

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

FARIDULLAH LIWAN KHIL

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Petitioner,

v.

WARDEN, STEWART DETENTION CENTER,

Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

Petitioner, Faridullah Liwan Khil, by and through ~~counsel~~ ^{pro se}, respectfully petitions this Court and states:

I. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241. Petitioner is detained at Stewart Detention Center within this District.

II. STATEMENT OF FACTS

Petitioner is a citizen of Afghanistan.

He entered the United States in or about February 2024.

He was placed in removal proceedings and detained by ICE.

The Board of Immigration Appeals issued a final decision in December 2024, rendering the removal order administratively final.

Petitioner has remained continuously detained since that time.

The government has not removed Petitioner, nor provided any definite timeline for removal.

Petitioner has now been detained well beyond the six-month presumptively reasonable period following a final order of removal.

III. LEGAL FRAMEWORK

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MDG-CL

Post-final order detention is governed by 8 U.S.C. § 1231(a).

Under *Zadvydas v. Davis*:

Detention is presumptively reasonable for six months;

After six months, continued detention is unlawful unless removal is significantly likely in the reasonably foreseeable future.

IV. ARGUMENT

I. PETITIONER'S DETENTION HAS EXCEEDED THE CONSTITUTIONAL LIMIT

Petitioner has been detained since December 2024, far exceeding the six-month benchmark recognized in *Zadvydas v. Davis*.

This prolonged detention triggers constitutional scrutiny and requires justification from the government.

II. REMOVAL IS NOT REASONABLY FORESEEABLE

The government has failed to demonstrate:

A secured travel document;

A scheduled removal date;

Any concrete progress toward effectuating removal.

Speculation or ongoing efforts do not satisfy the legal standard.

III. PETITIONER'S REMOVAL TO AFGHANISTAN IS HIGHLY UNCERTAIN AND SPECULATIVE

Petitioner is a citizen of Afghanistan—a country where removal is notoriously difficult, unpredictable, and dependent on unstable diplomatic conditions.

The government has not shown:

That Afghanistan is presently issuing travel documents for Petitioner;

That it is consistently accepting repatriations;

Or that removal will occur within any defined or reasonably foreseeable timeframe.

Given ongoing political instability and logistical barriers, removal to Afghanistan is speculative at best.

Under *Zadvydas v. Davis*, detention cannot be justified where removal depends on indefinite, uncertain, or contingent future events.

IV. CONTINUED DETENTION VIOLATES DUE PROCESS

Civil immigration detention must remain reasonably related to its purpose—effectuating removal.

Where:

Removal is not foreseeable; and

Detention becomes prolonged and indefinite;

...it transforms into punitive confinement, in violation of the Fifth Amendment.

V. THE GOVERNMENT CANNOT RELY ON MERE ASSERTIONS OF FUTURE REMOVAL

The government may claim that it is “working on removal.”

That is insufficient.

Courts require evidence, not assurances. Without proof of a realistic removal timeline, continued detention is unlawful.

V. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

Grant the Petition for Writ of Habeas Corpus;

Order Petitioner’s immediate release from custody;

Alternatively, order a constitutionally adequate custody review or bond hearing;

Grant all other relief this Court deems just and proper.

VI. CONCLUSION

Petitioner’s detention has exceeded constitutional limits and now rests on nothing more than speculation.

Under *Zadvydas v. Davis*, such detention is unlawful.

This Court should order immediate release.

Respectfully submitted,

Signature:

CERTIFICATE OF SERVICE

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