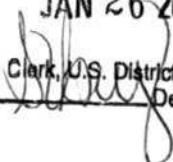


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DANIEL KHUNGBIK,

Petitioner, Pro Se

FILED
JAN 26 2026
By: 
Deputy Clerk

V.

26-3016-JWL

CRYSTAL CARTER, AARON J. WENDLER
TODD LYONS, PAM BONDY
and KRISTI NOEM

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241


I. INTRODUCTION

1. Petitioner, Daniel Khungbik, a legally admitted refugee and long-time resident of the United States (since 2007), is currently detained by the Immigration and Customs Enforcement (ICE) pursuant to 8 U.S.C. § 1231(a)(6). Petitioner has been continuously detained since June 23rd, 2025, for a period exceeding one hundred and eighty (180) days. Because there is no significant likelihood of his removal in foreseeable future, his continued mandatory detention violates his Fifth Amendment right to Due Process under the principles established by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678 (2001). Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus ordering his immediate release from physical custody under an appropriate Order of Supervision.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is held in custody in violation of the constitution and laws of the United States.
3. Federal district courts have jurisdiction to review habeas challenge by noncitizens to the lawfulness of their immigration detention, including post-removal-order detention under 8 U.S.C. § 1231(a).
4. This Court also has jurisdiction under 28 U.S.C. § 1331 and the declaratory Judgement Act, and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and the Fifth Amendment.
5. Venue is proper in the District of Kansas under 28 U.S.C. § 1391(e) and § 2241 because Petitioner is detained in this district and his immediate custodian, Crystal Carter is located here.

III. PARTIES

6. Petitioner, Daniel Khungbik, (A# ) is a native and citizen of Burma who is currently detained in ICE custody at FCI Leavenworth, Kansas
7. Crystal Carter, Warden, FCI Leavenworth
8. Aaron J. Wendler, Deportation Officer ("DO"), ICE
9. Todd Lyons, Acting Director, ICE
10. Kristi Noem, Secretary, Department of Homeland Security
11. Pam Bondi, Attorney General of the United States
12. All Government Respondents are sued in their official capacity

IV. FACTUAL BACKGROUND

13. Petitioner entered ICE custody on or about June 23rd, 2025.
14. An Immigration judge ordered Petitioner removed to Burma in 2021.
15. Petitioner's "removal period" as defined by 8 U.S.C. § 1231(a)(i) began in the year 2021.
16. This is Petitioner's second time in ICE detention, for the purpose of his removal to Burma.
17. During this time, and his previous detention, DHS-ICE has been unable to remove Petitioner to his home country.
18. ICE has provided little to no information about any concrete steps taken toward Petitioner's removal or any timeframe for removal.
19. Petitioner does not pose any danger to the community and does not present a flight risk that cannot be addressed by conditions of supervised release, such as reporting requirements, or other standard conditions.
20. Petitioner has close ties in the United States, including his Wife (Ah Wah), Daughter (Sally-Win), and his Son (Chinlay-Lg), who are citizens of the United States, and is willing to comply with any conditions of release imposed by the Court or ICE.
21. Continued detention is causing Petitioner significant physical, emotional, and psychological harm, particularly given the indefinite and uncertain nature of the confinement.

VI. LEGAL FRAMEWORK

22. Under 8 U.S.C. § 1231(a), DHS is generally required to remove an individual within 90-days of a final order of removal with limited authority to continue detention beyond that period.
23. In *Zadvydas v. Davis*, the Supreme Court construed § 1231(a)(6) to avoid serious constitutional concerns by reading into the statute an explicit "reasonable time" limitation on post-order detention and establishing a six-month presumptively reasonable period.
24. After six months, once the noncitizen provides "good reason to believe that there is no significant likelihood of removal in reasonably foreseeable future," the burden shifts to the government to provide evidence to rebut that showing; if it cannot, continued detention is unlawful.
25. The Fifth Amendment Due Process Clause limits civil immigration detention to purpose of ensuring appearance at proceedings and protecting the community, and detention must bear a reasonable relation to those purpose and not be arbitrary or indefinite.

VII. CLAIMS FOR RELIEF

First Claim For Relief: Statutory Claim Under 8 U.S.C. § 1231(a) as Interpreted by *Zadvydas v. Davis*

26. Petitioner re-alleges and incorporates by reference paragraphs 1-25
27. Petitioner has been detained well beyond six months (about 210 days as of the writing of this Petition) after entry of a final order of removal.
28. ICE's previous attempts (in 2021) and current attempts which have lasted for more than seven months have failed to remove the Petitioner to Burma or any other country.
29. As of today, no travel documents has been secured, no flights have been scheduled, and no confirmation have been received from any foreign country that is willing to accept the Petitioner.
30. Petitioner has presented good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.
31. Respondents have not provided evidence sufficient to rebut Petitioner's showing that removal is not significantly likely in the reasonably foreseeable future.
32. Under *Zadvydas*, continued detention under these circumstances exceeds the authority granted by § 1231(a)(6) and is unlawful.
33. Accordingly, Petitioner's continued detention violates the INA and must cease.

Second Claim For Relief: The Fifth Amendment Violation

34. Petitioner re-alleges and incorporates by reference paragraphs 1-33

35. The Fifth Amendment Prohibits arbitrary and indefinite civil detention that is not reasonably related to a legitimate governmental purpose.

36. Any legitimate purpose that might have initially justified Petitioner's detention such as facilitating removal have dissipated because removal is not significantly likely in the reasonably foreseeable future.

37. Continued detention is excessive and disproportionate in relation to any legitimate governmental interest and therefore violates substantive due process.

Third Claim For Relief: The Purpose of Detention (effecting removal) no longer exists

38. Petitioner re-alleges and incorporates by reference paragraphs 1-37.

39. The statutory scheme contemplates detention only as long as necessary to effect removal. 8 U.S.C. § 1231(a)(i)(A) gives 90-day removal period; then § 1231(a)(6) gives discretionary further detention only if removal is reasonably foreseeable.

40. Once it becomes apparent that removal is no longer "reasonably foreseeable," continued detention becomes punitive in nature, which raises due-process concerns. Zadvydas, 533 U.S. at 690.

Fourth Claim For Relief: Constitutional and Human Rights Concerns

41. Petitioner re-alleges and incorporates by reference paragraphs 1-40.

42. indefinite detention without release or bond hearing raises serious due-process and liberty interest issues. See e.g., Congress research Service note: "indefinite detention raises 'serious constitutional-concerns'."

43. The burden on the government must increase when liberty is at stake.

Fifth Claim For Relief: No Meaningful Prospect of Removal

44. Petitioner re-alleges and incorporates by reference paragraphs 1-43.

45. The detention period more than SEVEN (7) months exceeds the presumptive "reasonably necessary" period identified in Zadvydas (6-monhs).

46. Government must show removal in foreseeable future; here no evidence of country acceptance, consulate cooperation, travel document etc.

47. Under regulatory guidance, if removal is not reasonably foreseeable, detainee must be released after 180 days.

48. These conditions this case's detention well past six months, no indication of removal triggers the logic of Zadvydas/Clark v Martinez: Continued detention becomes unjustified.

49. "The Government must provide concrete evidence, not speculation." Nube v INS, 2000 WL 1466117, at *4 (S.D.N.Y. 2000).

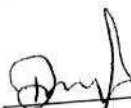
VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume Jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus ordering Respondents to show Cause;
3. Immediately release Petitioner from ICE custody under such reasonable conditions of supervision as the Court deems appropriate;
4. Grant such other and further reliefs as the Court deems just and proper.

X. VERIFICATION

I Daniel Khungbik, declare under penalty of perjury under the laws of the United States that I am the Petitioner in the above-entitled action; that I have read the foregoing Petition for Writ of Habeas Corpus and know the contents, therefore; and that the same is true and correct of the best of my knowledge, information, and belief.

 01/20/26

FCI Leavenworth



Daniel Khungbik
P.O. BOX 1000
Leavenworth KS, 66048