

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KHALIL RAHMAN OSMANI,	:	
Petitioner,	:	Case No.:
v.	:	
	:	Before the Honorable _____
J.L. JAMISON, in his official capacity as Warden:	:	
of Federal Detention Center, Philadelphia;	:	
BRIAN MCSHANE, in his official capacity as	:	
Acting Philadelphia Field Office Director,	:	
United States Immigration and Customs	:	
Enforcement; TODD LYONS, in his	:	
Official capacity as Acting Director of	:	
Immigration and Customs Enforcement;	:	
KRISTI NOEM, in her official capacity as	:	
Secretary of the Department of Homeland	:	
Security; THE U.S. DEPARTMENT OF	:	
HOMELAND SECURITY; PAMELA BONDI,	:	
Attorney General of the United States	:	
Respondents.	:	

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Khalil Rahman Osmani, A , submits this petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and the Suspension Clause (Article 1, Section 9, Clause 2) of the United States Constitution. Petitioner requests that this Court release him from detention by Immigration and Customs Enforcement (“ICE”) or, alternatively, conduct or order a bond hearing in which the Respondents bear the burden of justifying Petitioner’s continued detention.

Mr. Osmani is a native of Afghanistan seeking asylum with his family in the United States. Mr. Osmani entered the United States on December 22, 2023 and timely submitted his application for asylum based on his fear of persecution in Afghanistan at the hands of the Taliban.

Petitioner is in the physical custody of Respondents at the Federal Detention Center Philadelphia. On January 5, 2026, without prior warning, Mr. Osmani was arrested by ICE officials while appearing for his scheduled ICE check-in appointment. He now faces unlawful detention because the Department of Homeland Security (DHS) has adopted policies contrary to law enshrined in administrative decisions by the Board of Immigration Appeals (“BIA”) that subject non-citizens like Mr. Osmani to mandatory detention in violation of 8 U.S.C. § 1226(a). Moreover, they have refused to abide by the declaratory judgment issued by an Article III Court on behalf of the certified class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025).

The Court should expeditiously grant this petition.

#### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (Administrative Procedures Act); U.S. Const. amend. V (Due Process Clause); and U.S. Const. art. I, § 9, cl. 2 (Suspension Clause).
2. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
3. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 2241(d), because at the time of filing his Petition for Writ of Habeas Corpus (Doc. 1), Mr. Osmani is detained in Philadelphia, Pennsylvania.
4. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial

part of the events or omissions giving rise to the claims occurred in the Eastern District of Pennsylvania.

### PARTIES

5. Petitioner Khalil Rahman Osmani is a native of Afghanistan seeking asylum in the United States. Mr. Osmani was arrested by immigration officials and his last known location of detention was at the Federal Detention Center in Philadelphia.

6. Respondent J.L. Jamison is named in his official capacity as the Warden of FDC, Philadelphia, which detains individuals suspected of civil immigration violations. Respondent Jamison is the immediate physical custodian responsible for the detention of Petitioner.

7. Respondent Brian McShane is the Acting Philadelphia Field Office Director for Immigration and Customs Enforcement's ("ICE") Enforcement and Removal Operations. In this capacity he is responsible for the custody of all noncitizens detained by ICE at either the ICE Field Office or FDC, Philadelphia and has the authority to release Mr. Osmani or transfer him to a different facility. He is one of Mr. Osmani's immediate custodians and is sued in his official capacity.

8. Respondent Todd Lyons is the Acting Director of ICE. In this capacity he is responsible for enforcing immigration laws, and as such is a legal custodian of Mr. Osmani. He is sued in his official capacity.

9. Respondent Kristi Noem is Secretary of Homeland Security. In this capacity she runs the Department of Homeland Security, and is charged pursuant to 8 U.S.C.

1103(a)(1) with administering and enforcing immigration laws. She is the ultimate legal custodian of Mr. Osmani, and is sued in her official capacity.

10. The Department of Homeland Security (“DHS”) is the agency of the federal government responsible for enforcing the immigration laws. DHS is also Mr. Osmani’s legal custodian.

11. Respondent Pamela Bondi is the Attorney General of the United States and the head of the U.S. Department of Justice, which encompasses the Board of Immigration Appeals (“BIA”) and immigration courts, known collectively as the Executive Office of Immigration Review (“EOIR”). Ms. Bondi shares responsibility for the implementation and enforcement of immigration laws with Respondent Noem. Respondent Bondi is a legal custodian of Mr. Osmani. She is sued in her official capacity.

### LEGAL FRAMEWORK

12. For non-citizens attempting to enter the United States, the Immigration and Nationality Act (“INA”) provides under 8 U.S.C. § 1225(b)(2)(A) that “in the case of [a noncitizen] who is an applicant for admission, if the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). “A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled ‘for urgent humanitarian reasons or significant public benefit’ pursuant to 8 U.S.C. § 1182(d)(5)(A).” *Gomes v. Hyde*, 25 Civ. 11571, 2025 WL 1868288, at \*2 (D. Mass. July 7, 2025) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018)).

13. Section 1226(a) provides in relevant part:

(a) Arrest, Detention, and Release. On a warrant issued by the Attorney General, *an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States*. Except as provided in subsection (c) and pending such decision, *the Attorney General—*

(1) *may continue to detain the arrested alien; and*

(2) *may release the alien on—*

(A) *bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or*

(B) *conditional parole ...*

8 U.S.C. § 1226(a) (emphasis added).

14. “Courts have interpreted § 1226 to ‘appl[y] to [noncitizens] already present in the United States’ and to ‘create[] a default rule for those [noncitizens] by permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings.’” *Ndiaye v. Jamison*, No. 25-6007, 2025 U.S. Dist. LEXIS 227253, \*14 (E.D. Pa. Nov. 19, 2025) (citing *Jennings*, 583 U.S. at 303); *see also Abreu v. Crawford*, 2025 WL 51475, at \*3 (E.D. Va Jan. 8, 2025) (“There is a statutory distinction between noncitizens who are detained upon arrival into the United States and those who are detained after they have already entered the country, legally or otherwise.”) (emphasis in the original).

Moreover, the Supreme Court has interpreted similar “may” language, such as in § 1226, in other provisions of the INA to require “some level of individualized determination.” *I.N.S. v. Nat’l Ctr. For Immigrants’ Rights*, 502 U.S. 183, 194 (1991).

15. Accordingly, “the regulations implementing § 1226(a) delegate to DHS officers the authority to grant bond or conditional parole, and pursuant to such authority, a DHS officer must make an individualized determination as to the appropriateness of detention based on two factors—whether the non-citizen is a ‘danger to property or persons’ and is ‘likely to appear for any future proceeding.’” *Benitez v. Francis*, 25 Civ. 5937, 2025 WL 2371588, at \*10 (S.D.N.Y.,

Aug. 13, 2025) (citing 8 C.F.R. §§ 236.1(c)(8); 1236.1(c)(8)). If DHS takes the non-citizen into custody, this “initial custody determination” made by the DHS officer may be appealed to an immigration judge. 8 C.F.R. §§ 236.1(d)(1); 1236.1(d)(1).

16. Noncitizens may request a review of an initial custody determination before an Immigration Judge (“IJ”). 8 C.F.R. § 1236.1(d)(1); 8 C.F.R. § 1002.19(a). At this hearing an IJ may make the decision “upon any information that is available to the [Immigration Judge] or that is presented to him or her by the [noncitizen] or the [government].” 8 C.F.R. § 1003.19(d); *see also Matter of Guerra*, 24 I&N Dec. 37, 39 (BIA 2006). Noncitizens may appeal a negative decision in a custody review before an IJ to the Board of Immigration Appeals. 8 C.F.R. § 1236.1(d)(3)(i). The current statutory scheme was created through the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”).

17. For the first time in nearly three decades, Respondents have taken the position through two precedential decisions by the Board of Immigration Appeals that noncitizens residing in the interior of the United States are not entitled to a custody redetermination (a “bond hearing”) before an Immigration Judge.

18. First, in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the BIA held that a noncitizen who had been apprehended near the border and subsequently released into the United States is subject to mandatory detention without a possibility of bond upon re-detention, pursuant to 8 U.S.C. § 1225(b), even if that re-detention occurs years after their initial release from custody. The BIA reasoned that “an applicant for admission who is arrested and detained without a warrant while in the process of arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section [1225(b)] [], and is ineligible for any subsequent release on bond under section [1226(a)].” *Q. Li*, 29 I&N Dec. at 74.

19. Then in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA stated that all non-citizens who are present in the United States without admission are subject to mandatory detention under Section 1225(b)(2), regardless of how long they have been residing in the U.S. and absent any prior interaction with immigration authorities. In several hundred decisions across the country district courts have rejected the BIA's reasoning. *See Demirel v. Fed. Det. Ctr. Phila.*, No. 25-5488, 2025 U.S. Dist. LEXIS 226877, \*2 (E.D. Pa. Nov. 18, 2025) (counting 288 recent decisions).

20. Moreover, on November 20, 2025, in *Maldonado Bautista v. Santacruz*, the district court granted partial summary judgment for individual plaintiffs, non-citizens who entered the country without inspection, who were arrested and detained by DHS and denied bond hearings while detained. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners). Further, the court issued a declaratory judgment, holding that persons detained under 8 U.S.C. § 1226 could not be subject to mandatory detention without a bond hearing. *See id.* at \*10-11.

21. Then, on November 25, 2025, the district court certified a nationwide class ("the Bond Denial Class") consisting of "[a]ll noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination[.]" and extended the declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025).

22. That declaratory judgment held that the Bond Denial Class members were detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

23. Nonetheless, the Department of Homeland Security (DHS) has refused to abide by the declaratory relief and has unlawfully detained Petitioner without the opportunity for a hearing to determine his release on bond.

### FACTS AND PROCEDURAL HISTORY

24. Mr. Osmani is a citizen of Afghanistan. Following the Taliban takeover of the country in 2021, the group has regularly targeted individuals with ties to the prior Afghan government, United States, and international, western or democratic community and interests. In Afghanistan, Mr. Osmani and his family worked under U.S. government contracts and in support of the U.S. Army. The family and Mr. Osmani were also involved in various international NGOs before the Taliban took over. Each of these activities placed Mr. Osmani's life and the lives of his family members at risk under the Taliban rule.

25. Because their lives were in danger, the family fled Afghanistan .

26. On December 22, 2023, Mr. Osmani entered the United States without inspection at San Diego, California. Officials from U.S. Customs and Border Protection ("CBP"), an agency within DHS, detained Mr. Osmani and his family.

27. After a brief period of detention, Mr. Osmani and his family were released on December 25, 2023, with Notices to Appear charging them as removable from the United States pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) ("A [non-citizen] present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible"). Exh. A.

28. An Order of Release on Recognizance issued by CBP officials states that Mr. Osmani was being released “[i]n accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations”. Exh. B.

29. Mr. Osmani and his family settled in Philadelphia, PA. Mr. Osmani has been working since August 2025 at CVS Pharmacy as a Pharmacy Technician in order to support his family, including his mother, sister, and three brothers.

30. Mr. Osmani timely applied for asylum in May, 2024.

31. Since then, Mr. Osmani has regularly attended his scheduled immigration check-in appointments at the local ICE office in Philadelphia.

32. On January 5, 2026, without prior warning, Mr. Osmani was arrested by ICE officials while appearing for his scheduled ICE check-in appointment. Upon information and belief, Mr. Osmani was not given any justification for why he was being taken into custody.

**CLAIM FOR RELIEF**

**COUNT ONE**

**VIOLATION OF DUE PROCESS, U.S. CONST. AMEND. V**

33. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

34. The Fifth Amendment’s Due Process Clause prevents the Government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. amend. V.

35. The Due Process Clause extends to noncitizens residing in the United

States, whether they have lawful status or not. *See Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Specifically, “[i]t is well established that the Fifth Amendment entitles [non-citizens] to due process of law in deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *see also Abdulai v. Ashcroft*, 239 F.3d 542, 549 (3d Cir. 2001) (“[Non-citizens] facing removal are entitled to due process”); *Calderon-Rosas v. Atty’ Gen.*, 957 F.3d 378, 386 (3d Cir. 2020) (“In sum, petitioners seeking discretionary relief are entitled to fundamentally fair removal proceedings, which constitutes a protected interest supporting a due process claim.”).

36. Evaluating the adequacy of the process provided to a non-citizen requires a balancing of factors. “First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

37. First, Mr. Osmani faces “the most significant liberty interest there is—the interest in being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Second, Respondents have erroneously deprived Mr. Osmani of his liberty without any individualized assessment of his circumstances. Third, Respondents did not make any individualized finding that Mr. Osmani was a danger or flight risk, so there does not appear to be a significant government interest in detaining Mr. Osmani.

38. An application of these factors demonstrates that Mr. Osmani should have

been provided with additional process before being detained. *See Kashranov v. Jamison*, No. 2:25-cv-05555, 2025 U.S. Dist. LEXIS 224644, at \*13 (E.D. Pa. Nov. 14, 2025) (“In this case, all three *Mathews* factors weigh in favor of [Petitioner]. He has a strong liberty interest. The lack of any individualized assessment creates a high risk of error. And a bond hearing imposes minimal administrative burden. The *Mathews* factors therefore indicate that due process compels a pre-deprivation bond hearing.”). Accordingly, Mr. Osmani’s January 5, 2026 detention violated the Fifth Amendment.

### COUNT TWO

#### **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1226(a)**

39. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

40. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. As, relevant here, it does not apply to those who have been residing in the United States at liberty after being briefly detained following their entrance into the United States. *Kashranov*, 2025 U.S. Dist. LEXIS 224644, at \* 20 (rejecting the argument that § 1225(b)(2)(A) applies to individuals “who have already entered and resided in the United States for an extended period.”); *see also Quispe v. Crawford*, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799, at \*5 (E.D. Va. Sept. 29, 2025) (“Indeed, as Respondents recognize, other federal courts around the country have found that in order to be detained under § 1225(b)(2), applicants for admission must be actively ‘seeking admission’ and not be just “present” in the U.S.”). Such noncitizens, if detained, are detained pursuant to § 1226(a), and are generally eligible for release on bond.

41. Respondents’ authority to detain Mr. Osmani is derived from 8 U.S.C. §

1226(a) as Mr. Osmani is already present in the United States.

42. Respondents' position that Mr. Osmani is detained pursuant to 8 U.S.C. § 1225(b)(2)(A) is erroneous. The Notice to Appear initially issued on December 25, 2023, by DHS states that Mr. Osmani is removable from the United States pursuant to INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i) as a noncitizen "in the United States without being admitted or paroled". Exh. A. This conflicts with Respondents' position that Mr. Osmani is an applicant for admission "seeking admission". See *Yagure Hurtado*, 29 I&N Dec. 218-19 (citing 8 U.S.C. § 1225(b)(2)(A)).

43. Further, the paperwork previously issued to Mr. Osmani by Respondents acknowledges that he is detained under 8 U.S.C. § 1226(a). The Order of Release Recognizance issued by DHS officials on December 25, 2023, states that Mr. Osmani was being released "[i]n accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations". Exh. B.

44. As Respondents' own paperwork confirms, Mr. Osmani was initially detained on December 22, 2023, pursuant to Section 1226(a). Accordingly, he cannot be said to be "seeking admission" under Section 1225(b)(2)(A), as Respondents now argue, after living in the United States for over two years.

45. Respondents have detained Mr. Osmani without making an individualized determination regarding whether he posed a danger or flight risk as required by 8 U.S.C. § 1226(a) and its regulations and the Article III Court's declaratory judgment in *Maldonado Bautista*.

46. Mr. Osmani also is a member of the Bond Eligible Class, certified in *Maldonado Bautista*, as he:

- a. entered the United States without inspection over two years ago; was apprehended and released on his own recognizance three days later, *cf. id.*;

b. was re-detained by DHS on January 5, 2026, and is currently detained at the Federal Detention Center Philadelphia; and

c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

47. Moreover, Respondents' current policies as set forth in the BIA's decisions in *Matter of Q. Li* and *Matter of Yajure Hurtado* unlawfully prevent Mr. Osmani from obtaining a custody redetermination in front of an Immigration Judge as is his right by statute.

### COUNT THREE

#### VIOLATION OF THE BOND REGULATIONS, 8 C.F.R. § 236.1, 1236.1 and 1003.19

48. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

49. In 1997, after Congress amended the INA, the then-Immigration and Naturalization Service (now known as DHS) issued an interim rule to interpret and apply the amended INA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Non-citizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *will be eligible for bond and bond redetermination.*" 62 Fed. Reg. at 10323 (emphasis added). Thus, the agencies made clear that non-citizens present in the United States would be eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

50. By denying Petitioner a bond hearing, Respondents are violating Petitioner's statutory rights under the INA, its implementing regulations, and the Court's judgment in *Maldonado Bautista*.

51. Yet, Respondents have adopted a policy and practice of applying § 1225(b)(2) to non-citizens like Mr. Osmani who are present in the United States without being

admitted or paroled.

52. The application of § 1225(b)(2) to Mr. Osmani unlawfully mandates his continued detention in violation of 8 C.F.R. §§ 236.1, 1236.1, and 1003.19 and in disregard of the Court's judgment in *Maldonado Bautista*.

#### **COUNT FOUR**

#### **VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT ("APA"), 5 U.S.C. § 701, et. seq.**

53. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

54. Mr. Osmani is aggrieved by agency action under the Administrative Procedure Act, 5 U.S.C. §§ 701 *et. seq.* Specifically, Respondents have acted arbitrarily in detaining Mr. Osmani without conducting an individualized determination into his circumstances. In other words, Respondents have not presented any indication that Mr. Osmani's circumstances have changed such that he is now a danger or flight risk in a way that he was not when he was released from detention at the border in 2023.

55. Additionally, Respondents' recent policies announced through administrative decisions issued by the BIA unlawfully withhold the right to a bond hearing under 8 U.S.C. § 1226(a) to Mr. Osmani.

56. These policies are arbitrary, capricious, and not in accordance with the text of the INA.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody on his own recognizance or under parole, bond or reasonable conditions of supervision, on the ground that his continued detention by DHS violates his Due Process rights;
2. Issue a writ requiring an immediate, constitutionally adequate hearing before an Immigration Judge, at which: (i) DHS bears the burden to demonstrate, by clear and convincing evidence, that Petitioner's continued detention is necessary, and (ii) the immigration judge considers Petitioner's ability to pay a bond;
3. While this petition is pending, order Petitioner's immediate release pursuant to the Court's inherent authority to release habeas corpus petitioners on bail;
4. Enter a judgment declaring that Respondents' detention of Petitioner is unauthorized by statute and contrary to law and the U.S. Constitution;
5. Award Petitioner reasonable costs and attorneys' fees;
6. Grant any further relief that this Court may deem fit and proper.

Dated: January 6, 2026

Respectfully submitted,

*/s/ Elizabeth A. Sheppard*  
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*Attorneys for Petitioner Kahlil Rahman Osmani*

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF**  
**PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys, and I have discussed the claims with Petitioner's legal team. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 6, 2026

Respectfully submitted,

/s/ Elizabeth A. Sheppard  
Elizabeth A. Sheppard

**LIST OF EXHIBITS**

Exh. A. Notice to Appear dated December 25, 2023

Exh. B. Order of Release on Recognizance dated December 25, 2023