UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Khan, Suheb Yusuf [redacted] *Petitioner*, v. Todd Blanche, Acting Attorney General of the United States of America, Markwayne Mullin, Secretary of the Department of Homeland Security, (DHS), Todd Lyons Acting Director, United States Immigration and Customs Enforcement (ICE), Kristen Sullivan, Field Office Director, Atlanta Field Office, United States Immigration and Customs Enforcement (ICE) and, Jason Streeval Warden of the Stewart Detention Center *Respondents*.	Civil Action No. PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This is a petition for a writ of *habeas corpus* filed on behalf of Mr. Suheb Yusuf Kahn(hereinafter "Petitioner") seeking relief to remedy his unlawful detention pursuant to 28

U.S.C. § 2241. Petitioner seeks immediate relief from custody and is filing this *habeas* for urgent intervention.

2. Petitioner is a native and citizen of India who lawfully entered the United States on April 26, 2023, on a visitor visa authorizing his presence through October 24, 2023. Within the statutory one-year deadline, Petitioner timely filed an application for asylum. He subsequently obtained employment authorization and maintained lawful employment while his immigration matter was pending. Throughout his presence in the United States, Petitioner has resided with family members and maintained established community ties.

3. On February 11, 2026, the Department of Homeland Security ("DHS") served Petitioner with a Notice to Appear, charging him as removable under INA § 237(a)(1)(B) for overstaying his visa. Two days later, on February 13, 2026, Petitioner sought a custody redetermination pursuant to INA § 236(a). A bond hearing was held before the Immigration Court in Lumpkin, Georgia, on February 19, 2026. See **Exhibit A** – Notice to Appear (NTA).

4. At the bond hearing, DHS urged continued detention based solely on two prior arrests, neither of which resulted in a conviction. The first, a shoplifting allegation under Georgia law arising in December 2024, was dismissed after Petitioner successfully completed a pre-trial diversion program. No adjudication of guilt was ever entered. The second arrest, from December 2025, involved allegations of simple battery-family violence and obstruction of an emergency telephone call. Those charges remain pending, and Petitioner has not been convicted of any offense arising from that incident.

5. Following the Immigration Judge's February 19, 2026 bond denial — which was based solely on unadjudicated allegations contained in a police incident report — Petitioner made two subsequent requests for bond reconsideration. See **Exhibit B** – Order from Judge

Denying Bond. The first request was filed on 02/13/2026 and denied on 02/19/2026. The second request was filed on 03/02/2026 and denied on 03/06/2026 . In each instance, the denial rested on the same improper foundation as the original February 19, 2026 ruling: the Immigration Judge's reliance on mere allegations from a police report, without any adjudicated finding of guilt, any conviction, or any independent evidence establishing that Petitioner posed a flight risk or danger to the community. *Id.* As of the date of this filing, that bond denial is on appeal before the Board of Immigration Appeals. See **Exhibit C** – Notice of Appeal to the BIA

6. Rather than weighing the statutory factors bearing on flight risk or danger to the community, the Immigration Judge placed dispositive reliance on a police incident report recounting the unproven allegations underlying the pending charge. The Immigration Judge further referenced collateral incidents described within the report, specifically alleged prior disputes between Petitioner and his spouse, despite the complete absence of corroborating testimony, sworn affidavits, or any adjudicated finding establishing the truth of those allegations. On the basis of this unadjudicated and unsubstantiated record, Petitioner remains detained. *See Exhibit B.*

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C . § 1101 *et seq.*

8. Petitioner is "in custody" for the purpose of § 2241 because he is detained by Respondents at the Stewart Detention Center in Lumpkin, Georgia.

9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (*habeas corpus*), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and 28 U.S.C. § 1261, the All Writs Act.

VENUE

11. Venue is proper because Petitioner is in Respondents' custody at the Stewart Detention Center in Lumpkin, Georgia, which is within the jurisdiction of the Middle District of Georgia. Venue is further proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District. 28 U.S.C. § 1391(e). *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973)(finding proper venue lies in the judicial district in which Petitioner is currently detained).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

12. The Court must grant the petition for writ of *habeas corpus* or issue an order to show cause to the Respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed."

13. Courts have long recognized the significance of the *habeas* statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

14. The Court must grant the petition for writ of *habeas corpus* or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

15. *Habeas corpus* is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. Immigr. Nationalities Svc.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

16. Petitioner Suheb Yusuf Khanis a native and citizen of India currently detained at the Stewart Detention Center in Lumpkin, Georgia. He is in the custody and under the direct control of Respondents and their agents.

17. Respondent Jason Streeval is the Warden of the Stewart Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.

18. Respondent Kristen Sullivan is sued in her official capacity as the Field Office Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement. Respondent Sullivan is a legal custodian of Petitioner and has authority to release him.

19. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

20. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner.

21. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has authority over the DOJ and the Executive Office for Immigration Review (EOIR), including the immigration court system.

22. This action is commenced against all Respondents in their official capacities.

FACTS

23. Petitioner Suheb Yusuf Khan is a native and citizen of India. He lawfully entered the United States on April 26, 2023, on a B-2 visitor visa authorizing his presence through October 24, 2023.

24. Within the statutory one-year deadline, Petitioner timely filed an application for asylum with U.S. Citizenship and Immigration Services ("USCIS"). He subsequently obtained employment authorization based on his pending asylum application and maintained lawful employment throughout his presence in the United States.

25. Petitioner has resided with family members in the United States and has maintained established community ties throughout his presence here.

26. On February 11, 2026, DHS served Petitioner with a Notice to Appear ("NTA"), charging him as removable under INA § 237(a)(1)(B) for overstaying his visa *See* Exhibit A.

27. On February 13, 2026, Petitioner sought a custody redetermination pursuant to INA § 236(a), 8 U.S.C. § 1226(a). A bond hearing was held before the Immigration Court in Lumpkin, Georgia, on February 19, 2026.At the bond hearing, DHS urged continued detention based solely on two prior arrests, neither of which resulted in a conviction. The first involved a shoplifting allegation under Georgia law arising in December 2024. That charge was dismissed after Petitioner successfully completed a pre-trial diversion program. No adjudication of guilt was ever entered.

28. The second arrest, from December 2025, involved allegations of simple battery-family violence and obstruction of an emergency telephone call. Those charges remain pending. Petitioner has not been convicted of any offense arising from that incident.

29. Rather than weighing the statutory factors bearing on flight risk or danger to the community under governing immigration law, the Immigration Judge placed dispositive reliance on a police incident report recounting the unproven allegations underlying the pending charge. The Immigration Judge further referenced collateral incidents described within the report—specifically alleged prior disputes between Petitioner and his spouse—despite the complete absence of corroborating testimony, sworn affidavits, or any adjudicated finding establishing the truth of those allegations.*See* Exhibit B.

30. An arrest or charge, without more, is insufficient for an Immigration Judge to find that a noncitizen poses a danger to the community or is a flight risk. The Immigration Judge's reliance on unadjudicated allegations was therefore improper.

31. The Immigration Judge denied bond and ordered Petitioner's continued detention. Petitioner is currently detained at the Stewart Detention Center in Lumpkin, Georgia.

32. Petitioner is not a flight risk nor a danger to the community. He has resided in the United States for more than two years, has maintained lawful employment, and has family members residing in the United States. He is eligible for relief before the immigration court. He has not attempted to flee or evade authorities.

33. Petitioner is willing and prepared to comply with any conditions of release that this Court deems appropriate.

LEGAL FRAMEWORK

34. 28 U.S.C. § 2241 empowers this Court to grant *habeas* relief, including immediate or conditional release, where a noncitizen's continued immigration detention violates the Constitution or exceeds statutory authority.

35. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993). Immigration detention is a form of civil confinement that "constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979).

36. Federal courts retain *habeas* jurisdiction to determine whether a noncitizen's detention is authorized by statute and comports with constitutional requirements. *See Zadvydas v. Davis*, 533 U.S. 678, 687–90 (2001); *Demore v. Kim*, 538 U.S. 510, 514–17 (2003).

37. Under § 1226(a), the Secretary of DHS may detain a noncitizen pending removal proceedings but must provide an opportunity for release on bond or conditional parole. 8 U.S.C. § 1226(a); 8 C.F.R. § 236.1(d).

38. When the government detains a noncitizen without statutory authority or without adequate procedural safeguards, the detention violates the Due Process Clause of the Fifth Amendment. *See Zadvydas*, 533 U.S. at 690.

39. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraining lies at the heart of the liberty that the Clause protects." *Zadvydas*, 533 U.S. at 690. Due process principles apply because Petitioner is entitled to them regardless of immigration status.

CLAIMS FOR RELIEF

COUNT 1

Violation of Due Process

40. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

41. The government may not deprive a person of life, liberty, or property without due process of law. U.S. CONST. AMEND. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraining—lies at the heart of the liberty that the Clause protects." *Zadvydas*, 533 U.S. at 690.Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it] includes many of the core values of unqualified liberty," such as the ability to be gainfully employed and live with family. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). The termination of such liberty inflicts a type of loss on the individual in question and those around them. *Seeid.*The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to these same due process protections,

regardless of their immigration status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976).

42. Here, Petitioner has the fundamental liberty interests afforded to him by due process principles, even though he is not a citizen. He has spent more than two years living in the United States, where he entered lawfully, filed a timely asylum application, and maintained lawful employment throughout his presence here. He resides alongside family members in the United States and has established meaningful community ties. To continue detaining Petitioner not only deprives him of his liberty interests but also inflicts harm on his immediate family here in the United States.

43. Additionally, Petitioner has no criminal convictions that justify ongoing detention. His two prior arrests — one dismissed after completion of a diversion program, and one involving pending charges with no adjudication of guilt — cannot serve as a lawful basis for indefinite civil detention. He is not a public danger.

44. Therefore, the government's continued detention of Petitioner, based solely on unadjudicated allegations, is a violation of Petitioner's right to due process under the Fifth Amendment.

<u>COUNT 2</u>

Violation of Administrative Procedure Act: Ongoing Detention Unauthorized Under Matter of Patel

45. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

46. In *Matter of Patel*, 15 I. & N. Dec. 666, 666–67 (BIA 1976), the Board of Immigration Appeals considered whether an immigration judge erred in releasing a noncitizen on a bond of $500 rather than releasing him on his own recognizance. In setting a bond of $500, the

judge relied upon the noncitizen having "overstayed his student visa" and the fact that "the visa petition of which he is the beneficiary was denied because he lacked a labor certification." *Id.* at 667.

47. The Board reversed and held that "[t]hese factors bear little if any relevance to the issue of whether or not the [noncitizen] is likely to appear for his deportation proceeding." *Id.* According to the Board, "[s]uch a broad interpretation of what constitutes an 'adverse factor' in this context could result in requiring a bond of almost every [noncitizen] who is held in deportation proceedings." *Id.* Therefore, the Board ordered the release of the noncitizen on his own recognizance. *Id.*

48. *Matter of Patel* continues to be binding precedent. *See Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 805 (BIA 2020) ("we have found that an [noncitizen] who had prior lawful status and a probable path to future lawful status, as well as immediate family members with whom he could continue to reside in the United States, did not present a flight risk. *See Matter of Patel*, 15 I&N Dec. 666, 667 (BIA 1976)").

49. Immigration judges are required to follow precedent. 8 C.F.R. § 1003.1(g) ("decisions of the Board and decisions of the Attorney General are binding on all officers and employees of DHS or immigration judges in the administration of the immigration laws of the United States.").

50. The one exception to *Matter of Patel* is that the bond statute now requires the posting of a minimum bond of $1500 when a noncitizen is ordered released by the Attorney General. 8 U.S.C. § 1226(a)(2).

51. The immigration judge found that Petitioner was a danger to the community because of two prior arrests, neither of which resulted in a conviction — specifically, a

shoplifting allegation that was dismissed after Petitioner completed a pre trial diversion program, and pending charges of simple battery-family violence and obstruction of an emergency telephone call arising from a December 2025 incident. The immigration judge relied on a police incident report recounting the unproven allegations underlying the pending charge, as well as collateral references within that report to alleged prior disputes between Petitioner and his spouse, without any corroborating testimony, sworn affidavits, or adjudicated finding establishing the truth of those allegations.

52. *Matter of Patel* dictates that no bond should have been required at all, let alone a finding that Petitioner was a flight risk of such a magnitude that no bond could be set to provide incentives for his continued appearance before the immigration court. *Matter of Patel*, 15 I. & N. Dec. 666, 667 (BIA 1976) ("it appears to us that no reasons have been given to justify holding the respondent under even a minimal bond.")

53. "[A]n individual's bond hearing fails to comport with due process where an Immigration Judge relies on considerations that would lead to an automatic denial of bond in all cases." *Lemus Crispin v. Bondi*, No. 1:26-CV-191 (LMB/WEF), 2026 WL 768859, at *5 (E.D. Va. Mar. 18, 2026).

54. The finding that Petitioner came to the United States unlawfully and worked without authorization is not a basis for determining that Petitioner is a flight risk and denying bond. *Lemus Crispin v. Bondi*, No. 1:26-CV-191 (LMB/WEF), 2026 WL 768859, at *6 (E.D. Va. Mar. 18, 2026).

55. Petitioner establishes that he is not a flight risk for purposes of 8 U.S.C. § 1226(a). He has lived in the United States since April 26, 2023, having entered lawfully on a B-2 visitor visa. He timely filed an asylum application within the statutory one-year deadline and

obtained valid employment authorization, which he has maintained throughout his presence in the United States. He resides with family members in the United States and has established stable housing and community ties. He has no criminal convictions — his two prior arrests resulted in no adjudication of guilt whatsoever. He has a pending asylum application that constitutes a valid avenue for relief before the immigration court, and he has demonstrated throughout his time in the United States a consistent pattern of compliance with legal processes rather than evasion of them.

56. *Matter of Patel* dictates that Petitioner be released from custody without any showing of bond required at all, and the amended bond statute requires a minimum bond of $1500. 8 U.S.C. § 1226(a)(2). As such, the immigration judge was required to issue the minimum bond of $1500.

COUNT 3

Violation of Administrative Procedure Act: Abuse of Discretion in Failing to Properly Apply Matter of Guerra

57. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

58. The denial of release on bond is a final agency action where, as here, prudential exhaustion is not required.

59. Under the Administrative Procedure Act, a court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law," that is "contrary to constitutional right [or] power," or that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A)–(C).

60. Immigration judges are required to follow precedent. 8 C.F.R. § 1003.1(g) ("decisions of the Board and decisions of the Attorney General are binding on all officers and employees of DHS or immigration judges in the administration of the immigration laws of the United States.").

61. The Board of Immigration Appeals' precedent decision in *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006) requires that the noncitizen demonstrate that he is not "a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk." *Id.* If these factors are met, the immigration judge is required to order release. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022).

62. The *Matter of Guerra* factors include any or all of the following:

> (1) whether the [noncitizen] has a fixed address in the United States;
> (2) the [noncitizen]'s length of residence in the United States;
> (3) the [noncitizen]'s family ties in the United States, and whether they may entitle the [noncitizen] to reside permanently in the United States in the future;
> (4) the [noncitizen]'s employment history;
> (5) the [noncitizen]'s record of appearance in court;
> (6) the [noncitizen]'s criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses;
> (7) the [noncitizen]'s history of immigration violations;
> (8) any attempts by the [noncitizen] to flee prosecution or otherwise escape from authorities; and
> (9) the [noncitizen]'s manner of entry to the United States.*Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006).

63. The immigration judge failed to apply the full set of *Matter of Guerra* factors.

64. An arrest or charge is insufficient for the Immigration Judge to find that Petitioner was convicted, and therefore cannot form the basis of a denial of release on bond.

65. Petitioner has a fixed address with his family in the United States, has resided in the United States since April 26, 2023, when he lawfully entered on a B-2 visitor visa, has

maintained lawful employment pursuant to a valid employment authorization document based on his pending asylum application, has no prior immigration violations with the exception of overstaying his visa for which he timely sought relief by filing an asylum application within the statutory one-year deadline and has not attempted to flee or evade authorities at any point during his presence in the United States.

66. The Immigration Judge's finding that Petitioner posed such a danger to the community that no bond amount could secure his appearance at future immigration court hearings is an abuse of discretion. When the full set of *Matter of Guerra* factors is properly applied to Petitioner's circumstances, including his lawful entry, his timely-filed asylum application, his stable housing, his family ties, his consistent employment, and his complete absence of criminal convictions, the record does not support a finding that no bond amount would suffice. The Immigration Judge's reliance on unadjudicated allegations from a police report, to the exclusion of these countervailing factors, rendered the bond determination arbitrary and capricious.

COUNT 4

Violation of Administrative Procedure Act: Abuse of Discretion in Failing to Set Reasonable Bond Amount

67. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

68. The denial of release on bond is a final agency action where, as here, prudential exhaustion is not required.

69. Under the Administrative Procedure Act, a court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in

accordance with the law," that is "contrary to constitutional right [or] power," or that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A)–(C).

70. The immigration judge was required to set a reasonable bond amount to address any concerns that Petitioner is a flight risk, unless no bond amount would secure attendance in removal proceedings. *See, e.g., Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 807 (BIA 2020) (finding no amount of bond would secure attendance where the noncitizen had limited avenue for relief and minimal ties to the United States).

71. As Petitioner has valid avenues for relief and has established ties to the United States, the immigration judge was required to set a reasonable bond. Petitioner entered the United States lawfully, timely filed an asylum application, obtained valid employment authorization, and has resided with family here throughout his presence in the country. He has no criminal convictions and has never attempted to flee or evade authorities. A reasonable bond amount would be sufficient to secure his appearance at future immigration proceedings, and the immigration judge's failure to set any bond under these circumstances was an abuse of discretion.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;
b. Declare that the Immigration Judge's bond denial violated due process and was an abuse of discretion;
c. Issue a writ of habeas corpus requiring that Respondents release Petitioner;
d. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which he is determined to be a flight risk or danger to the community in compliance with governing law and due process;
e. Alternatively, order that Petitioner be released on a bond of $1500;

f. Alternatively, order that Petitioner be afforded a new bond hearing before an immigration judge that complies with governing law and due process;

g. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and

h Order further relief as this Court deems just and appropriate.

Dated: June 1, 2026

Respectfully submitted,

/s/ David W. Bass

Attorney for Petitioner

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NOTICE TO APPEAR

Allegations: Admits All; 3/3/2026 | Charges: Concedes All; 3/3/2026

Designated Country: INDIA |

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

DOB: [redacted]

Event [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS: 1333257913 File No: [redacted]

In the Matter of:

Respondent: SUHEB YUSUF KHAN currently residing at:

146 Cca Rd Lumpkin, GEORGIA 318153823 (943) 239 8780

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of INDIA and a citizen of INDIA;

3. You were admitted to the United States at Newark Liberty Airport (EWR) on or about April 26, 2023 as a nonimmigrant Visitor for Pleasure with authorization to remain in the United States for a temporary period not to exceed October 24, 2023;

4. You remained in the United States beyond October 24,2023 without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

146 CCA RD, PO BOX 248, LUMPKIN, GEORGIA 31815. EOIR Lumpkin, GA

(Complete Address of Immigration Court, including Room Number, if any)

on April 1, 2026 *(Date)* at 1:30 pm *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

C 8696 MACK (A) SDDO

(Signature and Title of Issuing Officer)

Date: February 11, 2026 Atlanta, GA

(City and State)

EOIR — 1 of 3

Allegations: Admits All; 3/3/2026 | Charges: Concedes All; 3/3/2026
Designated Country: INDIA

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: ______________________

(Signature of Respondent)

____
(Signature and Title of Immigration Officer)

Date: ______________________

Certificate of Service

This Notice To Appear was served on the respondent by me on 2/11/26, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # ________ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the HINDI language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

REFUSE TO SIGN
(Signature of Respondent if Personally Served)

R BROWN - Deportation Officer
(Signature and Title of officer)

EOIR - 2 of 3

Allegations: [illegible] | Charges: Concedes All; 3/3/2026
Designated Country: INDIA |

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

BIA FILING RECEIPT

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

Joshi, Karan
Orange Law PLLC
6100 Corporate Dr
houston, TX 77407

DHS/ICE Office of Chief Counsel - SDC
146 CCA Road, P.O.Box 248
Lumpkin, GA 31815

Name:
KHAN, SUHEB YUSUF [redacted]

Riders:

Date of Notice: 03/18/2026

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 03/17/2026 , in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90 day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Accepted by: SeilerJ

CC

ORDER OF IMMIGRATION JUDGE DENYING BOND DATED 03/06/2026

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
STEWART IMMIGRATION COURT

Respondent Name:
KHAN, SUHEB YUSUF

To:
Joshi, Karan
6100 Corporate Dr
houston, TX 77407

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
03/06/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because
Respondent has failed to meet his burden to show that there had been a material change in circumstances since the order denying bond, finding that he had not met his burden to show that he was not a danger, was issued on February 19, 2026. Specifically, the Court notes that the charges for simple battery family violence and obstructing/hindering an emergency telephone call remain pending and that, while relevant, Respondent has not shown that the sworn statement submitted by Respondent's spouse regarding the incident represents a change in his circumstances or why this information could not have been presented to the Court as part of the original request for bond. If Respondent disagrees with the Court's prior decision regarding danger, the proper recourse is to appeal that decision to the Board of Immigration Appeals (BIA).

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

Immigration Judge. HARNESS, JERRICA 03/06/2026

Appeal.	Department of Homeland Security.	☑	waived	☐	reserved
	Respondent:	☐	waived	☑	reserved

Appeal Due: 04/06/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : KHAN, SUHEB YUSUF | A-Number : [redacted]

Riders:

Date: 03/09/2026 By: Carpenter Sr, Kelvin M., Court Staff

ORDER OF IMMIGRATION JUDGE DENYING BOND

DATED 02/19/2026

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
STEWART IMMIGRATION COURT

Respondent Name:
KHAN, SUHEB YUSUF

To:
Joshi, Karan
6100 Corporate Dr
houston, TX 77407

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
02/19/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because
Respondent failed to show that he is not a danger. Respondent entered with a visa in 2023 and has managed to get arrested twice in that short period. The first for shoplifting in December 2024 (dismissed after completion of pre-trial diversion) and the most recent arrest in December 2025 for simple battery family violence and obstructing/hindering an emergency telephone call. The incident report from the police suggests this is not the first time he has put his hands on the alleged victim.

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

Immigration Judge: FULLER, STEVEN 02/19/2026

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☐ waived ☑ reserved

Appeal Due: 03/23/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : KHAN, SUHEB YUSUF | A-Number : [redacted]

Riders:

Date: 02/19/2026 By: Green, Ty, Court Staff