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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

8)	
9	SHUBHAM SHUBHAM,)	
10	Petitioner,)	
11	v.)	
12)	Civil Action No.:
13	WARDEN, Moshannon Valley)	3:26-CV-00389
14	Processing Center;)	
15	ENFORCEMENT AND REMOVAL)	
16	OPERATIONS (ERO);)	
17	U.S. IMMIGRATION AND CUSTOMS)	
18	ENFORCEMENT (ICE);)	
19	DEPARTMENT OF HOMELAND)	
20	SECURITY (DHS),)	
21	Respondents,)	
22)	

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)

1 **I. INTRODUCTION**

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3 1. This is a petition for a writ of habeas corpus pursuant to
4 28 U.S.C. § 2241, challenging the ongoing civil immigration
5 detention of Petitioner Shubham Shubham, who is detained by
6 U.S. Immigration and Customs Enforcement ("ICE") at the
7 Moshannon Valley Processing Center ("MVPC") in Philipsburg,
8 Pennsylvania.

9
10 2. Petitioner has been deprived of liberty without a
11 constitutionally adequate custody hearing, despite the fact
12 that:

- 13
14 o His removal order is not administratively final due to
15 a pending appeal before the Board of Immigration
16 Appeals ("BIA");
17 o An Immigration Judge has expressly stated that the
18 Immigration Court lacks jurisdiction to provide a bond
19 hearing; and
20 o ICE has continued detention without any alternative
21 procedural mechanism to justify the necessity of
22 confinement.

23
24 3. Petitioner's detention has become prolonged, indeterminate,
25 and punitive in effect, in violation of:

- 1
- 2 o The Due Process Clause of the Fifth Amendment;
- 3 o INA § 236(a) as properly construed; and
- 4 o Binding precedent of the Supreme Court and the United
- 5 States Court of Appeals for the Third Circuit.
- 6

7 4. Because Petitioner is trapped in a jurisdictional and
8 procedural void, habeas relief is both appropriate and
9 necessary.

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11 **II. JURISDICTION AND VENUE**

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13 5. This Court has jurisdiction under 28 U.S.C. § 2241 because
14 Petitioner is in federal custody within this District.

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16 6. Venue is proper in the Middle District of Pennsylvania
17 because Petitioner is detained at MVPC, which is located
18 within this District, and because the Warden of MVPC is
19 Petitioner's immediate custodian.

20

21 7. This Court has authority to grant declaratory and
22 injunctive relief under 28 U.S.C. §§ 2201-2202 and its
23 inherent habeas powers.

24

25 **III. PARTIES**

1 8. Petitioner Shubham Shubham is a native and citizen of India
2 who is currently detained by ICE at MVPC.

3
4 9. Respondents are federal officials who exercise legal and
5 physical custody over Petitioner and are responsible for
6 the legality of his detention.

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8 **IV. FACTUAL BACKGROUND**

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10 **A. Entry and Initiation of Removal Proceedings**

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12 10. Petitioner entered the United States on or about July 21,
13 2024, near Tecate, California, without having been admitted
14 or paroled.

15
16 11. On July 22, 2024, the Department of Homeland Security
17 ("DHS") issued a Notice to Appear, charging Petitioner
18 under INA § 212(a)(6)(A)(i).

19
20 12. An asylum officer subsequently determined that Petitioner
21 had established a credible fear of persecution, and the
22 expedited removal order under INA § 235(b)(1) was vacated,
23 placing Petitioner into § 240 removal proceedings.

24
25 **B. ICE Custody and Subsequent Detention**

1 13. On September 9, 2025, Petitioner voluntarily reported to
2 the ICE Enforcement and Removal Operations Philadelphia
3 Field Office for a scheduled appointment.

4
5 14. At that appointment, ICE officers took Petitioner into
6 custody without any allegation of misconduct, absconding,
7 or danger to the community.

8
9 15. Petitioner was thereafter transferred to MVPC, where he has
10 remained continuously detained.

11
12 16. DHS subsequently asserted additional allegations under INA
13 § 212(a)(7)(A)(i)(I), notwithstanding the fact that
14 Petitioner's removal proceedings were already pending.

15
16 C. Bond Proceedings and Denial of Jurisdiction

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18 17. Petitioner sought a custody redetermination hearing
19 pursuant to 8 C.F.R. § 1236.

20
21 18. On October 15, 2025, an Immigration Judge at the Elizabeth
22 Immigration Court denied bond, expressly stating that the
23 Immigration Court lacked jurisdiction to conduct a bond
24 hearing and, in the alternative, citing flight risk.

1 19. As a result, Petitioner was left without any
2 administrative forum capable of reviewing the legality or
3 necessity of his detention.
4

5 D. Removal Order and Pending Appeal
6

7 20. On January 7, 2026, the Immigration Judge pretermitted
8 Petitioner's application for asylum on grounds of alleged
9 legal insufficiency and ordered Petitioner removed to
10 India.
11

12 21. The removal order was not based on an adverse credibility
13 finding, criminal conduct, or danger to the community.
14

15 22. Petitioner timely filed a Notice of Appeal to the Board of
16 Immigration Appeals, which remains pending.
17

18 23. Because the appeal is pending, Petitioner's removal order
19 is not administratively final, yet ICE continues to detain
20 Petitioner without temporal limitation or procedural
21 safeguards.
22

23 **V. STATUTORY AND CONSTITUTIONAL FRAMEWORK**
24
25

1 24. Civil immigration detention is non-punitive and must bear a
2 reasonable relation to its regulatory purpose.

3 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

4
5 25. Even where detention is authorized by statute, the Fifth
6 Amendment requires that detention remain reasonable in
7 duration and subject to individualized review.

8 *Demore v. Kim*, 538 U.S. 510, 532 (2003).

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10 26. The Third Circuit has repeatedly held that prolonged
11 detention without a meaningful bond hearing violates due
12 process, regardless of statutory label.

13 *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011);

14 *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469
15 (3d Cir. 2015).

16
17 27. Where detention becomes prolonged, the Government must
18 justify continued confinement at an individualized hearing
19 at which it bears the burden of proof.

20 *Guerrero-Sanchez v. Warden York Cnty. Prison*, 905 F.3d 208
21 (3d Cir. 2018).

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23 **VI. CLAIMS FOR RELIEF**

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25 **COUNT I**

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Violation of the Fifth Amendment - Prolonged Detention
Without Due Process

28. Petitioner has been subjected to prolonged civil detention without a constitutionally adequate custody hearing.

29. The Immigration Court has disclaimed jurisdiction to conduct a bond hearing, and ICE has provided no alternative process.

30. Petitioner's detention has therefore become arbitrary, unreasonable, and punitive in effect, in violation of the Fifth Amendment.

COUNT II

Unlawful Detention Under INA § 236(a)

31. Petitioner's detention falls under INA § 236(a), which authorizes release on bond or conditional parole.

32. The Government's failure to provide a bond hearing renders Petitioner's continued detention unlawful.

1 COUNT III

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3 Structural Due Process Violation and Jurisdictional Void

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5 33. The statutory and regulatory framework, as applied to
6 Petitioner, leaves him confined in a jurisdictional vacuum,
7 with no available forum to challenge detention.

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9 34. Habeas relief is necessary to cure this structural
10 constitutional defect.

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12 **VII. IRREPARABLE HARM**

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14 35. Petitioner suffers ongoing irreparable harm from continued
15 detention, including:

- 16
17 • Loss of physical liberty;
18 • Psychological distress;
19 • Impairment of his ability to assist counsel in his pending
20 BIA appeal.

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22 36. These harms cannot be remedied through monetary damages or
23 post-hoc relief.

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25 **VIII. PRAYER FOR RELIEF**

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WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a writ of habeas corpus;

B. Order Petitioner's immediate release from custody;

C. In the alternative, order Respondents to provide Petitioner with a constitutionally adequate bond hearing within seven (7) days, at which the Government bears the burden of proving continued detention is justified;

D. Grant declaratory relief finding Petitioner's detention unlawful;

E. Grant such other and further relief as the Court deems just and proper.

VERIFICATION

I, Shubham Shubham, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

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Date: 02/12/2026



Shubham Shubham

Petitioner

DATED: 02/13/2026



HIMANSHU KHATRI

State Bar of California No.348453

Attorney for Petitioner

Shubham Shubham