

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

MURAD LADAK,

PETITIONER,

v.

U.S. DEPT. OF HOMELAND SECURITY,
MARKWAYNE MULLIN, in his capacity
as Secretary of Department of Homeland
Security; TODD LYONS in his capacity as
the Acting Director of ICE; ROBERT
CERNA in his capacity as U.S. Immigration
and Customs Enforcement, Dallas Field
Office Director; Warden of the Prairieland
Detention Center,

RESPONDENTS.

Civil Case No. 1:26-cv-000197

PETITION FOR A WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. § 2241,
BY A PERSON SUBJECT TO UNLAWFUL
DETENTION

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioner Murad Ladak, a devoted husband, loving father, valued employee, and respected member of his community, files this petition seeking the Court's urgent intervention. On September 8, 2025, Mr. Ladak reported as directed to the ICE office for his annual check-in, just as he had every year for more than a decade. Despite Mr. Ladak having no violations for his order of supervision ("OSUP") for over a decade, ICE took him into custody without explanation, reason, or legal authority to do so. He is currently being indefinitely detained at the Prairieland Detention Center.
2. ICE may only revoke release and re-detain a person who is compliant with the terms of their OSUP under governing regulations and due process "if, on account of changed circumstances, [ICE] determines that there is a significant likelihood that the

[noncitizen] may be removed in the reasonably foreseeable future.”¹ Mr. Ladak’s removal to Pakistan, or any country, however, is not reasonably foreseeable. Mr. Ladak has been on OSUP for 15 years because the government has failed to achieve its goal of obtaining travel documents for Mr. Ladak. In fact, Mr. Ladak has actively tried to obtain travel documents for himself as recently as 2018, but ICE still does not have travel documents for him, nor has Pakistan agreed to accept him. Mr. Ladak is extremely concerned he will be removed to a third country, such as El Salvador, a country he has zero connections with, as that’s what ICE told him previously.

3. Petitioner Ladak files this habeas petition to seek his release from custody due to ICE’s unlawful revocation of his supervised release and because his removal is not reasonably foreseeable.

CUSTODY

4. Petitioner is currently being detained by and in the physical custody of the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (hereinafter “ICE”) at the Prairieland Detention Center facility located at 1209 Sunflower Lane, Alvarado, Texas 76009. This facility is controlled by ICE, and therefore, Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

5. This action arises under the Constitution of the United States, 28 U.S.C. § 2241(c)(1), and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.* This Court

¹ See 8 C.F.R. § 241.13(i)(3).

has subject matter jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States.²

VENUE

6. Pursuant to 28 U.S.C. § 1391, venue is proper in the Northern District of Texas, Abilene Division, because Petitioner is detained in the territorial jurisdiction of this Court, at the Prairieland Detention Center located in Alvarado, Texas.

PARTIES

7. Petitioner Murad Ladak is a citizen of Pakistan, where he was born on  1986. On February 10, 2009, Mr. Ladak was given a voluntary departure order under safeguards, which converted to an order of removal when he was unable to depart due to Pakistan denying his request for travel documents. Mr. Ladak was thus ordered removed on June 10, 2009. He was kept in ICE custody for two years before being placed on an OSUP order in 2010. Mr. Ladak has spent the last 15 years on an OSUP order.

² See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (“We conclude that § 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention.”); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) (“at its historical core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest.”); *Clark v. Martinez*, 543 U.S. 371 (2005) (holding that *Zadvydas* applies to aliens found inadmissible as well as removable).

8. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Mr. Mullin is the legal custodian of Petitioner.
9. Respondent Todd Lyons is the Acting ICE Director, and in this position, he is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, Mr. Lyons has ultimate custodial authority over Petitioner in his capacity as Acting Director of ICE.
10. Respondent Robert Cerna is the ICE Field Office Director of the Dallas Field Office of ICE and is Petitioner's immediate custodian.³
11. Respondent Warden of the Prairieland Detention Center is where Petitioner is currently detained under the authority of ICE, and thus alternatively may be considered as Petitioner's immediate custodian.

EXHAUSTION OF REMEDIES

12. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action. Furthermore, no statutory exhaustion requirements apply to Petitioner's claim of unlawful detention.

PROCEDURAL HISTORY

13. The instant habeas application is Petitioner's second application for a writ of habeas corpus.

³ See *Vásquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), *cert. denied*, 122 S. Ct. 43 (2001).

14. In September 2025, Petitioner applied for a writ of habeas corpus in the Northern District of Texas, Abilene Division, Case Number 1:25-cv-00194-H.⁴ In that application, Petitioner raised several grounds challenging his re-detention citing to the Due Process Clause, the Administrative Procedure Act, ultra vires, the Convention Against Torture, and the Eighth Amendment.

15. Petitioner's NDTX habeas petition did *not* raise the legal issue contained in this petition. Indeed, Petitioner specifically argued that the principles from *Zadyvdas v. Davis*, but not its six-month requirement, apply to re-detention cases.⁵

16. In response, the Government argued that *Zadvydas* and its six-month period does apply, and for that reason alone, argued Petitioner's habeas application should be denied.⁶

17. On December 30, 2025, after 113 days of detention (*i.e.*, less than six months after Petitioner was detained), District Court Judge Hendrix in the Northern District of Texas agreed with the government and denied the petition in a written order.⁷

18. Specifically, the district court concluded that *Zadvydas* is the applicable standard to analyze Mr. Ladak's due process claims.⁸

⁴ Pet'r's App. Ex. 1.

⁵ Pet'r's App. Ex. 1.

⁶ Cause No. 1:25-cv-00194-H, Dkt. 8 at 9-11.

⁷ Pet'r's App. Ex. 2.

⁸ Pet'r's App. Ex. 2 at 15.

19. Petitioner continues to be detained in the Prairieland Detention Center. At this time, Petitioner has been detained for over six months in ICE custody.

STATEMENT OF FACTS

20. Mr. Ladak's life in the United States began early in his childhood when he and his family immigrated from Pakistan to the United States.⁹ He is now 39 years old and married to his Lawful Permanent Resident spouse and is a father to a young U.S. citizen child and three U.S. citizen stepchildren under 18. He is employed full-time as a senior shop agent in Addison, Texas.

21. In 2006, Mr. Ladak was convicted of credit card abuse. As a result of the conviction, he was detained by ICE and placed in removal proceedings in 2008.

22. On February 10, 2009, Mr. Ladak was granted voluntary departure under safeguards from an immigration judge ("IJ").¹⁰ The voluntary departure order was converted to a removal order after Pakistan denied travel documents, and the voluntary departure period expired. No country other than Pakistan was designated for removal by the IJ.

23. Once the removal order became final, and the 90-day period ended on September 8, 2009, Mr. Ladak remained in ICE custody for an additional 18 months.

⁹ Pet'r's App. Ex. 3.

¹⁰ Pet'r's App. Ex. 5.

24. Because ICE was unable to obtain the necessary travel documents from Pakistan to facilitate his removal, Mr. Ladak was placed on an OSUP. He has wholly complied with all terms of the OSUP for 15 years.¹¹

25. In May 2018, Mr. Ladak attempted to obtain travel documents for himself by traveling to the Embassy of Pakistan in Houston, Texas. He applied for a Pakistani passport, but the Embassy deemed his birth certificate from Pakistan as insufficient proof of his Pakistani citizenship.¹² He does not possess any other documents to show his Pakistani citizenship.

26. On September 8, 2025, Mr. Ladak voluntarily reported to ICE for his annual check-in as required by his OSUP.¹³

27. Upon checking in at the ICE office, he was suddenly detained. The only thing conveyed to him was from a Deportation Officer (“DO”) who stated ICE intended to remove him to El Salvador. Mr. Ladak has no connections to El Salvador and is terrified at the prospect of being removed to El Salvador and being away from his family.

¹¹ Pet’r’s App. Ex. 3.

¹² Pet’r’s App. Ex. 4.

¹³ Pet’r’s App. Ex. 3.

28. As of the date of this filing, Mr. Ladak remains unlawfully detained in ICE custody.

There is no indication that his removal in the reasonably foreseeable future is any more likely now than it has been at any point in the last two decades.¹⁴

29. The Government's inability to effectuate Mr. Ladak's removal is further evidenced by the fact that in the years leading up to his re-detention, ICE never requested that he complete or sign any documentation to facilitate a request for travel documents from Pakistan.

30. In December 2025, while in ICE custody, Mr. Ladak was told Pakistan again denied a request for travel documents. Mr. Ladak was asked if there were any relatives in Pakistan that he could contact, but he informed the DO that his entire family is in the United States. No other information was provided to Mr. Ladak.

31. Mr. Ladak's detention, initiated on September 8, 2025—more than 15 years after ICE released him after detaining him for removal in 2010—is in direct violation of the principles set forth by the Supreme Court in *Zadvydas*.

LEGAL BASIS FOR RELIEF SOUGHT

32. "In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. § 1231(a)(6), when "read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about

¹⁴ Cf. *Nguyen v. Hyde*, No. 25-CV-11470-MJJ, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025)(when pressed on evidence specific to changed circumstances of the pre-95 immigrant petitioner in that case, the government only came up with a declaration which the government itself acknowledged was not specific to the petitioner, stating "No doubt the declaration is general and it just says the United States has been successful in removing individuals to Pakistan.").

that alien's removal from the United States.”¹⁵ A “habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal.”¹⁶ If the individual's removal “is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute.”¹⁷

33. In determining the length of a reasonable removal period, the Court adopted a “presumptively reasonable period of detention” of six months. *Id.* at 701. After six months, the government bears the burden of disproving an alien's “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”¹⁸ Moreover, “for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.”¹⁹ Evidence showing successful repatriation of other persons to the country at issue is not sufficient to meet the government's burden to establish that an alien petitioner will be deported in the reasonably foreseeable future.²⁰ Rather for the government to meet its burden of showing that an alien's

¹⁵ 533 U.S. at 689.

¹⁶ *Id.* at 699.

¹⁷ *Id.* at 699-700.

¹⁸ See *Zhou v. Farquharson*, 2001 U.S. Dist. LEXIS 18239, *2-3 (D. Mass. Oct. 19, 2001) (quoting and summarizing *Zadvydas*).

¹⁹ *Zadvydas*, 533 U.S. at 701.

²⁰ See *Thompson v. INS*, 2002 U.S. Dist. LEXIS 23936 (E.D. La. September 16, 2002) (government failed to show that alien's deportation to Guyana was reasonably foreseeable where the government offered

repatriation is reasonably foreseeable, it must provide some meaningful evidence particular to the individual petitioner's case.

34. An alien who has been detained beyond the presumptive six months should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question.²¹

PETITIONER'S CLAIM FOR RELIEF: STATUTORY VIOLATION

35. Petitioner re-alleges and incorporates by reference all the paragraphs above.
36. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for continued removal efforts has expired. Petitioner still has not been removed, ICE has indicated it does not currently have any concrete plans for Petitioner's removal, and for the reasons outlined above, Petitioner's removal to Pakistan is not reasonably foreseeable. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone after six months where deportation is not reasonably foreseeable is unreasonable and in violation of 8 U.S.C. §1231(a). 533 U.S. at 701.

historical statistics of repatriation to Guyana but failed to show any response from Guyana on the application for travel documents that INS and the petitioner had requested).

²¹ See *Agbada v. John Ashcroft*, 2002 U.S. Dist. LEXIS 15797 (D. Mass. August 22, 2002) (court "will likely grant" habeas petition after fourteen months if ICE is "unable to present document confirmation that the Nigerian government has agreed to [petitioner's] repatriation"); *Zhou*, 2001 U.S. Dist. LEXIS 19050 at *7 (W.D. Wash. February 28, 2002) (government's failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there was no significant likelihood of petitioner's removal in the reasonably foreseeable future).

REQUEST FOR RELIEF

WHEREFORE, Petitioner Murad Ladak respectfully requests that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus and direct the Respondents to immediately release Petitioner from custody under reasonable conditions of supervision;
- 3) Immediately Order Respondents not to transfer the Petitioner out of the jurisdiction of this Court while the Petitioner remains in Respondent's custody during the pendency of these proceedings;
- 4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

RESPECTFULLY SUBMITTED,

/s/ Dan Gividen

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