

Case No. 2:26-cv-00039-TL

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

Name : MAQSOOD ALI HAIDARI

Petitioner

vs.

ICE Field Office Director

Respondent

Case No. 2:26-CV-00039-TL

A

PETITIONER'S TRAVERSE MEMORANDUM

I am currently held in custody of the Attorney General at Tacoma's Northwest ICE Processing Center in Tacoma Washington.

Here, I move this Court to issue an order commanding my release from the custody of ICE due to the fact that such custody violates the due process of my rights.

FACTS

1. I have been within the confines of the Northwest ICE Processing Center. a Center run by the United States Bureau of Immigration and Customs Enforcement for the ongoing period of 151 days.
2. On the date of September 22, 2025, I entered the Northwest ICE Processing Center and have not been released since that date.
3. The current charges of deportation is §212 (a) (6) (A) (i) of the immigration and nationality act, as amended an alien present in the united states without

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1 being admitted or paroled, or who arrived in the United States at any time or
2 place other than as designated by the attorney General.

- 3 4. I have pending appeal before the BIA and the case remains pending.
4

5 **FACTUAL BACKGROUND**

- 6
7 1. I entered United States through CBP One on September 02,2024.
8 2. I applied for asylum in the United States to the best of my memory on January
9 27, 2025.
10 3. My asylum case was denied on 09/15/202.
11 4. the denial of my case did not eliminate the danger I face in my home country,
12 nor did it reduce my fear of being returned there.
13 5. If I am returned to Afghanistan I face a real and substantial risk of serious harm,
14 including imprisonment persecution, torture or death.
15

16 **ARGUMENT**
17

18 after my asylum application was denied, on September 15,2025 I was facing
19 imminent removal from the United States. At that time, I did not have access to any
20 effective or immediate legal remedy that could protect me from being returned to danger.
21 My decision to attempt to enter Canada was made out of necessity and fear for my safety,
22 not out of disregard for the law, however I did not intend to commit a crime, evade law
23 enforcement, or threaten public safety. I was under extreme psychological stress caused
24
25

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1 by fear of removal and returned to persecution. My actions were taken under the duress
2 and in a state of distress, rather than as a free and voluntary choice.

3 I have been in immigration detention since September 22, 2025. this is significant
4 period of time without a clear or imminent prospect of removal because I have a pending
5 case before the Board of Immigration Appeals. In addition to continued detention under
6 these circumstances lacks sufficient justification and raises due process constitution of
7 the United States. Attempting to cross to Canada was not an intent to commit a crime or
8 pose danger to either of the two counters United States and Canada, while I acknowledge
9 that this was an attempt to cross without an authorization which resulted in my detention.
10 This incident occurred due to fear that I was having at the time, confusion and lack of a
11 clear understanding of law. This should not be a criminal conduct. I have remained
12 committed to full compliance and obey the U.S Immigration laws and court orders.
13

14 CONCLUSION

15 I am unlawfully detained because I should not be held in custody unless there are
16 no facts or circumstances that would guarantee my return for hearings or to be deported.
17 In general, an alien should not be detained or required to post bond unless it is found that
18 he is a threat to the national security or a poor bail risk. Matter of Patel, 15 I & N Dec.
19 666 (BIA 1976). National Center for Immigrant Rights v INS, 743 F2d 1365 (9th Cir.
20 1984).
21

22 I had never willfully failed to appear for scheduled court proceeding or any
23 appointment by ICE and I am asserting I will continue to do so. In the future. Like wise I
24 had never committed or engaged in any criminal activity, also I am not a flight risk or
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1 posing danger to the community thus, if you take a look at my past, there is no arrest or
2 conviction.

3 Also I have attached a strong community support and stable housing options. This
4 includes four specific and stable residential addresses that are available to me, ensuring
5 that my where about will be known at all times. However, I am fully willing to comply
6 with laws. Or any future court proceedings and ICE appointments.

7 I am requesting the court for relief in light of the prolonged nature of my detention
8 since September 22/2025, the absence of a foreseeable removal date because my appeal is
9 pending and presence of strong community support. The bottom line is that continued
10 confinement is unnecessary and it is a clear violation against the law of the United States.

11 The government should have proved by clear and convincing evidence that no condition
12 to combination of condition of release would ensure the safety of the community or any
13 person.
14

15 For the forgoing reasons the respondents return should be dismissed. However, I
16 am requesting the court to grant me the petition for habeas corpus and order an
17 immediate release from the custody with no conditions.
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VERIFICATION

I, MAQSOOD ALI HAIDARI, do hereby aver that the words above are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide this information based upon personal belief that they are the facts of this matter, except where stated on personal belief. Submitted under the penalty of perjury of the laws of the United States.

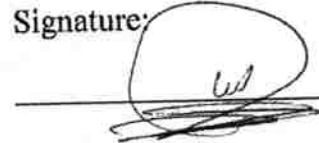
//

Dated this 19th day of February, 2026.

Respectfully submitted,

Maqsood Ali Haidari

Signature:

A handwritten signature in black ink, appearing to be 'MA' or similar, is written over a horizontal line.

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PROOF OF SERVICE

&

DECLARATION

I, MAQSOOD ALI HAIDARI, AVER THAT I AM A PARTY TO THIS ACTION DO
HEREBY AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING
DOCUMENT:

PETITIONER'S TRAVERSE MEMORANDUM

U.S. District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, Washington 98101

LAWRENCE VAN DALEY
Special Assistant United States Attorney
Western District of Washington
1201 Pacific Ave, Suite.700
Tacoma, WA 98402

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE
TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

SUBMITTED ON: 02/19/2026

Signed: _____

