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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Haidari, Maqsood Ali

Petitioner,

v.

Bruce Scott, Warden of the Northwest ICE
Processing Center;
Kristi Noem, Secretary of the U.S.
Department of Homeland Security

Respondents.

Civil Action No.

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT TO
28 U.S.C. § 2241**

**(CHANGED CIRCUMSTANCES /
MATERIAL CHANGE IN FACTS)**

I. INTRODUCTION

Petitioner Maqsood Ali Haidari (“Petitioner”) respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 due to changed circumstances / material change in facts, challenging his prolonged and unconstitutional immigration detention.

This Petition arises from materially changed circumstances since the Court’s prior denial of habeas relief on March 18, 2026. At that time, the Court concluded that Petitioner’s detention—then less than six months—had not yet become constitutionally unreasonable. That

1 factual predicate no longer exists. Petitioner has now been detained for more than six months,
2 and his confinement continues without a defined endpoint.

3
4 Petitioner remains detained without access to any meaningful mechanism for release. The
5 Immigration Court has determined it lacks jurisdiction to conduct a bond hearing, and parole
6 remains a discretionary process that does not provide a neutral or reviewable determination of
7 whether continued detention is necessary. At the same time, Petitioner's removal proceedings
8 remain ongoing, with a pending appeal before the Board of Immigration Appeals and the
9 prospect of further judicial review.

10
11 Under the same legal framework previously applied by this Court, the balance has
12 shifted. What was once a detention of limited duration has become prolonged, indeterminate, and
13 no longer reasonably related to its purpose. Habeas relief is therefore warranted.

14 II. JURISDICTION AND VENUE

15 This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in custody
16 under the authority of the United States and challenges the legality of that custody.

17
18 Jurisdiction is also proper under 28 U.S.C. § 1331 and the Due Process Clause of the
19 Fifth Amendment.

20 Venue lies in the Western District of Washington because Petitioner is detained at the
21 Northwest ICE Processing Center in Tacoma, Washington.

22 III. PARTIES

23
24 Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE")
25 at the Northwest ICE Processing Center.

26 Respondent Bruce Scott is the Warden of NWIPC and Petitioner's immediate physical
27 custodian. He is the proper respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

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Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security.

IV. LEGAL STANDARD

The writ of habeas corpus permits individuals to challenge unlawful executive detention. 28 U.S.C. § 2241(c)(3).

Immigration detention, although civil, is subject to constitutional limitations. Such detention must bear a reasonable relationship to its statutory purpose and may not become arbitrary. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Additionally, the Fifth Amendment requires that deprivations of liberty be accompanied by adequate procedural safeguards. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

V. FACTUAL BACKGROUND

A. Immigration and Detention History

Petitioner Maqsood Ali Haidari is a citizen of Afghanistan. He has been detained at the Northwest ICE Processing Center continuously since September 22, 2025—more than six months.

On or about September 2, 2024, Petitioner entered the United States at the Calexico Port of Entry through a CBP One appointment and applied for admission while seeking asylum. On September 17, 2024, Petitioner underwent a credible fear interview and was found to have established a credible fear of persecution. On September 24, 2024, Petitioner was issued a Notice to Appear.

On October 6, 2024, ICE granted Petitioner parole and released him from custody. On January 27, 2025, Petitioner filed an application for asylum and withholding of removal.

1 On September 15, 2025, Petitioner appeared before an Immigration Judge for an
2 individual hearing. The Immigration Judge denied relief and ordered Petitioner removed to
3 Afghanistan.

4
5 On October 10, 2025, Petitioner filed a timely appeal with the Board of Immigration
6 Appeals.

7 **B. Re-Detention and IJ Custody Determination**

8 On or about September 22, 2025, Petitioner was encountered at the Pacific Highway Port
9 of Entry in Blaine, Washington and was taken into custody by U.S. authorities. Petitioner has
10 remained detained at the Northwest ICE Processing Center in Tacoma, Washington since that
11 date.

12
13 On December 23, 2025, Petitioner requested a custody redetermination. The Immigration
14 Judge determined that the court lacked jurisdiction because Petitioner was classified as an
15 arriving alien.

16
17 **C. Prior Habeas Proceedings**

18 Petitioner previously filed a pro-se petition for writ of habeas corpus in this Court, Case
19 No. 2:26-cv-00039-TL. On March 18, 2026, the Court denied the petition. At the time, Petitioner
20 had been detained for less than six months, and the Court determined that his detention was not
21 yet unreasonable. Since that denial, the factual posture has materially changed.

22
23 **D. Ongoing Removal Proceedings and Relief**

24 Petitioner has a pending appeal before the Board of Immigration Appeals challenging the
25 Immigration Judge's order of removal. The appeal remains unresolved. If denied, Petitioner will
26 seek relief in the Ninth Circuit Court of Appeals.

VI. ARGUMENT

A. Changed Circumstances Warrant Renewed Habeas Review

Petitioner previously filed a petition for writ of habeas corpus in this Court, Case No. 2:26-cv-00039-TL, which was denied on March 18, 2026. At the time of that decision, Petitioner had been detained for less than six months, and the Court determined that his detention was not yet constitutionally unreasonable.

Petitioner previously proceeded without counsel, and the prior petition was based on a limited factual record. This Petition is supported by a more developed record and reflects the material change in circumstances since the Court's prior ruling.

This Petition does not seek to relitigate the prior ruling. Instead, it is based on materially changed circumstances. Since the Court's denial, Petitioner's detention has continued and now exceeds six months—the threshold this Court identified as significant in evaluating the reasonableness of continued detention.

Where a prior habeas petition is denied based on facts that have since materially changed, a renewed petition is appropriate. The legal framework remains the same, but the factual predicate has shifted. Petitioner's continued detention must therefore be reassessed in light of its current duration and posture.

It is well established that the constitutionality of civil immigration detention depends on its duration and may evolve over time. See *Zadvydas v. Davis* (recognizing that detention may become unconstitutional as it becomes prolonged). Courts evaluating immigration detention

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1 must assess its reasonableness in light of current conditions, not merely its initial justification.

2 See *Banda v. McAleenan*.

3 Where the factual basis underlying a prior habeas denial has materially changed—
4 particularly with respect to the length and anticipated duration of detention—a renewed petition
5 is appropriate. The legal framework remains the same, but the facts have shifted. Petitioner's
6 continued detention must therefore be reassessed in light of its current duration and posture.
7

8 **B. Petitioner's Detention Has Now Surpassed the Six-Month Threshold Identified by This**
9 **Court**

10 In denying Petitioner's prior habeas petition, this Court emphasized that Petitioner's
11 detention had "not yet reached the rough six-month threshold at which detentions become less
12 and less reasonable." However, that threshold has now been crossed.
13

14 Petitioner has been continuously detained since September 22, 2025. His detention now
15 exceeds six months and continues to extend with no defined endpoint. The primary factor that
16 weighed against Petitioner in the prior proceeding—the length of detention at less than six
17 months—no longer supports continued confinement.
18

19 As detention lengthens beyond six months, it becomes increasingly difficult to justify
20 continued civil confinement absent individualized justification or a clear path to removal. The
21 factual basis underlying the Court's prior decision has therefore materially changed.

22 This conclusion is consistent with the Supreme Court's recognition in *Zadvydas v. Davis*
23 that civil immigration detention becomes constitutionally suspect as it becomes prolonged and
24 must remain reasonably related to its purpose.
25

26 **C. Under the Banda Framework, Petitioner's Continued Detention Is Now Constitutionally**
27 **Unreasonable**

1 Courts in this District evaluate prolonged detention under 8 U.S.C. § 1225(b) using the
2 multi-factor framework set forth in *Banda v. McAleenan*. Applying that same framework here,
3 the balance of factors now weighs in favor of Petitioner.
4

5 ***1. Length of Detention***

6 Petitioner has now been detained for more than six months. This is the most important
7 factor in the analysis. At the time of the Court's prior decision, this factor weighed against
8 Petitioner.

9 This factor now weighs in his favor.
10

11 ***2. Likely Duration of Future Detention***

12 Petitioner's appeal before the Board of Immigration Appeals remains pending. If
13 unsuccessful, he will seek further review before the Ninth Circuit. As courts in this District have
14 recognized, this process can take years. Continued detention is therefore likely to be prolonged
15 absent judicial intervention.

16 This factor weighs in Petitioner's favor.
17

18 ***3. Conditions of Confinement***

19 Petitioner remains detained at the Northwest ICE Processing Center under restrictive
20 conditions, including limited recreation, inadequate food, and difficulty obtaining medical care.
21 These conditions are consistent with those previously recognized by courts in this District.
22

23 This factor weighs in Petitioner's favor.
24

25 ***4. Delay in Proceedings Attributed to Petitioner***

26 Petitioner has not engaged in dilatory conduct. He has timely pursued available relief and
27 exercised his right to appeal the Immigration Judge's decision to the Board of Immigration
28

1 Appeals. His continued detention is attributable to the ordinary course of immigration
2 proceedings, not to any delay caused by him.

3 A noncitizen's decision to pursue relief or appeal an adverse decision does not constitute
4 improper delay, but rather reflects the lawful exercise of statutory and procedural rights.
5 Accordingly, this factor does not support continued detention and is, at most, neutral.
6

7 This factor is neutral or weighs in Petitioner's favor.

8 ***5. Delays Attributable to the Government***

9 Petitioner does not identify any specific delays in his removal proceedings attributable to
10 the Government, and the record does not reflect any such delays. The progression of Petitioner's
11 case has followed the ordinary course of immigration proceedings, including the adjudication of
12 his application for relief and his pending appeal before the Board of Immigration Appeals.
13

14 Accordingly, this factor is neutral.

15 ***6. Likelihood of Removal***

16 Although an Immigration Judge has ordered removal, that order is currently on appeal
17 before the Board of Immigration Appeals. If the appeal is denied, Petitioner intends to seek
18 review in the Ninth Circuit Court of Appeals. The outcome of these proceedings remains
19 uncertain, and removal is not imminent. As a result, Petitioner's detention may continue for a
20 prolonged period while his case undergoes administrative and judicial review.
21

22 This factor does not support continued detention and weighs in Petitioner's favor.
23

24 ***Conclusion Under Banda***

25 When considered together, the Banda factors now weigh in favor of Petitioner.

26 At the time of the Court's prior decision, the most important factor—the length of
27 detention—weighed against Petitioner because his detention had not yet exceeded six months.

1 That is no longer the case. Petitioner's detention has now surpassed that threshold and continues
2 to extend with no defined endpoint.

3 Multiple factors—including the likely duration of future detention and the conditions of
4 confinement—continue to support Petitioner. Although certain factors remain neutral, those
5 considerations do not outweigh the significance of Petitioner's prolonged and ongoing detention
6 in prison-like conditions.
7

8 Under the same framework previously applied by this Court, the balance of factors has
9 shifted. Petitioner's continued detention is no longer constitutionally reasonable and Petitioner
10 should be released.
11

12 **D. Petitioner's Detention Lacks Any Meaningful Mechanism for Release**

13 Petitioner has no meaningful opportunity to obtain release from custody. The
14 Immigration Court has already determined that it lacks jurisdiction to conduct a bond hearing
15 because Petitioner is classified as an arriving alien. As a result, Petitioner cannot seek release
16 through the immigration court system.
17

18 Parole remains the only theoretical avenue for release. However, parole is entirely
19 discretionary and may be granted or denied without a hearing, without the application of
20 consistent standards, and without a requirement that the Government justify continued detention
21 before a neutral decisionmaker.
22

23 As a result, Petitioner remains detained without access to any meaningful process to
24 assess whether his continued confinement is necessary. This absence of review further
25 underscores the unreasonableness of his prolonged detention. See *Mathews v. Eldridge* (due
26 process requires a meaningful opportunity to be heard at a meaningful time and in a meaningful
27

1 manner); see also *Zadvydas v. Davis* (civil detention must remain reasonably related to its
2 purpose and is subject to constitutional limitations).

3
4 **E. Removal Is Not Reasonably Foreseeable in the Near Term, has Become Prolonged, and**
5 **Lacks a Definite Endpoint**

6 Civil immigration detention is constitutionally permissible only where it bears a
7 reasonable relationship to the purpose of effectuating removal. *Zadvydas v. Davis*, 533 U.S. 678,
8 690 (2001). Although *Zadvydas* addressed post-removal-order detention, its core constitutional
9 principle applies equally here: civil detention may not become excessive or untethered from its
10 purpose.

11
12 Petitioner has been detained since approximately September 22, 2025, and his
13 confinement continues with no clear or reasonably foreseeable endpoint.

14 Petitioner's removal is not imminent. He is actively pursuing relief from removal with a
15 pending appeal before the Board of Immigration Appeals. These proceedings will require
16 additional time to resolve, and their outcome remains uncertain. As a result, Petitioner's
17 detention is open-ended and potentially indefinite.

18
19 The Supreme Court has made clear that detention cannot be justified by a merely
20 theoretical or speculative possibility of removal. *Zadvydas*, 533 U.S. at 690–91. The Ninth
21 Circuit likewise recognizes that detention is permissible only where removal is realistically
22 attainable, not speculative or contingent on uncertain future events. See *Prieto-Romero v. Clark*,
23 534 F.3d 1053, 1062–63 (9th Cir. 2008).

24
25 Where, as here, removal depends on the outcome of ongoing proceedings and is not
26 practically attainable in the near term, detention is no longer reasonably related to its purpose.

27 See also *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1117–18 (W.D. Wash. 2019) (prolonged
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1 detention becomes unconstitutional where it lacks a definite endpoint and remains contingent on
2 ongoing proceedings).

3 Under these circumstances, Petitioner's detention is not tied to any predictable or
4 imminent outcome, but instead continues for an uncertain and extended period. Such open-ended
5 detention exceeds constitutional limits.
6

7 If Petitioner's appeal with the BIA is denied, he intends to seek relief with the Ninth
8 Circuit Court of Appeals, which can take years to resolve.

9 Accordingly, Petitioner's continued detention is no longer reasonably related to the
10 purpose of removal and is constitutionally excessive. Habeas relief is warranted.
11

12 **F. Exhaustion Is Not Required**

13 Petitioner is not required to exhaust administrative remedies before seeking habeas relief.
14 This Petition raises a constitutional challenge to the legality of Petitioner's continued detention
15 under *Zadvydas v. Davis*.
16

17 Even if the Court were to conclude that some form of administrative custody review is
18 available, Petitioner should not be required to exhaust administrative remedies by going before
19 an Immigration Judge. Exhaustion of administrative remedies is not required where it would be
20 futile or incapable of providing meaningful relief. See *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th
21 Cir. 2004), which is the case here.
22

23 Here, exhaustion would be futile. The Immigration Court has already determined that it
24 lacks jurisdiction to consider Petitioner's release. No administrative mechanism exists that can
25 provide meaningful review of his continued detention.

26 To the extent Respondents suggest that the appropriate remedy is to require Petitioner to
27 seek a custody determination before an Immigration Judge, such relief would be futile and would
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1 not provide meaningful review. In practice, custody proceedings in the Tacoma Immigration
2 Court do not offer a realistic opportunity for release under these circumstances. The current
3 situation in Tacoma includes the following:

- 4 • **High Denial Rates:** Court records noted that Tacoma IJs granted bond in only 3% of
5 cases in fiscal year 2023, the lowest rate in the nation.
- 6 • **Willful Defiance:** Advocates have accused Tacoma IJs of "willful defiance" of federal
7 orders by finding ways to deny bond.
- 8 • **Burden of Proof:** In these hearings, the burden is often on the noncitizen to prove they
9 are *not* a danger or flight risk.

10 Furthermore, in the current political climate under the present administration, Tacoma
11 Immigration Judges are arbitrarily making individualized findings of "flight risk" across the
12 board without genuine independent review, therefore deeming them ineligible for release. As a
13 result, findings of flight risk are frequently reduced to untested, one-sided determinations rather
14 than meaningful, evidence-based adjudications. This undermines the purpose of habeas review
15 by stripping it of any practical effect and leaving Petitioner exactly where he started—detained
16 without meaningful review.

17 Under these circumstances, exhaustion is excused, and the Court must order Petitioner's
18 immediate release.

19 **G. Continued Detention Violates Due Process**

20 Even where detention is authorized by statute, it remains subject to constitutional
21 limitations. See *Zadvydas v. Davis* (recognizing that civil immigration detention is subject to due
22 process constraints).

Petitioner has now been detained for a prolonged period without any individualized determination that his continued confinement is necessary to prevent flight or danger to the community. He has not been afforded a meaningful opportunity to challenge his detention before a neutral decisionmaker. See *Mathews v. Eldridge* (due process requires a meaningful opportunity to be heard at a meaningful time and in a meaningful manner).

Under these circumstances, the continued deprivation of liberty violates the Due Process Clause of the Fifth Amendment.

VII. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. GRANT this Petition for Writ of Habeas Corpus;
2. ORDER Respondents to release Petitioner from custody within 24 hours of the Court's order;
3. In the Alternative, ORDER Petitioner's release upon payment of a monetary bond in an amount deemed reasonable by the Honorable Judge, and/or under appropriate conditions of supervision;
4. Order that Respondents are PROHIBITED from re-detaining Petitioner after release; and
5. Any other relief the Court deems just and proper.

VIII. CONCLUSION

This Petition should be granted because Petitioner's continued detention is no longer constitutionally permissible.

When this Court previously denied habeas relief, the length of detention weighed against Petitioner because it had not yet exceeded six months. That is no longer the case. Petitioner's

1 detention has now surpassed that threshold and continues to extend without a foreseeable
2 endpoint.

3 Applying the same framework used in the prior decision, the balance of factors has
4 shifted. Petitioner's detention is prolonged, its duration remains uncertain, and it is not
5 meaningfully tied to any imminent removal. At the same time, Petitioner has no meaningful
6 mechanism to seek release, as the Immigration Court lacks jurisdiction and no alternative process
7 provides a neutral determination of the necessity of continued detention.
8

9 Under these circumstances, Petitioner's continued confinement is excessive in relation to
10 its civil purpose and violates the Due Process Clause.

11 Accordingly, Petitioner respectfully requests that this Court grant the Petition for Writ of
12 Habeas Corpus and order his immediate release.
13

14 **IX. SIGNATURE AND CERTIFICATION**

15 The undersigned counsel certifies that she represents the Petitioner and that this Petition
16 is filed on his behalf pursuant to 28 U.S.C. § 2241.
17

18
19 Respectfully submitted this 5th day of April 2026.
20

21 /s/Vicky J Currie

22 Vicky J Currie, WSBA #24192
23 Attorney for Petitioner
24
25
26
27

CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 5th day of April 2026, I served true and correct copy of the **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 (CHANGED CIRCUMSTANCES / MATERIAL CHANGE IN FACTS)** upon the following Respondents by electronic service as permitted:

BRUCE SCOTT

Warden, Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

KRISTI NOEM

Secretary, U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Required Service on the United States

UNITED STATES ATTORNEY'S OFFICE

USAWAW.ImmigrationHabeasService@usdoj.gov
(Via email)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 5th day of April 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner