

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

HAIDER KHALADIGI,	)	Civil Action No.
	)	
Petitioner,	)	
	)	
v.	)	
	)	
ROSE THOMPSON, Warden, Karnes	)	
County Immigration Processing Center;	)	
MIGUEL VERGARA, Director, San	)	
Antonio Field Office, U.S. Immigration &	)	
Customs Enforcement, Enforcement &	)	
Removal Operations; TODD M. LYONS,	)	
Acting Director, U.S. Immigration &	)	
Customs Enforcement; KRISTI NOEM,	)	
Secretary, U.S. Department of Homeland	)	
Security,	)	
	)	
Respondents.	)	

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. 2241

INTRODUCTION

1. Petitioner Haider Khaladigi, a native and citizen of India, is in the physical custody of Respondents at Karnes County Immigration Processing Center. He is unlawfully detained—indefinitely—because the Department of Homeland Security (DHS) has concluded that it has exclusive jurisdiction over Petitioner’s custody status.

2. Petitioner is charged with, *inter alia*, having been admitted to the United States in November 2022 as a nonimmigrant crewmember with authorization to remain in the United States for a temporary period not to exceed December 14, 2022. Petitioner is further charged with having remained in the United States beyond December 14, 2022, without authorization from DHS. *See* Exhibit 1, Notice to Appear.

3. Based on these allegations, DHS denied Petitioner release on bond or on parole, concluded that the Executive Office for Immigration Review (EOIR) lacks jurisdiction to determine whether Petitioner should be released on bond, and maintains that only DHS has the authority to determine Petitioner's custody status.

4. DHS has cited 8 C.F.R. § 253.2(b) as the sole authority to detain Petitioner. However, on its face, that regulation does not govern Petitioner's detention.

5. Therefore, Respondents are detaining Petitioner in violation of the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (INA).

6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from his present unlawful detention.

JURISDICTION

7. This action arises under the U.S. Constitution and the INA, 8 U.S.C. § 1101 *et seq.*

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

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the U.S. District Court for the Western District of Texas, the judicial district in which Petitioner currently is detained.

11. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because

Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

12. 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.*

13. 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. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

14. Petitioner is a native and citizen of India. He entered the United States on or about November 16, 2022, on a valid C1/D visa as a nonimmigrant crewmember aboard a ship. Since 2022, he has resided in the United States. He has been in immigration detention since December 10, 2025. DHS did not set bond or parole and has denied Petitioner an opportunity to obtain review of his custody status by an immigration judge. Petitioner is in custody and under the direct control of Respondents and their agents.

15. Respondent Rose Thompson is Warden of Karnes County Immigration Processing Center where Petitioner is detained. Respondent Thompson has immediate physical custody of Petitioner and is sued in her official capacity.

16. Respondent Miguel Vergara is the Director of the San Antonio Field Office of ICE's Enforcement and Removal Operations division. As such, he is a legal custodian of Petitioner, is responsible for Petitioner's detention and removal, and has authority to release him. He is named in his official capacity.

17. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), which is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens. Respondent Lyons has control over the actions of Respondent Vergara and ICE in general. Respondent Lyons is a legal custodian of Petitioner and is sued in his official capacity.

18. Respondent Kristi Noem is the DHS Secretary. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and is sued in her official capacity.

FACTS

19. Petitioner is a native and citizen of India who entered the United States on or about November 16, 2022, on a valid C1/D visa as a nonimmigrant crewmember aboard a ship. The visa was issued on October 4, 2022, and has an expiration date of September 29, 2027. *See* Exhibit 2, C1/D Visa.

20. Petitioner did not return to the ship, but stayed in the United States where he has resided since 2022.

21. Petitioner has never received any notice that his C1/D visa was revoked, as it has an expiration date of September 29, 2027. Nor has he received any pre- or post-revocation hearing regarding his C1/D visa.

22. Petitioner has a U.S. citizen spouse, an extensive network of U.S. citizen and lawful permanent resident friends, and a fixed residence in the South Florida region. He has a pending Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, and U.S. Citizenship and Immigration Services has made a prima facie determination on that application. Petitioner also has a valid employment authorization document and is employed as a chef at an Indian restaurant in Fort Lauderdale, FL. Petitioner has no criminal history and he is neither a flight risk nor a danger to the community.

23. On December 10, 2025, ICE arrested Petitioner at his home while searching for another individual. ICE took Petitioner into custody and detained him at Florida Soft Side South (Alligator Alcatraz) in Ochopee, FL, and then ICE eventually transferred him to Karnes County Immigration Processing Center in Karnes City, TX.

24. On January 5, 2026, ICE issued Petitioner a Notice to Appear, placing him in removal proceedings before the Pearsall, Texas Immigration Court pursuant to INA Section 240, 8 U.S.C. § 1229a. *See* Exhibit 1.

25. In the Notice to Appear, ICE has charged Petitioner, *inter alia*, as having been “admitted to the United States at Miami International Airport on or about November 16th, 2022, as a ‘C1’ nonimmigrant crewmember in transit to join a vessel, and [was] authorized to remain in the United States for a temporary period not to exceed December 14th, 2022.” ICE has further charged that Petitioner “remained in the United States beyond December 14th, 2022 without the authorization of the Department of Homeland Security.” *Id.*

26. ICE has charged Petitioner as being subject to removal under INA Section 237(a)(1)(B), 8 U.S.C. § 1227(a)(1)(B), “in that after admission as a nonimmigrant ... [he has]

remained in the United States for a time longer than permitted, in violation of [the INA] or any other law of the United States.” *Id.*

27. Following Petitioner’s arrest and transfer to Karnes County Immigration Processing Center, ICE declined to release Petitioner on bond or parole.

28. Petitioner then requested a bond hearing before an immigration judge. On December 29, 2025, Petitioner appeared before an immigration judge and requested release on bond or parole. At that hearing, DHS asserted that EOIR lacks jurisdiction to conduct a bond hearing for Petitioner because, pursuant to 8 C.F.R. § 253.2(b), ICE has the sole authority to determine Petitioner’s custody status during the pendency of his removal proceedings. The immigration judge took no action on the bond motion. *See* Exhibit 3, IJ Order.

29. Subparagraph (b) of 8 C.F.R. § 253.2, entitled “Termination of parole,” provides in part:

(b) Revocation of parole. When an immigration officer has reason to believe that an alien crewman paroled into the United States pursuant to the provisions of § 253.1¹ has violated the conditions of parole, the immigration officer may take such alien crewman into custody without a warrant of arrest. Following such action, the alien crewman shall be accorded, without undue delay, an examination by another immigration officer. If it is determined on the basis of such examination that the individual detained is an alien crewman who was paroled into the United States pursuant to the provisions of § 253.1 and that he has violated the conditions of the parole or has remained in the United States beyond the period authorized by the district director, the district director shall cause to be served upon the alien crewman a written notice that his parole has been revoked, setting forth the reasons for such action. ... Pending deportation, the alien crewman shall be continued in custody, unless the district director authorizes his release on parole under such conditions, including the posting of a suitable bond, as the district director may prescribe.

¹ 8 C.F.R. § 253.1 is entitled “Parole” and generally governs the conditions of parole for crewmen, including afflicted crewmen, disabled crewmen, shipwrecked or castaway seamen or airmen, crewmen in need of medical treatment or observation, crewmen alleging persecution or torture, or crewmen who may for other emergent reasons or the public interest be paroled into the United States.

30. On its face, 8 C.F.R. § 253.2(b) does not apply to Petitioner, who was not paroled into the United States but, rather, was inspected and admitted into the United States on a C1/D visa. *See* Exhibits 1 & 2.

31. 8 C.F.R. § 253.2(b), therefore, provides no legal basis for Petitioner's detention.

32. As a result, Petitioner remains wrongfully detained at Karnes County Immigration Processing Center with no ability to seek release before a neutral arbiter or contest the basis of his detention. Without relief from this Court, he faces the prospect of more months, or even years, in immigration custody.

CLAIMS FOR RELIEF

COUNT I

Habeas Corpus, 28 U.S.C. § 2241

33. Petitioner incorporates by reference the allegations in the preceding paragraphs.

34. The writ of habeas corpus is available to any individual who is held in custody of the federal government in violation of the Constitution or laws or treaties of the United States.

35. Respondents presently have not asserted any valid legal basis to detain Petitioner in immigration custody, and the Court should grant a writ of habeas corpus.

COUNT II

Violation of Fifth Amendment Due Process

36. Petitioner incorporates by reference the allegations in the preceding paragraphs.

37. 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 restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

38. Petitioner has a fundamental interest in liberty and being free from official restraint.

39. DHS has cited 8 C.F.R. § 253.2(b) as the sole legal authority under which it is detaining Petitioner.

40. Yet, 8 C.F.R. § 253.2(b) does not apply to Petitioner, as he was not paroled into the United States but, rather, was inspected and admitted into the United States on a valid C1/D visa.

41. Thus, Respondents are detaining Petitioner under authority it does not possess.

42. Petitioner's detention without any valid legal basis violates his due process rights under the Fifth Amendment Due Process Clause because his liberty is being restricted without justification.

COUNT III
Violation of the INA

43. Petitioner incorporates by reference the allegations in the preceding paragraphs.

44. To the extent that it is determined that Petitioner should be detained under the authority of 8 U.S.C. § 1226(a), then his detention violates the INA.

45. Noncitizens detained under § 1226(a) are entitled to a bond hearing before a neutral arbiter.

46. Accordingly, Respondents' denial of Petitioner's right to a bond hearing violates the INA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- A. Assume jurisdiction over this matter;
- B. Order that Petitioner shall not be transferred outside the U.S. District Court for the Western District of Texas while this habeas petition is pending;
- C. Issue an Order to Show Cause ordering Respondents to justify the basis of

Petitioner's detention in fact and law within three days;

- D. Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within five days;
- E. Declare that Petitioner's detention is unlawful; and
- F. Grant any other and further relief that this Court deems just and proper.

Respectfully Submitted,

/s/ Omar Carmona

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**Pro hac vice motion forthcoming*

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Haider Khaladigi, and submit this verification on his behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 3rd day of February, 2026.

/s/ T. Monique Jones

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