 (S.D.N.Y. June 8, 2025) ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, ---F. Supp. 3d ---, No 5:25-CV-05632-PCP, 2025 WL 2084921 (N>D.

38. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

39. The same framework and principles apply here and compel Mr. Marediya’s immediate release.

CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

40. Mr. Marediya restates and realleges all paragraphs as if fully set forth here.

41. Due process does not permit the government to strip Mr. Marediya of his liberty without written notice and a hearing before a neutral decisionmaker to determine whether re-

detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487-88. Such written notice and a hearing must occur prior to any re-detention.

42. Respondents revoked Mr. Marediya's release and deprived him of liberty without affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to this re-detention.

43. Accordingly, Mr. Marediya's re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYERS FOR RELIEF

WHEREFORE, Mr. Marediya respectfully requests that this Court:

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as to why this Petition should not be granted as required by 28 U.S.C. § 2243;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Mr. Marediya from custody immediately and permanently enjoying his re-detention absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that he is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (4) Declare that Mr. Marediya's detention without an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (5) Award Mr. Marediya attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Dated: December 17, 2025

Respectfully submitted,

SHARIF & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read 'S. Aftab Sharif', with a stylized flourish at the end.

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